

Abstract of the Final Report of the Commission of Inquiry into Charges Made Against Leon Trotsky in the Moscow Trials

This abstract is a condensation of the 80,000 word fully documented report of the Commission of Inquiry, released to the Press on Dec. 13, 1937.

Part One

SUMMARY OF FINDINGS

The Commission finds, on the basis of all available evidence, both for the prosecution and for Leon Trotsky, that Leon Trotsky and his son Leon Sedov are not guilty of the charges made against them in the Moscow trials of August, 1936 and January, 1937. It also finds that the trials were frame-ups. Independent of extrinsic evidence, the Commission finds that the conduct of the Moscow trials was such as to convince any unprejudiced person that no effort was made to ascertain the truth; and that the confessions of the accused contain such inherent improbabilities as to convince the Commission that they do not represent the truth, irrespective of any means used to obtain them.

The Commission, on the basis of evidence in its possession, flatly contradicts the verdict of the Moscow Court on twenty-one separate counts.* It presents new affidavits and new documentary evidence, which, in its judgement, prove conclusively that neither Holtzman, Ber- man-Yurin, nor David saw Trotsky in Copenhagen or received terrorist instructions from him; that Pyatakov never flew to Oslo to see Trotsky in December, 1935; that Olberg never went to Russia with terrorist instructions from Trotsky or Sedov. It finds that Vladimir Romm never met Trotsky in the Bois de Boulogne. It finds that the disproof of all this vital testimony invalidates the confessions of Karl Radek and other defendants.

The Commission is convinced that the letters in which Trotsky is alleged to have conveyed conspiratorial instructions to the various defendants in the Moscow trials never existed, and that the testimony concerning them is fabrication. Concerning the charges of advocating terrorism and sabotage, and of conspiring with fascist powers to attack the Soviet Union, the Commission finds that Trotsky throughout his career has been a consistent opponent of individual terrorism, never instructed any of the defendants or witnesses in the Moscow trials to assassinate any political opponent, never advocated sabotage or wrecking, has always been a forthright opponent of fascism, has always uncompromisingly advocated the defense of the Soviet Union, and has always opposed both the restoration of capitalism in the U. S. S. R., and its existence anywhere else.

Part Two

HISTORY AND PROCEDURE OF THE COMMISSION

The Commission of Inquiry into the Charges Made Against Leon Trotsky in the Moscow Trials was constituted in March, 1937, by the American Committee for the Defense of Leon Trotsky, acting under mandates from similar bodies in France, England and Czechoslovakia. The Commission has acted as an independent body; its procedure has been similar to that of Senate investigating committees and the

The Commissioners

JOHN DEWEY, Professor of Philosophy, Columbia University, *Chairman*;
JOHN CHAMBERLAIN, editor and author, formerly daily book reviewer of the *New York Times*;
ALFRED ROSMER, former member of the Executive Committee of the Communist International and former editor-in-chief of *l'Humanité*;
EDWARD ALSWORTH ROSS, Professor of Sociology, University of Wisconsin;
OTTO RUEHLE, former member of the German Reichstag and biographer of Karl Marx (without any political affiliation since 1919);
BENJAMIN STOLBERG, author and labor journalist;
CARLO TRESCA, editor of *Il Martello*;
FRANCISCO ZAMORA, liberal Mexican publicist;
WENDELIN THOMAS, former member of the German Reichstag;
SUZANNE LA FOLLETTE, editor and author, *Secretary*;
JOHN F. FINERTY, counsel to the Commission, concurring in the report.

Members of the French Sub-Commission (Commission Rogatoire)

G. E. MODIGLIANI, *Chairman*, member of the Executive Committee of the Labor and Socialist International, leader of the Italian Socialist Party;
MME. CESAR CHABRUN, Chairman of the Committee for Aid to Political Prisoners;
M. MATHE, former secretary of the National Union of Postmen;
JEAN GALTIER-BOISSIERE, writer, editor of *Crapouillot*;
PROFESSOR JACQUES MADAULE;
MAURICE DELEPINE of the Paris Bar, member of the Permanent Administrative Committee of the Socialist Party of France, president of the Socialist Lawyers' group.

Reichstag Fire Commission. Its sole purpose has been to investigate the charges made in the Moscow trials of August, 1936, and January, 1937, against Leon Trotsky and his son Leon Sedov. For the past nine months the Commission has been occupied with uncovering all available facts, whether favorable or unfavorable to Trotsky and Sedov. It has succeeded in obtaining a mass of important evidence bearing on the case. Sub-commissions in Mexico, France and New York City examined witnesses, including Trotsky and Sedov, and their records have been accepted by the Commission.

After completing the preliminary work of investigation, the Commission met in New York City and examined all the evidence. Due to the failure of the Soviet government to produce records or to delegate representatives to examine witnesses, the published records of the Moscow trials embody the case for the prosecution.

The case for Trotsky and Sedov is based on:

1. Analysis of the trial reports.
2. Proceedings and reports of sub-commissions.
3. Verified depositions of witnesses, letters, telegrams, and other documents submitted in evidence to the Commission or its sub-commissions.
4. The testimony of the Russian refugees Tarov and Dr. Anton Ciliga, taken by the Comité pour l'Enquete sur le Procès de Moscou, and transmitted to the Commission.
5. The published writings of Trotsky, Sedov, Lenin, Stalin, Radek, Zinoviev and others.
6. The archives of Trotsky, consisting of thousands of documents, to which the Commission has had full access.

Part Three

THE TWO MOSCOW TRIALS

1. General Nature of the Charges.

The defendants in the trial of August, 1936, were charged with having organized and operated a terrorist center for the purpose of assassinating the leaders of the Communist state with the object of seizing power; and specifically with having organized the assassination, on Dec. 1, 1934, of Commissar S. M. Kirov.

The defendants in the trial of January, 1937, were charged with having organized and conducted a "parallel center" employing espionage, diversive, and terrorist activities to undermine the military power of the U. S. S. R., and with conducting treasonable negotiations with foreign powers with the purpose of overthrowing the Soviet power and restoring capitalism in the Soviet Union.

In both indictments Trotsky and Sedov are definitely charged with having instigated and led the criminal activities with which the defendants were charged.

2. Procedure of Soviet Court.

The Commission states, as one of its most important findings, that the Prosecutor A. Y. Vyshinsky, and the Soviet Court in the Moscow trials, violated Soviet Law on criminal procedure on every important point.

For authority on Soviet Law the Commission has taken Professor M. S. Strogovich's book entitled "Criminal Trial, a Textbook for Law Schools and Juridical Courses," edited by the State Prosecutor, A. Y. Vyshinsky (Third edition, corrected and amplified, 132 pp. Published By OGIZ, Moscow, 1936).

The Commission finds that the accused in the Moscow trials were convicted on the basis of their confessions and those of self-inculcating witnesses uncorroborated by significant documentary evidence. It quotes Strogovich-Vyshinsky on the value attached to confession in Soviet law as follows:

Under the system of formal proofs the admission of guilt by the accused was considered the "best proof extant," "the sovereign proof of proofs." Nowadays faith in the absolute correctness of the defendant's admission has been in large measure destroyed. The accused might be pleading guilty falsely (for example, in a desire to shield another person, or, by pleading guilty to a minor crime, to avoid the accusation of a grave crime). Therefore, the admission of the accused, like any other evidence, is subject to verification and evaluation in the sum total of the circumstances of the case.

*See Summary of Findings on page 8.