

of the U.S.S.R., accelerating an armed attack on the U.S.S.R., assisting foreign aggressors to seize territory of the U.S.S.R., and to dismember it, and of overthrowing the Soviet power and restoring capitalism and the rule of the bourgeoisie in the Soviet Union.

This charge is supported in the record of the second trial, according to the accused Radek, only by his testimony and that of Pyatakov—a statement which the Prosecutor does not challenge. The Commission has found that the testimony of Pyatakov and Radek to their treasonable communications with Trotsky is disproved by the evidence in its possession.

In addition, it has a large quantity of material showing the nature of Trotsky's political preoccupations during the period when he is alleged to have been conspiring with Germany and Japan against the Soviet state. This material, which consists of affidavits, oral testimony, and a sound film made by Trotsky in Copenhagen for Left Opposition propaganda, as well as his published writings and private correspondence, shows that Trotsky has consistently opposed fascism in Germany and elsewhere, as well as Japanese imperialism.

The Commission finds on the basis of all this evidence that the charge of agreement with foreign powers is not only not proved but preposterous.

4. The Historical Connection.

In his summation in the second trial, the Prosecutor attaches great importance to "the historical connection which confirms the theses of the indictment on the basis of the Trotskyites' past activity." He maintains that Trotskyism has "spent the more than 30 years of its existence on preparations for its final conversion into a storm detachment of fascism, into one of the departments of the fascist police." He maintains that it has been waging a struggle for decades "against the working class and the Party, against Lenin and Leninism."

The Commission finds, after a careful study of the relevant historical material, that the Prosecutor's argument is based upon systematic distortion of history, and that the fact that the Prosecutor resorted to historical falsification inevitably reflects upon the entire conduct of the trials, by revealing that their purpose was to discredit an opposition faction past and present within the party, rather than to discover the actual truth through a fair procedure.

The Commission makes clear that its purpose, in considering all this material is in no sense to determine who was right or wrong in any historical controversy within the Bolshevik Party or the Soviet State, but solely to establish whether or not the Prosecutor's alleged "historical connection" represents historical truth.

Part Five

FINAL CONCLUSIONS

In its concluding section, the report states that although the Commission does not presume to judge the motives which prompted the accused and witnesses in the two Moscow trials to confess that they were guilty of the charges against them, it has taken the testimony of three former Soviet political prisoners: Dr. Anton Ciliga, Yugoslav Communist, Victor Serge, well-known Russian-French writer and revolutionist, and A. Tarov, Old Bolshevik and Russian mechanic. These three men have escaped or been released from Soviet prisons. From their personal knowledge and experience they cite cases of extortion of false testimony by the G. P. U. through the use of the most revolting methods. Their testimony indicates that the system of extorting false confessions and employing them to inculpate the confessors and others is today a common practice of the Soviet police.

The Commission finds that this testimony, taken in connection with the fantastic discrepancies which it has pointed out in the confessions of the accused in the two Moscow trials, justifies the presumption of duress in the obtaining of these confessions. This presumption, again taken in connection with the character of the charges and the testimony in the two trials, constitutes strong justification for assuming that the trials were frame-ups. The Commission has already cited the Prosecutor's contention that the alleged criminal activities of the accused in the Moscow trials followed logically from their opposition to the policies of the ruling majority of the Communist Party in 1926-27; and has pointed out that the Prosecutor here deliberately identifies political opposition to the régime with criminal activity against

it. In this section it cites Trotsky's counter-charge that the trials of August, 1936, and January, 1937, were the logical culmination of a series of frame-ups by the ruling majority of the Party, directed against the Left Opposition.

It quotes from a compilation, introduced in evidence by Trotsky, of quotations from statements to the Central Executive Committee of the Communist Party of the Soviet Union, letters, and articles from the Left Opposition press, showing that the attempts of the Majority to inculpate the Left Opposition began in 1927 and proceeded in a mathematical series to the trials of August, 1936, and January, 1937; also that the leaders of the Opposition predicted and warned the Communist Party against those very developments which afterward took place. This document shows that in 1929 Trotsky warned that Stalin would "try to draw a line of blood between the Party and the Opposition. He must absolutely connect the Opposition with terrorist attempts, preparations for armed insurrection, etc."

In connection with the conclusions inevitably flowing from the mass of material on which previous sections of this report are based, the Commission finds that this document substantiates the argument that the Moscow trials of August, 1936, and January, 1937, constituted the culmination of a series of repressive measures against a political opposition.

Moreover, the Commission finds that the official reports of previous Soviet trials alluded to either in the reports of the Moscow trials or in that of the Preliminary Commission, indicate that political motivation on the part of the prosecution is not exceptional in Soviet trials. It adduces, in illustration of this point, the trial of the Industrial Party in 1930 and that of the Mensheviks in 1931. In each case the accused were alleged to have formed an anti-Soviet center for the purpose of bringing about the overthrow of the Soviet régime and the restoration of capitalism through wrecking activities, disruptive work in the army, and the furthering of armed intervention against the Soviet Union. The Commission finds that the only significant difference between the indictments and confessions in these trials and the trials of August, 1936, and January, 1937, is in the names of those foreign powers and interests whom the accused were alleged to be serving. In these previous trials the accused were alleged to have conspired with the Polish, French, and British governments, with White Russians, and, in the case of the Menshevik trial, with the Social Democratic parties of foreign countries and with the Second International. The Commission finds that the conclusion appears to be inevitable that the indictments and the confessions in the series of widely publicized trials of alleged plotters against the régime, were governed in each case by current internal difficulties, economic and political, and by the current situation in the foreign relations of the Soviet Union. In other words, that the trials have been not really criminal, but political.

All these considerations, in connection with its previous conclusions, lead the Commission to the conclusion that the trials of August, 1936, and January, 1937, were frame-ups.

On the basis of all this evidence and these conclusions, the Commission finds Leon Trotsky and Leon Sedov not guilty.

Summary of Findings

Conduct of Trials

Independent of extrinsic evidence, the Commission finds:

1. That the conduct of the Moscow trials was such as to convince any unprejudiced person that no effort was made to ascertain the truth.
2. While confessions are necessarily entitled to the most serious consideration, these confessions themselves 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 Charges

3. On the basis of all the evidence, we find that Trotsky never gave Smirnov any terrorist instructions through Sedov or anybody else.
4. On the basis of all the evidence, we find that Trotsky never gave Dreitzer terrorist instructions either through Sedov or anybody else.
5. On the basis of all the evidence, we find that Holtzman never acted as go-between for Smirnov on the one hand and Sedov on the other for the purposes of any terrorist conspiracy.

6. We find that Holtzman never met Sedov in Copenhagen; that he never went with Sedov to see Trotsky; that Sedov was not in Copenhagen during Trotsky's sojourn in that city; that Holtzman never saw Trotsky in Copenhagen.

7. We find that Olberg never went to Russia with terrorist instructions from Trotsky or Sedov.

8. We find that Berman-Yurin never received terrorist instructions from Trotsky in Copenhagen, and that Berman-Yurin never saw Trotsky in Copenhagen.

9. We find that David never received terrorist instructions from Trotsky in Copenhagen and that David never saw Trotsky in Copenhagen.

10. We find no basis whatever for the attempt to link Moissei Lurye and Nathan Lurye with an alleged Trotskyist conspiracy.

11. We find that Trotsky never met Vladimir Romm in the Bois de Boulogne; that he transmitted no messages through Romm to Radek. We find that Trotsky and Sedov never had any connection with Vladimir Romm.

12. We find that Pyatakov did not fly to Oslo in December, 1935; he did not, as charged, see Trotsky; he did not receive from Trotsky any instructions of any kind. We find that the disproof of Pyatakov's testimony on this crucial point renders his whole confession worthless.

13. We find that the disproof of the testimony of the defendant Pyatakov invalidates the testimony of the witness Bukhartsev.

14. We find that the disproof of Vladimir Romm's testimony and that of Pyatakov completely invalidates the testimony of the defendant Radek.

15. We find that the disproof of the confessions of Smirnov, Pyatakov and Radek completely invalidates the confessions of Shestov and Muralov.

16. We are convinced that the alleged letters in which Trotsky conveyed alleged conspiratorial instructions to the various defendants in the Moscow trials never existed; and that the testimony concerning them is sheer fabrication.

17. We find that Trotsky throughout his whole career has always been a consistent opponent of individual terror. The Commission further finds that Trotsky never instructed any of the defendants or witnesses in the Moscow trials to assassinate any political opponent.

18. We find that Trotsky never instructed the defendants or witnesses in the Moscow trials to engage in sabotage, wrecking, and diversion. On the contrary, he has always been a consistent advocate of the building up of socialist industry and agriculture in the Soviet Union and has criticized the present régime on the basis that its activities were harmful to the building up of socialist economy in Russia. He is not in favor of sabotage as a method of opposition to any political régime.

19. We find that Trotsky never instructed any of the accused or witnesses in the Moscow trials to enter into agreements with foreign powers against the Soviet Union. On the contrary, he has always uncompromisingly advocated the defense of the U.S.S.R. He has also been a most forthright ideological opponent of the fascism represented by the foreign powers with which he is accused of having conspired.

20. On the basis of all the evidence we find that Trotsky never recommended, plotted, or attempted the restoration of capitalism in the U.S.S.R. On the contrary, he has always uncompromisingly opposed the restoration of capitalism in the Soviet Union and its existence anywhere else.

21. We find that the Prosecutor fantastically falsified Trotsky's role before, during and after the October Revolution.

Conclusions

22. We therefore find the Moscow trials to be frame-ups.
23. We therefore find Trotsky and Sedov not guilty.

Signed: John Dewey, *Chairman*
Benjamin Stolberg
Wendelin Thomas
Alfred Rosmer
John R. Chamberlain
Carlo Tresca
E. A. Ross
Otto Ruehle
F. Zamora
Suzanne La Follette, *Secretary*

Session of the Commission
on Monday, September 20,
1937, held at 231 East
14th St., New York City