

The Fraud of the Dewey Commission

Leon Trotsky's
Lies

Grover Furr

“Grover Furr is at the cutting edge of contemporary historical research on the Soviet Union.”

- Immanuel Ness, Professor of Political Science, Brooklyn College, The City University of New York



The Dewey Commission has been almost universally assumed to have proven that Leon Trotsky was innocent of the charges leveled against him during the two public Moscow Trials of 1936 and 1937, and to have proven that these trials were frame-ups. This is all wrong.

Using primary-source documents from former Soviet archives and from the Harvard Trotsky Archive, and by studying the latest and best research in Russian, French, and English, Grover Furr proves that the Dewey Commission was a fraud.

Moreover, Furr proves that Leon Trotsky lied, repeatedly and shamelessly, to the Commission, which would certainly never have declared him “Not Guilty” if its members, anti-Soviet though they were, had known about Trotsky’s lies.

This book is a revised version of some material in an earlier book.



THE FRAUD OF THE DEWEY COMMISSION

Leon Trotsky's Lies

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Acknowledgements and Dedication

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* * * * *

Dedication

I dedicate this book to Susana Magdalena Sotillo, Ph.D., dedicated scholar and teacher, incisive and supportive critic, *mi compañera y mi camerada*, with all my love and respect.

Without your encouragement and support this work would never have been undertaken.

The Dewey Commission I – The Testimony

The “Commission of Inquiry into the Charges Made against Leon Trotsky in the Moscow Trial,” called the Dewey Commission after its chairman, John Dewey, was formed in 1937 ostensibly to investigate the charges made against Trotsky in the first two Moscow Trials.

The objectivity of the Dewey Commission (we shall frequently refer to it simply as the Commission) and its intention to conduct an impartial hearing was sharply questioned from the outset.

Columnist and Editor of the Baltimore Sun Mauritz Hallgren, one of the original Commission members, resigned at the beginning of February 1937 in protest against what he felt was an attempt by Trotsky and his followers to use the Committee as a tool in Trotsky’s struggle against the Soviet government.¹

One of the initial members, Carleton Beals, dropped off the Commission when he became convinced that it was pro-Trotsky and not objective. Beals called the Commission hearings “a joke.” Beals’ full statement was printed in *The New York Times* of April 19, 1937. Beals published a second explanation for his resignation in the *Saturday Evening Post* of June 12, 1937.²

¹ Sven-Eric Holmström, “New Evidence Concerning the ‘Hotel Bristol’ Question in the First Moscow Trial of 1936.” *Cultural Logic*, 2009. 42. Hallgren explained his reasons for his resignation in a letter to *The New York Times* of February 5, 1937, p. 20. Hallgren’s letter of resignation to Felix Morrow of the American Committee for the Defense of Leon Trotsky, dated January 27, 1937, may be read at <http://msuweb.montclair.edu/~furrgr/research/hallgrentomorrow.pdf> Hallgren’s letter to *The New York Times* may be read at http://msuweb.montclair.edu/~furrgr/research/hallgren_nyt020537.pdf

Nevertheless its hearings, held in Mexico in April 1937, and its report made later that year, are often said to have disproved some at least of the accusations made against Trotsky at these two Moscow Trials.³ The Dewey Commission is often cited as a definitive refutation of the charges leveled at Trotsky in the first two Moscow Trials. It is even referred to as a successful debunking of the trials testimony as a whole.

In reality, it appears as though the Dewey Commission has never been carefully studied. For no one who carefully examines the text of the two volumes of the Commission proceedings with any attempt at objectivity could reach such a conclusion. We will demonstrate that fact in the following pages.

² The *New York Times* article about Beals' resignation may be read at

http://msuweb.montclair.edu/~furrgr/research/beals_nyt041937.pdf

f Beals' SEP article may be read at

http://msuweb.montclair.edu/~furrgr/research/beals_sep061937.pdf

³ We have used, among other accounts, the unpublished Masters degree dissertation of the late John M. Belton, *The Commission of Inquiry Into Charges Made Against Leon Trotsky in the Great Purge Trials in Moscow*. Emory University, 1966; Thomas Ray Poole, "Counter-Trial." *Leon Trotsky on the Soviet Purge Trials*. Unpublished Ph.D. dissertation, University of Massachusetts, 1974; Alan Wald, "Memories of the Dewey Commission: forty years later." *Antioch Review* 35 (Fall 1977) 438-451.

It has always been possible to assess the statements and claims made by Trotsky, his advocate, and his witnesses on the basis of their logic. We can now also evaluate the conclusions reached by the Commission in the light of the greater knowledge afforded to us by archival materials. These materials are: the Trotsky archive at Houghton Library, Harvard University; the Trotsky archive that forms part of the Nicolaevsky papers at the Hoover Institution; and certain materials from Soviet archives that have been published since the end of the Soviet Union in 1991.

The Commission published two volumes. In this section we will examine the first volume, *The Case of Leon Trotsky*.⁴ It is a transcript of the hearings held by the Commission in Coyoacán, Mexico, between April 10 and April 17, 1937, plus some additional supplementary materials related to them. The following chapter is devoted to a study of the second volume, *Not Guilty*. It contains the Commission's consideration of the testimony and its conclusions.

In *Trotsky's 'Amalgams'*⁵ we have listed a number of Trotsky's proven lies. Trotsky repeated most of them in his testimony to the Commission. This and the following chapter are organized around an examination of those of Trotsky's demonstrable falsehoods that he employed in his testimony to the Commission. Thanks to the archival dis-

⁴ Commission of inquiry into the charges made against Leon Trotsky in the Moscow trials. Preliminary Commission Coyoacán, Mexico, 1937. *The Case of Leon Trotsky. Report of hearings on the charges made against him in the Moscow trials*. By the Preliminary Commission of Inquiry: John Dewey, chairman [and others]. New York: Harper & Brothers, 1937. (CLT)

⁵ Grover Furr. *Trotsky's "Amalgams": Trotsky's Lies, The Moscow Trials As Evidence, The Dewey Commission. Trotsky's Conspiracies of the 1930s, Volume One*. Kettering, OH: Erythrós Press & Media, LLC, 2015. (Furr Amalgams)

coveries we can now prove that Trotsky deliberately lied in much of his most important testimony to the Commission

Trotsky's falsehoods dealt with elsewhere in this study

When issues arise in the Commission transcript that are considered in *Trotsky's 'Amalgams'* we will refer to those discussions. We want to mention two of them at the outset:

* The Kirov Murder. Trotsky refers extensively to the Kirov murder and his own writings about it. We examine these writings of Trotsky's in *Trotsky's 'Amalgams'*.

* The question of the "Hotel Bristol" and whether Gol'tsman (called "Holtzman" in the English translation of the 1936 Trial transcript and in the Commission hearings), a defendant in the First Moscow Trial of August 1936 (the "Zinoviev-Kamenev trial"), met Sedov, and then Trotsky, in Copenhagen in November 1932, is examined in Sven-Eric Holmström's article of 2009. We refer to that excellent study, and only add a few additional points that Holmström did not address there.

Trotsky's principal lies to the Commission

"Capitulators"⁶

Trotsky lied to the Dewey Commission when he stated:

⁶ "Capitulators" is the name given to Bolshevik Party members who were loyal to an Opposition group within the Party, were expelled for violating the 1921 resolution forbidding Party factions, and who then "capitulated" to the Party leadership – Stalin – by signing a statement in which they renounced their dissident views and swore to uphold the Party's line in future.

We do not discuss with the capitulators. We merely exclude them from our ranks and keep them out of the argument. (CLT 119)

Pierre Broué insisted that this was not true.

Lev Sedov called the Smirnov group either the “former capitulators” or the “Trotskiite capitulators.” Everybody had known, from 1929 on, that people in the Smirnov group had not really capitulated but were trying to fool the apparatus, and were capable of organizing themselves as an Opposition within the party: the fact was so universally known that Andres Nin, the Spaniard deported from the Soviet Union in August 1930, explained it openly to his German comrades of *Die permanente Revolution* who printed his declaration without apparent problem.⁷

According to Broué, by 1929 at the latest none of the “capitulations” were genuine. All the “capitulators” were “two-faced,” hypocritical, and “capitulated” in order to gain reinstatement in the Party where they could continue their conspiracy. The Moscow Trials testimony and other evidence now available suggests that dishonest “capitulations” began far earlier than 1929.

By 1932 Trotsky had reached out to them and some of them had responded. That means that by 1932 at the latest Trotsky’s public rejection of “capitulators” was a smokescreen behind which to hide their dealings with each other.

⁷ Pierre Broué. “Party Opposition to Stalin (1930-1932) and the First Moscow Trial.” In John W. Strong, ed. *Essays on Revolutionary Culture and Stalinism*. Columbus, OH: Slavica Publishers, 1990, pp. 98-111; 104. (Broué, POS)

The Bloc with other Oppositionists

In his Dewey Commission testimony Trotsky denied the possibility of a bloc with Zinoviev and Kamenev because they were “capitulators.”

GOLDMAN: Did you ever discuss with anyone the possibility of organizing a united center between your political followers and the followers of Zinoviev and Kamenev in the Soviet Union, after the break-up of your bloc with Zinoviev and Kamenev?

TROTSKY: Never. My articles show that it is absolutely impossible. My appreciation of them, my total contempt after the capitulation, my hostility to them and their hostility to me, excluded that absolutely.

GOLDMAN: Have you read the testimony of Zinoviev and Kamenev and the other defendants in the first Moscow trial?

TROTSKY: Yes.

GOLDMAN: Wherein these defendants claimed that you instructed several of them to establish a united center between your political followers and their political followers? Have you read such testimonies?

TROTSKY: Yes.

GOLDMAN: What have you to say about that?

TROTSKY: It is a falsehood organized by the G.P.U. and supported by Stalin. (CLT 87-88)

Trotsky's explanation for the testimony concerning the bloc at the 1936 Moscow Trial was that the bloc did not exist, was a fabrication of the G.P.U. (the name for the NKVD until 1934) at Stalin's order. Trotsky was lying. To use one of Trotsky's favorite words, this was an "amalgam" – of his own. We have known since 1980 that Trotsky was lying here thanks to Broué's discovery of Sedov's bloc letter and of Trotsky's reply.⁸

Trotsky repeated this "amalgam," or falsehood, throughout the Dewey Commission hearings. In his long closing statement Trotsky said:

3. The testimony of the defendants – at least those whose political physiognomy is well known – is, however, false also in those sections where they expose their own criminal activity. We are not dealing with bandits, or with criminal perverts, or with moral degenerates, but with the unfortunate victims of the most horrible inquisitorial system of all time. (CLT 488)

The Zinoviev-Kamenev trial (August 1936) was constructed entirely on the basis of terror. (CLT 498)

Trotsky knew that this was not true. The Prosecutor's charge that Zinoviev and Kamenev were in a bloc with Trotsky and the Soviet Trotskyists was not false, not "constructed ... on the basis of terror." It was, in fact, true.

⁸ Pierre Broué, "Trotsky et le bloc des oppositions de 1932." *Cahiers Léon Trotsky* (CahLT) 5 (Jan-Mar 1980), pp. 5-37.

Trotsky knew much more than this. He certainly knew, for example, that the Zinoviev-Kamenev underground planned and carried out the December 1, 1934, murder of Sergei Kirov in Leningrad. We have discussed this in more detail in *Trotsky's 'Amalgams'*. We now have good evidence that Trotsky and his supporters in the USSR were more directly involved in Kirov's murder. We will discuss this in a future volume of this study.

In his essays on the Kirov murder and on the January 1935 trial of Zinoviev, Kamenev, and their Moscow-based co-conspirators Trotsky claimed repeatedly that he despised Zinoviev and Kamenev and that he had had no contact with them. This was all deliberate falsehood, a smokescreen to camouflage the bloc and its activities.

I.N. Smirnov

Trotsky lied to the Commission when he denied any contact with Smirnov:

GOLDMAN: After his capitulation in November, 1929, did you have any connection with Smirnov?

TROTSKY: I, directly, not. My son met him in Berlin in 1931, in the street.

GOLDMAN: Did your son give you any information?

TROTSKY: Yes, he told us that the man is absolutely unhappy and disoriented, without any political orientation, that he gave him some information about old friends, capitulators and non-capitulators, and that he was very friendly in conversations with him – he knew my son as a boy, and then as a young lad –contrary to Pyatakov, who met my son also on the street, but turned his head away. My son called him

traitor. That was on Unter den Linden. (CLT 89)

Trotsky was lying here as well. In reality Smirnov was one of the members of the bloc named in Sedov's letter to Trotsky. Sedov had been in touch with him and communicated this to Trotsky.

Gaven

Trotsky lied to the Commission when he denied having any contact with Gaven:

GOLDMAN: Did you ever hear of a man by the name of Gaven?

TROTSKY: Yes.

GOLDMAN: Who is he?

TROTSKY: He is a Latvian Bolshevik. He, if I remember, gave all his sympathies at a certain time to the Opposition. As Holtzman, for example. In 1926 or 1927, he was connected for a time with Smilga, a member of the Central Committee. But he disappeared from my eyes absolutely after 1926.

GOLDMAN: In the testimony of Mrachkovsky, and also Smirnov, there is a reference that you sent communications through Gaven to Smirnov about the necessity of killing Stalin.

TROTSKY: I don't know anything about it. No, it is an absolute falsehood. He is not among the defendants.

GOLDMAN: No, he is not. He is a witness.

TROTSKY: Not even a witness.

GOLDMAN: That's right.

TROTSKY: He disappeared. (CLT 225-6)

Pierre Broué discovered that Trotsky had indeed met with Gaven and given him a message for Smirnov.

Some documents found in Sedov's Papers in Hoover cast useful supplementary light on the case. For the first time, we learn something about the man who was depicted by procurator Vyshinskii and some of the defendants as the one who brought the terrorist directives from Trotskii to the USSR, that is Iuri Petrovich Gavenis (sometimes Gaven), and Old Bolshevik working in Gosplan.... In 1936 Trotskii and Sedov denied having had any contact with him. In fact, they had. Allowed to go to Germany in order to receive medical care, Gavenis wrote to Trotskii and got an interview with Lev Sedov who wrote an account of it. Gavenis gave information about the bloc, supplementing Holzman's. He also gave information about his own "O"-group (probably Osinskii) and seems to have agreed to bring back to the Soviet Union a message to the Trotskiite group itself – in spite of his worry about the latter having been infiltrated by OGPU. (POS 99)

Elsewhere in the present volume we discuss Trotsky's contact with Gaven. We will return to this contact in a future volume.

Preobrazhensky

Trotsky mentions Preobrazhensky's "capitulation" a number of times. Though he never states outright whether he had subsequently been in contact with Preobrazhensky specifically, Trotsky did say he never again contacted the "capitulators," of which Preobrazhensky was one. He wrote about Preobrazhensky as he did about Radek.

The discussion revolving around Radek took on an international character. Thus, the German oppositional organization, the Leninbund, published the declaration of Radek, Smilga and Preobrazhensky, and offered to print my declaration. In October, 1929, I answered the leadership of the Leninbund: "Isn't it monstrous? In my brochure I defend the point of view of the Russian Opposition. Radek, Smilga and Preobrazhensky are renegades, bitter enemies of the Russian Opposition, and furthermore Radek does not stop at any calumny." In the publications of the Left Opposition during those years one can find, in several languages, not a few scornful articles and comments flaying Radek. (CLT 531)

Trotsky implied that he was not collaborating with Preobrazhensky. But he was. In January 1932 Preobrazhensky was one of the persons to whom Trotsky wrote a letter, of which only the certified mail receipt remains in the Harvard Trotsky Archive.⁹ In the same year Preobrazhensky is named in Sedov's 1932 "bloc letter" to Trotsky.

Radek

Trotsky and his lawyer Goldman insisted that Trotsky had had no contact with Radek since his exile from the USSR in 1929.

⁹ J. Arch Getty, "Trotsky in Exile: The Founding of the Fourth International." *Soviet Studies* 38 No. 1 (January 1986) 24-35.

GOLDMAN: ... The testimony will show that **Trotsky has had no connection either direct or indirect with Radek since the time of his expulsion from the U.S.S.R., and that he has neither received from Radek nor written to him a single letter.** (CLT 10)

* * *

GOLDMAN: Now, **were you in communication with Radek, either directly or indirectly, since you left the Soviet Union, Mr. Trotsky?**

TROTSKY: The only communications are represented by the quotations; no other communication.

GOLDMAN: You mean that **you wrote about him, but you did not write to him?**

TROTSKY: **Never.**

GOLDMAN: Did you receive any letters from him?

TROTSKY: **Never.**

GOLDMAN: **Did you send letters to him through an intermediary?**

TROTSKY: **No.** (CLT 116)

Trotsky was lying again. In reality Trotsky did write Radek. Moreover, he did so at exactly the time Radek specified in his testimony at the Second Moscow Trial of January 1937. We discuss this in detail in *Trotsky's 'Amalgams'*.

Trotsky repeated this lie in his long closing statement:

The year 1929 was the breaking-point in his political life as in his attitude towards me, the story of our relations before and after 1929 can

be followed without difficulty from year to year through articles and letters. In this question, as in others, to reestablish the basic facts is to refute the accusation. (CLT 524)

During the trial, Radek testified: ". . . in February, 1932, I received a letter from Trotsky . . . Trotsky further wrote that since he knew me to be an active person he was convinced that I would return to the struggle." Three months after this alleged letter, on May 14th, 1932, I wrote to Albert Weisbord in New York... (CLT 532)

I have declared more than once, and I declare again, that Pyatakov, like Radek, for the past nine years was not my friend but one of my bitterest and most treacherous enemies, and that there could have been no question of negotiations and meetings between us. (CLT 554)

Sokol'nikov

Trotsky testified to the Commission that he had not contacted Sokol'nikov:

GOLDMAN: December, 1927. Was Sokolnikov ever in disfavor with the ruling, bureaucratic apparatus, as far as you know—before the trials, I mean?

TROTSKY: Sokolnikov has original ideas. He has a very inventive mind, and that is the reason why he is not fit, he does not fit into the bureaucratic régime.

GOLDMAN: Did you ever have any communication from him when you left Russia?

TROTSKY: **Never.**

GOLDMAN: Did you in any way communicate with him since you left Russia?

TROTSKY: **No.**

GOLDMAN: Either directly or indirectly?

TROTSKY: **No.** (CLT 123)

Trotsky was lying. Getty discovered in the Harvard Trotsky Archive the certified mail receipt of a letter from Trotsky to Sokol'nikov of January 12, 1932.

It is interesting to note that at the Second Moscow Trial of January 1937 Sokol'nikov also denied having been in touch with Trotsky.

I can add nothing to the information and the evaluations which were here given by the members of the centre – Pyatakov and Radek. I think that these evaluations have been sufficiently frank, and I fully share them. But I cannot add anything of my own, because **I was not in direct communication with Trotsky, I was not directly connected with him,** and received information through third persons.¹⁰

This shows that witnesses at the Moscow Trials did not either lie or tell the truth consistently. Therefore, the discovery of a single lie by a witness is not grounds to dismiss all his testimony as false. The Commission frequently committed this error, as we shall see.

¹⁰ *Report of Court Proceedings in the Case of the Anti-Soviet Trotskyite Centre. Heard Before the Military Collegium of the Supreme Court of the U.S.S.R. Moscow, January 23-30, 1937....Verbatim Report.* Moscow: People's Commissariat of Justice of the U.S.S.R., 1937. (1937 Trial), 555.

Piatakov

As with Radek, Preobrazhensky, and Sokol'nikov Trotsky claimed that he had had no contact with Piatakov since leaving the USSR.

GOLDMAN: When did he [Piatakov] capitulate?

TROTSKY: He capitulated openly, publicly; he capitulated in February, 1928. He was the first "Trotskyite" who capitulated publicly.

GOLDMAN: And after that did you have any correspondence with him at all?

TROTSKY: None.

GOLDMAN: Either when you were in the Soviet Union or outside of the Soviet Union?

TROTSKY: Exactly. (CLT 117)

GOLDMAN: So, you state you never saw Pyatakov in Oslo in December of 1935, or at any other place, and that you never saw him since 1927 or thereabouts?

TROTSKY: **Never.**

GOLDMAN: Never had any communication with him?

TROTSKY: **Never.**

GOLDMAN: Either with him directly or through some intermediary?

TROTSKY: **Never.** (CLT 210-211)

No evidence remains in the Trotsky Archives of Trotsky's having been personally in contact with Piatakov. However, Piatakov was in touch with Radek, with whom Trotsky was in contact. This is certainly "communication ... through an intermediary." So Trotsky was lying here too.

We also have Piatakov's own testimony at the Second Moscow Trial of January 1937, and his statement to Ezhov of December 19-20, 1936. In both documents Piatakov discussed in detail his clandestine contacts with Trotsky and Trotsky's demands for terror and sabotage. We have submitted the Moscow Trials testimony to a rigorous process of verification and have established that it is valid as evidence. We will return to Piatakov in the third volume of our study, where we will present a detailed study of Piatakov's important statement to Ezhov of December 19-20, 1936.

Piatakov and the Flight to Norway Question

Trotsky concentrated on trying to prove that Piatakov could not have landed at Kjeller, at that time the main Oslo airport, during December 1935.

GOLDMAN: There is an article in the *Arbeiderbladet* of Oslo of January 29, 1937, where the director of the airport, Director Gulliksen, says: "No foreign aeroplane at Kjeller." (CLT, Sixth Session, 214)

But Piatakov had explicitly never claimed to have used that airport.

VYSHINSKY: I have a question to put to Pyatakov. Accused Pyatakov, please tell me, you travelled in an airplane to Norway to meet Trotsky. Do you know in which airdrome you landed?

PYATAKOV: Near Oslo.

VYSHINSKY: Have you heard of a place called Kjeller or Kjellere?

PYATAKOV: No.

VYSHINSKY: You confirm that you landed in an airdrome near Oslo?

PYATAKOV: Near Oslo, that I remember. (1937 Trial 442-443)

In his testimony at trial Piatakov had claimed that he and Bukhartsev had met in the Tiergarten in Berlin with an emissary of Trotsky's who provided him with a German passport and took care of all the customs formalities. A person who could do such things obviously had to have some kind of German official status. Piatakov could have flown on a non-commercial airplane, a military or diplomatic plane. He could have arrived at a different airport. Sven-Eric Holmström has already identified other airfields at which Piatakov could have landed.

Radek claimed that Trotsky was collaborating with the German government. We now have a great deal of evidence that Trotsky was indeed collaborating with Germany and Japan.¹¹ The German government could have arranged matters with Norwegian officials so that the flight was not recorded. Or, Piatakov could have taken a Norwegian rather than a "foreign" airplane in the first place.¹²

¹¹ See Grover Furr, *Leon Trotsky's Collaboration with Germany and Japan. Trotsky's Conspiracies of the 1930s. Volume Two*. Kettering, OH: Erythrós Press & Media, LLC, 2017.

¹² Sven-Eric Holmström is presently studying the "Piatakov flight to Norway" question.

As of 2015 we have much more evidence from NKVD files to supplement Piatakov's statements at the Second Moscow Trial. It is clear that Trotsky had been personally in contact not just with Radek but with Piatakov too, and that the latter really did make a secret visit to Trotsky in Norway in December, 1935. We will discuss this material and provide the documentation, including translations into English, in volume three.

A more important consideration is Trotsky's credibility in general. Trotsky lied many times in instances where we can now prove that he lied. But Getty showed that Trotsky's archives were purged of incriminating documents. As we shall see, Trotsky himself conceded that he would have purged his own archives if they had contained anything incriminating. Since Radek told the truth in the only instance which we can independently verify it is likely that others, including Piatakov, did as well. The fact that we cannot prove that through independent evidence does not imply that Trotsky did not contact Piatakov individually. It only means that we can't prove it.

In *Trotsky's 'Amalgams'* we examine Sedov's "slip of the tongue" to a reporter from a Dutch Social-Democratic newspaper in which Sedov admitted that Trotsky had had contact both with Zinoviev and Kamenev and with Radek and Piatakov.

Gol'tsman

During the First Moscow Trial (August 1936 Gol'tsman (Holtzman) had admitted having had six or eight meetings with Trotsky's son Sedov in Berlin in 1932. During the Dewey Commission hearings Trotsky denied both direct and indirect contact with Gol'tsman.

On June 29, 1937, two months after the Commission hearings, Trotsky wrote the Commission to inform them that Gol'tsman had indeed met Sedov:

1. To a question regarding Holtzman I replied that after my departure from Russia I had neither “directly or indirectly” any communication with him (see session 3). In fact, Holtzman met my son, Sedov, in Berlin in 1932 and communicated to him, **as I subsequently learned**, some factual reports about the situation in the USSR. These reports were published in the Russian Bulletin of the Opposition (No.31, November 1932). This fact can be interpreted as an “indirect” communication between Holtzman and myself. (CLT 592)

Trotsky was lying. He had not learned “subsequently” – after his Dewey Commission testimony – about Sedov’s meetings with Gol’tsman. In his *Livre rouge* published in October 1936 Sedov had admitted to one meeting with Gol’tsman. This same claim was made in the Russian edition of the *Bulletin of the Opposition* Nos. 52-53, also dated October 1936.¹³ Trotsky certainly reviewed both texts before publication. He probably coauthored one or both with Sedov.

But on May 31, 1937, Sedov testified at the Paris session of the Commission that he had met with Gol’tsman “several times” (*plusieurs fois*), as Gol’tsman had testified. Trotsky had no choice but to correct his statement to the Commission

The question arises: Why did Sedov and Trotsky lie about the number of meetings with Gol’tsman? What really went on during those meetings? We have discussed this interesting issue in *Trotsky’s ‘Amalgams’*.

¹³ “Smirnov i Gol’tsman,” *Biulleten’ Oppozitsii* Nos. 52-53. At <http://web.mit.edu/fjk/www/FI/BO/BO-52.shtml>

“Terror”

During the Dewey Commission sessions more time and attention was paid to the question of “terror” – the Russian term for mass killing or individual assassination – than to any other. Sessions Seven, Eight, Ten, and Eleven were given over mainly to discussion of this issue. Trotsky and his attorney Goldman devoted a lot of effort to arguing that Trotsky had always and consistently opposed the use of violence in political struggle (“terror”). Here are a few of many citations from the testimonial section of the Commission hearings.

GOLDMAN:... The accusation of individual terror, as will be shown on the basis of Trotsky’s numerous articles, beginning in 1902, is in direct contradiction with the whole bent of his thought, with his political education, with the lessons of his revolutionary experience, and finally, with the entire tradition of Russian Marxism. (CLT 11)

TROTSKY: This was the sense of our fight. During my first exile, from 1902 to 1905, I held dozens and dozens of lectures, wrote dozens of articles against individual terrorism in favor of mass action. During my second exile, which was after 1907 – after the defeat of the first revolution of 1905, and when the wave of terrorism became very important because the reaction was terrible; after the defeat of the revolution the desire of revenge became imperative with the youth – my second exile was filled with lectures and written articles against individual terrorism. (CLT 45-46)

During the Seventh session of the hearings Goldman read into the record many quotations from Trotsky's writings in which Trotsky condemned individual terror (assassination). During the Eighth and Tenth sessions Trotsky discussed terror and his opposition to it at great length. Trotsky claimed to oppose terror on practical political grounds even while conceding that it could sometimes be justified on moral grounds:

FINERTY: Your opposition to individual terror, while it may be morally justified, is that it is not an effective political movement?

TROTSKY: Absolutely so.

FINERTY: I understood you, on direct examination, to testify that your opposition to individual terror as a political means was that it was an ineffective political means, while it might be morally justified under certain conditions.

TROTSKY: Totally right.

FINERTY: It was not suitable as a political measure?

TROTSKY: Totally right. (CLT 368)

During the Eleventh session John Dewey pointed out that Trotsky had signed a statement by the Opposition in which the use of terror was justified under certain circumstances.

DEWEY: Can I ask you a question on terrorism? In the appeal of the Russian Opposition to the Communist International, made after your expulsion from the Party, you state that it is still possible without new revolutionary disturbances to put in order and reinforce the system of the proletarian dictatorship. When I

say you, I mean the leaders of the Opposition. Before that it says:

Terror can play a great affirmative role if it is based on a correct political line and promotes the dissolution of reactionary groups. As Bolsheviks we fully understand the rôle of the revolutionary terror. We applied it to the bourgeoisie and their agents, the Social Revolutionaries and Mensheviks, and not for one moment do we intend in the future to renounce the revolutionary terror as against enemies of the proletariat. We well remember, however, that the terror of the parties hostile to the Bolsheviks was powerless.

That is on page 356 of the English *The Real Situation in Russia*. Part of it runs over on the top of 357. I am merely asking you whether there is anything inconsistent in that with what you stated this morning, whether it is in the same line with the remarks you made this morning? (CLT 385)

Trotsky seems to have been caught off guard by this quotation, and replied:

TROTSKY: I don't remember all this document, but it was not signed by me. It was after my expulsion.

Thereupon Dewey pointed out that Trotsky had indeed signed the statement.

DEWEY: Yours is the first name there.

TROTSKY: Oh, yes, it is signed. My exposition in the first session today was in a larger historical

line. I say if the society becomes genuinely Socialist, if solidarity is the cement of the society, then terroristic methods would be dying out, and the line of dictatorship, and that the status of terrorism must be declining.

Trotsky's reply is doubletalk. The quotation read out by Dewey is a forceful affirmation of the use of terror in certain circumstances. It says nothing about terrorism "dying out" or "declining." An honest investigation would have followed up vigorously on this evasion by Trotsky. But the Commission let it pass.

Trotsky devoted the whole of Part IX of his long closing statement (Session 13) to repeating his renunciation of individual terror. (CLT 488-494).

We know now, and not only from Moscow Trials testimony, that Trotsky was lying. Leon Sedov had tried to recruit his own chief assistant, Mark Zborowski, to go to the Soviet Union as an assassin, or "terrorist." Zborowski was a secret NKVD agent. On two occasions that we know of – not all of his reports to his NKVD handlers have been made public – Zborowski stated that Sedov had, in private conversation with him, justified the use of terror in general and the murder of Stalin specifically. We have discussed these reports in detail in *Trotsky's 'Amalgams'*.

"Get Rid of Stalin"

Trotsky never denied using the term "ubrat' Stalina" – roughly, "get rid of Stalin" – in his "Open Letter to the Central Executive Council of the U.S.S.R." of March 1932. The English translation says: "to remove Stalin."¹⁴ The Russian original, published in *Biulleten' Oppozitsii* No. 27 of March 1932 uses the Russian term "ubrat' Stalina."

¹⁴ At <http://www.marxists.org/archive/trotsky/1932/03/cec2.htm>

Trotsky's defense attorney Goldman quoted an article of March 1933 in which Trotsky called for Stalin's removal but rejected the slogan "Down with Stalin."

GOLDMAN: "Syndicalist" in English means something altogether different from "trade unionist." Then in the article published in *The Militant* on March 25th, 1933, by Trotsky, this is continued:

As far back as 1926 Stalin was told that he was clearly grooming himself as a candidate for the post of undertaker to the Party and the Revolution. For the past six years, Stalin has come very close to the fulfillment of this role. Throughout the Party, and outside of it, there is spreading ever wider the slogan, "Down with Stalin!" The causes for the origin and the growing popularity of this "proverb" require no explanations. But, nevertheless, we consider this slogan incorrect. The question touches not Stalin personally, but his faction. It is true that for the last two years it has become extremely constricted in its scope. But it still includes many thousands of apparatus functionaries. Other thousands and tens of thousands, whose eyes have been opened as regards Stalin, continue to support him, nevertheless, from fear of the unknown. The slogan "Down with Stalin!" may be understood, and could inevitably be understood, as the slogan for the overthrow of the faction now in power, and even more – the overthrow of the apparatus. But we do not want to overthrow the system, but to

reform it by the efforts of the best proletarian elements.

It is self-evident that an end must and will be put to the Bonapartist régime of a single leader and of the pack compelled to revere him, because that is the most shameful perversion of the idea of the revolutionary Party. But the matter touches not the expulsion of individuals, but the changing of a System.

It is precisely the Stalinist clique that indefatigably circulates rumors to the effect that the Left Opposition will return to the Party not otherwise than with a sword in its hand, and that it will immediately begin merciless reprisals against its factional opponents. This poisonous lie must be refuted, repudiated, and exposed. There is no feeling for revenge in politics. Bolshevik-Leninists – By that is meant the Left Oppositionist faction... – never were motivated by it in the past, and least of all do they intend to be motivated by it in the future ... We are ready to work hand in hand with every one who seeks to prevent catastrophe through the restoration of the Party. (CLT 268)

About his use of this term Trotsky testified as follows:

FINERTY: Mr. Trotsky, when you say “eliminate,” do you mean “exterminate”?

TROTSKY: No.

FINERTY: In other words, when you say “eliminate,” you mean to eliminate politically?

TROTSKY: Yes, to deprive them of the apparatus of the dictatorship and replace them by democracy.

FINERTY: When you said "Remove Stalin," you used it in the same political sense?

TROTSKY: Not only that; I am astonished to what degree I was cautious in my article. I wrote a second time to the Central Committee: "You must remove Stalin." But as a slogan, "Down with Stalin!" I repudiated it in my article. Because in the Central Committee everybody understands that it is in a legal way I proposed to remove him; to change the secretary. When it becomes a slogan of the masses, it cannot mean assassination. I repudiate it. (CLT 277)

Trotsky did indeed repudiate the slogan "Down with Stalin" in his article "Alarm Signal" published in *The Militant* of March 25, 1933 (p. 3 col. 6, bottom). However, this article was written before Trotsky began to call for a revolution in the USSR. As late as March 1933, in his letter to the Soviet Politburo of March 15, 1933 Trotsky was offering concessions in hopes of being allowed to return to the Soviet Union. As Getty pointed out in 1986, Trotsky kept this letter secret and never informed his followers about it. Trotsky had not yet decided that no return to the Soviet leadership was possible for him. According to Getty, Trotsky made this decision later, announcing it in his July 15, 1933, article on the Comintern. (Getty TIE 29-31)

By the time of the Commission hearings in early 1937 Trotsky had changed his attitude towards the Stalin regime and was calling for its overthrow. His "repudiation" of the slogan "Down with Stalin" belonged to an earlier period, now long in the past.

“Ubrat” is an ambiguous term, like “get rid of” in English. Depending upon the context it might, or might not, imply violence. But what it does *not* mean is “remove from office.” Trotsky could have just said that – “remove Stalin from office” – but chose not to.

In *Trotsky's 'Amalgams'* we have outlined how the term “ubrat’ Stalina” was a loaded term among the Oppositionists in the early 1930s. We have good evidence that by 1932 at the latest it was interpreted by Right Oppositionists to mean assassination. As Radek noted in his testimony, it could not mean anything else in the context of the time.

In 1937 Trotsky secretary Jean van Heijenoort prepared excerpts from Trotsky’s and Sedov’s 1932 correspondence with each other on this subject. In those excerpts Trotsky argues that the slogan “ubrat’ Stalina” should not be understood as advocating his assassination, while Sedov was less categorical.

In the end Trotsky did not use these excerpts at the Commission, for example as exhibits. We can’t be sure why he did not. It may be that Trotsky feared that the Commission would have asked for the originals. Those originals are not in the Trotsky Archive today. They were among the materials “purged” for some reason, probably because they contained incriminating information. Getty suggested this in 1986 and it is hard to account for the disappearance of these letters on any other grounds.

The underground Oppositionists in the USSR understood “ubrat” to mean “get rid of by assassination.” They were discussing this very term at the same time as Trotsky used it in his open letter to the C.E.C. and in discussions with Sedov. It seems likely that at the very least the missing letters between Trotsky and Sedov did not firmly oppose “terror.”

No experienced conspirator would unambiguously advocate murder in a written communication. It is easy to see how Radek, or anyone else, could have interpreted the term “ubrat” as a call to violence. Thanks to Zborowski’s reports about Sedov, we know that Trotsky meant it as a term that would be understood as a call to violence while perhaps retaining some slight degree of “plausible deniability.”¹⁵

Other Lies and Evasions by Trotsky

“Evidence”

At several points in his testimony to the Commission Trotsky claims that the Soviet prosecution has no evidence of his guilt while he, Trotsky, has evidence of his own innocence.

These two fundamental features of the Moscow trials – the absence of evidence and the epidemic character of the confessions – can but arouse suspicion in every thinking man. (CLT 481)

Trotsky accuses the Soviet prosecution of lacking “material proof” (evidence) of his guilt.

1. Despite long years of struggle against the Opposition, despite tens of thousands of raids, arrests, banishments, imprisonments, and hundreds of executions, the Soviet judicial

¹⁵ Context is everything. In 1984 the present author interviewed a retired contractor who in the 1940s had disobeyed an order by North Jersey mob boss Abner “Longy” Zwillman. Zwillman accepted the contractor’s explanation. Then he told a number of his thugs to take the contractor out for a meal. Zwillman added, “And I don’t mean his last meal!” The contractor told me that if Zwillman had not added that statement the thugs might have murdered him, since “take him out for a meal” was one underworld euphemism for “kill him.”

authorities do not have at their disposal even a single substantial fact, not a shred of material proof to confirm the truth of the accusations. This fact constitutes the most damning evidence against Stalin. (CLT 487)

Trotsky knew this statement was false and the Commission members ought to have known as well.

In the First Moscow Trial of August 1936 Moisei Ol'berg's Honduran passport was submitted as a prosecution exhibit.

VYSHINSKY:... It was Paul Olberg who put his brother V. Olberg as both of them testify, in touch with the Gestapo and helped V. Olberg to obtain from the Gestapo the passport of a citizen of the Republic of Honduras, which figures as an exhibit in the present case. (1936 Trial 25)

This passport was shown to the court as an exhibit on page 89.

At the Second Moscow Trial of January 1937 Vyshinsky produced the diary of Stroilov, one of the defendants, as evidence and interrogated Stroilov about it.

VYSHINSKY: Next, please hand to the accused Stroilov this black book. (Stroilov is handed a book of an office journal type in a black binding.) What is that black book?

STROILOV: It is my diary.

VYSHINSKY: Where did you keep it?

STROILOV: I kept it while I was abroad.

VYSHINSKY: In what year?

STROILOV: All the time I lived there.

VYSHINSKY: Is it in your handwriting?

STROILOV: Everything here. . . .

VYSHINSKY: Please look first, do not take it for granted.

STROILOV: Everything here is mine.

VYSHINSKY: Yours?

STROILOV: Yes.

VYSHINSKY: And is the meeting with Wüster and Berg recorded in your handwriting?

STROILOV: All this was written when I was in Germany, and when I returned to the Soviet Union I continued it probably for about two months. That was already here in the Soviet Union.

VYSHINSKY: When did all this happen?

STROILOV: In 1930-31.

VYSHINSKY: And it was then that you wrote it?

STROILOV: Immediately.

VYSHINSKY: Very well. Let me have that book back again. This book has been attached to the files as material evidence. I request the Court to look at page 23, which contains a reference to the meeting with Berg; page 27, which contains a reference to a conversation with Berg; page 37, which contains a reference to a letter from Wüster; page 33, which also contains a reference to Wüster; page 35, which contains a reference to Wüster; page 43, which contains a reference to Sommeregger. The character of these meetings and conversations was

explained to you by the accused Stroilov yesterday. I want to draw your attention to the fact that these meetings are confirmed in the diary of 1931.

STROILOV: Of 1930 and 1931. (1937 Trial 272-3)

During the 1938 Moscow Trial Nikolai Bukharin, the most famous of the defendants, said that incriminating evidence (*uliki*) was important in convincing him to stop denying all the charges against him and begin to confess.

BUKHARIN: I shall now speak of myself, of the reasons for my repentance. Of course, it must be admitted that incriminating evidence plays a very important part.¹⁶

This evidence itself was not presented at trial. We know that the same thing is true about at least some of the other defendants, since some of the incriminating evidence against them has been published in Russia in recent years.

Vyshinsky also addressed the issue of material evidence in his summary statement to the January 1937 trial:

VYSHINSKY: But what proof have we in our arsenal from the point of view of juridical procedure?

It must be said that the nature of the present case is such that it predetermines the peculiar nature of the proof possible in the case. We have a conspiracy, we have before us a group of people who conspired to bring about a coup

¹⁶ *Report of Court Proceedings in the Case of the Anti-Soviet "Bloc of Rights and Trotskyites" Heard Before the Military Collegium of the Supreme Court of the U.S.S.R. Moscow, March 2-13, 1938...Verbatim Report.* Moscow: People's Commissariat of Justice of the U.S.S.R., 1938. (1938 Trial), 777.

d'état, who organized themselves and for a number of years carried on, or secured the carrying on, of activities directed towards ensuring the success of this conspiracy, a conspiracy with fairly wide ramifications, a conspiracy which connected the conspirators with foreign fascist forces. How can the question of proof be presented under these circumstances? The question can be put this way: a conspiracy, you say, but where are the documents? YOU say there is a program, but where is the program? Have these people a written program anywhere? They only talk about it.

You say there is an organization, that there is some sort of a gang (they call themselves a party), but where are their decisions, where is the material evidence of their conspiratorial activities – rules, minutes, a seal, and so on and so forth?

I am bold enough to assert, in keeping with the fundamental requirements of the science of criminal procedure, that **in cases of conspiracy such demands cannot be put.** You cannot demand that cases of conspiracy, of coup d'état, be approached from the standpoint: give us minutes, decisions, membership cards, the numbers of your membership cards; you cannot demand that conspirators have their conspiratorial activities certified by a notary. No sensible man can put the question in this way in cases of state conspiracy. In fact we have a number of documents to prove our case. But even if these documents were not available, we would still

consider it right to submit our indictment on the basis of the testimony and evidence of the accused and witnesses and, if you will, circumstantial evidence. **In the present case I can quote a brilliant authority on the law of evidence such as the old, well-known English jurist, William Wills, who in his book on circumstantial evidence shows how strong circumstantial evidence can be, and how, not infrequently, circumstantial evidence can be much more convincing than direct evidence.**¹⁷ (1937 Trial 512-513)

Elsewhere we have quoted the Russian historian Yurii Zhukov, an article in the Comintern magazine, and a C.I.A. source to the effect that no documentary evidence should be expected in any competent conspiracy of this kind. (Furr Evidence)

An experienced revolutionary conspirator like Trotsky would have known not to entrust much to writing. Broué reported that Lilia Estrina Dallin, one of Sedov's secretaries, told him as much. Dallin said that only Sedov and Trotsky himself knew the most important secrets of Trotsky's conspiracy.

Il est faux qu'Étienne ait pu trahir autre chose que Sedov ou des archives: les adresses du BO qu'il avait étaient celles de l'extérieur de la Russie. Sedov cloisonnait tout. Il était seul à savoir, par exemple, qui allait en Russie, les gens qui en sortaient etc. Je ne savais pas ce que faisait Étienne et réciproquement. En fait, pour "savoir," il aurait fallu faire parler LD et Liova.¹⁸

¹⁷ Vyshinskii is referring to William Wills, *An essay on the principles of circumstantial evidence: illustrated by numerous cases* (1862; many times reprinted).

It is not true that Etienne [the name Zborowski used – GF] could have betrayed anything except Sedov or the archives: the addresses of the B[ulletin of the] O[pposition] that he had were those outside of Russia. Sedov compartmentalized everything. He was the only person who knew, for example, who was going to Russia, the people who were coming out of Russia, etc. I did not know what Etienne was doing and vice versa. To “know” you would really have had to make LD [Trotsky] and Lyova [Sedov] tell you.

Trotsky, however, claimed in his closing statement that by contrast he had presented “documentary proof” of his innocence.

The very expression, “Stalinist amalgam,” was given currency by us almost eight years before the Kirov assassination and the spectacular trials which followed it. **The relevant documentary proofs have been placed at the disposal of the Commission of Inquiry. They show with absolute incontestability that what is involved is not an underground Trotskyite conspiracy first unearthed in some startling manner in 1936, but a systematic conspiracy of the GPU against the Opposition, with the aim of imputing to it sabotage, espionage, assassinations and the preparation of insurrections. (CLT 486)**

¹⁸ Pierre Broué, *Léon Sedov. Fils de Trotsky, Victime de Staline*. Paris: Editions Ouvrières, 1993, 210.

This statement is both a lie and a bluff. It is a lie because we have the evidence, from the Harvard Trotsky Archive, that the bloc – the “underground Trotskyite conspiracy” – did exist. It is a bluff because Trotsky presented no such evidence. Nor could he have done so. No such evidence existed then, and none exists today. But as with so many other statements of Trotsky’s the Commission members did not challenge it – did not ask him for clarification (“What ‘relevant documentary proofs’ that prove there was no ‘underground Trotskyite conspiracy’ are you referring to, Mr. Trotsky?”)

Doubletalk about Trotsky’s Archive

A little further on Trotsky stated:

The Commission is in a position to compare my private correspondence with my articles and books, and in this way determine whether my activity bears the slightest tinge of double-dealing. (CLT 486-487)

Here Trotsky was again lying, as anyone who reads the Dewey Commission transcript can instantly see. For earlier in the same closing statement he had already made the following admission:

Furthermore, it is absolutely indisputable that I would not preserve in my archives records of my crimes had I committed any. (CLT 467)

Early in the Commission sessions Carleton Beals questioned Trotsky on this same point:

BEALS: ...For the purpose of this line of questioning, I am considering you guilty, and therefore I would like to ask you what assurance the Commission would have in examining your archives that you have not

destroyed that which was unfavorable to yourself.

After first agreeing with Beals that the question was “absolutely natural” Trotsky evaded it completely:

TROTSKY: That is an absolutely natural question. But my aim is not to convince the Commission by the documents which I have allegedly destroyed, but by the documents which remain in my archives.

He then proceeded to make an argument based on consistency:

I will prove to the Commission that the man who wrote from year to year those thousands of letters, those hundreds of articles, and those dozens of books and had those friends and those enemies, that this man could not commit the crimes of the indictment. It is the most genuine evidence I have.

Noticing this evasion, Beals tried to ask it again:

BEALS: Answering the question I have —

Trotsky again dodged the question with what can only be described as doubletalk:

TROTSKY: If you will permit me a supplement. It is impossible to introduce allegedly destroyed documents. They could not find place in these archives.

Whereupon he reiterated what amounts to an argument to consistency:

If you suppose, if you have the hypothesis of criminal documents to the German Minister Hess, to Hitler or the military of the Mikado,

then you must find in my archives a place for them. Such a duplicity of character is impossible. (CLT 52)

First, Trotsky admits that he would have destroyed any incriminating documents in his archive. Then Trotsky says that he could not introduce documents that he would have destroyed had they existed, which therefore could not be in his archives. Then he concludes by saying that if he had composed criminal documents they must be in his archive: “then you must find in my archive a place for them.”

The result of this smokescreen of confusing doubletalk is that Trotsky never answered Beals’ question and the Commission never followed up on it. No wonder Beals resigned! What point would there be in the Commission’s examining his archive unless Trotsky told them that he had not removed incriminating documents? The Commission allowed Trotsky to evade this question completely. As we know today, there were indeed incriminating documents in Trotsky’s archive – at least those identified by Getty and Broué, but undoubtedly more, perhaps many more since, as Getty was the first to note, the archive has been “purged,” though imperfectly.

Trotsky affirmed a logical absurdity. He agreed that he would have removed any incriminating documents from his archive. Yet at the same time he asserted that the same archive – the letters, articles, and books that remained after anything incriminating had been removed from it – would prove his innocence!

Once again Trotsky’s bluff worked on the Commissioners – either that, or they never intended to do the necessary work to verify Trotsky’s statement in the first place.

“Torture” and the Moscow Trial

In his concluding statement Trotsky claimed that the defendants at the 1936 and 1937 Moscow Trials were tortured and threatened with the torture of their families.

Read Pyatakov's, and especially Radek's, last pleas, and between the lines you will read as follows: "You demanded that we degrade and stultify ourselves in order to expose Trotsky and Trotskyism. Because we are broken and demoralized individuals, because of the mental torture we have suffered, because we fear that you will torture our loved ones as you are torturing us, we have agreed to say everything that you dictated to us. Now grant us our lives, and, if not, then shoot us and save our fathers, mothers, wives and children." (CLT 453)

4. Although Nikolayev and the thirteen other executed men said everything that was asked of them (and *I assume that Nikolayev and his companions were subjected to physical torture*), **they did not have a word to say about the participation of Zinoviev, Bakayev, Kamenev**, or any other "Trotskyite" in the assassination. The GPU, obviously, never once questioned them along these lines. (CLT 496, *italics in original*)

Trotsky's "torture" talk was a smokescreen. In his testimony at the January 1937 Moscow Trial Karl Radek had referred explicitly to the issue of torture and ridiculed it:

RADEK: When I found myself in the People's Commissariat of Internal Affairs, the chief examining official realized at once why I would not talk. He said to me: "You are not a baby.

Here you have fifteen people testifying against you. You cannot get out of it, and as a sensible man you cannot think of doing so. If you do not want to testify it can only be because you want to gain time and look it over more closely. Very well, study it." For two and a half months I tormented the examining official. **The question has been raised here whether we were tormented while under investigation. I must say that it was not I who was tormented, but I who tormented the examining officials and compelled them to perform a lot of useless work.** For two and a half months I compelled the examining official, by interrogating me and by confronting me with the testimony of other accused, to open up all the cards to me, so that I could see who had confessed, who had not confessed, and what each had confessed.

This lasted for two and a half months. And one day the chief examining official came to me and said: "You are now the last. Why are you wasting time and temporizing? Why don't you say what you have to say?" And I answered: "Yes, tomorrow I shall begin my testimony." And the testimony I gave contains not a single correction from first to last. I unfolded the whole picture as I knew it, and the investigation may have corrected one or another personal mistake about the connections of some person with another, but I affirm that not a single thing I told the examining officials has been refuted and that nothing has been added.

I have to admit one other guilt. Having already confessed my guilt and having disclosed the organization, I stubbornly refused to testify

with regard to Bukharin. I knew that Bukharin's position was just as hopeless as my own, because our guilt was the same, if not juridically, then in essence. But we are close friends, and intellectual friendship is stronger than any other kind of friendship. (1937 Trial 549).

Anyone who reads the transcript of the Radek-Piatakov trial can see that it would be hard to imagine a cooler customer than Radek. But Trotsky could count on the fact that very few people would read this long, 580-page transcript with both care and objectivity.

Trotsky's statement about Nikolaev (the assassin of Sergei Kirov) is interesting in a somewhat different way. We know today that neither Nikolaev nor any of the defendants were "tortured." This might, or might not, count as a lie. After all, Trotsky assumed, but did not assert, that these men were "tortured."

But Trotsky's following statement – in boldface above – is a deliberate lie, for the Kirov Trial defendants did indeed implicate Zinoviev, Bakaev, Kamenev, and other Zinovievists. The names of Zinoviev, Kamenev, and others were mentioned in the press, and Trotsky read it. We have examined Trotsky's lying about the Kirov murder in *Trotsky's 'Amalgams'*.

Concerning Holtzman (Gol'tsman Trotsky stated:

Suffice it to say that, despite the insistence of the Prosecutor, Holtzman denied any participation whatever in the terrorist activity. (CLT 516)

This is a veiled reference to page 158 of the 1936 Trial transcript, where Vyshinsky says:

Holtzman adopted the same position as Smirnov – I admit everything except terrorism – because he knows that for terrorism he may have to pay with his head.

Trotsky does not seem to realize that this is evidence that Gol'tsman was **not** tortured since, presumably, enough torture would have forced him to admit to anything the Prosecution charged him with. Or perhaps he just did not expect the Dewey Commission, or anyone who might read the 603-page transcript of its hearings, to realize it. Sure enough, the Commission did not realize that Gol'tsman's refusal here contradicted Trotsky's claim that the defendants were tortured.

Trotsky does not mention the fact that Smirnov also denied terrorist activity but was exposed by the testimony of a number of others, including Gaven, Mrachkovsky, Safonova, Dreitser, and Gol'tsman. In the case of a conspiracy, where documentary evidence is not to be expected, the mutual accusations by other members of the conspiracy are considered to be strong evidence of guilt in any judicial system.

Could Trotsky Speak Norwegian?

During the discussion about Piatakov's putative secret trip to Norway to see Trotsky the following exchange took place:

GOLDMAN: Did you ever take any trips without anybody at all?

TROTSKY: Never.

GOLDMAN: All alone?

TROTSKY: Never. It is impossible, Mr. Attorney, because if I am on the street and recognized by the people I am absolutely helpless. I am surrounded by people, and especially in

Norway – **I don't speak Norwegian** – I must have some Norwegian people who can defend me.

GOLDMAN: Didn't you learn Norwegian while you were there?

TROTSKY: Not sufficiently to speak. (CLT 209)

Now it seems that Trotsky was lying even in this apparently small matter! Sven-Eric Holmström has amassed contemporary testimony from Norwegians who conversed in that language with Trotsky.

This may not be so unimportant after all. Holmström has been researching the possibility that Piatakov did in fact fly to Norway to talk with Trotsky. Trotsky made the claim that he could not speak Norwegian as evidence that he could not have met with Piatakov unless accompanied by a Norwegian speaker, and Konrad Knudsen's family was prepared to swear that they did not accompany him on any such trip. Holmström has identified a person who spoke both Norwegian and Russian, who may have accompanied Piatakov to a meeting with Trotsky, and who had the authority to make such a meeting secret.

The Dewey Commission II – The Report

Charles Beard's First Letter

In Part III of his lengthy closing statement during the Dewey Commission hearings Leon Trotsky discusses a letter of March 19, 1937 from Charles Beard addressed to George Novack. In it the renowned American historian gives his reasons for refusing the invitation to become a member of the Commission.

Trotsky reproduced, with comments, two direct quotations from the letter and one paraphrase. We'll examine each of them here. The letter itself was not included in the Appendix-Correspondence section of the Hearings volume. No one could check its text to verify whether Trotsky were quoting it accurately or honestly describing its contents.¹⁹

Trotsky's first description of Beard's letter includes a direct quote from it:

First of all, he says, the accusation against Trotsky rests *exclusively* on the confessions. "From a long study of historical problems, I know that confessions, even when voluntarily made, are not positive proof."

Trotsky's paraphrase:

Furthermore, Professor Beard deems it proper to apply a rule which governs American jurisprudence, namely: The accused must be considered innocent if there have not been

¹⁹ Beard's letter is published in Harold Kirker and Burleigh Taylor Wilkins. "Beard, Becker and the Trotsky Inquiry." *American Quarterly* 13, No. 4 Winter 1961 pp. 516-525, at page 519.

brought against him objective proofs which leave no room for reasonable doubt.

Trotsky's second description of Beard's letter contains a quotation from it:

Finally, the historian writes that "it is almost, if not entirely, impossible to prove a negative in such a case; namely, that Mr, Trotsky did not enter into the relations of conspiracy charged against him. Naturally, as an old revolutionist, experienced in the art, he would not keep incriminating records of the operations, if he did engage in them. Furthermore, no person in the world could prove that he has not engaged in a conspiracy, unless he had a guard set over him every moment of the time covered by the charges. In my opinion it is not incumbent upon Mr. Trotsky to do the impossible – that is, prove a negative by positive evidence. It is incumbent upon his accusers to produce more than confessions, to produce corroborating evidence to specific and overt acts." (CLT 464-465)

On the first quotation concerning confessions not being "positive proof" Trotsky made the following comment:

The word "even" indicates clearly enough that the question of the voluntary character of the Moscow confessions is for this scholar, at the very least, open. As an example of false self-accusations, Professor Beard cites the classic cases of the trials of the Inquisition, along with instances of the darkest superstition. That single comparison, which coincides with the development of the thought of Friedrich Adler, secretary of the Second International, speaks for itself. (CLT 464)

Trotsky's remarks here are not accurate. Beard did not refer to the Inquisition at all. The passage in question reads as follows:

Accused persons have confessed to personal communications with the devil, to riding broomsticks in the sky, to witchcraft, to sorcery, and to causing death and destruction by resort to evil spirits.

Beard was referring to confessions "even when **voluntarily made.**" He did not refer to the Inquisition, which would raise the question of torture and compulsion. It is Trotsky who raises the question of "the trials of the Inquisition." Trotsky states that Beard was comparing the Moscow Trials to the Inquisition, as Trotsky himself did. But Beard did no such thing.

Beard said that even voluntary confessions "are not positive proof." That is, they are not conclusive. He did not deny that they are "proof," that is, important evidence.

Beard continued:

Confession unsupported by other evidence is not proof beyond a reasonable doubt. As far as I am able to ascertain the confessions made in the Russian trial court were not supported by any corroborating evidence which has been made available to us. Hence I do not regard the charges that Mr. Trotsky entered into a conspiracy against the Russian government as proved beyond all reasonable doubt.

The issue here is: What constitutes "other evidence," "corroborating evidence"? Competent criminal conspirators do not leave written evidence of the conspiracy lying about to be found by the police.

In Trotsky's first quotation above he claims to be paraphrasing a passage in Beard's letter. But Trotsky's paraphrase is inaccurate. Here is what Beard actually wrote:

In the second place, I apply to Mr. Trotsky the rule applied in American jurisprudence, namely, that he is to be deemed innocent of the charges until they are proved beyond all reasonable doubt. He may be distressed by charges but he is entitled to be deemed innocent of these charges until corroborating evidence has been produced.

Trotsky's statement is false. Beard did not mention "objective proofs which leave no room for reasonable doubt." Beard wrote "...until corroborating evidence has been produced. "It is easy to see why Trotsky preferred to put words into Beard's mouth instead of quoting him directly. Mutual confirmation by defendants of each other's confessions is indeed "corroborating evidence."

Evidently Trotsky would have preferred that Beard had commented on a situation where corroborating evidence to confessions does exist but in which all the corroborating evidence has been deliberately faked by the police, the false mutually corroborating confessions obtained by torture, threats, or some other form of compulsion. That is what Trotsky contended was the case in the first two Moscow Trials. But Beard did not make any such reference.

Trotsky agreed with the substance of his second quotation from Beard's letter. He stated:

... it is absolutely indisputable that I would not preserve in my archive records of my crimes had I committed any. (CLT 467)

But then he continues with an absurdity and a false conclusion.

But my archives are important for the investigation, not for what they lack, but for what they contain. Positive acquaintance with the daily development of my thought and acts over a period of nine years (one year of banishment and eight of exile) is entirely sufficient to demonstrate a “negative fact” – namely, that I could not have committed acts contrary to my convictions, to my interests, to my whole character.

This is doubletalk coupled with false logic. The doubletalk is the first sentence, in which Trotsky claims that his archives would provide proof of his innocence even if he had removed all the incriminating materials.

The false logic is that what was left in his archive could “prove a negative”—that his archives would be fully consistent with his public writings and statements. Not only is this nonsense – Trotsky has just admitted that he would have removed anything incriminating beforehand – but we know it is false. Evidence of the bloc, of correspondence with Radek, Sokol’nikov et al., and of other matters Trotsky stoutly and dishonestly denied to the Commission have indeed been found in his archive. Trotsky’s discussion of Beard’s letter to Novack is dishonest – a bluff.

Beard’s Second Letter

On March 22, 1937, Beard wrote another letter²⁰ concerning the Commission. This letter was in reply to a letter by John Dewey in which Dewey evidently urged Beard to join the Commission. Dewey’s letter has not been located.

²⁰ Harvard Trotsky Archive, bms Russ 13.1 13783.

Neither Trotsky nor the members of the Commission made any reference to Beard's letter replying to Dewey. It is not hard to imagine why Trotsky didn't mention it. It was not in Trotsky's interest to refer to it. Beard made it clear that there was nothing Trotsky could do to demonstrate his innocence. It was clearly against Trotsky's interest that this opinion by so prominent a historian be made known.

But the Commission ought to have found some way to make its contents public. The fact that it did not do so argues that the Commission was not objective but, on the contrary, suppressed documents that contradicted its professed mission.

Beard wrote:

If Trotsky is guilty, he would not, as an experienced revolutionist, keep incriminating records in his files and papers; nor, if he even had them, would he keep them in his files to be examined by any commission of inquiry. On the other hand, if he is not guilty, he certainly could not demonstrate the fact by an absence of records—i.e. prove his innocence. It requires no trip to Trotsky to know that the Commission of Inquiry would have to report "no evidence" of guilt in Trotsky's papers.

Beard was correct. Trotsky could not prove his innocence “by an absence of record.” Trotsky would have to “prove a negative” – that he did not do some things. As Beard had pointed out in his letter to Novack of March 19, 1937, that would be impossible “unless he had a guard set over him every moment of the time covered by the charges.” Moreover, as we know now, Trotsky was *not* in fact innocent of at least some of the charges against him. Indeed, on the evidence we now have – including the Moscow Trials testimony, which we have verified in the first twelve chapters of *Trotsky’s ‘Amalgams’* – Trotsky was guilty of *all* of those charges.

What Beard wrote next cut the ground out from under the entire Dewey Commission enterprise:

Well, that would be seized upon by ignorant partisans as evidence that he is not guilty, and encourage them to declare the claim of innocence proved. Now I cannot be a party to an enterprise that can have only one outcome which is fully known in advance.

This is exactly what happened: the Dewey Commission “declared Trotsky’s claim of innocence proved.” What’s more, the Commission itself promoted this falsehood – that they had proved Trotsky “Not Guilty,” the title of the concluding Dewey Commission volume.

Beard continued:

So my judgment stands in my mind: (1) a confession is not proof; (2) Trotsky is innocent until proved guilty; (3) no matter what papers Trotsky may have, he cannot prove his innocence by anything he can show; (4) only a court with power to summon the principals and compel them to give testimony could come anywhere near the truth.

We've examined Beard's statement that "a confession is not proof" above. Point 3 here is the central issue. Beard recognized that it was impossible for Trotsky, as it would be for anyone, to "prove his innocence" by anything he could show.

Beard also wrote that "Trotsky is innocent until proven guilty." However, in Beard's point (2) "innocent" means something different from what "innocence" in point (3). In point (2) "innocent" means "in a juridical sense" – that the burden of proof is on the accuser. The fact that a defendant in a trial may be found "not guilty" does not mean that s/he is, in fact, innocent of the charge -- that s/he did not commit the crime in question. It is not a statement about the defendant at all but about the evidence (as assessed by the judge or jury). In a judicial sense, "not guilty" does not mean "innocent"; it means guilt is "not proven." This is the most that the Commission could do – find Trotsky's guilt "not proven."

But the Commission went far beyond that. The Commission claimed that they had "found" – that is, proven – that Trotsky was in fact "innocent."

(22) We therefore find the Moscow trials to be frame-ups.

(23) We therefore find Trotsky and Sedov not guilty. (NG xxiii)

In Beard's terms, Dewey and the rest of the Commission members were the "ignorant partisans" who "declare[d] the claim of innocence proved." Beard recognized that the Dewey Commission was "an enterprise that can have only one outcome which is fully known in advance" and did not want to be associated with it. Beard was correct. What's more, Beard did not know what we know today: he did not know about Trotsky's lying to the Commission and withholding of evidence.

Nor did Beard know that the Commission would not even bother to examine Trotsky's archives. Perhaps the Commission members did not do this because they recognized the truth of what Beard said and to which Trotsky agreed – that anything incriminating would have been removed in advance, and so it would be fruitless to search Trotsky's archive. It is ironic that materials incriminating Trotsky and proving his duplicity do remain in Trotsky's archive despite an attempt at some time to "purge" it.

Whatever their reasons for not examining Trotsky's archives at his invitation, the Commission should have stated them in order to avoid the impression that they simply "believed" whatever Trotsky told them. But this was the fundamental problem with the Dewey Commission: it did, in fact, "believe Trotsky."

Beard continued:

... let Trotsky publish everything he thinks will clear him of the charges, for the capitalist press is eager to have everything that will discredit Soviet Russia.

In a letter to his fellow Trotsky supporters Bernard Wolfe and Herbert Solow, Felix Morrow wrote the following:

Beard absolutely won't talk to us. His second letter (to Dewey who wrote him after his first letter) indicates that he will not be gotten now or ever. There is a sentence in the second letter, stating that anything Trotsky offers the capitalist press is eagerly printed, because the cap press desires to discredit Soviet Russia — this is revealing and a warning to us not to press him.²¹

²¹ Harvard Trotsky Archive, bms Russ 13.1 6898, Houghton Library.

Morrow saw this statement of Beard's as reason that Trotsky supporters should stop urging Beard to participate in the Commission. But who could deny the truth of what Beard had written? Surely it was obvious that the capitalist press did not print Trotsky's articles out of sympathy for the anti-capitalist, revolutionary aims that Trotsky professed, but out of sympathy for his anti-Soviet views.

Pierre Broué waxed indignant over Beard's statement:

C'est avec un véritable chagrin que l'on prend conscience que des hommes dont les qualités d'esprit, l'honnêteté intellectuelle -- oui -- et le dévouement au travail ont permis d'ouvrir à leurs contemporains la perspective d'une meilleure compréhension de leur passé comme de leur avenir, se soient révélés aussi médiocres au moment où ils auraient dû savoir, comme John Dewey, prendre leur temps pour une bonne cause et justifier leur combat d'historien par un combat dans le présent pour l'avenir. Ce n'est pourtant pas en eux qu'il faut chercher la clé de leur comportement mais dans la campagne forcenée menée au cours des semaines précédentes par les staliniens américains et leurs agents en milieu littéraire, contre le comité et ses membres, contre Trotsky, contre Dewey, contre le droit d'exprimer et de critiquer l'Union soviétique et son chef "genial." La malheureuse phrase de Charles Beard sur l'empressement de la presse capitaliste à imprimer Trotsky porte la marque de sa fabrique.²²

Translated:

²² Pierre Broué, "L'historien devant la vie.: Charles A. Beard et le procès de Moscou." CahLT 19 (Sept. 1984) 68-77, at 73.

It is with a real sense of sadness that we realize that men whose qualities of mind, intellectual honesty - yes - and dedication to work have opened for their contemporaries the prospect of a better understanding of their past and their future, have proven as mediocre at the moment that they should have known how, like John Dewey, to devote some time to a good cause and justify their struggle as a historian by a struggle in the present for the future. It is, however, not in them that we must look for the key to their behavior, but in the frenzied campaign conducted during the preceding weeks by American Stalinists and their agents in literary circles, against the committee and its members, against Trotsky, against Dewey, against the right to express [oneself] and to criticize the Soviet Union and its "genius" leader." Charles Beard's unfortunate phrase about the willingness of capitalist press to print what Trotsky writes bears the mark of this factory.

Broué called Beard's statement "the unfortunate phrase" and opined that Beard said it under the influence of "American Stalinists and their agents in the literary world." But Broué did not say it was untrue. The capitalist press was certainly printing Trotsky because he was attacking the Soviet Union, which the capitalists also hated.

A passionate Trotsky partisan, Broué believed that Dewey was correct in deciding that Trotsky was innocent and that Beard was wrong. Broué was unable to see that it was Beard, not Dewey, who was objective.

Et c'est là que se situe le véritable problème, esquivé par nos excellents collègues. Relisant aujourd'hui l'admirable rapport de la commission Dewey sur la falsification de l'histoire par les procureurs et les policiers de Staline, relisant sa déclaration d'innocence pour Trotsky et Sedov, morts de la façon qu'on sait moins de trois années après, on ne peut qu'éprouver un sentiment d'indignation pour des hommes, aussi éminents soient-ils, qui ont invoqué "leur travail" et tant de mauvaises raisons pour éviter de se compromettre avec une cause qu'ils savaient juste, mais qu'ils croyaient perdue, en adorateurs du fait accompli qu'ils étaient peut-être, ou, tout au moins, en historiens plus soucieux de questions "académiques" que de problèmes relevant de la rue ou de la vie. (72-3)

Translated:

And this is where the real problem lies, dodged by our excellent colleagues. Rereading today the admirable report of the Dewey Commission on the falsification of history by Stalin's prosecutors and policemen, rereading its declaration of innocence for Trotsky and Sedov, dead less than three years later by the manner of which we know, one can only feel a sense of outrage for men, eminent though they are, who cited "their work" and so many bad reasons to avoid compromising themselves in a cause they knew to be just, but that they believed to be lost, worshipers of the accomplished fact which they perhaps were, or, at least, historians more concerned with issues "academic" than with problems from the street or in life.

How could Broué have written these words when he already knew that Trotsky had lied about the bloc with the Soviet Oppositionists, and therefore that Trotsky had lied repeatedly in his testimony? Evidently Broué was blinded by his loyalty to Trotsky to such a degree that he was incapable of recognizing the truth of what Beard had written: that it was impossible for the Commission to establish Trotsky's innocence or guilt.

Broué knew more about Trotsky's lies than anyone else at the time. But he never set what he knew about Trotsky's lies beside Trotsky's testimony, articles, and interviews. To do so would have required a degree of objectivity: the determination to concede that his hero might have been wrong. This fundamental precondition of historiography, objectivity – the determination to question one's own preconceived ideas and to take concrete steps so as not to be blinded by them – proved to be beyond Broué's ability. Broué appears to have been ignorant even of the fact that historians are *supposed* to struggle for objectivity.

Dewey and the Commission were wrong to conclude that the trials were a "frame-up" and Trotsky was innocent. As Beard realized, they could not reach such a conclusion with any validity. What they could do was to "declare [Trotsky's] claim of innocence proved" and to delude others to that effect. This is what the Commission's report has done since its volumes were published: they have deluded others.

“Not Guilty”?

In this section we will examine Volume 2 of the Commission's publications: the book *Not Guilty. Report of the Commission of Inquiry Into The Charges Made Against Leon Trotsky in the Moscow Trials*.²³ We will point out a few of the many errors in logic and reasoning that the Commission members made in reaching their conclusions. We will also indicate where we now know Trotsky lied.

We know today that the Commission could have discovered that Trotsky was lying if they had accepted Trotsky's offer and assigned a team to study his archive. Trotsky would no doubt have “purged” his archive of whatever he could, as quickly as possible. But it is doubtful whether he could have done a thorough job. There must have been much more compromising material in the archive in 1937 than what remained in it in 1980, when it had been gone over numerous times by Trotsky's secretary Jean van Heijenoort, almost certainly the person who imperfectly “sanitized” the archive.²⁴

The Commission elected not to study Trotsky's archive. But they should have known that he *might* be lying. It was an error on their part, born of bias, of ignorance, or both, not to recognize this possibility. After all, they certainly recognized that the defendants in the Moscow Trials might be lying.

²³ New York, London, Harper & Brothers, 1938; 2nd edition New York, Monad Press, distributed by Pathfinder Press 1973. (NG)

²⁴ See the discussion in Furr Amalgams,, “Chapter 6: Non-Soviet Evidence – The Trotsky Archive Purged.”

The Commission made error after error of logic and deduction. It failed to check up on statements Trotsky made – and, in the case of the Paris hearings, that Sedov made. They failed to verify facts even when, as in the “Hotel Bristol – Bristol Konditori” matter, it was completely in their power to check them.

The Commission may have been reasoning from a bias against Stalin and Soviet communism, or a bias in favor of Trotsky, or both. But it was also reasoning from a position of naiveté about their own abilities. Non-historians often believe that no special training is needed in order to assess historical evidence. Many people, especially those with some education, commonly believe that they themselves are good judges of historical evidence even though they have never had the training, or trained themselves, to learn how to analyze historical evidence objectively; even though they have never given the question of how to interpret historical evidence any serious thought, or even any thought at all. This was clearly the case with the Commission members and of John Dewey himself.

* * * * *

I.N. Smirnov

In its “Summary of Findings” the Commission wrote the following about I.N. Smirnov:

(3) On the basis of all the evidence, we find that Trotsky never gave Smirnov any terrorist instructions through Sedov or anybody else.
(xxi)

This is a fault in logic. There are no grounds for this conclusion. It was impossible for the Commission or anyone else to reach this conclusion validly on the basis of the evidence and testimony before it.

Moreover, we know the Dewey Commission was factually wrong. Pierre Broué showed that Gol'tsman did carry messages between Trotsky and Smirnov. The Commission had no way of knowing what those messages were. We know that Sedov, and therefore Trotsky, did advocate "terror," i.e. assassination. We know that Trotsky was in a bloc with Rightists whose leader, Bukharin, had been plotting to assassinate Stalin since at least 1928. Therefore, these messages could have been "terrorist" messages, as they were asserted to be in testimony at the Moscow Trial. In the third volume of this study we will examine much more evidence about Smirnov's role in planning "terror."

Gol'tsman

(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. (xxi)

This is a fault in logic. Again, there are no grounds for this conclusion. It was impossible to validly reach it on the basis of the evidence and testimony the Commission had.

Moreover, we know that Gol'tsman did indeed act as go-between between Sedov (Trotsky) and Smirnov. Broué admitted that Gol'tsman carried at least one message to Smirnov. But Gol'tsman met with Sedov perhaps as many as eight times. He could have carried "terrorist" instructions, as testified at the 1936 Moscow Trial. But the Dewey Commission never asked Sedov anything about these meetings.

Piatakov

(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. (xxii)

This is another fault in logic. The Dewey Commission goes on to talk about “the disproof of the testimony of the defendant Pyatakov” and how that “completely invalidates the testimony” of others. But the Commission did not disprove Piatakov’s testimony at all. They could not do so, with the evidence and testimony they had.

Furthermore, it is invalid to reason that if *any* part of a defendant’s testimony is untruthful, then *everything* is untruthful. It is simply not the case that either everything a defendant said is true, or everything is false. Human beings, including defendants at trials, do not either tell the truth all the time or lie all the time. The fact that a person tells a lie does not in the least mean that person always lies. In fact, no human being always lies or always tells the truth. For the Commission to be ignorant of this elementary issue is a strong sign of bias and incompetence, or of dishonesty.

But in fact the Commission did not prove that *any* part of Piatakov’s testimony was untruthful. They simply *asserted* that it was. The Commission “believed Trotsky.”

In his “slip of the tongue” interview with the Dutch Social-Democratic newspaper *Het Volk* Sedov revealed that Trotsky had been in touch with Radek *and* Piatakov.²⁵ We know today that this was true. We know that Trotsky was in contact with Radek, though Trotsky lied repeatedly about this. Logically, it is possible that Trotsky was also in direct contact with Piatakov. And we have demonstrated in Part One that there is no reason not to accept the Moscow Trials testimony as valid, including Piatakov’s here.

²⁵ See the discussion in Furr Amalgams, “Chapter Four. Non-Soviet Evidence – Trotsky’s Contacts Inside the USSR,” subsection “Sedov’s ‘Slip of the Tongue.’”

As for the flight to Norway, it is, perhaps, conceivable that Piatakov made it all up. But there is a great deal of testimony from various trial defendants that Piatakov did fly to Norway and met with Trotsky either at the time he testified or at another time and in another manner. The Commission did not investigate the issues surrounding Piatakov's alleged flight. We have examined Trotsky's evasions about this issue in Part One. We will have more to say about Piatakov's flight in volume three.

We now have the transcript of the face-to-face interrogation with Bukharin, Stalin, Ezhov, and Ordzhonikidze of December 7, 1936. This transcript was published in 2002. Piatakov confesses privately to being involved in the Trotskyist reserve leadership, though he says nothing about the flight to Norway.

ЕЖОВ — В своих показаниях, данных вами в течение трех допросов, вы показали относительно состава так называемого **запасного троцкистского центра**, куда вы входили, и относительно **блока с правыми**. Вы это подтверждаете?

ПЯТАКОВ — Подтверждаю.

ПЯТАКОВ — ... В 1931 г. у меня состоялась **встреча с Седовым**, о которой я показывал наряду с другими вещами. Седов говорил относительно того, что ему <с.4> известно об активизации работы правых, что **троцкистский центр**, который к тому времени образовался в Союзе, **связан с правыми** и что, с его точки зрения, речь идет **о возобновлении крупной борьбы, причем всякие средства должны быть пущены в ход**. Вопрос блока с правыми или,

как тогда Седов передал, контактирование с правыми, является неизбежным.

Так как Седов, как я уже показал, был для меня не партнером в обсуждении политических вопросов, я выслушал от него **только то, что он передал со слов Троцкого**, и не ставил перед ним вопроса, на какой основе создается **блок** и т.д. Тем более что он мне передал, что **в Союзе троцкистский центр установил эти связи**.

Троцкий знал мои отношения с Бухариным; он предлагал мне возобновить **связь с Бухариным**, так как с Рыковым у меня никогда личных отношений не было...

Я не могу припомнить сейчас, было ли это в начале или в середине 1932 года. Точной даты я не могу припомнить. Но я рассказал Бухарину относительно своей **встречи с Седовым**, относительно **террористических установок Троцкого**, относительно **блока с правыми**. Бухарин не выразил никакого особенного удивления, из чего я сделал вывод, что из других источников это ему более или менее известно.

На одном из заседаний Политбюро в течение 10—15 минут мы с Томским имели разговор, причем из этого разговора явствовало, что с **Сокольниковым** он виделся, разговаривал и одобряет **блок с нами, троцкистами**.

ПЯТАКОВ — Конкретно шел разговор о директивах Троцкого, переданных мне Седовым.²⁶

Translated:

EZHOV: In your confessions given during the course of three interrogations you confessed concerning the membership of the so-called **reserve Trotskyist center** in which you were a member, and concerning the **bloc with the Rights**. Do you confirm this?

PIATAKOV: I confirm it.

PIATAKOV: In 1931 I had a **meeting with Sedov**, concerning which I have confessed together with other things. Sedov said that he knew about the activization of the work of the Rights, that **the Trotskyist center** which at that time was being formed in the USSR was **in contact with the Rights**, and that from his standpoint, this was a question of the **renewal of a serious struggle, in which all means should be utilized**. The question of the bloc with the Rights or, as Sedov informed me at that time, contacting the Rights, was essential.

Since Sedov, as I have already confessed, was no equal for me in the matter of discussion of political questions, I listened **only to that which he transmitted from the words of Trotsky**, and did not ask him on what basis the

²⁶ "Stenogramma ochnykh stavok v TsK VKP(b). Dekabr' 1936 goda." *Voprosy Istorii* No. 3, 2002, 3-4.

bloc was being formed, etc. All the more so since he informed me that **the Trotskyist center in the USSR had established these contacts.**

Trotsky knew my relationship with Bukharin and he proposed that I should renew my **contact with Bukharin**, since I had never had personal relations with Rykov...

I can't remember now whether this was at the beginning or in the middle of 1932. I can't recall the exact date. But I told Bukharin about **my meeting with Sedov**, about **Trotsky's terrorist instructions**, about **the bloc with the Rights**. Bukharin showed no special surprise, from which fact I concluded that he was more or less aware of these matters from other sources.

At one of the Politburo sessions Tomsy and I had a 10 or 15 minute conversation and from that conversation it became clear that **he was seeing Sokol'nikov** and was discussing and approved **a bloc with us Trotskyists.**

PIATAKOV: In concrete terms we have a conversation about the directives of Trotsky which were given to me by Sedov.

Here Piatakov outlines his contacts with Sedov and the Trotskyist group with the Rights and Bukharin. Today we know that the bloc of which Piatakov speaks did exist. We simply have no evidence that Piatakov was lying, and therefore no reason to think that he was – for example, that he had been “forced” to make false statements here.

In Part Two, Chapter Two of *Trotsky's 'Amalgams'* we cited Anna Larina's account of what Bukharin told her when he returned from this face-to-face confrontation. Bukharin confirmed that Piatakov had confessed his guilt to Ordzhonikidze. Bukharin did not tell Larina that he thought Piatakov was lying – if he had done so, Larina would have said that. But she does not.

We also have Sergo Ordzhonikidze's speech of February 5, 1937, to leading members of the Commissariat of Heavy Industry, where Piatakov had been his assistant. It is clear from this speech that Ordzhonikidze believed Piatakov guilty. (Getty & Naumov 292-294)

You think that if I had as my first deputy a man like Piatakov, who had worked in industry for the past 15 years, who had tremendous connections with all sorts of people, you think that this person couldn't possibly sneak one or two of his people in. But sneak them he did! Some of them were found out, others were not. You have, after all, heard of their tactics. Who among you has raised the question of finding out how things are going on in your chief directorate?

You think that a wrecker [*vreditel'*] is someone who walks around with a revolver in his pocket, someone who hides in some dark corner somewhere, waiting for his victim? Who could imagine that Piatakov could be a saboteur, and yet he turned out to be a

saboteur, and, more still, a fine talker. He told how he did it.

Ordzhonikidze went on to explain how he had had Todorskii, someone whom Piatakov had named, expelled from the Party.²⁷ Ordzhonikidze further explained how the Party had reprimanded him for expelling Todorskii on these grounds – presumably, without a Party hearing or trial.

We also have an extract from Stalin's presentation at the December 1936 Central Committee Plenum, from which we have quoted in Part One, Chapter 12 of *Trotsky's 'Amalgams'*. Rather than quote this statement at length here, we refer the reader to our translation of it, which is online.²⁸

In short, we have a great deal of testimony to Piatakov's guilt, and no evidence to the contrary. Meanwhile, we know that Trotsky lied about all this to the Commission. The evidence shows that Trotsky was in touch not only with Radek but with Piatakov as well. There is no reason to doubt Piatakov's confession that Trotsky had given him "terrorist directives" since we know Trotsky supported the use of terror.

Romm

(14) We find that the disproof of Vladimir Romm's testimony and that of Pyatakov completely invalidates the testimony of the defendant Radek. (Not Guilty xxii)

²⁷ In the public transcript of the January 1937 Moscow Trial Todorskii is named by Rataichak another of the defendants, not by Piatakov. (1937 Trial 420) Piatakov must have named him in an interrogation not made public.

²⁸ See Furr *Amalgams*, note 3 of Part One, Chapter Seven, and note 3 of Part One, Chapter Twelve..

This is a fallacy. The Dewey Commission could not have proven that Romm had not met Trotsky at the end of July 1933, as Romm had testified.

Trotsky *asserted* that he had not visited Paris at that time. (CLT 181) But the Commission could not *prove* that he had not done so. Trotsky's biographers agree that he arrived in St. Palais-sur-Mer, near Royan, France, on July 25, 1933, and resided there until October of that year. This is about eight hours by car from Paris. On November 1, 1933, Trotsky moved to Barbizon, a town less than two hours from Paris by car.

We know that Trotsky travelled incognito from Barbizon to Paris multiple times. We know that he visited Simone Weil in Paris at the end of December. Here is how Weil's biographer, basing his account on Weil's own, describes Trotsky at that time:

Trotsky arrived on the twenty-ninth or thirtieth, with his wife Natalia Sedova and two bodyguards. He had shaved off his goatee and mustache and had used pomade to flatten his thick mane of hair. Thus transformed and dressed like a bourgeois, he was quite well disguised. ...²⁹

Trotsky and "his family, his guards, and some friends" went to see an Eisenstein film showing in the neighborhood. Despite what Pétrement describes as their furtive behavior no one recognized them.

²⁹ Simone Pétrement. *Simone Weil. A Life*. Translated from the French by Raymond Rosenthal. New York: Pantheon Books, 1976, 188.

We know about this visit because Simone Weil wrote about it. Could Trotsky not have made other visits to Paris in disguise, about which no one wrote? Of course he could have. According to leading Trotskyist historian and biographer Jean-Jacques Marie, Trotsky visited Paris in disguise about once a week after November 1933. (Marie, Trotsky 423) It is possible that Trotsky did so before November 1933 as well – from St. Palais to Paris, for example.

Also, Romm might have misremembered the date he met with Trotsky, or lied about it for some reason. So the Commission could never “disprove” Romm’s statement in general.

In any case it is invalid to conclude that if any part of a defendant’s testimony is untruthful, all of it is untruthful. Charles Beard, in his letter to Dewey, wrote:

Even if he could prove the falsity of the charge that he did not meet Romm in Paris,³⁰ that would be only a detail, though presumptive evidence against the general charge. It would not settle the issue.

Beard is correct. The fact that an accused makes a false statement does not prove that all the accused’s statements are false – it does not “completely invalidate” Romm’s testimony. In fact we know

* that Trotsky was in contact with Radek;

* that Trotsky lied about this, and about many other matters, to the Commission

³⁰ Beard clearly intended to write “...that he met Romm in Paris...”

We cannot establish even today that Romm's testimony was false, even as to the month he named. Trotsky travelled about *in disguise, secretly*. It is simply not possible to "prove" that he did *not* go to Paris to meet Romm. Neither could the Dewey Commission. The Commission could of course take Trotsky's, and his friends', word for it. In the end, that is basically what the Commission did do. But then, why bother with a commission of inquiry at all – unless it was intended to be a "whitewash" from the beginning?

Conspiracy

(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. (xxii)

This is another fault in logic. The Commission had no basis in evidence for its "conviction" that the letters "never existed" or for its conclusion.

What's more, we can be certain that the Commission was wrong. Trotsky did write Radek a letter at exactly the same time that Radek testified at the January 1937 Trial. Radek also testified that Trotsky's letter was "conspiratorial."

There is no reason to believe that Radek was lying here. Trotsky would scarcely have written to him for any other than a conspiratorial purpose. But we know that Trotsky lied to the Dewey Commission on this point as on many others.

Terror

(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. (xxii)

This is patently groundless. The fact that Trotsky has never *publicly* supported “individual terror” and therefore could not have *privately* done so is absurd. The Dewey Commission had no way of determining that Trotsky never contacted any of the Moscow Trial defendants, much less what he might have told them.

Moreover, Dewey himself had caught Trotsky out on this very question. Trotsky had advocated “terror,” without specifying “individual” or some other form of “terror.” As we have seen, Trotsky was flustered by Dewey’s question, at first denying that he had signed the document in question and then claiming that it said something other than what, in fact, it did say. We discussed this in the previous chapter. So the Dewey Commission *knew* that Trotsky had indeed advocated “terror” and that he had lied about this to the Commission until the evidence was put in front of him. (CLT 385-6)

Today we know that Trotsky did send a letter to Radek at exactly the same time Radek testified he received a letter from Trotsky, and that he also wrote to other Oppositionists. We also have Zborowski’s testimony that Sedov tried to recruit him to be an assassin in the USSR, and advocated assassination of Stalin.³¹

None of this documentary material is worth anything so far as concerns the existence of a “Trotskyite” conspiracy, or the alleged connections of these accused with such a conspiracy. **And indeed no documentation supporting the charge of conspiracy was either shown to any accused for identification**

³¹ See Furr Amalgams, “Chapter Thirteen. Trotsky on the Kirov Assassination”, subhead “Trotsky and Terror.”

or attached to the records. Yet the accused, according to testimony, had not hesitated to write and send at considerable risk of exposure letters concerning the most compromising of their alleged criminal activities. (NG 29)

This is a failure of logic. We know that Trotsky did send such letters. The Dewey Commission did not know this. But it should have been obvious to them, as it was to Charles Beard, that they could not know whether Trotsky had sent any or not.

Nothing can be concluded from the *lack* of documentary evidence of conspiracy. In this case as in many others the Dewey Commission was guilty of committing a logical fallacy – here, the “argument from ignorance.” It’s an error to expect “documentation” supporting the charge of conspiracy. Conspirators try to leave *no* evidence of their conspiracy.

Even the presence of documentation could not by itself prove or disprove the charge of conspiracy. Such documentation could be forged, no doubt even more easily than testimony can be compelled. We have already noted that *if such documentation existed, its existence would itself be suspect*. Experienced conspirators would never have committed their conspiracy to writing in the first place.

As Charles Beard noted in his letter to Novack,

Naturally, as an old revolutionist, experienced in the art, he would not keep incriminating records of the operations, if he did engage in them.

The Commission should have recognized this elementary fact as well.

Chapter VII. The “Capitulators,” pp. 35-48.

On pages 38 and following of *Not Guilty* the Dewey Commission accepts Trotsky's claim that he could not possibly have formed a bloc with “capitulators.” This is an example of the “argument from incredulity,” another logical fallacy.

On page 43 the Commission raises the issue of “cloaking the conspiracy”:

§ 28. The question arises, of course, whether all these expressions of mutual enmity might not have been published for the purpose of cloaking the alleged conspiracy.

The Commission goes on to dismiss this idea. They had no grounds to do so. And in fact we know that Trotsky did indeed “cloak the conspiracy.” Pierre Broué wrote:

Lev Sedov called the Smirnov group either the “former capitulators” or the “Trotskiite capitulators.” Everybody had known, from 1929 on, that people in the Smirnov group had not really capitulated but were trying to fool the apparatus, and were capable of organizing themselves as an Opposition within the party: the fact was so universally known that Andres Nin, the Spaniard deported from the Soviet Union in August 1930, explained it openly to his German comrades of *Die permanente Revolution* who printed his declaration without apparent problem. (POS 104)

The Commission continues:

And Trotsky, who had been fought by Zinoviev and Kamenev during the period of the Troika, and repudiated by them at the 15th Congress, would appear to have had very little reason to

trust them in an alliance as dangerous as an underground conspiracy. (NG 47)

The Commission had no way of knowing whether Trotsky was dissembling, as indeed he was. Thanks to Broué's discovery of the proof that the bloc of Trotskyists, Zinovievists, Rights, and other Oppositionists really existed, we know Trotsky was lying here.

Then the Commission proceeds to compound their error as follows:

Thus the contention that those Trotskyists who returned to the Party did so in pursuance of a deliberate policy of duplicity inaugurated by Trotsky himself is borne out neither by the evidence nor by any tenable theory. (NG 47-8)

This is true nonsense. Apparently there is no theory that the Commission would consider "tenable." Moreover, since in fact we do possess evidence of "a deliberate policy of duplicity... by Trotsky" – evidence that the Commission refused to look for – no theory, "tenable" or otherwise, is required to fill in any gaps. Even Broué admitted that the "capitulationists" were duplicitous.

On the other hand, the evidence introduced in rebuttal indicates that capitulations were often due to repressions by the GPU; that "capitulators" were systematically pressed to become informers against the Opposition; and that Oppositionists were therefore obliged for the sake of their own safety to abstain from all relations with them and to regard them as enemies. It [the evidence – see above] also indicates that mutual distrust existed between the Trotskyists and Zinovievists, even in exile and in political prisons, and constitutes a **legitimate basis for doubting the probability**

of a new “Trotskyist-Zinovievist” bloc for the purposes of a terrorist conspiracy.” (NG 48)

This is yet another error of logic. There could not be any “legitimate basis” for “doubting the probability for a new ‘Trotskyist-Zinovievist’ bloc” – which we now know did in fact exist – or that it was “for the purposes of a terrorist conspiracy.” Today we have a great deal of evidence of such a conspiracy.

We find that all this evidence warrants due consideration, in weighing the charges and confessions in the two Moscow trials, of Trotsky’s contention that he had regarded the “capitulators” in those trials as his political enemies from the time of their capitulations.

In short, the Dewey Commission *chose* to ‘believe’ Trotsky and to “disbelieve” the Moscow Trial testimony. Beard had predicted as much. He had written Dewey:

... I cannot be a party to an enterprise that can have only one outcome which is fully known in advance.

No wonder Beard refused to join the Commission! And no wonder Felix Morrow expressed relief when Beard refused to join.

Dreitzer

The accused Dreitzer confessed that in the autumn of 1931 he had two conversations with Sedov in Berlin, having been instructed by Smirnov to ascertain Trotsky’s attitude on the formation of a bloc with the Zinovievites (ZK³²

³² ZK is the Dewey Commission’s abbreviation for the transcript of the 1936 Moscow Trial, the “Zinoviev-Kamenev” trial.

51-52); and that in October, 1934, he received from Trotsky a letter in invisible ink, containing instructions on terrorism and defeatism (ZK 22, 52). (NG 51-2)

Today we know the following:

- * The bloc was indeed formed.
- * Gol'tsman did carry messages about the bloc back to Smirnov.
- * Sedov and Trotsky did write letters in invisible ink (antipirin).

Therefore there is nothing the least improbable about Dreitser's claim to have discussed this with Sedov the year beforehand.

The accused Holtzman testified that he delivered to Sedov in 1932 a report and a secret code from Smirnov; that he had several conversations with Sedov ... (NG 52)

We know that Gol'tsman did meet with Sedov and deliver a report. We also know that Sedov and Trotsky tried to cover up the fact that Sedov met with Gol'tsman multiple times.

...and at his suggestion went in November, 1932, to see Trotsky in Copenhagen where he received from him verbal instructions to the effect that Stalin must be killed, and that for this purpose it was necessary to choose cadres of responsible people fit for this task. (ZK 101.)

In view of the fact that the first statements are true there is nothing improbable about these second statements.

Gol'tsman may have met Sedov as he stated, or he may not have. But that does not mean he did not meet with Trotsky. Sven-Eric Holmström has shown, and the Gol'tsman NKVD file confirms, that Gol'tsman must have visited the hotel in Copenhagen where he said he met Sedov (we will study the Gol'tsman NKVD file in volume three of this study). As we mentioned in a previous chapter, it is possible that Gol'tsman met in Copenhagen not with Sedov but with someone else whose identity he wanted to shield.

But whether Gol'tsman met Sedov in Copenhagen or not, the real question is whether he met with Trotsky there. Trotsky dodged this issue. That raises the question: Why did he dodge it? The Commission should have pursued this question. It did not.

Gol'tsman is another example of a Moscow Trial defendant some of whose testimony can now be verified – his multiple meetings with Sedov, which Trotsky and Sedov tried to hide. Today we can verify part of Gol'tsman's testimony. We cannot disprove any of it. That does not mean that all of Gol'tsman testimony was true. It does mean that there are no grounds for dismissing *any* of it.

The Bloc

The Commission stated:

Thus there is, as we have said, **no direct evidence** of the attitude of either Sedov or Trotsky toward the formation of the bloc, or concerning their role, if any, in its formation. (NG 53)

This statement makes no sense. What “direct evidence” could there have been, other than the testimony about it during the Moscow Trials? If there had been “direct evidence” – whatever that means – of a secret conspiratorial bloc, we ought to expect forgery. In fact we know that Trotsky and Sedov lied about the bloc, denying it many times when, in fact, they had formed it.

The Dewey Commission never searched Trotsky’s archive, as he repeatedly offered. Had they done so they might well have found what Broué and Getty found in 1980 and thereafter – direct evidence that Sedov and Trotsky had been trying to form the bloc and approved of it -- and maybe a lot more besides.

Trotsky testified as follows:

Furthermore, it is absolutely indisputable that I would not preserve in my archives records of my crimes had I committed any. (CLT 467)

Charles Beard said the same thing:

If Trotsky is guilty, he would not, as an experienced revolutionist, keep incriminating records in his files and papers; nor, if he even had them, would he keep them in his files to be examined by any commission of inquiry. (Letter to Dewey 03.22.37)

Therefore *the Dewey Commission believed that it would not find any “direct evidence” and in fact did not look for any.* Then why did they even raise the question of “direct evidence”? The answer appears to be that the Commission was strongly biased in Trotsky’s favor.

During the hearings phase of the Commission Trotsky had asserted that he could prove his innocence with the aid of his Archive.

BEALS: ... For the purpose of this line of questioning, I am considering you guilty, and therefore I would like to ask you what assurance the Commission would have in examining your archives that you have not destroyed that which was unfavorable to yourself.

TROTSKY: That is an absolutely natural question. But my aim is not to convince the Commission by the documents which I have allegedly destroyed, but by the documents which remain in my archives. I will prove to the Commission that the man who wrote from year to year those thousands of letters, those hundreds of articles, and those dozens of books and had those friends and those enemies, that this man could not commit the crimes of the indictment. It is the most genuine evidence I have.

BEALS: Answering the question I have —

TROTSKY: If you will permit me a supplement. It is impossible to introduce allegedly destroyed documents. They could not find place in these archives. (CLT 52)

This is a bluff — in plain language, a lie. Moreover, it is doubletalk — it doesn't make any sense. But Trotsky persisted in this bluff:

TROTSKY: The Commission has at its disposal all my archives... (CLT 486; 13th session, point 7)

Furthermore, it is absolutely indisputable that I would not preserve in my archives records of my crimes had I committed any. (CLT 467)

Trotsky admitted that he would have removed incriminating documents from his archives. So what good would the archives have been to the Commission? He continued:

But my archives are important for the investigation, not for what they lack, but for what they contain. (CLT 467- 13th session, end of III)

This is doubletalk too. Everything Trotsky said about his archives was deliberate evasion. Trotsky admitted that he would have removed any incriminating documents from his archive.

Beard's letter to Dewey of March 22, 1937, is the only document that states the matter correctly. The fact that the Commission did not publish it, or summarize it, or even reveal its existence, is not only further evidence of its incompetence and lack of objectivity – it is evidence of the Commission's dishonesty.

Bloc with Zinovievists

Zinoviev set the beginning of negotiations for the formation of the bloc, "on Trotsky's instruction," in the autumn of 1931 (ZK 72), and its actual formation in the summer of 1932 (ZK 44). Kamenev stated that at a meeting of the Zinovievite center in "our villa," in the summer of 1932, Zinoviev reported that the union with the Trotskyites "was an accomplished fact" (ZK 66). (NG 54)

We know now that this was true. Sedov's letter to Trotsky of 1932 indicates that previous discussions had already taken place. But on pages 55 through 58 the Commission tries to argue that contradictions among the various defendants about when the bloc was formed means that no bloc existed!

In the summer of 1932, at a meeting in Kamenev's villa, Zinoviev announced that the bloc was an accomplished fact (ZK 66). Yet in the second half of 1932, Smirnov posed to the leading trio of the Trotskyite organization the question of a bloc with the Zinovievites and Leftists, and sent a letter to Sedov through Holtzman, asking Trotsky's opinion on this question (ZK 21, 41-2). In the autumn of 1932, a letter was received from Trotsky approving the decision to unite, and at the same time Trotsky sent word through his emissary Gaven that the union must be on the basis of terrorism. After having received these instructions Smirnov instructed Ter-Vaganyan to bring about the formation of a bloc. (ZK 42.) The bloc was formed for the second time at the end of 1932 (ZK 11, 42). (NG 55)

Thanks to Zborowski, we know that Sedov approved terrorism, so Trotsky did as well. Therefore there's nothing improbable in any of this.

Yet in his [Gol'tsman's] testimony there is nothing about Trotsky's attitude toward the proposed Trotskyite-Zinovievite bloc, which, assuming that it was about to be formed at that time, must, one would think, have been uppermost in his own mind and that of Trotsky. (NG 56)

This too is faulty logic. Gol'tsman was a messenger between I.N. Smirnov and Trotsky. He was not a significant opposition figure in his own right. There was no testimony that he was part of the bloc himself. And we know that Trotsky did approve of the bloc.

This illustrates another common fallacy of the Dewey Commission: the expectation that accounts from different individuals will not contradict each other in minor ways. In reality, the opposite is the case: *If all accounts by trial defendants were in agreement down to small details, that in itself would be grounds for suspecting that they were "scripted."*

Gaven

The Commission stated:

Trotsky denied that he had communicated with Smirnov through Gaven, whom he had not seen since 1926 (PC 225-6). (NG 60)

Here, once again, is exactly what Trotsky testified:

GOLDMAN: Did you ever hear of a man by the name of Gaven?

TROTSKY: Yes.

GOLDMAN: Who is he?

TROTSKY: He is a Latvian Bolshevik. He, if I remember, gave all his sympathies at a certain time to the Opposition. As Holtzman, for example. In 1926 or 1927, he was connected for a time with Smilga, a member of the Central Committee. But he disappeared from my eyes absolutely after 1926.

GOLDMAN: In the testimony of Mrachkovsky, and also Smirnov, there is a reference that you sent communications through Gaven to Smirnov about the necessity of killing Stalin.

TROTSKY: I don't know anything about it. No, it is an absolute falsehood. He is not among the defendants.

GOLDMAN: No, he is not. He is a witness.

TROTSKY: Not even a witness.

GOLDMAN: That's right.

TROTSKY: He disappeared.

Thanks to Broué's research we know that Trotsky was lying here. Trotsky did meet with Gaven and send a message to Smirnov through Gaven. In 1980 Broué did not know about Sedov's meeting with Gaven. But by 1985 Broué had confirmed that Gaven had indeed met with Sedov.³³

In view of the nature of Smirnov's testimony concerning this alleged communication, in view of the Prosecutor's failure to call the witness Yuri Gaven, and in view of his further failure to make any attempt to secure Trotsky's testimony, we consider that this testimony of the accused Smirnov as against Leon Trotsky is worthless. (NG 69)

This is all wrong, one more failure of reasoning. The Commission had no grounds to draw this conclusion. It is invalid to dismiss evidence as "worthless" just because it is uncorroborated. The Commission should have just noted that Smirnov's testimony was uncorroborated and left the matter there.

Today we possess a lot of corroboration of Smirnov's testimony. We will discuss this question further in a future volume.

³³ Broué, "Compléments à un article sur les trotskystes en U.R.S.S.," CahLT. 1985, p. 69; Broué, POS (1990) p. 99.

Moreover, we know now that the Dewey Commission was wrong: We now know that Smirnov was telling the truth when he stated that Gaven had brought him a message from Trotsky, and when he testified about the bloc. Therefore the Commission's conclusion, "we consider that this testimony of the accused Smirnov as against Leon Trotsky is worthless," is not only illogical; it is also factually incorrect.

The Commission was dishonest in claiming that the Soviet Prosecutor should have made attempts "to secure Trotsky's testimony" without explaining how he could have done that. Ask Trotsky to travel to the Soviet Union and appear at the trial? As for the Commission's "invitation" to the USSR to send a representative to their hearings: why would the Soviets have attended hearings that had no legal status and that, as Charles Beard pointed out, could never resolve the issue of Trotsky's guilt or innocence anyway?

The "Hotel Bristol" affair

The fullest and best discussion of the major issues in the "Hotel Bristol" question to date is Sven-Eric Holmström's article in *Cultural Logic* 2009. We will just add a few more considerations here.

Evidence that Gol'tsman did not meet with Sedov is not evidence that he did not meet with Trotsky. We know that Gol'tsman did meet with Sedov numerous times, as Gol'tsman testified at the 1936 Trial.

We know that Trotsky and Sedov needed to hide this fact for some reason. We don't know what that reason was. The most likely hypothesis is that during these additional meetings Sedov and Gol'tsman discussed Trotsky's new directive that "terror" must be used against the Stalin leadership. Trotsky, through Sedov, may have also given Gol'tsman other documents during their meetings, in addition to the document Gol'tsman gave to Sedov at their first meeting.

At any rate, it is clear that Trotsky and Sedov did not wish to be questioned about what happened during all these meetings. Sure enough, the Commission did not ask Sedov any questions about what happened during those subsequent meetings, or about any other documents. The Commission failed to follow up on this, just as they failed to follow up on the question of the relative positions of the hotel and the Bristol Konditori.

On page 91 Vikelsø Jensen claims the *Arbejderbladet* diagram of January 29, 1937, was wrong (in Part One Chapter Five above we have reproduced this diagram). But on page 92 the Commission report admits that Jensen's two accounts are contradictory. In any case Holmström's photographs prove that Gol'tsman and *Arbejderbladet*, not Trotsky's witnesses, were correct.

Why didn't the Commission take the trouble to obtain a contemporary photograph of the hotel and Bristol Konditori of 1932? Why didn't they just do what Holmström did more than 70 years later: check the street directory for Copenhagen, *Kraks Vejviser*, for the years in question and report what they found? Why didn't they just ask the proprietors of the two establishments, both of them still in business in 1937, what their relative situations had been in 1932?

The Dewey Commission chose to devote a great deal of space and time to the “Hotel Bristol” question. It should obviously not have been relegated to contradictory testimony. It could easily have been verified. Any competent investigatory body would have done this. But the Commission never made any effort to do so.

Sokol’nikov

§ 113. The accused Sokolnikov, fourth member of this alleged parallel or reserve center, not only claimed no direct contact with either Trotsky or Sedov, but expressly differentiated between himself and the members “of Trotskyite origin.” (NG 143)

In his testimony at the January 1937 Moscow Trial Sokol’nikov denied any contact with Trotsky. On page 144 the Commission points out that Sokol’nikov said in his final plea that he was not in direct communication with Trotsky.

But we know that Trotsky sent him a letter from Istanbul through Jan Frankel, his secretary, on January 12, 1932, because Getty discovered the certified mail receipt in the Harvard Trotsky Archive. Unless he just forgot it – not impossible, perhaps, but unlikely – Sokol’nikov was deliberately lying to the Prosecution.

Assuming the latter, this seems to have been a smart move on Sokol’nikov’s part. The Prosecution did not challenge Sokol’nikov on this point. Clearly it had no independent knowledge of this letter. This is a good example of how defendants sometimes tell falsehoods they themselves choose to tell for reasons of their own, *not* forced upon them by the Prosecution.

Both Sokol'nikov and Trotsky denied contact with each other. Yet we know, through independent documentation, that they were indeed in contact. That is, we know for certain that Trotsky was lying (the certified mail receipt) and can be reasonably certain Sokol'nikov was lying too.

Radek

We have already noted (§ 12 1) that Radek claimed to have received six letters from Trotsky. Radek twice stated (PR³⁴ 41, 543) that he burned these letters. (NG 192)

He testified that he first learned that preparations were being made for a united Trotskyite-Zinovievite center in a letter from Trotsky, which he received in February-March 1932. (NG 193-4)

Thus Trotsky, in February-March 1932, is alleged to have sent to a "capitulator" who had returned to the Party, with whom his own personal relations had been greatly strained, and with whom he is not alleged to have had any previous communication since the "split" in his faction which caused the strain, a letter which made it clear to that "capitulator" that Trotsky had in mind terrorism against the leadership of the Soviet Union, and in which he definitely stated that a bloc was being formed between the Trotskyites and the Zinovievites. We have already remarked on the recklessness of Trotsky's conduct as represented in the records of these trials. This testimony of Radek offers a striking example. (NG 195-6)

³⁴ This is the abbreviation used in *Not Guilty* for the transcript of the January 1937 Moscow Trial, the "Pyatakov-Radek" trial.

In our opinion, therefore, neither Radek's testimony as to his motivation in joining the alleged conspiracy, nor his testimony that it was an unsolicited letter from Trotsky which informed him of it and urged him to join, is convincing. **It becomes incredible** when one considers Trotsky's own testimony and the materials he has submitted in its support. (NG 200-201)

This is another example of the logical fallacy of the "argument from incredulity."³⁵ The Dewey Commission actually claimed that the fact that they found a statement "incredible" meant that it could not be true or was unlikely to be true. The Commission members – Dewey included – did not realize that the statement "it is incredible" – in other words, "We don't believe it" – is a statement not about the matter at hand but about the person making the statement.

Moreover, we know for a fact that Radek was telling the truth in this case. Thanks to the certified mail receipt found by Getty in the Trotsky Archive we can independently verify that Radek did receive a letter from Trotsky at exactly the time and place Radek named in his testimony at the January 1937 Moscow Trial. This makes the Commission's fallacy more obvious. But it would still be a fallacy even if we did not have the certified mail receipt.

Getty discovered that the Trotsky Archive had been purged, undoubtedly of incriminating materials. It is probable, therefore, that the Archive originally contained other evidence of acts that the Commission found "incredible."

³⁵ For a definition see

http://rationalwiki.org/wiki/Argument_from_incredulity

We therefore hold that none of the letters allegedly exchanged between Trotsky and Radek, whether through Vladimir Romm or by unspecified means, ever existed, and that all testimony to the contents of these alleged letters is sheer fabrication. (NG 229)

This is yet another example of faulty reasoning. The Commission had no grounds for concluding this. It is both illogical, and a further example of the Commission's bias in favor of Trotsky.

Furthermore, as we know now, the Dewey Commission was factually wrong. Radek was telling the truth at least about the February-March 1932 letter.³⁶ Based upon our verification of the Moscow Trials testimony, it is probable that other details about which Radek testified concerning the Trotskyist conspiracy were also true. There is no evidence to suggest otherwise.

Charge of Terrorism, pages 246 ff.

The Commission's error here is, once again, they chose to "believe" Trotsky's professions that he would never have recourse to "terror" (assassination, sabotage, etc.). They quote some of Trotsky's statements opposing "individual terror" (assassination) on page 250-251. During his testimony to the Commission Trotsky summarized a great many such passages from his various writings.

Once again, the Commission committed the fallacy of incredulity:

§ 179. One may assume that if Trotsky anywhere at any time had come out for individual terror, the Prosecutor would have quoted him honestly. This he could not do

³⁶ See Furr Amalgams, Chapter Four., subhead "Trotsky's Letter to Radek in February-March 1932."

because the fact is that all of Trotsky's writings on the problem reject individual terror and justify only revolutionary mass action. We therefore find that apart from the evidence in our possession which disproves the testimony connecting Leon Trotsky with the alleged terrorist conspiracy, the charge of individual terrorism is not only not proved but **incredible**. (NG 255-6)

In addition to fallacious reasoning – here we see the “argument from incredulity” again – the Commission was terribly naïve. Why would Trotsky ever have “come out for individual terror” at any time? Did the Commission think that conspirators are in the habit of announcing, publicly in advance, their intention to conspire?

Moreover, assuming Trotsky did advocate terror – *and we know, thanks to Zborowski's reports, that he did* – he would, of course, have had to publicly deny it, just as he denied his bloc with the Zinovievists and the Rights. Trotsky's followers inside and outside the USSR believed him to be the model of a Marxist-Leninist revolutionary. Marx and, especially, Lenin always denounced terror. Therefore Trotsky's reputation depended upon his publicly denouncing it too.

We have already found, on the basis of the evidence, that the testimony of Radek and Pyatakov is worthless. (NG 315)

The Commission had no grounds for this conclusion – which, as it turns out, was factually wrong. Today we know that much, at least, of what Radek and Piatakov testified was truthful. It is quite possible that *all* of their testimony concerning their Trotskyist conspiracy was truthful.

Natan Lur'e, p. 132

§ 103. In view of all these considerations, and the evidence in our possession concerning these defendants, we find no basis whatever for the attempt in the Zinoviev-Kamenev trial to link Moissei Lurye and Nathan Lurye with Leon Trotsky **or the Trotskyist movement, or with an alleged "terrorist line."** (NG 132)

Once again the Commission had no basis whatever to draw this conclusion. Moreover, we now have evidence that Lur'e was telling the truth.

In 1992 the post-conviction appeals of their sentences of death of ten of the Moscow Trial defendants were published.³⁷ In his Appeal Natan Lur'e insisted on his guilt. In it he repeats that he was assigned by the leader of the Trotskyist organization.

I have committed a serious crime against the Soviet people. I wanted, in accordance with the assignment of the leader of Trotsky's terrorist center, to deprive the Soviet people and the entire world proletariat of our leader Stalin and of other leaders of the great Communist Party. I repeatedly prepared for terrorist acts against Voroshilov, Stalin, Ordzhonikidze, Kaganovich, and Zhdanov, having been armed in order to carry out this plan.

I really did prepare to assassinate Voroshilov in accordance with the assignment of Franz Weitz, a representative of the Gestapo. I wanted to carry out these revolting murders because I

³⁷ They are Kamenev; I.N. Smirnov, Zinoviev, Natan L. Lur'e, Piatakov, Muralov, Bukharin (2), Rykov (2), Krestinsky, Iagoda. *Izvestia* September 2, 1992, p. 3.

had been poisoned by the poison of Trotskyism during my long residence in Germany....

Natan Lazarevich Lur'e, 24 August 1936.

Absent any evidence that Nathan Lur'e was lying even in this, his last appeal, it is futile to assert that he was. All the evidence we have is that Lur'e was truthful in incriminating himself. As always, we must be prepared to change our conclusions if new evidence, or compelling reinterpretation of existing evidence, should come to light. Unless and until that happens, the only conclusion consistent with the evidence available today is that Lur'e was telling the truth.

It is incorrect to say, as the Commission repeatedly did: "This is incredible" – that is, "we don't believe it" – "and therefore it must be false." This is the "argument from incredulity" again. It is also incorrect to say, as the Commission did, "We assume this testimony is false since it is not accompanied by any corroborating or documentary evidence." It could be true despite the absence of such evidence. And what kind of "corroborating evidence" could be expected in the case of a competent conspiracy?

Conclusion

Charles Beard was right. The Dewey Commission was ill-conceived from the outset. It was impossible to prove Trotsky's innocence based on the testimony and documentation he presented, or could present. The fact that Trotsky claimed he could do so should have served as a warning to all concerned.

There was no way Trotsky could be proven guilty in the Commission hearings. No way *unless he told the truth* – and he was not going to do that. But neither could Trotsky prove his innocence.

Had there been a trial, we do not know what the verdict might have been. Trotsky might have been found “not guilty” in the judicial sense, meaning “insufficient evidence to prove guilt.” Or Trotsky might have been found guilty on the basis of the large number of his self-confessed co-conspirators who testified against him. The confession of the accused is not necessary for conviction – something that Bukharin pointed out during his own trial in March 1938.

But the Dewey Commission was not a trial. There was no prosecution. The evidence that the Soviet prosecutors had – the pretrial interrogations and documentation, some of which we now have, from the former Soviet archives – was not available to the Commission

Trotsky was free to lie to the Commission. We can show now that he did so many times. Given the fact that Trotsky’s archive has been “purged” Trotsky may have lied many more times than we can now prove. There was no way the Commission could have known whether he was telling the truth or not simply from his published works and the statements he chose to make. But the Commission made no serious attempt to verify what Trotsky told them.

The Dewey Commission was shockingly incompetent. It committed error after error in reasoning. It repeatedly committed elementary logical fallacies.

In addition to everything else, the Commission members were arrogant. None of its members possessed experience in evaluating historical evidence. None of them had any experience as investigators.

Yet the members of the Commission still believed that they could determine whether the Moscow Trials were honest or were frame-ups. In the end the Commission deliberately confused the juridical finding of “not guilty,” meaning “insufficient evidence to convict,” with the concept of “innocence.”

The Dewey Commission was a travesty in every respect. However, in the long run it was a triumph for Trotsky. It was a public relations victory for him. It remains a basic document in the arsenal of Trotskyists and of Cold-War anticommunists to the present day.

Like the Moscow Trials transcripts, the Dewey Commission’s two volumes — 1012 pages of text — go largely unread and *a fortiori* unstudied. When I undertook to examine these volumes carefully I was genuinely shocked to find that there were so many logical fallacies and outright failures to check up on those fact-claims that could have been verified. Clearly, none of those persons who think the Commission actually proved anything, or was ever more than a public relations stunt, has ever studied the Commission’s two volumes with anything approaching a spirit of objectivity.

Today, thanks to revelations from the Trotsky and former Soviet archives, we know that Trotsky lied over and over again to the Dewey Commission. The Commission’s members could not have known that. But they should have known that no defendant’s word can be taken at face value. They should have known what Charles Beard knew — that their job was hopeless. The Dewey Commission could only end as it did — as a public relations triumph for Trotsky and a swindle on the public.

By far the most famous, honored, and prominent of the Commission members, John Dewey was already a long-time anticommunist. Other Commission members had anti-Soviet and, some of them, pro-Trotsky backgrounds as well. They never acknowledged this history in the course of the Commission's sessions, thereby giving the public – whoever read the Commission's two volumes or read about it in newspaper or other accounts – the impression that they were unbiased, neutral, or objective.

Setting Aside the Dewey Commission's Verdict

The report of the Commission drew invalid conclusions from the evidence and testimony due to faulty logic and reasoning. It never had remotely enough evidence to justify its verdict that Trotsky and Sedov were “not guilty” and the Moscow Trials “frame-ups.” But it was not due to faulty logic and reasoning alone that the Commission reached its invalid conclusions.

Trotsky lied in his testimony to the Commission. He lied repeatedly, about very important matters that were central to the charges against him. In this essay we have outlined how Trotsky's provable lies made his testimony a travesty.

If Trotsky had told the truth, would the Commission have found Trotsky “not guilty”? Certainly not. Had the Commission known then what we know today they would never have undertaken the inquiry in the first place.

It is impossible to imagine Trotsky admitting:

- * that he had formed a clandestine bloc with the Zinovievists, the Rights, and others;
- * that he had written Radek at exactly the time and place Radek testified at the January 1937 Moscow Trial;
- * that he had also written Sokol'nikov and Preobrazhensky;

- * that he had indeed communicated to Smirnov through Gol'tsman and Gaven;
- * that he had lied in all his writings about the Kirov murder;
- * that his archives did in fact contain evidence to incriminate him;
- * that his son, Leon Sedov, was advocating Stalin's murder.

– and yet think that the Dewey Commission members would still have agreed to hold its hearings, much less that they would have found Trotsky “Not Guilty!”

Trotsky's archive has been “purged” of incriminating materials. We don't know of what, though at least of the letters to Radek and to other supporters; the exchange with Sedov about the slogan “remove Stalin;” the letter to Gaven referred to during the 1936 Trial.

Had Trotsky told the truth, his credibility would have been destroyed. Many or most of his followers would have deserted him. It would have been a public relations triumph not for Trotsky but for the Stalin leadership and the Soviet Union.

We may never know about all of Trotsky's lies. However, given what we know today, we can state with confidence that the Commission reached a foregone conclusion that they could just as easily have reached without going through this travesty of a hearing.

If the members of the Dewey Commission were alive today, there can be no doubt that, in light of all that we now know, they would have no recourse but to reverse their original decision. They are, of course, not alive.

Therefore it remains for us to draw the only possible conclusion about the Dewey Commission and to “do the right thing.” We recognize that the Commission’s verdict was unjust and invalid, and we declare it overturned.