

SOVIET RUSSIA Today

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Your Questions Answered

By THEODORE BAYER

ON THE MOSCOW TRIAL

SOVIET RUSSIA TODAY welcomes all questions concerning the Soviet Union. Any specific problem or question that you want to have answered will be briefly and pointedly discussed in this page by the National Educational Director of the American FSU, Theodore Bayer.



We have received numerous communications containing scores of questions relating to the treason trial of Radek and Piatakov and fifteen others, as well as the previous trial of Zinoviev, Kamenev and others. Since many of the questions were repeated by various correspondents, we are selecting the most typical to deal with in this issue.

Question: The claim is made by the Trotskyists that there was no evidence besides the confessions offered at the trials and that the confessions alone cannot be taken as evidence. Is this true?

Answer: The statement regarding the absence of evidence at the trials is untrue. It is true that the evidence against the defendants consisted primarily of their confessions. In addition, certain documents which implicated the agents of foreign powers were offered at closed hearings, and for reasons of state will not be made public. Other documents were introduced at the public sessions. However, even had there been no documents at all, the confessions and testimony of the accused and witnesses constitute sufficient evidence in a case of this kind. The character of a case dealing with conspiracy makes it impossible to demand the kind of documentary evidence that might be produced in an ordinary case. Conspirators planning a coup d'état, carrying on espionage and having traitorous connections with agents of foreign governments, are not apt to consign many of their plans to paper. In fact, in the case of those documents that were referred to in the trial, the Trotskyists immediately raised the cry of "forgery," saying that it was impossible for Trotsky and the others involved to have written down instructions of this kind. But the Trotskyists cannot have it both ways.

However, the conviction of defendants who plead guilty to the crime charged, without the introduction of any evidence beyond their own confessions, is in full accord with customary legal procedure in the United States as well as in England and on the Continent. A voluntary confession of all the facts in the possession of the authorities and which fully establishes the crime makes the introduc-

tion of any further evidence entirely superfluous. In the United States, for example, when a defendant pleads guilty, it is never the practice of the court to take any evidence or even to hear a detailed confession from the defendant himself, unless the defendant demands the right to speak in mitigation of his offense and for the purpose of placing before the court facts to be considered in fixing the severity of the punishment.

In the case of the recent Soviet trials, there are two additional reasons why the confessions of the defendants were sufficient without further evidence. In the first place, each defendant not only fully confessed his own crime; his testimony established the guilt of his co-defendants as well. Thus, while each confession constituted an admission of guilt by the defendant who made it, it served equally as the testimony of a third party against each of the other defendants. Each confession was thus fully corroborated. Finally, it should be noted, Soviet judicial procedure, unlike that of England and America, but in conformity with the uniform practice of Continental Europe, requires a thorough preliminary hearing before the defendants are brought to trial. At such a hearing, the defendants are confronted with all of the evidence in the possession of the State and are called upon to testify in the face of this evidence. The preliminary hearings in the case of the Trotskyist terrorists resulted in confessions on the basis of the evidence presented by the Soviet Government. These confessions were repeated in full during the course of the public trials, and made it wholly unnecessary again to present the evidence through which the defendants' counter-revolutionary conspiracy was first exposed.

Question: What basis is there for Trotsky's statement featured in the press that the trials were frame-ups because the defendants, as old revolutionaries, simply could not have been guilty of the crimes they are charged with?

Answer: The prime consideration here is the question of fact and not of psychological riddles. The question must therefore be divided into two parts.

First, were the defendants guilty? If the answer to that question is that they were guilty, it is then proper to inquire how men of this type could have been guilty of the crimes with which they were charged. With regard to the first point, a legally constituted Soviet court was satisfied that the defendants were guilty in both trials and the men were sentenced in accordance with the requirements of Soviet law. The guilt of the defendants was further corroborated by D. N. Pritt, the British M.P. who attended the first trial (see his pamphlet "At the Moscow Trial"), by Dudley Collard, another British jurist, who attended the second trial, and whose statement is published elsewhere in this issue, by such journalists as Harold Denny and Walter Duranty of the *New York Times*, and other impartial observers. Let us further quote from Mauritz Hallgren, Associate Editor of *The Baltimore Sun*, originally a member of the American Committee for the Defense of Leon Trotsky, who resigned from that committee because he was convinced of the unjustness of their charges regarding the trial. This is what he has to say on this point:

"Very soon after the first trial, Zinoviev and his associates were executed. It had been asserted that they had been promised lenient treatment if they would for their part publicly accuse Trotsky of having conspired with them to overthrow Stalin and the Soviet government. In truth, it was largely upon this supposition that rested the contention that the first trial was a 'frame-up.' But now that the men were put to death Trotsky and his adherents declared that they, the defendants, had been 'double-crossed.' To the Trotskyists this was further proof of their contention that the first trial had been 'framed.' To the disinterested student, however, it might just as easily have proved the contrary. After all, it is one of the simplest rules of logic that one cannot use a premise to prove a thesis and then use the denial of that premise to prove the same thesis. Logically, therefore, one should have looked elsewhere for an explanation of the executions, and the only other possible explanation was that the men were

actually put to death in the regular course of justice and for the single reason that they were guilty of the crimes charged against them.

"Now we have come to the second trial. What is the situation? The men now on trial cannot possibly be under any delusion as to their fate. They must know and they do know that they will be put to death. Despite this they do not hesitate to confess their crimes. Why? The only conceivable answer is that they are guilty. Surely it cannot and will not be argued this time as well that there has been a 'deal,' for men like Radek are obviously not so stupid as to believe that they are going to save their lives in that manner after what happened to Kamenev and Zinoviev. It has been said that they have been tortured into confessing. But what greater and more effective torture can there be than knowledge of certain death? In any case, the men in the courtroom have shown not the slightest evidence of having been tortured or of being under duress. It is said by some that they have been hypnotized into confessing, or that the prosecution, working upon its knowledge of Slav psychology, has somehow trapped these men into confessing deeds of which they are not guilty. For example, the unanimity with which the men have been confessing is taken as proof that the confessions are false and have been obtained by some mysterious means. Yet these assertions rest upon no tangible or logical proof whatever. The idea that some inexplicable form of oriental mesmerism has been used is one that sound reason must reject as utterly fantastic. The very unanimity of the defendants, far from proving that this trial is also a 'frame-up,' appears to me to prove directly the contrary. For if these men are innocent, then certainly at least one of the three dozen, knowing that he faced death in any case, would have blurted out the truth. It is inconceivable that out of this great number of defendants, all should lie when lies would not do one of them any good. But why look beyond the obvious for the truth, why seek in mysticism or in dark magic for facts that are before one's very nose? Why not accept the plain fact that the men are guilty? And this fact, if accepted with regard to the men now on trial, must also be accepted with regard to the men who were executed after the first trial.

"I now see no valid reason for believing that the defendants in the first trial were unfairly dealt with. Certainly it cannot now be maintained that they were 'double-crossed,' for that contention falls of its own weight when we stop for a moment to consider the fact that the Soviet government has brought a second group of men to trial on the same charges. Since the government could not hope to induce the second group to confess under the pressure of false promises, it is reasonable to suppose that it did not rely upon false promises in the first case. Moreover, I am now completely convinced that the defendants in the first trial were given every opportunity to clear themselves, that they were denied

none of the rights of impartial justice. It is significant that those who contend that this was not the case have offered no evidence at all, apart from their own unsupported allegations and suspicions, in substantiation of their contention.

As to the second part of the question, the answer is to be found in Vyshinsky's summing up speech, on page 24 of this issue, which gives the political background of the defendants and shows the deadly logic of the road they took.

Question: Were the defendants of the Radek-Piatakov trial court martialled?

Answer: No, they were not court martialled. Their cases were heard in a division of the Soviet Supreme Court. This court is known as the Military Collegium of the Supreme Court, which was formed 2½ years ago to try cases involving treason.

Question: Trotsky has pointed out three circumstances which he says prove the falsity of the Moscow trials:

1. The meeting described by Holzman (a defendant in the Zinoviev trial) with Trotsky's son Sedov in the Hotel Bristol in Copenhagen could not have taken place since the Hotel Bristol was demolished fifteen years before.

2. That Piatakov, contrary to his statement, could not have gone from Berlin to Oslo by plane in December for a meeting with Trotsky because the airdrome has no record of arrival of any foreign planes during that month.

3. Vladimir Romm testified that he met Trotsky in the alley of Bois de Boulogne in Paris at the end of July 1933, whereas Trotsky claims that he arrived in Marseilles on the 24th of July 1933 and was taken to a bathing resort ill and did not go anywhere for a few months. Is there any explanation of these discrepancies?

Answer: 1. While it is quite possible that a witness may make an error in testifying before the court, that an error on the part of one witness or defendant for which he alone and not the State is responsible could in no reasonable way prejudice the trial itself, the enemies of the Soviet Union and especially the Trotskyites could find no other error in the entire trial of the Zinoviev-Kamenev center, and have therefore seized upon this Bristol incident in the attempt to discredit the whole trial, which surely did not depend upon what hotel a defendant named as a place of meeting. For it is not unnatural that a foreigner finding himself in a strange city of another country should name a hotel incorrectly. But, apparently luck has deserted the Trotskyists completely for it now is indisputably established that there is now and was in 1932, a Cafe Bristol located within a stone's throw from the railroad station in Copenhagen and over which is a big neon sign saying Cafe Bristol. This Cafe Bristol is housed in the same building as Grand Hotel Kobenhavn, and there is a common entrance leading both to the Cafe Bristol and the Hotel. What is more

natural than for one seeing the sign Cafe Bristol when he entered the hotel to assume that that is also the name of the hotel? Especially, if the one happens to be a foreigner unfamiliar with the city and bound on a very secret mission involving treason. To further satisfy our readers on this point, we cabled for a radio photo of "The Bristol," which is published on page 7 of this issue.

2. The statement that not a single foreign airplane reached Oslo in December 1935 can hardly be accepted at its face value. As a matter of fact, Vyshinsky himself questioned the possibility of that trip and therefore questioned Piatakov very closely on this point. During the trial Vyshinsky offered for the record an official statement which he received through the Consulate services from Norway, to the effect that the airdrome in Heler near Oslo receives and dispatches airplanes of foreign countries all year round and that arrival and departure of airplanes is entirely possible throughout the winter months. In any case it is more than likely that an airplane bent on such a mission might land at some place other than the regular airdrome and so not be recorded.

3. The statement of Trotsky to the effect that he could not have met Romm in Paris on the date mentioned because he went immediately from Marseilles to Royan, or again because he was sick, is at least a little improvement on his first statement regarding Romm. The day after Romm testified in the Moscow court, Trotsky broadcast a statement from Mexico that he never heard of a man by the name of Romm and that he even cleverly assumed that it meant a Soviet correspondent stationed in Rome. As a constant reader of the *Izvestia*, Trotsky could not have avoided seeing Romm's name at least once or sometimes twice a week, appearing over articles of three and four columns long. The second claim of Trotsky regarding Romm cannot be taken more seriously. For in that very long statement he again brings in the Bristol incident.

Furthermore, Trotsky by no means proves that he could not have gone to Paris before going to Royan, especially since he says himself "We went to Royan in the strictest secrecy so that the French press immediately lost track of us."

Trotsky has had many months to prepare his material, and the newspapers give him plenty of space. All he has done is to make denials, ask questions, offer unsupported statements. He has furnished no proofs of his innocence in all these months, and though the men he says were innocent of the charges against them were on trial for their lives, offered none of the evidence he claims he has that might have saved their lives.

AT THE MOSCOW TRIAL

An Eye-Witness Account

By D. N. PRITT, M.P.

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