

of Karl Radek, who allegedly communicated with Trotsky through him.

The Commission has a mass of cohesive evidence covering the movements of Trotsky from his departure from Turkey on July 19, 1933, to Oct. 9 of that year, which conclusively disproves Romm's testimony.

These documents show that Trotsky landed at Cassis near Marseilles July 24, 1933, was met by his son and three friends, and motored with them from the harbor of Marseilles across France to Royan, stopping one night en route. He remained in a villa near Royan continuously thereafter until Oct. 9, when he left for the Pyrenees. His friends, in agreement with the Sûreté Générale, arranged that his place of residence and his identity should be kept secret.

In addition to the testimony of witnesses who accompanied Trotsky on his trip and later saw him at Royan, the Commission has documents covering the arrangements for his removal to France, the leasing of the villa, Trotsky's mode of life and his visitors there. Outstanding among these is the deposition of Henri Molinier, at that time Trotsky's political sympathizer and now his opponent, who had complete charge of all arrangements concerning his sojourn in France, and who dealt directly with the Sûreté Générale. Mr. Molinier makes it clear that Trotsky was forbidden to live in Paris or any city with a large working-class population; he states that the secret police were informed of all Trotsky's movements, and declares that he himself supervised all those movements. He says that it would have been impossible for Trotsky in his bad state of health (attested to by many other documents, including an affidavit by a doctor who attended him) to have made a trip to Paris without elaborate preparations of which he, Molinier, could not have remained in ignorance. Another is the testimony of Vera Lanis, wife of a present political adversary of Trotsky, who testifies that she prepared the villa for occupancy, was there when Trotsky and his wife arrived, and remained continuously at the villa, helping with the housework, until the end of August. She testifies that Trotsky remained in the villa uninterruptedly during that period.

The Commission attaches great importance to the fact that six separate efforts, two of them by high French officials, made on its behalf to obtain the police record of Trotsky's movements at this period have been unavailing. In every case, the answer was that the record is in the keeping of the head of the Sûreté Nationale (formerly Sûreté Générale) and "for reasons of state" cannot be given out. This refusal, coupled with the significant fact that the Soviet government did not produce at the trial this record which it could presumably easily have obtained from the friendly government of France, in the Commission's opinion constitutes strong presumptive evidence that it does not bear out the testimony of Vladimir Romm.

The invalidation of Romm's testimony also invalidates that of Karl Radek, who explicitly stated that it was through Romm that he established contact with Trotsky.

#### b) Pyatakov.

In the January trial, the accused Pyatakov testified that in the first half of December, 1935, he flew in a special plane from the Tempelhof airdrome in Berlin to the airdrome in Oslo, and from this airdrome motored half an hour to a country suburb, where he met and conversed with Leon Trotsky. The Commission has evidence which proves that Trotsky lived, not one-half hour, but at least two hours from the airdrome in Oslo; that he did not leave the house between Dec. 1 and Dec. 20, 1935; and that no foreign airplane landed at the Oslo airdrome between Sept. 19, 1935, and May 1, 1936. The most important documents in its possession bearing on this testimony of Pyatakov are the following:

1. An affidavit by Konrad Knudsen, member of the Norwegian Parliament and Trotsky's host during his stay in Norway, signed also by his wife Hilda Knudsen and their daughter Hjordis Knudsen. The affidavit states that the Knudsen family met all of Trotsky's visitors, and that no one could have visited him without their knowledge. It states that Trotsky received no visitors during the month of December, 1935.

2. Original and certified notarized English translation of an article from *Arbeiderbladet* (Oslo) Jan. 29, 1937, entitled "Pyatakov's Strange Voyage to Kjeller." The article gives an account of an interview with Director Gullichsen of the Kjeller airdrome in which he stated that no foreign airplane landed there between Sept. 19, 1935, and May 1, 1936.

3. Two letters from Director Gullichsen of

the Kjeller airport to Andreas Stoylen, Trotsky's attorney, confirming the above statement published in *Arbeiderbladet*.

4. A telegram from Konrad Knudsen to Prosecutor Vyshinsky dated Jan. 29, 1937 (the trial ended in the morning of Jan. 30). Mr. Knudsen informs Vyshinsky that it has been officially verified on that day that in December, 1935, no foreign or private plane landed at the airport near Oslo; also that as Trotsky's host he affirms that no conversation can have taken place in Norway between Trotsky and Pyatakov.

On the basis of this evidence the Commission finds that Pyatakov did not fly from Berlin to Oslo as alleged. Moreover, it finds that since the lives of the accused Pyatakov and sixteen others presumably hung upon the truth or falsity of his testimony, Vyshinsky's failure to confront Pyatakov with this telegram in court constituted, in its opinion, criminal negligence. Indeed, it provides strong justification for the widespread suspicion that the whole trial was a frame-up at which the Prosecutor himself connived.

## Part Four

### CONCLUSIONS FROM OLD AND NEW EVIDENCE ON:

#### 1. The Charge of Terrorism.

The charge of individual terrorism against the leaders of the Communist Party and the Soviet Union is the only charge against the accused in the first trial, and it is one of the most important charges in the second trial. The Commission finds that although the records contain a great deal of testimony concerning the existence of terrorist groups in various parts of the Soviet Union, and that although there is a great deal of testimony to conversations about terrorism, only one assassination is charged against the defendants in either trial—that of Commissar S. M. Kirov on Dec. 1, 1934. Thus a conspiracy widely ramifying, including large numbers of people, and lasting for five years, resulted, according to the records themselves, in only one assassination. Although the alleged conspirators testified that they were very determined and that their activity was intense, the Commission finds that the general ineptitude of the alleged attempts at assassination to which various accused confessed is entirely out of keeping with the records for determined and even heroic revolutionary action made by several leaders of the alleged conspiracy during the October Revolution and the Civil War. It finds that the prosecution made no attempt to establish any credible motivation on the part of the people delegated to carry out these alleged attempts, which would have inevitably involved the sacrifice of their own lives. It finds that while the alleged leaders who were actually tried, testified that they expected to come into power through the alleged conspiracy, no attempt was made to secure the testimony of Leon Trotsky, the alleged instigator of this conspiracy. The Preliminary Commission took Trotsky's testimony on this charge of terrorism, and the Commission has examined this testimony and the writings of Trotsky on this subject throughout his career. It finds that Trotsky throughout his career has resolutely opposed individual terrorism as incompatible with the teachings of Marxism.

The Prosecutor cited only two of Trotsky's writings as allegedly substantiating this charge. The first was Trotsky's Open Letter to the Executive Committee of the Communist Party of the Soviet Union, published in 1932 in many countries and languages. In this letter Trotsky called upon the Executive Committee to fulfill Lenin's advice to the party in his so-called testament, to remove Stalin from his post as General Secretary. This phrase, "remove Stalin," the Prosecutor misinterpreted to mean "put Stalin out of the way." The Prosecutor also falsified the meaning of an article by Trotsky from the *Bulletin of the Opposition* Nos. 36 and 37 of October, 1933, and in doing so, identified the revolutionary mass action advocated by Trotsky with individual terrorism. The distinction is obvious and historical.

The Commission therefore finds that, apart from evidence which disproves the testimony linking Trotsky with this alleged conspiracy, the charge of individual terrorism is incredible, on the basis of Trotsky's attitude toward individual terrorism throughout his career.

#### 2. The Charge of Sabotage.

On the charge of sabotage the Commission cites, together with other expert testimony on

conditions in Soviet industry, a long deposition by Ivar Windfeld-Hansen, the Danish engineer mentioned as "Wienfeld," an alleged Trotskyist saboteur, by the accused Hrasche in the trial of January, 1937. From this deposition, which is fully documented, three facts emerge:

a. Windfeld-Hansen was extremely critical of the processes in use in the Russian chemical-fertilizer industry and the methods of planning, construction, and research. He constantly tried to persuade the officials to adopt more efficient and suitable methods, and to take more into account the nature of Soviet raw materials, and geographic and transportation conditions in making their plans.

b. Windfeld-Hansen, in spite of his differences with certain officials, was sympathetic with the Soviet Union and eager to help in the building up of its fertilizer industry.

c. His criticism provoked a struggle in the Soviet chemical-fertilizer industry over the processes in use, the consequence of bad planning, extravagance, etc., which was reflected in critical articles in Soviet technical papers.

Mr. Windfeld-Hansen declares that from the time of his arrival in Russia in 1932 he warned the Soviet authorities that the chemical-fertilizer industry was headed toward disaster. Concerning the confession of the accused Rataichak that he had sabotaged the Voskressensk fertilizer plant, Windfeld-Hansen says:

Such a complete mess was made of all details in connection with the designing, purchase of equipment, and actual construction of the precipitation plant that sabotage on the part of Rataichak or any other administrative officers was wholly superfluous, indeed, one can say impossible.

In Mr. Windfeld-Hansen's opinion, the reason for the removal and criminal prosecution of the accused Hrasche and Rataichak was as follows:

Scapegoats had to be found for the catastrophic developments in the chemical industry. There is no indication that acts of sabotage were involved... I cannot believe that my friend Hrasche could have committed acts of sabotage or espionage. I knew him too well for that.

The Commission took Trotsky's testimony on the charge of sabotage, and has read his writings which he submitted to substantiate it. This entire material indicates that Trotsky's public criticism of Soviet industrialization and collectivization has been animated by an evident desire to avert, rather than to induce, disaster.

The Commission finds from the evidence in its possession that the wrecks, delays, and damages charged against the accused in the Moscow trials are explicable in terms of haste, inefficiency and overreaching, and that the charges of sabotage, wrecking and diversion, insofar as they implicate Leon Trotsky, stand not proved and not credible.

#### 3. The Charge of Agreements with Foreign Powers.

In the first trial, two of the accused testified to connections with agents of the secret police of the Hitler government (Gestapo), even before the period of the Gestapo's organization. Indeed, the defendant Olberg stated that this connection was the regular line of the Trotskyists, in conformity with Trotsky's instructions.

The charge of agreement with the Gestapo is vigorously repudiated, not only by Trotsky and Sedov, but by Eugene Bauer, one of the former leaders of the Trotskyist group in Germany but since 1934 a political opponent of Trotsky, who states that the Trotskyists in Germany never had any connection with the Gestapo, and were not spared by the Nazis in their persecution of political opponents after their rise to power.

The Commission possesses 12 depositions by Trotskyists now living in forced exile from Germany. It also possesses handbills and copies of a mimeographed news-sheet issued in 1936 by the Trotskyist group in Danzig, containing bitter attacks on the Nazis in that city; also copies of the Danzig Nazi newspaper *Vorposten* for December 9, 1936, and January 8 and 12, 1937, containing accounts of the arrests and trial of members of the Trotskyist organization in Danzig and violently abusive attacks upon them for seditious revolutionary activities.

All the evidence at the disposal of the Commission goes to show that, far from being friendly, the relations between the Trotskyists and the Nazis in Danzig are the characteristic relations between a revolutionary opposition and the Hitler régime.

In the second trial the accused were charged with conducting espionage and diversive and terrorist activities on Trotsky's direct instructions

for the purpose of undermining the military power