

SOVIET JUSTICE AND THE TRIAL
OF RADEK AND OTHERS

by

DUDLEY COLLARD

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DUDLEY COLLARD

Barrister-at-Law

With an Introduction by

D. N. PRITT, K.C., M.P.



LONDON

VICTOR GOLLANCZ LTD

1937

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INTRODUCTION

I WELCOME Mr. Collard's book warmly. Having myself been present at the trial of Zinoviev, Kamenev and others in August of last year, but not at the recent trial of Piatakov, Radek, and others, I can see very clearly how difficult it is to form a judgment from Press reports alone. At the first of these trials, it seemed clear to me on direct study on the spot that the case was genuine, the trial fair, and the accused as guilty as they themselves said. At the second of these trials, I read Press reports in London, and formed a similar view, but I realized at once that to judge from Press reports, however full, was a very unsatisfactory and difficult operation. It was accordingly a matter of the greatest interest to me to learn that Mr. Collard, whose ability and judgment are greatly valued by his many fellow-lawyers who have come into contact with him, had formed on the spot the same view of the second trial as I had formed of the first. He was peculiarly fitted to judge the position.

The impression gained from Mr. Collard's description will, I think, enable many who were puzzled by the first trial not merely to convince themselves of the genuineness of the second, but also to derive from that a conviction

of the genuineness of the first. They may also conclude that the real motive of the apparent completeness and abjectness of the confessions of some of the accused in the first trial was to lead the authorities to the belief that they had got to the bottom of the conspiracy, in order that the second or parallel centre might escape detection for at any rate some months more. It was suggested to me at the time by foreign critics that the motive was to shield Trotsky; it now seems more probable that the real object was to shield conspirators within the Union.

D. N. PRITT

FOREWORD

MY INTENTION was to write a pamphlet. However, I have found the interest roused in England by the trial of Radek and others so enormous that I decided to give my impressions at greater length.

I have added a short description of the rules governing the investigation of crimes and the conduct of a trial in the Soviet Union, since in discussing the trial my experience has been that little is known in this country of Soviet procedure. Some people, indeed, imagine that no procedure exists at all. This is far from being the case: elaborate rules exist, of which I have given merely an outline. I have omitted many qualifications, provisos and exceptions, and the reader who requires further details is referred to the Criminal Procedure Code of the R.S.F.S.R. This Code is in my opinion equal to, and in some respects superior to, the Code of any other country.

In describing the trial I have tried to give an impartial and dispassionate account of the proceedings from a juridical point of view. I have avoided so far as possible discussing the political issues involved.

I have added as an Appendix the verbatim report of Radek's evidence *in extenso*: this is taken from the complete verbatim report of the proceedings published by the People's Commissariat of Justice of the U.S.S.R.

and obtainable in this country from Messrs. Collet's Bookshops.

It was only after some hesitation that I decided to express in public my views on the trial, and I did so for two reasons.

In the first place I wanted to clear up the misunderstandings which have arisen about the conduct of political trials in the Soviet Union, and which are so detrimental to the good relations which should exist between this country and the U.S.S.R.

In the second place I believe that it is important for us in this country to appreciate fully the methods employed by Germany and Japan in furthering their aggressive designs. If these two countries have not scrupled to organize and encourage assassination, incendiarism, sabotage and the spreading of bacteria in the U.S.S.R., which they regard as a potential enemy, what guarantee is there that they will not use—nay, are not now using—similar methods against other potential enemies, such as England?

I should add that I have visited the Soviet Union in 1933, 1935 and 1936. In the course of my visits I have attended many people's courts, interviewed judges and lawyers, and studied the Soviet Codes of law and procedure. I have picked up a fair knowledge of Russian, and although my Intourist guide accompanied me to the trial, I was able to follow most of the proceedings unaided.

DUDLEY COLLARD

The Temple,
February 1937.

CHAPTER I

PRELIMINARY INVESTIGATION

SOVIET CRIMINAL PROCEDURE has been codified. From the point of view of an English observer the most striking features in it are the wide guarantees conferred upon an accused person, the obligation placed upon all authorities with whom he comes in contact to explain to him the nature and extent of his rights, and the obligation placed upon both examining magistrate and court to give reasons for every decision, even on minor interlocutory matters.

A criminal case starts, of course, with an inquiry into the alleged crime. There are two principal bodies charged with inquiry, namely the militia and the officers of the Commissariat for Home Affairs, who fulfil the functions exercised in this country by the police and the Criminal Investigation Department respectively. Their duties and powers are narrowly defined in the Code.

Once they have made up their minds to charge someone with an offence, they either proceed by summons, or they may, in certain cases, arrest and detain the suspect for a limited period. These cases are:

- (1) When they have caught him red-handed;

- (2) When a complainant or eye-witnesses identify him;
- (3) When traces of the crime are found on the suspect or at his residence;
- (4) When the suspect attempts to escape or is caught while in the act of escaping;
- (5) When the suspect has no fixed place of abode or work; and
- (6) When the identity of the suspect has not been ascertained.

However, the presence of one of the above reasons is not enough in itself to justify the suspect's detention; it must in addition be shown to be necessary in order to ensure the suspect's attendance at further proceedings.

The examining magistrate must be informed of the detention within 24 hours, and he must within a further 48 hours either confirm the detention of the accused or order his release.

As soon as the authorities are ready, and at most within one month, they must transmit the results of their inquiries to the examining magistrate, who draws up the charge.

The charge must contain the reasons for making it, and must be communicated to the accused within 48 hours.

The next step is a preliminary investigation by the examining magistrate. Like the preliminary investigation in nearly all countries which do not derive their

system of jurisprudence from England, the hearing is in private and is of a comparatively informal character.

Both systems have their merits: while publicity at all stages of criminal proceedings has certain advantages, it is also true that there is something to be said in favour of excluding the public on a preliminary investigation, as those who have observed the premature publicity often given to proceedings before the magistrates in sensational cases in this country will readily agree. It is possible, too, that the greater informality of a private investigation facilitates a more thorough probing of the facts.

It is worth remarking that the hearing before the magistrates in England is technically not in open court, and there exists a theoretical right to exclude the public, a right which is, however, only exercised in practice in cases involving official secrets or indecency.

The examining magistrate informs the Public Prosecutor of his intention to hold the investigation, and must proceed with it without delay. The duty is specifically laid on him by the Code of clearing up and investigating "facts both implicating and absolving the accused and also facts both aggravating and mitigating the degree and character of his liability." He is bound to conduct the "fullest and most impartial examination." The accused and other parties to the proceedings have a right to challenge him if they consider he is prejudiced.

Before he examines the accused, the examining

magistrate must explain to him the substance of the charge, and inform the complainant (if any) of his right to make a civil claim against the accused. The civil claim is tried at the same time as the criminal charge.

Both the accused and the complainant must be allowed to cross-examine witnesses. If the magistrate refuses any application by the accused or any other party to the proceedings, he is under an obligation to state his reasons for doing so.

Article 136 of the Code provides that "the examining magistrate may not procure evidence or confessions by violence, threats or similar means."

The accused, if more than one, are examined separately, steps being taken to ensure that they have no opportunity of communicating with each other. Provision is made for confronting one accused person with his co-defendant or with witnesses.

The examination of the accused begins with an invitation to state all he knows about the subject matter of the charge. After he has made a statement, he may be questioned. His deposition is taken down word for word in the first person, his statement being distinguished from his answers to questions, read over to him and signed by him and by the magistrate. If the accused so desires, he must be allowed to write out his deposition himself.

Witnesses' depositions are taken in a similar way after they have signed a declaration stating that the

penalties for false evidence have been explained to them.

The whole preliminary investigation must not in ordinary cases last more than two months. In exceptionally complicated cases the Public Prosecutor may sanction an extension up to the limit of six months.

If in the opinion of the magistrate no case has been disclosed against the accused, proceedings are dropped. In this case he must give the accused and the prosecution a reasoned decision, which may be appealed against in five days.

If, on the other hand, the magistrate thinks there is a case to go for trial, he must so inform the accused, explain to him his right to inspect all the evidence against him, give him facilities for doing so, and invite him to make any further statement he desires.

The magistrate then draws up the indictment. He must include in it those facts which tell in favour of the accused as well as those against him. A list of names and addresses of all the witnesses, together with a copy of their depositions, and a note of the length of time the accused has been in custody are attached to the indictment.

The indictment is transmitted to the Public Prosecutor's office, where it is considered. If it appears to be regular, the Public Prosecutor forwards it to the court with a note stating whether the prosecution will be represented. A copy of the indictment is also given to the accused.

Every accused person while awaiting trial must sign an undertaking to appear at his trial and to notify any change of address. In case of necessity additional measures may be taken to ensure the accused's attendance. Before imposing any additional measure, however, the magistrate has to take into account all the circumstances of the case, and state his reasons for his decision. (This is unhappily not the case in England.)

One measure which is altogether forbidden is to withhold the accused's passport or identity papers. The measures which the law provides are as follows:

- (1) A signed undertaking not to leave the neighbourhood. The accused must be warned that disobedience will entail further measures.
- (2) A signed undertaking by at least two sureties, either with or without recognizances, to produce the accused at the trial.
- (3) A deposit of money or property of a value appropriate to the circumstances.
- (4) House arrest, with or without a guard.
- (5) Custody.

A remand in custody may only be imposed in cases where the accused, if convicted, would be liable to imprisonment. (I have known of a remand in custody in England for an offence carrying a maximum penalty of 40s.) Moreover, there must be adequate reasons for fearing that the accused, if he were at liberty, would interfere with the discovery of the truth or would abscond. Before remanding anyone in custody the

magistrate must take into account the gravity of the offence, the weight of the evidence, the nature of the accused's occupation, his age, health and family position.

With regard to high treason, however, having regard to the serious nature of the offence, the magistrate is empowered to order a remand in custody without taking any of the above circumstances into consideration.

When the court receives the indictment, it normally holds a preliminary session in order to study it.

The trial must take place within one month of the receipt of the indictment by the court.

CHAPTER II

TRIAL

AS IN ENGLAND, there are in the Soviet Union courts of different jurisdiction. The people's courts, which roughly correspond to our police courts and county courts combined, deal with the vast majority of the cases.

There are 27,000 people's courts, which means one court to every sixty thousand inhabitants. They deal with an average of 95 cases a month. On about one-fourth of the criminal charges the accused is acquitted. There are appeals against 21 per cent of their decisions, 2 per cent of which are made by the prosecution.

Above the people's courts stand the regional courts, with an original and an appellate jurisdiction. They hear appeals from the people's courts, and have jurisdiction in the first instance over the more important cases, which comprise one-tenth of all cases brought before the courts.

Above the regional courts is the Supreme Court of each Republic, and the highest tribunal in the land is the Supreme Court of the U.S.S.R. Both these courts also possess both an appellate and an original jurisdiction.

The Supreme Court of the U.S.S.R. tries criminal cases of exceptional importance, such as those involving a member of the Central Executive Committee. It also tries disputes (when any arise) between constituent republics.

Among the offences triable by the Supreme Court of the U.S.S.R., by a decree of June 10th, 1934, are cases of high treason, espionage, terrorism and causing explosions, arson and other forms of seditious sabotage.

These offences are triable by the Military Collegium (we should call it the Military Division), which is a normal section of the Supreme Court, like the Railway Collegium or the Water Transport Collegium. In spite of its somewhat misleading title, the Military Collegium is in no sense a court martial, but applies the ordinary law of the land. Besides the recent case of Radek, it also tried Zinoviev and Kamenev.

There is no appeal from the Supreme Court sitting as a court of first instance. It is only since 1907 that a right of appeal on questions of fact has existed in the ordinary criminal case in England.

For the sake of completeness the "comrades' courts" should also be mentioned. These are courts of an informal character, established in factories and housing blocks to correct the behaviour of backward individuals. They deal with such matters as drunkenness or lateness at work, and since all persons present are encouraged to take part in the discussion, they play a great part

in forming public opinion. They have no power to imprison, and their usual sentence is a public rebuke.

All courts consist of three judges, and there is no jury. In the lower courts one judge is professional and two are lay assessors, who serve for six days a year and have the right to outvote their professional colleague. There are no fewer than a million of these assessors in the Soviet Union, and there were 22,000 in Moscow alone last year. In the higher courts all three judges are professional. The social composition of the judges is 50 per cent workers, 35 per cent peasants and 15 per cent Red Army men. Twenty per cent of them are women. The Chief Justice of Moscow was a journeyman baker before the revolution.

All judges are elected, and the professional ones serve for three years (people's courts) or five years (higher courts). The qualifications for election are simple: the judge must possess the franchise and have had at least two years' experience of some kind of social or political work.

The judges who compose a court must not be related to each other nor to any of the parties or witnesses or be otherwise interested in the case. Nor may they sit in an appeal court to hear an appeal from a judgment in which they have themselves participated.

If there is any question as to a judge's impartiality, he may be challenged. If one alone is challenged, his two colleagues decide the question in his absence, and

if they disagree the challenge is deemed to be allowed. If all three are challenged, they must themselves decide the question, but a wrong decision is a ground for a new trial.

The accused also has a right to challenge as biased the Public Prosecutor, an expert witness, an interpreter and the associate of the court.

Each court is conducted in the language of the republic where it is situated, but the accused has a right, guaranteed to him by Article 110 of the Constitution, to address the court in his mother tongue, whether or not he is familiar with the official language of the tribunal. This is a right which, as a recent trial showed, Welshmen do not possess, either in Wales or at the Old Bailey, unless they cannot speak English. Such a right probably does not exist anywhere outside the Soviet Union.

The accused has an absolute right, guaranteed by Article 111 of the Constitution, to be legally represented. Since court procedure is much simpler than in England, this right is of less importance than it would be here, and many defendants waive the right, preferring to defend themselves. It certainly cannot be said that in this country there is adequate provision for the legal representation of defendants in the lower courts, at any rate.

The court must sit in public, except where military, State or diplomatic secrets are involved and in cases of indecency. In all cases (as in England) the verdict

must be given in public. The Soviet authorities attach great importance to publicity, since they regard the work of the courts as having an educative influence on the backward sections of the population.

Children under 14 are not admitted to the courts, and children under 16 are not normally tried in the criminal courts at all.

The Code provides that the court is not to be bound by any formal rules of evidence. Any oral evidence and any documents which may be relevant are admitted at the court's discretion. As in most continental countries, there is no rule preventing the disclosure of a defendant's previous convictions, and the character, history and motives of the accused are usually examined in great detail.

In general the observer is struck by the absence of formality and the atmosphere of friendliness towards the accused. There is a noticeable desire on the part of court and prosecution alike to help a criminal to reform himself, and in such an atmosphere it is not surprising that very few technical defences are put up or persisted in by defendants who are really guilty. It is not uncommon for the defendant himself to suggest the most appropriate treatment for him. Many applications, for instance, are made by criminals to be sent to a labour colony such as Bolshevo.

One is reminded of nothing so much as a trade union branch sitting in judgment on one of its members for some breach of trade union rules. There is the same

patient investigation of the facts, the same deep understanding of the accused's environment, the same consideration of his history and character, and the same attentive interest taken by everyone present.

That Soviet courts are one with the Soviet people can, indeed, most clearly be seen from the keen and almost proprietary interest shown in each case by the public present, who obviously feel themselves to be members of the society whose representatives are sitting in judgment. Sometimes a member of the public will intervene with a remark or a suggestion, and is never rebuked for doing so. I have heard "Speak up, comrade judge!" come from the back of the court, whereupon the judge apologized and raised his voice. (I cannot, however, recommend a similar exhortation, however urgently required, from the public gallery, say, at the Old Bailey.)

No case involving a liability to imprisonment may be tried in the absence of the accused unless (a) he consents, or (b) he has absconded. In these cases a judgment by default may always be reconsidered on the application of the accused. If the accused does not appear and his attendance is necessary, the case must be adjourned. If the accused misbehaves in court, he must first be warned, and if that has no effect, he may be removed and the trial may continue in his absence.

If an accused person has been on bail while awaiting trial, the court may remand him in custody during the trial only by special order, stating the reasons, when it

considers such a step essential to ensure his further attendance.

At the beginning of the trial the presiding judge, after satisfying himself of the accused's identity, asks him if he has received a copy of the indictment according to law, and if he desires to challenge the composition of the court, the prosecutor, or anyone else.

The court then satisfies itself that all the parties to the case and the witnesses are present, and asks the prosecution and the defence if they desire any further evidence summoned. If they do, the court must take the necessary steps to procure it.

The court then explains to the witnesses their duty to tell the truth and the penalty for false evidence, and requires them to sign a statement that they have received the explanation and understand the penalties involved. The penalty for false evidence is ordinarily three months' corrective labour. If, however, the false evidence was given in the trial of a serious criminal offence, or from motives of gain, or with the object of trumping up a criminal charge, two years' imprisonment may be awarded. Witnesses are then sent out of court and kept apart from each other. (In England all witnesses waiting to give evidence are normally left together.) Expert witnesses, however, may remain in court unless anyone takes objection to their presence.

The court next informs the complainant of his right to make a civil claim, if this has not been previously made.

Next follows a wholly admirable practice: the accused must be informed of his procedural rights. These are to question witnesses, expert witnesses and his co-defendants, and to intervene at any stage with a personal explanation either on the case as a whole or on any point which crops up. (This last is a right which is frequently exercised.) These rights exist whether or not the accused is legally represented. Anyone who has watched persons trying to defend themselves in some English police courts would wish that a similar duty lay on our magistrates to explain to the accused the procedure to be followed. Sometimes a courteous explanation is given; more often the magistrate is irritated at the accused's ignorance of the appropriate procedure. How often has one heard, "Don't make a speech—ask questions!" snapped at a defendant fumbling with the first cross-examination he has ever undertaken in his life.

The indictment is read by the associate of the court. The presiding judge must explain the substance of it, when necessary, to the accused in language he can understand. The accused is then asked to plead.

He must be allowed to qualify a plea of guilty in any way he likes.

If the accused makes an unqualified plea of guilty, the court has a discretion (exercised as a rule only in simple cases) to dispense with the examination of witnesses and the accused. In England it is, of course, the universal practice to dispense with all evidence as to the facts on a plea of guilty.

If the accused pleads not guilty, or if the court decides to hear evidence in spite of a plea of guilty, the court next determines the order of witnesses after hearing the views of both sides.

Witnesses are called in one by one, and must (as in England) remain in court after giving their evidence. They do not take any oath. They are asked to say all they know about the facts of the case, and to avoid making statements about matters which they cannot verify. When they have said all they wish to say, the prosecutor, counsel for the defence *and* the defendant are entitled to cross-examine them. All parties may re-examine and the court may put questions at any stage. The examination continues until no one has any more questions to put.

The Code provides that evidence (apart from that of experts) must be confined to facts and to the personality of the accused. A witness is entitled to refer to notes where facts or figures difficult to memorize are involved. If his testimony contradicts his depositions, the latter (as in England) may be put to him. Depositions may also be read if the witness has died, or, on the request of prosecution or defence, if the witness, although summoned, has failed to appear.

The examination of one witness may be interrupted in order to confront him with another witness or to put questions to another witness or to the accused. It often happens that two or three witnesses or defendants and the prosecutor debate a point in dispute together.

The accused is also examined. This practice is unknown in English courts, although common enough on the continent. The English theory is that the case for the prosecution must be proved without the assistance of the accused, who must not be asked to incriminate himself. Indeed, until as recently as 1898 the accused was not allowed to give evidence at all, even in his own defence. The defence, too, had to be established without the assistance of the accused! However it is extremely unwise for a defendant in England who is setting up a defence not to give evidence, since the judge will almost certainly comment on his failure to do so. It is therefore more in theory than in practice that the accused is protected from self-incrimination, since his failure to submit himself for cross-examination may be just as incriminating in the eyes of the jury as any admission.

The Soviet theory is that in the interests of arriving at the truth it is desirable to know what the accused has to say about the crime with which he is charged. Moreover, Soviet law does not oblige the accused to answer questions put to him in examination, although it is true that if he refuses to answer, his deposition may be put in evidence.

The accused is liable to cross-examination by the court, the prosecutor, counsel for the defence, the complainant and his fellow-accused. Only in exceptional cases, when it is essential in the interests of justice, may he be examined in the absence of his fellow-accused.

When the evidence is concluded the Public Prosecutor sums up the case for the prosecution. Counsel for the defence, or the defendant himself if unrepresented, then makes a speech for the defence. And finally the accused, whether or not he is represented, and whether or not he has made a speech in his own defence, has a right, expressly laid down in the Code, to the last word. If any new facts are disclosed by the accused in his final address, the whole case must be re-opened.

While the court possesses a right to check irrelevancies in the speeches, I have never known the last word to be interrupted by the court or the prosecutor, no matter how long, rambling or irrelevant it may have been. The court is forbidden to set any time limit for speeches.

In England, by the way, the defendant loses his right to the last word if (a) he calls evidence as to the facts, or (b) he is represented by counsel, who makes a final speech for him, or (c) he has the misfortune to be prosecuted by the Attorney-General.

If at any stage of the proceedings any party takes an objection to a ruling of the court, a note must be made of the fact.

When the accused has finished his last word the three judges retire to a separate room. Very strict rules govern the course of their deliberations. No one, not even an usher, is allowed to speak to them while they are deliberating, and if this rule were broken a new trial would be ordered as a matter of course.

The Code provides that the judges must arrive at their decision on the basis alone of the facts proved in evidence before them, and that they must make an independent estimate of the weight of the evidence.

The Code lays down a series of questions which the judges must answer:

1. Did the facts which are ascribed to the accused take place?
2. Do these facts amount to a criminal offence?
3. Did the accused commit them?
4. What measures of social defence does the Code provide for the offence in question?
5. What measure of social defence should be applied to the accused?
6. Determination of civil claim.
7. Disposal of material evidence.
8. Costs.

The deliberation is conducted under the chairmanship of the presiding judge. Each of the judges must express an opinion on each of the questions to be answered, and a majority prevails. Unlike England, except in courts martial, the junior judge gives his opinion first. A dissenting judge may write his opinion, which is attached to the judgment but not made public.

When all questions have been determined the judgment is drawn up. It must be written out by hand by one of the judges and signed by them all. It consists of two parts, a finding on the facts and an operative part.

It must contain a statement saying to what court and within what period of time an appeal lies (another excellent and sensible provision which we would do well to copy).

The judges return to court and all, including the judges themselves, stand while the presiding judge reads the judgment in the name of the Republic.

A copy of the judgment must be handed to the accused within 24 hours. Both the prosecution and the defence have a right of appeal (except in proceedings before the Supreme Court of the U.S.S.R.). Notice of appeal must be lodged, in the case of the prosecution, within 72 hours of the announcement of the judgment, and in the case of the defence, within 72 hours of service of the copy.

When notice of appeal is given, the court must transmit the case to the appeal court within 24 hours.

The appeal court goes into the whole of the facts again, and if the appeal is held to be well-founded, the judgment of the court below is not reversed, but the case goes back for a new trial.

CHAPTER III

A POLITICAL TRIAL

IN MOST COUNTRIES the atmosphere of an important political trial—if not the procedure itself—is very different from that of an ordinary criminal case. In the Soviet Union there is strikingly little difference.

Apart from the slightly more formal nature of proceedings before the Supreme Court, the trial of Piatakov, Radek and others, which took place before the Military Collegium on the 23rd to the 30th January, 1937, was conducted exactly as every trial is conducted in the people's courts.

The trial took place in the House of Soviets in the centre of Moscow. It is noteworthy that no visible extra precautions were taken by the authorities in the neighbourhood. Although a serious treasonable conspiracy had been discovered—a situation where in many countries constitutional guarantees would have been suspended, and where in England the court would at least have been surrounded by a large force of police and crowds of sightseers or demonstrators—there was but one solitary militiaman stationed outside the court who was informing an occasional passer-by that the tram-stop had been temporarily removed further up the street.

It should not, however, be inferred that the public took no interest in the trial. On the contrary, nobody was talking of anything else, and the papers were full of it.

Admission was by ticket. Seats were reserved for the diplomatic corps, the foreign Press and the Soviet Press, and the remainder of the tickets were distributed among the Moscow factories, the committees of which selected workers to attend each day's session.

The hall held about 500 and every seat was occupied. Several ambassadors were present, about thirty foreign journalists and about as many Soviet correspondents.

Vishinsky, the Public Prosecutor, sat at a table on the judges' right, and a dock was erected on the judges' left, in which seats were provided for the seventeen defendants, who were guarded by three young soldiers with fixed bayonets. The hall was equipped with microphones and loudspeakers.

The court sat from 11 a.m. to 10 p.m. every day with a break from 3 p.m. to 6 p.m. One afternoon session was held *in camera*, after which a short *communiqué* was issued stating that State and diplomatic secrets had been discussed.

Judge Ulrich, the President of the Military Collegium, presided at the trial. He was obviously a competent and experienced judge, and a man of intelligence and character. Two judges of the Military Collegium sat with him.

The proceedings began by Judge Ulrich asking each

of the defendants if they had any objection to the composition of the court or to Vishinsky appearing for the prosecution and if they had received a copy of the indictment. He then pointed out that only three of the defendants had chosen counsel to defend them and explained that although the other fourteen had already waived their right to counsel they were at liberty to change their minds if they now desired to be represented. They all replied that they preferred to defend themselves. Their rights to examine witnesses, to intervene with explanations and to have the last word were then explained to them.

The associate of the court then read the indictment, and the accused were asked to plead to it. They all pleaded guilty without qualification, and did so, so far as could be seen, quite voluntarily and spontaneously.

At this stage it is interesting to bear in mind what would have happened in an English court in similar circumstances. The accused would probably be asked if they did not wish to withdraw their pleas, and if they insisted on pleading guilty, the Attorney-General would have outlined the facts to the judge. No jury would have been sworn, and no evidence heard. The accused or their counsel, if they were legally represented, but not both, would have addressed the court in mitigation of sentence, and sentence would have been passed.

On a charge of murder in England (it should be
Cj

remembered that among their other offences the accused had committed many acts which would be regarded as murder in English law), since there is no alternative to the death sentence, there is nothing to be said in mitigation, and on a plea of guilty the whole proceedings occupy only a few minutes. But even allowing for speeches in mitigation the trial, had it taken place in England, would not have lasted more than a day.

In this connection it is worth mentioning the somewhat uninformed criticism which has been made that the confessions of the accused were not corroborated, or at any rate were corroborated only by the evidence of accomplices. In England—and indeed in most countries—no evidence whatever would have been called; and in the Soviet Union, as has been pointed out in a previous chapter, the court has a discretion to dispense with evidence if it thinks fit. The decision of the court, in spite of the pleas of guilty, to hear some evidence bears a certain analogy to the English practice of advising a defendant to withdraw a plea of guilty.

There can be no doubt that the detailed examination of the accused, while it was unnecessary to establish their legal guilt, nevertheless greatly assisted the court to form an opinion as to the proper sentence to be imposed. If Soviet procedure had followed English, and the court had been content with a summary of the facts from Vishinsky, it is quite likely that all the defendants would have been sentenced to death. For example, it

was particularly noticeable that while Stroilov was giving the tragic account of how he came to fall into the clutches of the German secret police the judges were minutely studying his demeanour and taking copious notes. It was this opportunity for a detailed account of his criminal career which probably saved his life. I am not forgetting that in England a defendant would have an opportunity of explaining his conduct; but the history of the offence would have come in the first place from counsel for the prosecution, and not from the lips of the accused himself.

Another reason which no doubt induced the court to go into the facts in detail was that since the preliminary investigation was held in private, the hearing was the only opportunity that the public had to become acquainted with the facts. Very great importance was attached in the Soviet Union to informing the public on the details of the trial.

While it is true that the accused is examined irrespective of his admission of guilt, it cannot be said in this particular case that the accused were being asked to incriminate themselves, since they pleaded guilty before they were examined. Moreover, when one of the accused, Rataichak, objected to answering a question of Vishinsky's which he considered irrelevant, Judge Ulrich expressly told him that, while relevance was a matter for the court to determine, he was perfectly entitled not to answer any question if he preferred not to.

Vishinsky handled the case admirably. He was single-handed, without a junior or a solicitor to assist him, and he obviously had a complete mastery of all the details of the activities of each of the seventeen defendants, activities which spread in many cases over five or six years. It was a considerable feat to conduct the prosecution, as he did, without once hesitating or faltering for seven days.

He never once lost his temper or bullied a defendant, although his examination was skilful and searching. He invariably behaved with restraint and courtesy, and would check an irrelevant answer with "Excuse me."

His final speech, which lasted several hours, was clear, logical and convincing. The first half of it was devoted to a study of the political aspects of the case, and in the second half he discussed whether the evidence satisfied the requirements of the Soviet Criminal Code. When he sat down, after an eloquent appeal for the death sentence to be passed on all the accused, there was enthusiastic applause for about two minutes, which the court made no effort to check.

Counsel for the defence seemed to be capable and experienced men. They did not hesitate to cross-examine any of the accused to elicit facts favourable to their clients. M. Braude, one of the defending barristers, was practising even before the revolution, and enjoys, I understand, a particularly high reputation at the Moscow bar.

All three counsel had an extremely difficult task in view of their clients' pleas of guilty, and they confined themselves, in their addresses to the court, to pointing out any mitigating circumstances which affected their clients. No lawyer could have done more. One of them, M. Kaznacheyev, who appeared for Arnold, was successful in saving his client from a death sentence.

The public behaved extremely well. Apart from an occasional murmur when some particularly callous crime was being dealt with, they did nothing to display the resentment which they must undoubtedly have felt towards the accused.

The defendants were men of very varied and, for the most part, forceful personalities. It is not surprising that they preferred to defend themselves, and those who did were all capable of lively debate and eloquent oratory. It is noteworthy that there were no young men among them, the youngest being thirty-seven and the average age forty-six.

Piatakov, thin, with fair Vandyke beard and fair hair carefully brushed back from his temples, wearing heavy horn-rimmed spectacles, looked like some University professor. He gave his evidence unruffled and quietly, with an occasional studied wave of the hand, for all the world as if he were delivering a lecture to three rather influential students. He was almost—but not quite—Vishinsky's equal in debate, and one had the impression that he knew far more than he was revealing. As the "master-mind" behind a gang of

crooks, he would make a fitting character for "Sapper" or Oppenheim.

Radek, short-sighted, dishevelled hair and side-whiskers, wearing a sort of leather golf-coat, seemed to be posing. Alone among the defendants he frequently turned to stare at the public, whose state of mind he must have guessed. For the first day or two he maintained a blustering attitude, which rather wore off, and towards the end he more frequently displayed a certain emotion.

Sokolnikov, who is said to have been very ambitious and conceited, sat neatly dressed, pale and inscrutable. Apart from considerable hesitation at the beginning of his examination, he betrayed no signs of emotion at all.

Muralov, an old soldier, erect and grizzled, sixty years of age, was the oldest of the accused. It was to his credit that he alone among the old Trotskyites never applied for re-admission to the Communist Party, and made no secret of his continued loyalty to Trotsky.

The defendants included three Assistant Commissars (Railways, Heavy Industries, and Foreign Affairs), an ex-chairman of the Moscow City Soviet, the chief of the chemical industry and a railway director.

CHAPTER IV

THE INDICTMENT

THE INDICTMENT, signed by Vishinsky, was a long and detailed document which took about twenty minutes to read. It referred to many passages in the preliminary investigation, of which there were apparently no fewer than thirty-two volumes, and was much longer than an English indictment would have been in similar circumstances.

The principal features in it were charges against Piatakov, Radek, Sokolnikov and Serebriakov alleging:

(1) A treasonable conspiracy with Trotsky to overthrow the Soviet Government by force and to secure the military defeat of the U.S.S.R. These four defendants were charged with forming a duplicate organization to that of Zinoviev, which was both to act independently and to be prepared to replace Zinoviev's organization if the latter were discovered.

(2) The organization of espionage in the U.S.S.R. on behalf of Germany and Japan. These four defendants were charged with having, through Trotsky, made a bargain with Germany and Japan that if the latter countries would undertake to support any government which Trotsky might later be able to set up in the Soviet Union, they would in return assist by

espionage before, and military sabotage during, a war, to secure the defeat of the present Soviet Government, and would after the war be prepared to grant economic concessions to both countries and to cede the Ukraine to Germany and the Maritime provinces to Japan.

(3) The organization of sabotage in factories and on railways of strategic importance.

(4) The attempted assassination of the leaders of the Soviet Government.

The remaining thirteen defendants were charged with aiding and abetting the first four and with committing espionage, sabotage and attempted assassination on the instructions of the first four.

Grashe, Pushin, Rataichak, Shestov and Stroilov were charged with being agents of the German secret service, and Knyazev and Turok with being agents of the Japanese.

Sabotage in industrial plants was alleged against Drobnis, Norkin and Stroilov, and on the railways against Boguslavsky, Livshitz, Knyazev and Turok.

Arnold was charged with attempts on the lives of Ordjonikidze, Commissar for Heavy Industry, and on Molotov, Chairman of the Council of People's Commissars. Muralov and Shestov were charged with inciting him.

The indictment referred to the appropriate sections of the Soviet Criminal Code, and concluded with a statement that all the accused had pleaded fully guilty at the close of the preliminary investigation.

CHAPTER V

HIGH TREASON

"High treason, that is to say, acts committed by Soviet citizens to the detriment of the armed strength of the U.S.S.R. or of its independence as a state or of the integrity of its territory, such as espionage, betrayal of military or State secrets . . . is punishable with the extreme penalty of shooting and forfeiture of property, or, if attended by mitigating circumstances, with ten years' deprivation of liberty and forfeiture of property." *The Soviet Criminal Code, section 58 (1) (a)*

"Organizational activity of every kind, directed to the preparation or commission of the offences set out in this section, and likewise membership of organizations formed for the preparation or commission of any of the said offences entails the penalty set out in sub-section two of this section" (i.e. death or outlawry and forfeiture of all property; or in mitigating circumstances imprisonment for not less than three years with forfeiture of all or part of property). *The Soviet Criminal Code, section 58 (11)*

PIATAKOV AND RADEK gave the history of the plot. Piatakov was examined for the whole of the first day, and Radek's examination took the better part of the second day.

The plot started with a conversation between Piatakov and Trotsky's son Sedov in a café in Berlin one day in 1931. However, in order to understand the background of the plot, it is necessary to go back a little further.

In about 1923 a question which had long been a point of academic controversy within the ranks of the

Communist Party became an immediate issue of practical policy, namely whether, now that the country had been restored to some sort of order, they should proceed forthwith to the creation of a socialist state in the Soviet Union, or whether they should mark time and preserve their political power without endeavouring to change the economic system until such time as there was a revolution in several industrial countries, who could then proceed together to transform their economies from a capitalist one to a socialist.

As is well known, Trotsky and his supporters took a pessimistic view. They had no confidence in the ability of the Soviet people to build socialism in one country, surrounded as it was by hostile capitalist states. They took the view that to attempt to do so was to invite an armed attack and to suffer inevitable defeat. Radek scoffingly referred to the proposal as an attempt to "build socialism in one county."

The Trotskyites expressed their views openly and freely as they were entitled to do, and the question was thoroughly thrashed out inside the Communist Party. Finally a decision had to be taken one way or the other, and a large majority were in favour of the bolder policy, sponsored by Stalin, of going ahead with socialist construction in the U.S.S.R. regardless of the difficulties. Trotsky and his followers were defeated.

However, they did not all accept the decision which had been democratically arrived at, and which it was

their duty loyally to obey, whether they agreed with it or not. It may be that some of them sincerely thought that the policy which had been decided upon was disastrous; it is probable that most of them were actuated by motives of jealousy, of resentment at having lost the day, and of personal ambition.

Be that as it may, a number of them decided to get the decision reversed by fair means or foul. Trotsky, Zinoviev, Kamenev, Piatakov, Radek, Sokolnikov, Serebriakov, Boguslavsky, Muralov were among the malcontents. They started illegal agitation against the Soviet Government and the Communist Party. They printed and distributed leaflets attacking the policy of the Party. They organized demonstrations of protest. At this period there were still sections of the population who were responsive to agitation. However, they did not succeed in winning many people to their side.

For their illegal acts they could no doubt have been prosecuted and probably sentenced to death, but they were treated with a leniency which, as it has turned out, was misplaced. For the most part they were merely expelled from the ranks of the Communist Party, and some of them were sent to distant parts of the Soviet Union. Trotsky went abroad.

For a while their illegal activity ceased, but in the difficulties of collectivization they saw their opportunity. On Trotsky's instructions, one by one, they declared that they realized they had been wrong and applied for

re-admission to the Communist Party. Believing that their recantation was sincere the Communist Party accepted them back, and soon many of them were occupying important posts.

It is here that the history of the treasonable conspiracy begins.

In the summer of 1931 Piatakov, Assistant Commissar for Heavy Industry, was in Berlin on official business. Smirnov, another Trotskyite, who was tried and executed with Zinoviev in August 1936, was also there. Smirnov told Piatakov that Trotsky's son was in Berlin, and Piatakov gave Smirnov his telephone number, so that Trotsky's son might ring up and make an appointment. Trotsky's son, Sedov by name, did so, and Piatakov arranged to meet him at the Amzoo Café, near the Zoological Gardens.

They met at this café, and Sedov, having reassured himself by tactful questions that Piatakov was still a Trotskyite, explained that his father took the view that it was more than ever necessary to overthrow the Soviet Government. He realized, however, that this could no longer be done by means of popular agitation, legal or illegal, since the Soviet public were, in Trotsky's words, under the "hypnotism of Socialist construction." It was therefore necessary to resort to other means.

Trotsky thought that it might be possible to seize power if the industrial life of the country were disorganized in such a way as to cause widespread popular

discontent, and if at the same time the leading members of the Soviet Government were simultaneously assassinated. He therefore advocated the organization of groups of his sympathizers inside the Soviet Union to commit sabotage at the most sensitive spots in industry and transport, and to arrange for the assassination of Soviet leaders. Much to Sedov's satisfaction Piatakov approved of the scheme and undertook to prepare things in the Soviet Union.

Before returning to Moscow, Piatakov met Sedov again for a few minutes and discussed the question of finance. Sedov told him to use his position as Assistant Commissar of Heavy Industry to pass orders for goods to the German firms of Borsig and Demag, with whom Trotsky had made an arrangement to share the rake-off. Piatakov also asked for more detailed instructions, and Sedov promised to write to him after consulting his father. Piatakov told him to give the letter to Shestov, who was then working in Berlin.

In November 1931 Sedov had received his further instructions from Trotsky, met Shestov by appointment at the Baltimore Restaurant, and gave him a pair of shoes, in which were concealed letters for Piatakov and Muralov, marked "P" and "M" respectively. Shestov duly delivered the letters.

To Piatakov's surprise—he had expected a letter from Sedov—the letter was written by Trotsky himself. It informed him that the principal task was to "remove S (i.e. Stalin) by all means," and to unite with all

forces in the Soviet Union which were hostile to Stalin. It was written in German.

Piatakov set about looking up his old associates.

Early in 1932 Trotsky enlisted Radek. Radek, while in Geneva, received a letter by the intermediary of Romm, a Tass correspondent, who gave evidence at the trial. The letter said much the same as Piatakov's.

In the summer of 1932 Piatakov was once more in Berlin and reported to Sedov on his activities. Sedov told him that his father was getting impatient.

That autumn Piatakov had a talk with Kamenev, and then Piatakov and Radek formed their central group, the purpose of which was to act quite independently of the group led by Zinoviev and Kamenev, and at the same time to be ready to take its place if any disaster occurred to it. Radek was rather worried at the necessity of having Zinoviev and Kamenev, whom he did not trust, as allies, and he wrote to Trotsky about it, but Trotsky replied emphatically that all anti-Stalin forces must co-operate. These letters were transmitted through Romm.

Piatakov was not idle. He personally recruited, among his fellow-accused, Boguslavsky, Drobnis, Livshitz, Norkin and Rataichak, and many others.

At the end of 1933 he saw Serebriakov at Gagri, and appointed him chief of the Transcaucasian group, and told him to pay special attention to railways.

He used his position as Assistant Commissar of Heavy Industry to place his recruits. Drobnis he sent to the

Kemerovo coal mine to "help" Norkin. Shestov was sent to the Kuzbas. Trotskyite groups were formed in Kharkhov, Kiev, Odessa and Dniepropetrovsk. Wrecking was directed against the coal, chemical and copper-mining industries.

As Piatakov testified, the wrecking did not proceed smoothly. Many of his supporters were opposed to it. "It evoked," he said, "perplexity and discontent." He asked Trotsky for advice, but Trotsky was firm: wrecking must continue.

In April 1934 Radek received a letter from Trotsky with further instructions. Trotsky said that Hitler's coming to power had confirmed what he had always maintained, namely that the Soviet Union was going to get involved in a war in which it would be defeated. The only hope therefore for the establishment of a government by the Trotskyites was to come to terms in advance with the victors. He had been in negotiation, he wrote, with the German and Japanese Governments.

In December 1934 Kirov, the leader of the Communist Party in Leningrad, was assassinated by the other group of Zinoviev and Kamenev, who were shortly afterwards arrested. Piatakov's group met to consider the effects of the assassination, and decided that single acts of assassination were worse than useless. They must either abandon terrorism altogether, or conduct it on a much larger scale. They decided on the latter course. At the same time, since Zinoviev's group

was now caught, Piatakov's group came into operation in its place. Sokolnikov, who had hitherto played a passive part, and had been used chiefly for communicating with certain diplomats, urged more intensive activity.

In December 1935 Radek received an eight-page letter from Trotsky written on Indian paper, in which he developed his views about the defeat of the Soviet Union.

These views are hard to understand, but it cannot be denied that there is a certain chain of logic in them. Briefly they were as follows. He had already said that it might be possible for them to achieve power by concentrated sabotage and terrorism. This, however, was unlikely. What was more likely was that the Soviet Union would become involved in a war with Germany and Japan, which the latter were planning for 1937. In this event there was far more chance of the group being able to seize power, provided they could count on the support of the victors, who, Trotsky felt sure, would be Germany and Japan. If, therefore, an alliance could be come to with them in advance, so much the better. He had, therefore, been in negotiation with them, and had promised them the support of his "fifth column" inside the Soviet Union. Before the war broke out, they would actively help the Germans and Japanese by collecting information and co-operating with their secret service, and by carrying out sabotage at important military factories and on strategic railways. When the

war broke out they would redouble their sabotage. After the war, if the Germans and Japanese would place them in power, they would agree to the "independence" of the Ukraine, and would cede the Maritime provinces to Japan. The Germans could also have economic concessions for gold mines, oil, manganese, timber, apatites, and the Japanese the oil of Sakhalin. Trotsky calculated that thus he would create a certain class of business men, concessionnaires, and capitalists who would be favourable to his régime, in which he envisaged himself as playing the part of a Napoleon. Trotsky intimated that he had already made an agreement along these lines with Hess, Hitler's representative, and that he had an understanding with the Japanese. Such, in brief, was the plan outlined in Trotsky's letter to Radek.

A question which occurs to one at once on this plan is one which Vishinsky put to Sokolnikov:

"Did you think you would succeed in retaining some of your independence?"

Sokolnikov replied: "We considered that we did have some chance, in the interplay of international rivalries. We thought, for example, that German fascism would not be able to assume complete mastery over the Soviet Union, because other imperialist powers would not let it, and international conflicts would arise."

The other side of the same question is what Hitler thought of co-operation with a man who advocated

"world revolution." Probably Hitler saw in Trotsky a convenient tool which he could use as long as it suited him in the furtherance of his designs on the Soviet Union, without worrying too much about Trotsky's theoretical views.

That Trotsky's mind was in fact working along the lines indicated was strikingly corroborated by the production in court of one of his own published articles, in the *Bulletin of the Opposition*, Nos. 36 and 37, of October 1933. In an article entitled "Problems of the Fourth International," the following passage occurs:

"Can the bureaucracy be removed by peaceful methods? It would be childish to think that the Stalin bureaucracy can be removed by means of a Party or Soviet congress. Normal constitutional means are no longer available for the removal of the ruling clique. They can be compelled to hand over power to the proletarian vanguard only *by force*. If, nevertheless, the Stalin apparatus resists, then it will be necessary to take special measures against it."

Piatakov and Radek discussed Trotsky's letter, and were (so they said) very much worried by it. They thought Trotsky was completely underestimating the strength of the Red Army. They decided that one of them must see Trotsky. They were afraid that most of their confederates would not tolerate the proposed partition of the Soviet Union, and that the disclosure of Trotsky's plans would lead inevitably to the splitting up of the group. They wanted to call a conference (so

Radek said) of the whole group in order to get their assent if possible to Trotsky's new instructions, and to allow those who refused to be parties to withdraw.

Radek had a standing invitation to deliver a lecture to students in Oslo, and was preparing to take advantage of this to visit Trotsky when Piatakov was called to Berlin on business.

The visit to Trotsky was therefore left to Piatakov. Since certain doubts have been thrown on whether this visit ever took place, it will be as well to deal with the evidence in some detail.

Piatakov arrived in Berlin on December 10th, 1935. On the 10th or the 11th he met Bukhartsev, the *Izvestia* correspondent in Berlin (who gave evidence at the trial), who told him that Trotsky had sent a messenger to Berlin for him. The next day Bukhartsev introduced Piatakov to the messenger in the Siegesallee, in the Tiergarten. Bukhartsev knew that the messenger was Gustav Stirner, but simply introduced him as Gustav. Gustav produced a note from Trotsky for Piatakov, which ran: "Y.L. The bearer of this note can be *fully* trusted." He told Piatakov that Trotsky was most anxious to meet him, and asked him if he was prepared to travel by aeroplane. Piatakov said he was, although he realized, as he said in court, that to do so was taking a very great risk of exposure. Gustav told him to meet him next morning at the Tempelhof Airport, and the conversation ended. It only lasted a minute or so.

"Early next morning," said Piatakov, "I went straight to the entrance of the airport. He was waiting at the entrance and led the way. He first showed me a passport which had been prepared for me. The passport was a German one. He saw to all the customs formalities himself, so that all I had to do was to sign my name. We got into an aeroplane and set off."

Bukhartsev, in evidence, said that he had asked Gustav how he had arranged about the passport and the aeroplane, and that Gustav had told him that he had sufficient connections, and that the aeroplane would be a special one. The impression left on those who were in court was that the aeroplane in question was a military one.

"We did not stop anywhere," Piatakov went on, "and at approximately 3 p.m. we landed at the aerodrome near Oslo. There a car was waiting for us. We got in and drove off. We drove for about thirty minutes and came to a country suburb. We got out and entered a small house that was not badly furnished, and there I saw Trotsky, whom I had not seen since 1928."

Asked whether there were any difficulties about the aeroplane landing in Norway, Piatakov replied that he was so excited by the unusual nature of the journey that he did not pay attention.

I have read some statement to the effect that no aeroplanes flew from Germany to Norway in December 1935. It seems hard to believe that this is so, and one does not know, of course, whether "special"

aeroplanes are referred to, or only civil air liners. In any case it is clear that everyone was interested in concealing this trip, and that highly placed persons were concerned in organizing it. It may be, therefore, that no record exists of the flight.

At the interview Trotsky confirmed his instructions, and Piatakov, after a three hours' talk, left straight for Berlin the same evening.

The group received a further letter from Trotsky in January 1936, and that was the last time, according to the evidence, that they heard from him.

The letters which passed between Radek and Trotsky were delivered through the intermediary of Romm, the Tass correspondent in Geneva, and later *Izvestia* correspondent in New York. His occupation, which necessitated frequent trips to the Soviet Union, placed him in an admirable position to act as go-between. He gave evidence at the trial that he carried in all five letters each way, concealed in the covers of books. He mentioned the titles of two of the books, *Tsusima* and an Anglo-Russian technical dictionary.

Radek explained that immediately after reading the letters he took the precaution of burning them.

CHAPTER VI

SPYING

MOST OF THE DETAILS of the spying activities of the defendants were, of course, discussed *in camera*. However, the evidence given in open court disclosed a widespread net of espionage conducted on behalf of the Germans and the Japanese. The names of a number of German spies were mentioned, and it appeared that several diplomatic representatives of both countries were involved. When it was necessary to refer to a diplomat, he was called "Mr. X" or Mr. K." However, on one occasion one of the defendants let slip the name of a Japanese official, a name which was instantly recognized by the foreign Press representatives present. The defendant apologized for mentioning the name and pointed out that the name really did begin with the letter which was used to represent him, and asked permission to use another letter so that he should not be tempted to let the name slip out again.

Espionage, like all the other activities of the group, was conducted under the directions of Piatakov.

The Japanese secret service was assisted by the defendants Knyazev and Turok. Knyazev occupied the position of chief of the South Ural Railway, and

collected information, which he handed to the Japanese secret service, on the mobilization instructions of all the Eastern railways, and on the number of troop trains which had gone to the Far East in 1934. The Japanese gave him instructions to prepare to set fire, when war broke out, to military warehouses and to infect the rolling stock to be used for troop trains with bacteria, which they promised to provide for him. On their instructions he in fact carried out a number of train wrecks causing considerable loss of life. These will be dealt with in the next chapter.

Turok co-operated with Knyazev. The Japanese paid them handsomely for their services. Turok received 20,000 roubles (about £800) and Knyazev 15,000 (about £600).

An incriminating letter was found on Knyazev from a Japanese diplomat. This letter, dated August 1936, was produced to Knyazev in court and identified by him.

Considerable interest was caused in court when Livshitz, Assistant Commissar for Railways, who stuttered slightly, made the following revelation for the first time:

"I want to inform the court of the following: at the preliminary investigation I denied . . . I denied one very abominable fact—"

Vishinsky: "What was that?"

Livshitz: "The question of espionage."

Vishinsky: "Will you disclose it now?"

Livshitz: "For the same reason I also denied having any relations with Turok during the preliminary investigation. But I want now to disclose everything to the court, though this is the gravest crime—treason to the fatherland. I want to tell the court . . . that I knew all about Knyazev's and Turok's connections with the agents of foreign powers."

Vishinsky: "During what period did you know of this?"

Livshitz: "From 1935 till my arrest. Moreover, on Knyazev's request, I gave him certain information for transmission—"

Vishinsky: "While being . . .?"

Livshitz: "Assistant People's Commissar."

This dialogue was one of the many which carried complete conviction to all those present. Livshitz could not have acted a part, as he shamefacedly revealed for the first time his knowledge of his co-defendants' spying activities, stammering badly in his nervousness while everyone in court was wondering what was coming.

The defendant Rataichak was given by Piatakov the task of co-operating with the German secret service. Rataichak was the chief of the central administration of the Soviet chemical industry, and was thus in a position to supply extremely valuable information. He gave Lenz, a German spy, the 1934 output figures of the military chemical plants and the planned figures for 1935; and recruited the defendants Pushin and Grashé to help him.

Pushin handed to Lenz the 1934 output figures for the whole chemical industry, and the planned figures for 1935; the plans for construction of nitrogen plants up to 1938, and regular information on stoppages and breakdowns.

Grashé, whom Rataichak appointed head of the foreign department of the chemical industry, was, as he himself admitted in court, a spy pure and simple. Of Austro-Hungarian origin, he had come to the Soviet Union in 1920, armed with false identity papers, as an agent of the Czecho-Slovakian secret service. He had entered the service of the Germans in 1932 and worked under the direction of the German Meyerowitz, whom he put in touch with Rataichak. Both he and Rataichak identified Meyerowitz's photograph in court. Grashé was paid for his work. He held no political views. ("I, as a spy, should not have any convictions.") He had not committed any acts of sabotage or terrorism.

Stroilov was another agent for the Germans. He was a man of a very different calibre from his co-defendants, and it was possible to appreciate how he had fallen into his criminal career. It was clear, as he sat with bowed head in the dock, that he was overwhelmed with the realization of the crimes he had committed, absolutely sincere in his expression of regret, and almost alone among the defendants completely frank about the crimes he had committed.

As has already been mentioned, as soon as he started

in a subdued voice to describe how he had fallen into the clutches first of the German police and later of the Trotskyites, all three judges pricked up their ears and started studying his demeanour with the greatest earnestness, taking full notes of what he was saying. In the result he was given the lightest sentence of anyone, eight years' imprisonment.

This was the story he told: He was an engineer by profession. He had never been a member of the Communist Party, nor had he ever had any political sympathy with the Trotskyites. He had, however, achieved considerable eminence in his profession, and was responsible for several useful inventions, for which he had been decorated with the Order of Lenin, the highest award in the Soviet Union. "The Party and the Government treated me awfully well," he said in his last words.

In 1931 the Government sent him to Germany for training. At that time the Soviet Union was in the throes of industrialization and collectivization. Stroilov's parents lived in a village where collectivization had been over-hasty, and they had suffered considerable hardships, which had made an impression on Stroilov. At the same time general conditions in the Soviet Union were none too good. Food was rationed, and people were tightening their belts in the struggle to achieve the first Five-Year Plan. With this background in his mind Stroilov went to Germany. Here, as an engineer, he moved in middle-class circles, and he was impressed

with the far more prosperous conditions then prevailing in Germany.

On being sent abroad he had been given strict instructions not to indulge in any political propaganda which might cause him to be sent home. In the course of conversation with his German colleagues, the question on conditions in the Soviet Union cropped up, and Stroilov expressed the opinion that while things were not so good there at the moment, they would undoubtedly improve. The German police got to hear of what Stroilov had said, and threatened him with expulsion and exposure to the Soviet authorities, for conducting political propaganda, saying that he would undoubtedly be put in jail in the Soviet Union.

They gave him Trotsky's *My Life* to read, telling him this would alter his views. "I didn't think much of the book," he said. Finally, however, the apparently more prosperous condition of Germany weighed more and more on him, and he yielded to the threats of the police. They made him sign a document that he would not return to the Soviet Union but would remain and work in Germany in return for a promise that they would send him to France and Czecho-Slovakia to study. Once he had signed the document, they laughed in his face, and told him there was no question of his going to France, Czecho-Slovakia or staying in Germany. He must go back to the Soviet Union and work as their agent. "I must admit," he said, "that I was dumbfounded. I said this was simply dishonest."

He went back to the Soviet Union as he was instructed and, frightened by threats of exposure, he gave the German secret service much valuable information. The Germans told the Trotskyites of Stroilov's position, and Shestov came to see him on behalf of the Trotskyites. "In answer to my puzzled question as to what contact there could be between myself, a non-party engineer, and the Trotskyite organisation, Shestov replied that the Trotskyites had given him the same tasks as the Germans had given me. Therefore, there was no difference between us."

Vishinsky: "Did this convince you?"

Stroilov: "No. But his character convinced me."

Vishinsky: "What character?"

Stroilov: "He would have handed me over to the G.P.U. I was simply afraid."

Thereafter Stroilov committed a whole number of acts of sabotage in the coal industry on Shestov's directions. It was easy to believe, on watching Shestov's arrogant behaviour even in the dock, that he would have made an effective and unscrupulous blackmailer; indeed he terrorized not only Stroilov, but also Arnold into committing two desperate acts, to be described later, which would, if successful, have cost Arnold his life.

Stroilov's criminal activity was no whit less serious than that of many other defendants; but the court took into account in passing sentence upon him that he had not been a completely free agent. In prison he will no

doubt be employed in his capacity as a mining engineer, and it is highly likely that in a few years' time he will completely have altered his old outlook.

CHAPTER VII

SABOTAGE

“The destruction or injury, with counter-revolutionary intent, of railways . . . public warehouses or other buildings, or State or public property, by means of explosions, arson or otherwise, entails the penalty set out in sub-section two of this section” (i.e. death or outlawry and forfeiture of all property, or in mitigating circumstances imprisonment for not less than three years with forfeiture of all or part of property). *The Soviet Criminal Code, section 58 (9)*

AS PIATAKOV PUT IT, “We realized that if it became necessary to resort to acts of sabotage for the purpose of carrying out our wrecking plans, the loss of human life would be inevitable. We took this into account, and accepted it as inevitable.”

Here is a list, no doubt incomplete, of the victims as disclosed by the evidence:

Date	Responsible	Method	Killed	Injured
1935	Knyazev	Train wrecks	46	51
1936	”	” ”	17	103
Mar. 1936	Turok	” ”	Several train crews	
26/4/36	”	Train wreck	1	20
23/9/36	Drobnis	Explosion	10	14
	Rataichak	”	3	—
Nov. 1934	”	”	2	—
1/8/36	”	Instructions to incur unnec’y danger	17	15
15/4/34	Shestov	Murder	1	—
	”	Explosion of dynamite	Several children	
			—	—
			97	203
			—	—

Sabotage was committed by members of the group, partly on the instructions of their leaders, and partly by orders of the German and Japanese secret service.

First as to industrial plants. On September 23rd, 1936, in the central pit of the Kemerovo coal mine, by means of causing gas to accumulate, an explosion was caused which killed 10 miners and seriously injured 14. Drobnis admitted that he was responsible for this act, and that the plan was to throw the blame on to the specialists.

Drobnis, with his heavy black beard, looked more like a rabbi than a criminal. He related quite calmly, after a little hesitation, that when one of his confederates had pointed out to him that an explosion must inevitably cause loss of life, he had replied that the more deaths the better, as that would embitter the miners against the Soviet Government.

When the explosion took place Drobnis had been in custody for some weeks, having been arrested on August 6th. There was considerable tension in court, as Vishinsky asked him:

“But you gave your assent to the explosion being organized?”

“I gave my assent at the end or the middle of July.”

“So, as Noskov [a confederate] remained at the mine, your arrest did not prevent the explosion taking place?”

“No.”

“Could it have been prevented?”

"Prevented? Of course it could have been prevented."

"Who could have prevented it?"

"I could."

"Did you prevent it?"

"No."

"It took place?"

"Yes."

"Although you were in jail, the explosion took place?"

"Yes."

These answers were listened to in dead silence by everybody in court. This was another passage which would have persuaded the most sceptical observer that here was no play-acting but grim reality.

Shestov, who grinned nervously and spoke jerkily while he gave his evidence, was a professional, cunning and unscrupulous gangster and blackmailer. He it was who bullied Stroilov into crime by threats of exposure and Arnold by threats of vengeance—threats that he would not have hesitated to carry out.

He described, still grinning, how he had stored some dynamite in preparation for an explosion. "Miners' children were playing," he said. "They were probably digging, and hit upon the dynamite. A terrific explosion took place."

Vishinsky: "And what happened to the children?"

"They perished."

Shestov was responsible for murdering an engineer who had discovered that things were wrong. On April 15th, 1934, as the engineer was riding home, a truck overtook him and killed him. Shestov described it thus:

"Boyarshinov was murdered at my order. He reported to me that there was something wrong in the construction of the mine. I thanked him and promised to look into it. Afterwards I summoned Cherepukhin and ordered him to kill the man. This was done."

Vishinsky: "And he was murdered?"—"Yes."

"An honest engineer?"—"Yes."

This was almost the only moment when the public betrayed its emotion by a low murmur of resentment.

Shestov also described the robbery of the State Bank at Anzherka, where he got away with 164,000 roubles (about £6,500). He distributed the money among his gang.

Rataichak, short, cropped, and obstinate in his answers to *Vishinsky*, had been head of the central administration of the Soviet chemical industry. With *Pushin's* assistance, he organized three explosions at the Gorlovka Nitrogen Fertilizer Works (here *Tamm*, a witness, the technical director of the works, assisted him), one explosion at the Voskresensk Chemical Works and one at the Nevsky works.

At the Gorlovka plant, in the neutralization
Ej

department of the ammoniac-saltpetre shop, an explosion caused the deaths of three young workers and put the whole plant out of action for several days. When an inquiry was ordered into the causes of the explosion, Rataichak was able to use his position as chief of the administration department to secure the appointment of confederates of his to serve on the commission of experts, and thus the real cause of the explosion remained unrevealed.

There was sensation in court when Vishinsky slowly read out the names of the victims, Young Communists and shock brigaders, and asked:

"Who killed them?"

"We did," said Rataichak.

"You, the head of the central administration of the chemical industry?"

And Rataichak hung his head.

The second explosion at Gorlovka caused the breakdown of a reserve gas line. It was not accompanied by any loss of life.

The third explosion took place in November 1934 in an air chamber. Two workers were killed.

At Voskresensk, in April or May of 1934 one of the acid departments was deliberately put out of commission. During the night of August 1st, 1936, a fire occurred at this plant, for which Rataichak said he was not responsible. However, he admitted deliberately giving premature instructions to proceed with the salvage work, at a time when he knew it was unsafe to

do so. As a consequence a wall collapsed, killing seventeen and injuring fifteen workers.

Expert evidence was called to prove that all the explosions which have been described could not have taken place accidentally, but must have been caused deliberately. Incidentally, it is worth recording that since the examination of an expert witness is a difficult matter, Judge Ulrich asked the counsel for the defence to be good enough to cross-examine on behalf of all the accused in addition to the questions put by the accused themselves.

Norkin was sent to Kemerovo in 1933 by Piatakov to be head of the construction trust there. His orders were to delay as long as possible the construction of works of military importance. Later, in February 1936, he succeeded in causing three explosions at the generating station by the use, in contravention of the regulations, of volatile coal.

He was also instructed by Piatakov to be ready to set fire to the Kemerovo chemical works as soon as war broke out, and when he objected that this would involve loss of life, Piatakov told him he was "wasting his pity."

A cold-blooded monster was Knyazev. M. Braude, who had the task of defending him, was not to be envied. Knyazev's speciality was train wrecking, and he worked under the orders of Livshitz, Assistant Commissar for Railways, and the Japanese secret

service. In his position as chief of the South Ural Railway, he saw to it that permanent way and locomotive repairs were left undone, but this did not satisfy him. He gave specific instructions for the organization of collisions, involving, if possible, loss of life, in order to "create bitterness against the Government, and give the public the impression that the Government are to blame."

On August 27th, 1935, at Shumikha, with the connivance of some of the local station staff, troop-train No. 504 was wrecked, killing 29 and injuring 29 Red Army men. The senior pointsman was despatched on an errand, and the duty of receiving the train entrusted to Chudinova, a girl apprentice of only two weeks' experience. She was told to switch the train on to an occupied track, and knowing no better, did so.

The train, travelling at 30 m.p.h., turned into a siding and crashed into a loaded goods train which was standing there. The train was completely wrecked. Knyazev himself, as chief of the railway, went at once to the scene of the accident, and on being discreetly informed that the accident had been arranged on his instructions, he was able to shelter those really responsible, and the blame was placed on the inexperience of the girl apprentice.

Knyazev also admitted responsibility for an accident between Yachino and Ust-Katav in December 1935, an accident between Rosa and Vargashi in January 1936 by means of a boiler explosion which killed the driver's

mate and the fireman and threw the driver thirty yards, an accident to train No. 910 at Chistaya Chumlak on January 18th, 1936, an accident between Yedinover and Berdyaush on February 7th, 1936, killing some guards, another accident at Chistaya Chumlak on February 27th, 1936, and others.

In all, said Knyazev, he was directly responsible for thirteen or fifteen accidents causing 63 deaths and injuring 154 persons. As chief of the railway he was able to conceal his responsibility for these accidents, and where it was impossible to attribute the accident to natural causes he instituted proceedings for criminal negligence against innocent people.

Turok, assistant manager of the traffic department of the Perm and Urals Railway, worked in league with Knyazev. From 1934 until the date of his arrest he engineered no less than 40 accidents. Most of these were to goods trains, involving the deaths of the crews; and one passenger train was wrecked on April 26th, 1936, between Sverdlovsk Passenger Station and Sverdlovsk Junction, killing one person and injuring twenty.

The connections of these two defendants with the Japanese have been mentioned in a previous chapter.

Boguslavsky, a hunchback, was formerly a waif, who had been regenerated and entrusted with responsible posts. He had been enlisted for railway wrecking. The chief interest of his evidence was when he broke out in

violent indignation against Piatakov and Radek, bitterly attacking them for concealing from him the bargains to partition Soviet territory. He complained, with obvious sincerity, that he had not known of them before reading the indictment and would have repudiated them had he known.

Shaking with emotion, he declared, when Vishinsky asked him why he had confessed:

"In the last few years the position of a criminal in which I found myself not only embarrassed me, but weighed heavily upon me.

"In this connection, I want to mention the absolutely unbearable and incredible rottenness within the Trotskyite organization, which I could not help feeling at every step. I must state that much that was previously unknown to me has been explained in the course of the trial.

"I must state here in court how bitter revulsion overcame me when Radek described here" (here Boguslavsky turned towards Radek and almost shouted) "how the coalition with the Zinovievites was hardly formed before talk had begun how some could swindle others.

"We who were doing local work did not know that behind our backs our country was being sold to foreign capital. I only realized it, partly, when I received the indictment. But only here did it become quite clear to me, when I listened to the evidence of Piatakov and Radek."

CHAPTER VIII

TERRORISM

"The commission of terrorist acts against representatives of the Soviet power or members of revolutionary workers' and peasants' organizations or participation in the commission of such acts even by persons who are not members of any counter-revolutionary organization entails the penalty set out in subsection two of this section" (i.e. death or outlawry, with forfeiture of all property, or in mitigating circumstances imprisonment for not less than three years with forfeiture of all or part of property). *The Soviet Criminal Code, section 58 (8)*

THE ASSASSINATION of the leading members of the Soviet Government took an important place in the programme of the group from the beginning. However, unlike their other activities, here they were completely unsuccessful. It is true that they knew of the plot to assassinate Kirov, but the deed was done by the collateral group of Zinoviev.

That they were unsuccessful was not from lack of desire. It appeared in evidence that Piatakov and Radek knew and approved of plans for the assassination of Stalin, Molotov, Kaganovich, Kossior, Postychev, Beria, and Yezhov. Most of the defendants knew of one or more of these plans.

Moreover, the group, having reviewed with dismay the results of Kirov's assassination, which, contrary to

their expectations, had created a wave of horror and indignation throughout the Soviet Union, finally determined that only the simultaneous assassination of all or most of the leaders of the Soviet Union would have the effect they desired.

There seems little doubt that the plans were worked out and proceeded with as far as the group could get. In August 1936, for example, an accomplice of Boguslavsky's was bringing him three revolvers and eighty cartridges but was arrested *en route*.

But the difficulty which faced the group was to get anyone to take the risk of doing the job. Most of the defendants were not men to throw away their own lives.

This difficulty must always exist in terrorist work. The men who actually commit terrorist acts are usually either a little mad or else idealists firmly convinced of the justice of their cause and ready to sacrifice themselves in order to further it. Many of the terrorists in Tsarist Russia were men of this kind.

There is a third class of man who will do desperate deeds at the risk of his own life, and that is a man who is himself desperate as a result of threats and blackmail.

The group found no lunatics and no idealists, but they did succeed in finding a man they could bully. This man was Arnold.

Arnold was a worthless little man, with a record of desertions from the army, many aliases and a jail sentence in America for theft. In America he had joined a freemasons' lodge for "social advancement"

and on his return to the Soviet Union he joined the Communist Party, no doubt with the same motive. He concealed his past history in making his application, but somehow or other Shestov, the blackmailer, got to hear of part of Arnold's record, and applied pressure. Arnold joined up in the gang.

Arnold had nothing to do with wrecking, sabotage or spying. What was charged against him were attempts to assassinate Ordjonikidze and Molotov. He was the manager of a garage and in each case he was ordered to stage a car accident.

It was known that Ordjonikidze would be paying a visit to the neighbourhood and would require a car. Arnold was told to act as chauffeur himself and to drive at full speed along a certain route, where at a given point there would be an obstruction. Arnold did as he was told, but at the last moment, when he saw the obstruction, he lost his nerve and managed to steer clear of it.

When Molotov was due for a visit, Shestov laid his plans better. Threatening Arnold that he would have him murdered if he failed this time—a threat Shestov was quite capable of carrying out—Shestov directed Arnold to drive near an unfenced ravine with a thirty-foot drop and take the car over the edge. Unknown to Arnold, Shestov took additional precautions to ensure success. He arranged for a lorry to be passing the ravine at the same time and to drive into Molotov's car if it appeared that Arnold was disobeying instructions.

When Arnold got near the ravine he noticed the lorry approaching, realized that he had been double-crossed, and, unnerved again, avoided the lorry and brought the car to rest half-way over the ravine. He suffered nothing worse than a reprimand from the authorities for negligent driving.

There was this to be said in Arnold's favour: when asked why the attempts were not successful, he might have replied that he thought better of it at the last minute. But he quite frankly admitted that in each case his own cowardice stopped him.

CHAPTER IX

LAST WORDS, VERDICT AND SENTENCE

IN THEIR LAST WORDS all the defendants, with the exception of Piatakov, Radek, and Shestov pleaded for mercy. None of them made any attempt to put forward a political justification of their crimes, and most of them stated that they had now come to realize where Trotskyism was leading. Norkin ended his final statement by saying:

"In case this plea of mine in court is the last act of my life, I want to take advantage of it to convey my seething contempt and hatred for Trotsky."

All of them claimed that Vishinsky had been wrong in doubting whether their confessions were complete. In view, however, of the conduct of Zinoviev and Kamenev, who at their first trial denied anything worse than "moral responsibility" for the assassination of Kirov, and at their second trial admitted that they had directly organized it, while at the same time revealing nothing of the activities of Piatakov's collateral group, there is probably some justification for Vishinsky's doubts.

The court deliberated for nearly eight hours, and

returned with the verdict at 3 a.m. Thirteen defendants were sentenced to death, Radek, Sokolnikov, and Arnold to ten years' imprisonment and five years' deprivation of political rights and Stroilov to eight years' imprisonment and five years' deprivation of political rights. The property of all the defendants was declared to be forfeited.

There can be no doubt that if ever there were a case where the death sentence was justified, it was justified in the case of these thirteen men. In my opinion the facts proved in court amounted in law to the offences with which the defendants were charged, and the court was therefore entitled, according to the provisions of the Criminal Code, to pass death sentences. Indeed it was bound so to do unless mitigating circumstances were present. No one who listened to the evidence could possibly claim that, in the case of those who were sentenced to death, there were any mitigating circumstances. None of them young men, they all quite consciously and deliberately chose the course they did fully knowing what the consequences would be if they were discovered.

It is, perhaps, worth remarking that had their crimes been committed in this country they would undoubtedly have been liable to the death penalty according to our law. High treason is a capital offence in England, and the activities of the accused would be considered high treason by an English court. Quite apart from high treason, however, while sabotage, attempted

assassination and betrayal of official secrets are not capital offences in England, common murder, of course, is. An English court would have had no difficulty, on the evidence, in finding nearly all the defendants who were sentenced to death guilty of murder, in which case it would have had no alternative but to pass death sentences.

The court found that Radek and Sokolnikov, although they were members of Piatakov's group, had not directly participated in the organization or commission of sabotage, terrorism or spying, and for this reason refrained from passing a death sentence, no doubt seeing in this fact some mitigation.

It is quite clear that on the evidence the court would have been justified, according to the provisions of the Code, in passing a death sentence on both Radek and Sokolnikov. The evidence showed that they both knew and approved of what was going on, and, indeed, encouraged it. Furthermore, they were both leading members of an organization which, to their knowledge, was plotting high treason.

Section 17 of the Criminal Code contains a provision which is substantially the same as English law:

"Accomplices, whether instigators or accessories, are punishable as principals.

"Instigators are persons who assent to the commission of an offence: accessories are persons who cooperate in the commission of an offence by giving advice or directions, by facilitating the commission of the

offence or by concealing the principal or the consequences of his crime."

Further, section 58 (11) of the Code (already quoted) renders "organizational activity" in preparation for high treason, and membership of such organizations, liable to the death penalty.

It was not, therefore, because of some legal flaw in the evidence that the court were unable to pass death sentences on Radek and Sokolnikov, and the fact that they did not do so, which caused general surprise, must be ascribed to a special leniency extended to them because their activity was only indirect.

So far as Arnold is concerned, while he was not a man for whom one could feel any sympathy, yet he had committed no sabotage or spying, was not a Trotskyite, and had been blackmailed into committing two attempts on the lives of Soviet leaders neither of which was successful. He had in fact killed no one, and could scarcely even be said to have been guilty of high treason. In the circumstances the leniency extended to him was understandable.

As to Stroilov, he had committed a series of acts of sabotage and had for years been an agent for the German secret service. If the court had based itself merely on the crimes he had committed, it would undoubtedly have passed a death sentence. But it was obvious, as I have already said, that he was a man of a different calibre from his co-defendants, and it was equally obvious that the court were closely observing

him throughout the case. There can be no doubt that the court took his character and the possibility of his reform into account in passing sentence upon him.

I may as well confess now that when I had heard all the evidence I decided for myself what sentence I should pass if I had been the judge. I came to the conclusion that a just sentence would be to sentence fifteen defendants to death and to give Arnold and Stroilov ten years' imprisonment each.

As I read the newspaper reports of meetings all over the Soviet Union at which death for all the accused had been demanded, and as I listened to Vishinsky eloquently appealing for seventeen death sentences, I, like most people, thought it inevitable that all the defendants would be executed.

"Well," I said to myself, "it may be that they are all liable to the death penalty, and it may be that political conditions in the Soviet Union require the severest punishment of all persons who in any way engage in treasonable conspiracies. I don't know about that, but I personally shall be fully satisfied with the quality of Soviet justice if they find it possible to let off Arnold and Stroilov."

In the result the court was more merciful than I would have been!

One or two remarks on the nature of the various types of penalty inflicted. The Soviet Criminal Code lays down the objects to be achieved by measures of

social defence, such as imprisonment. These are to prevent the commission of further offences by the person concerned, to influence other unstable members of society, and to adapt the criminals to conditions of life in a workers' State. The section of the Criminal Code ends with the proud words:

"A measure of social defence must not have as its object the causing of physical suffering or the lowering of human dignity and cannot have retribution or punishment as a motive."

The maximum sentence of imprisonment is ten years and the time spent in custody on remand counts as part of the sentence (unlike England). In serving their sentence the special talents of the prisoners are invariably made use of. Stroilov, for example, will almost certainly be given an engineering job, and, as I have said, I should not be surprised if in three or four years' time he is released a completely loyal member of the Soviet State. No one is kept in prison once they are reformed, no matter how much of their sentence still remains to be served.

Deprivation of political rights involves loss of the right to vote and to stand for election, the right to occupy any elective post in a State organization or any official post, and the right to carry decorations. Stroilov will lose his Order of Lenin. Five years is the maximum period for which a citizen can be deprived of his political rights.

Forfeiture of property does not include household

articles necessary for the use of the condemned person or his family, or the tools of his trade. He must be left with an amount of property of the minimum value of three months' wages for each member of his family.

CHAPTER X
ENGLISH OPINION

AFTER attending every session of the court (except the one held *in camera*), studying the indictment and the Criminal Code, listening with care to the whole of the evidence and observing the demeanour of the defendants, witnesses, prosecutor and judges, my own considered opinion, formed and expressed as a lawyer, soberly and deliberately, is that the trial was conducted fairly and regularly according to the rules of procedure, that the defendants were fully guilty of the crimes charged against them and that in the circumstances the sentence was a proper one.

My view was shared by all those British and American correspondents present at the trial with whom I had an opportunity of discussing the case. It was also expressed by an eminent diplomat, himself a lawyer and a judge in his own country, who declared:

"If this evidence is false, then I have never heard the truth."

I believe that any lawyer who had been present at the trial would have come to the same conclusion as I did.

I have found, however, that in this country many

people have taken a different view about the trial, including some persons for whose opinion I ordinarily have a great respect. Many people, who are by no means ill-disposed to the Soviet Union in general, have been genuinely puzzled and worried by these political trials.

I believe that one of the chief reasons for their bewilderment is the way in which the trial was reported in most of the British Press. Some of the accounts which I have read give an entirely distorted account of what actually took place, most are highly coloured and tendentious, and in a few instances statements have been made which are the exact contrary of the truth.

This may be partly due to mistakes in the course of transmission of messages, since I know that the telegraph and telephone wires between Moscow and London, the number of which is very small, were strained to their utmost during the trial, and much delay was occasioned.

Some of it may be due to hostility to the Soviet Union, and much of it is probably due to the taste of the Press for sensationalism and a consequent selection of portions of the trial for report and comment.

I am quite prepared to believe, for example, that the now famous *canard* about Radek having been tortured in the course of the investigation was due not to deliberate misrepresentation but to the fact that when "RADEK TORTURED INVESTIGATORS" came over the wires in telegraphese, the minds of sub-editors could

only interpret it in one way, applying the maxim that "Dog bites man" is not news, but "Man bites dog" is. In case there are still any doubts as to what Radek did say, by the way, I am prepared to vouch for the fact that I heard him say: "The question has been raised here whether we were tortured while under investigation. I must say that it was not I who was tortured, but I who tortured the examining magistrate by keeping him waiting for two and a half months."

But apart from this incident most papers have offended by misleading descriptions. The following are a few examples, taken from papers in which one usually expects a high standard of accuracy and objectivity.

The *Morning Post* and the *Manchester Guardian* described the dock as "cage-like." In fact the dock was far less cage-like than most English docks. The defendants were separated from the public by a wooden railing waist-high, and had separate chairs inside their enclosure.

The *Daily Herald* wrote that Stroilov was "unmercifully pounded" by Vishinsky. Read "cross-examined."

The *News Chronicle* erroneously published a photograph of Loginov as "one of the accused." Loginov was a witness.

The *News Chronicle* said in headlines that several prisoners were in tears during Vishinsky's speech, and the *Daily Herald* reported that "Piatakov openly wept." I cannot imagine where this report originated.

I was present for every word of Vishinsky's speech (unlike most of the correspondents, who were frequently leaving to write their messages) and I did not observe a single defendant in tears at any time, although it is true that some of them looked dejected, and one or two buried their face in their hands. Moreover, no one from the foreign Press bench could possibly have seen how Piatakov was behaving, since he was sitting at the far end of a row with three or four defendants between himself and the body of the hall.

The *News Chronicle* declared that Vishinsky "thundered" his demand for a death sentence. He did nothing of the kind; as the *Daily Herald* correctly reported, "Vishinsky's voice rarely rose above conversational level."

The *Daily Herald*, on the other hand, erred in stating that Vishinsky demanded the death sentence "amid tumultuous cheers." There were no cheers whatever, but merely, as the *Manchester Guardian* correctly put it, "brief applause."

I need scarcely refer to the *Daily Express* which reported the presence of "5,000 G.P.U. troops" outside the court-house (in fact, as already mentioned, there was one militiaman) and described with a wealth of circumstantial detail the execution of the defendants only twenty-four hours before it took place.

The errors which have been referred to above appear to have been due, for the most part, to a frantic desire to make the trial appear as sensational as possible even

at the expense of accuracy. It is probably only considerations of the law of libel and contempt of court which prevent important trials which take place in this country being described in a similar way. Lawyers may perhaps be grateful that their cross-examination cannot with impunity be described as "unmerciful pounding" nor their speeches as "thundering demands."

While this colourful reporting is not important in itself, it has undoubtedly served to create an entirely false impression of the atmosphere in which the trial took place. There have been, however, two serious mistakes in the newspaper reports on which much comment has been based and which it is important to put right.

Most papers published a picturesque but quite inaccurate account of an interruption by Muralov during Shestov's evidence. Shestov was giving a description of the plot to assassinate Ordjonikidze, when, according to this account, Muralov is supposed to have jumped up and said that he and not Shestov was the guilty party. Basing itself, no doubt, on this report, the *Economist* quite legitimately made the following comment:

"We have the amazing spectacle of one criminal claiming to have committed a murder, and being at once denounced as a liar by another penitent, who insisted that the crime was his own. This surely must be the first case in judicial history of competitive self-condemnation on a capital charge."

Not an unreasonable comment if the report were accurate. But the exact contrary is the truth. Shestov was describing the plot to assassinate Ordjonikidze, and mentioned that Muralov had given him instructions with regard to it. It was this allegation which brought Muralov to his feet with an indignant denial.

"I categorically declare," he said, "that this belongs to the realm of Shestov's fantasy. I never gave such instructions."

The other mistake was a widespread report that one of the defendants had admitted causing several thousand railway accidents. The report, which raised an understandable scepticism in this country, was quite untrue. The train wreckers were Knyazev and Turok, who admitted responsibility, over a period of years, for 13-15 and 40 train wrecks respectively. No other defendant was directly concerned in train wrecking.

What may have been responsible for the report was a remark of Knyazev's. He referred to the total number of accidents which had occurred on his railway in the course of 1934, and said that the fact that the figure (1,500) was high, was undoubtedly due in general to sabotage in various branches of industry caused by Trotskyite organizations.

Enough has been mentioned to indicate how unreliable any opinion must be if it is based solely on the newspaper accounts of the trial, and I now turn to some of the more general criticisms and comments which have been made.

In expressing my views on these criticisms I do so not with any desire to protect the Soviet Union or to conduct propaganda, but simply because in my opinion these criticisms are ill-founded.

In the first place, with regard to the confessions. It is said, on the one hand, that they were uncorroborated, and, on the other, that they were not genuine.

So far as corroboration is concerned, there are several points to be made. I have already pointed out that in England, and so far as I know in every other country, if the accused pleads guilty no evidence whatever is called to corroborate his plea, and he is not even examined upon it.

Further, there was corroboration in this trial, and plenty of it. No fewer than five accomplices were called as witnesses. This type of corroboration, however, is notoriously unreliable, the practice in England being to warn the jury not to convict on the evidence of accomplices alone, and if it were the only corroboration of the defendants' confessions which had been produced, it would have been legitimate to argue that the confessions were substantially uncorroborated.

There was also the evidence of three expert witnesses, which confirmed that the explosions which some of the accused admitted having caused could not have occurred accidentally.

Moreover, a number of documents were produced. Letters which had been found on Knyazev were produced, shown to him and identified by him. Stroilov's

diary, with the telephone numbers of German secret service agents in it, was produced and identified by him. The correctness of the telephone numbers was confirmed by the production of the appropriate German telephone directory.

It was elicited from Radek that the letters which he had received from Trotsky had been destroyed. In such circumstances even the strict English law of evidence admits oral evidence of the contents of a document.

The movements of the German secret service agents were in many cases confirmed by the production of the police record of their arrivals and departures from the Soviet Union, and also by the production of hotel registers.

The identity of a number of German agents was established by photographs. For example, Stroilov mentioned in his evidence five Germans who were known to him as spies, and he was shown twenty photographs and asked to pick out the five. He went through them with a care which could not have been simulated, and picked out the five. Over one or two photographs he hesitated, finally saying: "Yes, that's von Berg. Only when I used to know him he wore a grey suit, and here he is dressed in black." Such remarks carried great conviction to those who heard them.

Another point is this: that the confessions corroborated each other. I do not mean by this that seventeen confessions are in themselves any more likely to be true than one; but when seventeen confessions all relate to

the same plot, and when they all extend over a period of five or six years, and all go into considerable detail, and it is found that, apart from minor matters which were likely to slip the memory, they all dovetail together with dates, names and places, this is the strongest possible reason for believing them to be true.

So much for corroboration. Next, were the confessions, corroborated or not, genuine?

Much can be learned from a study of the demeanour of a witness, and I do not want to repeat here the reasons I have mentioned for believing that what was said in court was the truth, if it was not the whole truth.

But it is necessary to comment on the widespread suggestions that the accused were drugged, hypnotized, tortured, threatened, or cajoled into confessing crimes which they had not committed.

All reports are agreed that the defendants bore no visible signs of ill-treatment. They looked well-clothed, well-fed and in the best of health. They behaved freely, spoke coherently and gave long and complicated accounts of their activity over several years with dates, names and places. It was not Vishinsky who suggested their stories to them by leading questions, but they who spoke for many minutes in response to such a question as "Tell us about your wrecking activities."

Comically enough those who raise the drug theory have suggested that it might be a drug which extracted not lies, but the truth, from an unwilling victim. If such

a drug existed, there could be little objection to its administration to those suspected of crime, and ample justification for its use in the present case.

However, those who were concerned lest the confessions are fictitious, no doubt intended to suggest that the drug extracted a series of lies from an innocent person. The answer, I think, is that it would indeed be a strange drug which could so operate on seventeen brains as to make them invent seventeen stories which completely coincided with each other—and leave no visible trace of its having been administered.

Torture, threats, hypnotism, and the like can be dealt with together. Some of the accused were questioned by Vishinsky about their treatment in prison.

Norkin said that prison conditions were very good.

"There was no pressure whatever."

Vishinsky: "A man can be deprived of good food, deprived of sleep. We know this from the history of capitalist prisons. Or deprived of cigarettes."

"As to that, there was nothing of the sort."

"Did they feed you well?"

"They were extremely attentive."

Piatakov said in the course of his last statement:

"It is not necessary for me to say, citizen judges—it would be ridiculous to speak about it here—that of course no measures of repression or suasion have been employed in regard to me. Indeed, for me personally at any rate, such measures could not have served as a motive for making admissions."

Radek also volunteered, as is known, in his last statement, that he had not been tortured.

Vishinsky asked Boguslavsky:

"At first you would not testify at all, and then you began to testify. Perhaps this is to be explained by some specific conditions of your arrest, perhaps pressure was brought to bear on you?"—"No."

"Perhaps it was suggested that you should testify in the way you subsequently did, in return for which your sentence would be mitigated?"—"No."

So much for what the accused themselves said about ill-treatment. It should be borne in mind that they were aware of the presence of the foreign Press and of foreign diplomats. Radek knew a number of the foreign Press correspondents personally. The majority of the defendants, and in particular the experienced journalist Radek, must have known that the slightest hint of ill-treatment would be immediately flashed to the four corners of the world and would be front-page news in all the newspapers. It is, therefore, strong evidence in favour of the correct treatment of the accused that no such hint was dropped.

But the supporter of the theory that false confessions were extorted somehow or other from the defendants is up against a very real difficulty when he tries to imagine how the confessions were put together.

If the story told by the defendants was untrue, someone must have invented it. Unless one makes the fantastic assumption that the seventeen defendants,

instead of conspiring together to overthrow the State, conspired together to write their parts in the intervals between being tortured, someone other than the defendants must have written a seven-day play (to play eight hours a day) and assigned appropriate rôles to the seventeen defendants, the five witnesses, the judges, and the Public Prosecutor. It would have taken a Soviet Shakespeare to write such a lifelike drama as was played during those seven days, but no matter. Thereupon the defendants must have spent the period since their arrest not in being interrogated, but in rehearsing together until they were word perfect (in company with Vishinsky, the judges and witnesses). It is also necessary to assume that all the accused were such brilliant actors that, in spite of the pressure brought to bear on them to make them play their parts, they were able to play their parts without one slip and without once being prompted, during seven days in such a way as to deceive all those who were present into thinking the play was real.

Such an assumption only needs stating in order to demonstrate its utter absurdity. It is clear, moreover, that any hypothesis of a "frame-up," however caused, requires this alternative assumption that the accused were acting and is thus absurd. The argument applies alike to threats, whether to the accused or to their families, torture, drugs, hypnosis, and promises.

Sedov himself, the son of Trotsky, in an article published in the *Manchester Guardian* makes the assertion that false confessions are extracted by a promise to

spare the life of the prisoner. This deceit, he says, "will be the easier (in the present case) as the majority, if not all of them, were already in prison or had been arrested (as, for instance, Piatakov and Radek) before the end of the Zinoviev trial, and in their strict isolation in prison they have no idea even now of the fate of Zinoviev, Kamenev, Smirnov and the others."

I only quote Sedov to show to what sort of arguments those who contest the authenticity of the confessions are driven. Radek, so far from being under arrest at the close of the Zinoviev trial, was very much at liberty. He was writing in *Pravda* (which perhaps Sedov may be excused for not reading at that particular time). By way of digression it is worth recording what he said:

"Crush the vipers! It is not a matter of exterminating ambitious men who have gone to the length of committing a great crime, it is a matter of exterminating the agents of fascism who were prepared to assist in igniting the conflagration of war, to facilitate the victory of fascism in order to receive from its hands at least the shadow of power."

Piatakov, also at liberty on August 21st at any rate, followed Radek into print:

"One cannot find words fully to express one's indignation and disgust. These people have lost the last semblance of humanity. They must be destroyed, destroyed like carrion which is polluting the pure bracing air of the land of Soviets, dangerous carrion which may cause the death of our leaders."

It will scarcely be thought after reading these passages that Piatakov and Radek had no inkling of the fate of Zinoviev and Kamenev. Moreover, the execution of the defendants in the previous trial was freely referred to in court, by Radek, for example, in his closing speech. Norkin, too, was not arrested until September 30th. It is frankly incredible that a promise of leniency, quite apart from other considerations, could have influenced any of the defendants in the least.

One is left with only one tenable hypothesis, namely that the defendants were telling the truth.

Very well, then, it will be asked, if the confessions are true, and the defendants such a depraved gang of criminals as their confessions show to be the case, why on earth did they confess? Why didn't they brazen it out? Why did they declare their repentance and plead for mercy?

This is an interesting question. Let us first of all examine what the accused themselves said about it.

Piatakov: "My arrest confronted me with the choice of either remaining an enemy to the last, an unrepentant, unconfessed Trotskyite up to my last hour, or of taking the course which I have taken."

Radek: "The chief examining magistrate 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 over it more closely. Very well,

study it.' For two and a half months I tortured the examining magistrates . . . and compelled them to perform a lot of useless work. For two and a half months I compelled the examining magistrate, 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 to what each had confessed.

"And one day the chief examining magistrate came to me and said: 'You are now the last. Why are you wasting time?' And I answered: 'Yes, to-morrow I shall begin my testimony.'"

Boguslowsky (who held out for eight days): "When I was arrested I had been feeling like a man who is on the verge of an abyss and knows that he must fall into it. During those eight days before I confessed, it was already quite clear to me that the time had come to put a stop to it all."

Muralov (one of the loyalest of Trotsky's supporters, who alone among the defendants had never applied for re-admission to the Communist Party. He had been under arrest for eight months before he decided to speak, and confessed only a month or so before the trial): "I think there were three reasons which held me back and induced me to deny everything. . . . I am very hot-tempered and resentful. That is the first reason. When I was arrested, I became embittered and resentful."

Vishinsky: "Were you badly treated?"

"I was deprived of my liberty."

"But perhaps rough methods were used against you?"

"No. No such rough methods were used. I must say that in Novosibirsk and here I was treated politely and no cause for resentment was given: I was treated very decently and politely."

"You do not like to be put in prison?"

"No, I do not. The second reason is also of a personal nature. It is my attachment to Trotsky. . . . I considered it morally inadmissible to betray Trotsky, although I did not subscribe to the directive on terror and destruction. The third point was—well, as you know, there is a limit to everything.

"And I reasoned that if I continued to remain a Trotskyite, especially when the others were quitting—some honestly and some dishonestly—at any rate they were not standard-bearers of the counter-revolution, but I—there was a 'hero' for you!—if I kept on in this way, I might become the standard-bearer of counter-revolution. This frightened me terribly. All the time, cadres, industry, the national economy were growing up before my eyes. I am not blind, and I am not such a fanatic.

"And I said to myself after almost eight months, that I must submit to the interests of the State for which I had fought for twenty-three years, for which I had fought actively in three revolutions, when my life hung by a thread dozens of times. Was I to remain and

continue to aggravate the affair? My name would serve as a banner to those who were still in the ranks of counter-revolution. This was what decided me, and I said: 'Very well, I will go and tell the whole truth.' I don't know, has my answer satisfied you or not?"

Radek referred to this statement of Muralov's in the following way:

"When Muralov, Trotsky's closest follower, of whom I was convinced that he would rather perish in prison than say a single word—when he gave evidence and explained that he did not want to die in the consciousness that his name would be a banner for every counter-revolutionary scoundrel, that is the profoundest result of this trial."

In my opinion the reasons given by the accused for their confessions are convincing. It must be borne in mind that very few of them confessed immediately upon their arrest. Muralov held out for eight months, Radek for two and a half. Drobnis knew of an explosion planned to take place six weeks after his arrest and said nothing about it. It is wrong therefore to imagine that the defendants were only too anxious to make a clean breast of the whole affair.

Moreover, as Vishinsky pointed out, there are grave reasons for doubting if even at the trial they told the whole truth. Their confederates Kamenev and Zinoviev on two occasions declared that they had revealed everything, and went to their deaths concealing the activities of Piatakov's group. Piatakov, in particular,

at the trial, seemed to be revealing only as much as he was obliged to.

I think it will be generally agreed that a few years ago, when the people of the Soviet Union were tightening their belts for the first great effort towards industrialization and collectivization, it was easier to discover plausible reasons for maintaining that Stalin's policy was wrong than it is to-day when the success of his policy has been visibly demonstrated in the greater prosperity and comfort of life in the Soviet Union. It may well be that the defendants, or those of them who bothered about theoretical justification for their activity and were not mere gangsters, were, through their lack of confidence in the creative power of the working class, genuinely apprehensive of the policy that was being adopted, and started engaging in sabotage and terrorism in the sincere conviction that this was the only means of reversing the policy. But as time went on, it is possible that some of them (as, indeed, they said in evidence) began to doubt whether they had been right. The rising standard of living must have had at any rate an unconscious effect upon most of them.

But it is one thing to start on a career of sabotage and wrecking, and quite another thing to give it up. Once a man is involved in a life of crime with a number of others whom he does not know how far he can trust, and who will not hesitate to expose him, blackmail him or murder him, it becomes almost impossible for him to

renounce voluntarily. As Radek put it, "the door is closed behind you." It may be that by 1936 several of the accused were looking for an opportunity to escape from their own confederates, and welcomed the chance that arrest gave them to unburden themselves to the authorities. It is likely, too, that the opportunity for reflection which prison afforded them gave form to their subconscious doubts about the correctness of their own policy, and at last, fully realizing the futility of their activity, about which in the course of their busy lives they had not taken time to think, they ultimately came to the conclusion that there was nothing to be said in their defence.

Others among them, the plain criminals, no doubt admitted only that which was already known to the authorities. It is possible that some of them hoped thereby to create a good impression on the court and to save their skins. Advantages in pleading guilty if one really is guilty are not unknown in England.

It has been thought strange that the defendants, even pleading guilty, did not make more effort to put forward a political defence. It is well known that many defendants in political trials have behaved boldly, even in the most hostile atmosphere. Dimitrov, for example, defended himself courageously on trumped-up charges at Leipzig and exposed his accusers. But there is no point in making the court a political platform unless somewhere, inside or outside the court, is some sympathy for the views put forward. Dimitrov was aware

of the vast popular support for his cause, both inside and outside Germany, and knew that whatever the consequences of the trial to himself, it would be a political lesson eagerly learnt by thousands.

Piatakov and Radek, on the other hand, must have realized their complete isolation. As Vishinsky put it, anyone expressing in public the views they held would have been hanged from the nearest lamp-post. They were generals without an army. Even had they still thought at the trial that their views were politically justified, there would have been no temptation to express them, since there was no one to listen to them, and no inspiration such as Dimitrov had from the thought of thousands of sympathizers.

References have been made in the Press to "Russian psychology," to indicate that Russians when accused of an offence behave in an entirely incomprehensible way. It is only necessary to point out that before the revolution many political prisoners in Russia defended themselves before the Tsarist courts with considerable skill and courage.

A question which is sometimes asked is why the defendants were so mad as to adopt methods of sabotage, terrorism, and co-operation with the Soviet Union's worst enemies in order to seize power for themselves. The recital of the list of crimes committed by these men is strange and shocking to those who have been accustomed to the comparatively peaceful

social conditions which still prevail in England. It must be remembered, however, that these men had lived through several revolutions, in which desperate acts seemed far less unreasonable than they do in England.

Moreover, violent methods were the only course open to the defendants. They could not hope to persuade the people of the Soviet Union, in which they represented only a tiny group. It is significant that they were not charged with conducting any form of popular agitation. This had been tried earlier and had failed. The only choice before them was to abandon their oppositional activity or to try individual acts of violence. No doubt the overwhelming majority of those who at some time or another disagreed with the policy of the Communist Party have chosen the former course and loyally abided by the decisions arrived at as soon as they saw that their own views were not acceptable. It is not incomprehensible that some few, like the defendants, should choose the second course. Once they had done so, and embarked on a road of terrorism and sabotage, they were logically and inexorably driven into the position of allies of all those forces hostile to the Soviet Union. Why should not they, wrecking railways because they disapproved of Stalin's policy, co-operate with the Japanese, wrecking railways in preparation for an armed attack on the Soviet Union? Nothing could be more natural. Some of them may not have realized where their activities were leading them, some

of them may have been disturbed when they did realize the position they were being driven into, but once started on the road they could not stop.

The suggestion that had they lived in England these men would adorn the opposition front bench in the House of Commons is, in my opinion, farcical. It was precisely because they could find no supporters to place them on any front bench, Government or opposition, that they had recourse to desperate acts of violence.

Another query which has been raised is how the accused were able to commit all the crimes they did without being detected. It must be remembered that among the accused were three Assistant Commissars, and other persons in responsible posts. Such men are in an excellent position to cover up their crimes. It has already been mentioned that they would send a commission of experts composed of their own associates to investigate the causes of an explosion they had themselves caused. They would also institute proceedings against some innocent engine-driver or foreman and in some cases have him convicted and sent to jail. Then the crimes were spread over a vast country and over a number of years. It should also be remembered that they were not solely engaged in criminal activity. Many of them, like Piatakov and Serebriakov, carried out—were obliged to carry out, in order to retain their posts—many excellent pieces of work, and were thus able to divert suspicion. One is reminded of the police spy

Malinovsky who, in order to retain his position as a member of the Central Committee of the Bolshevik Party, was obliged to deliver in the Duma some very revolutionary speeches, which had been prepared for him by Lenin.

The point is really answered best in an article in the *Economist*, which takes the opposite view:

"Another extraordinary feature of the trial is the fatuity of what is supposed to have been done. Here we have a combination of men so powerfully placed that it is difficult to find their opposite numbers in our poorer Western civilization. Radek is just an eminent journalist . . . but he ought surely, in the position he occupied, to be able to do something worth while when he takes to conspiracy and sabotage. Sokolnikov, as Commissar for the Heavy Industries [*sic*] is without any English parallel. He must, one would imagine, have such power over the country's economic life that, in a month or two of really conscientious sabotage, he should be able to shatter the whole system and reduce the country to a state of chaos. Others . . . must have had scarcely less power to do damage.

"What did they achieve? Their own confessions tell us that. They worked a murder or two. . . . They arranged to blow up some mines with dynamite. . . . What a mystery it is that men capable of building up an intricate and elaborate machine should fail so abjectly when they try to smash it up!"

The *Economist* is not satisfied and thinks they ought

to have done more; others think they could not have done half as much without detection. The truth may be that they did just as much as they could get away with.

A suggestion which is put forward for the most part by open enemies of the Soviet Union and is, in my opinion, completely unscrupulous, is that Stalin is engaged in polishing off all his old associates. The defendants are represented as the "Old Guard" of the Bolshevik Party, and a suspicious tenderness is shown for them by the right-wing Press. They are described, for the first time, in admiring and affectionate terms by papers which previously never lost an opportunity of sneering at them. They are called "brilliant," "capable administrators" and the like. They are put forward as the persons really responsible, with a little help from Lenin but almost none from Stalin, for carrying through the revolution of 1917, and, indeed, are even praised for doing so.

To the best of my information and belief this is pure nonsense. By no means all of the seventeen defendants took any part whatever in the 1917 revolution, and those who did achieved their prominence, according to the history books, mainly by their frequent disagreements with Lenin over matters of policy. Most of Stalin's present associates, such men as Kalinin, Molotov, the late Ordjonikidze, and Voroshilov, all of whom are immensely popular in the Soviet Union, have far

more claim to be termed the "Old Guard" than any of those in the dock, none of whom, with the possible exception of Radek, could have claimed any personal popularity even before their arrest.

Moreover, what possible motive could Stalin have for wanting to polish off these particular defendants? None of them was a serious or even a potential political rival. They occupied important administrative posts in which they had had considerable experience. Why should Stalin suddenly want to deprive the Soviet Union of a capable Assistant Commissar for Heavy Industry, a capable Assistant Commissar for Transport, and a capable Assistant Commissar for Foreign Affairs? These posts are none too easy to fill. There was (slightly) more force to the argument in the case of Zinoviev and Kamenev, for they were politicians and known as such, and they did not occupy any important posts. But to assert that Stalin finds it necessary to bump anyone off, besides betraying a complete ignorance of conditions in the Soviet Union, is in my view a malicious slander.

Some puzzled people are asking why the Soviet Government allowed the trial to take place, when they must have realized that it would create an unfortunate impression in some quarters abroad. It is probably true that the Soviet Government were well aware of what would be said abroad, especially in view of what was said after the Zinoviev and Kamenev trial. I have been told

that on that occasion they were sincerely surprised at the unanimity of the Press—outside the working-class organs, or some of them at any rate—against them. They had expected that some of the Liberal Press would realize that the conspiracy they had unearthed was a genuine and dangerous one, and would comment on the trial accordingly. They were disappointed.

They can, therefore, have had no illusions as to what they were facing when they took the decision to carry on with the prosecution of Piatakov and Radek. The decision they took is another indication, if another is needed, that the trial was a genuine one, and that, having caught criminals engaged in a treasonable conspiracy, they were faced with the unpleasant necessity of trying them.

It is difficult, too, to see any reason for framing up a trial for the purpose of propaganda inside the Soviet Union. To publish an invented story of treason, sabotage and spying would not seem to be particularly good propaganda. An unstable government is usually at pains to conceal the existence of any opposition to it. On the other hand, if the charges were true, there was every reason for the Soviet Government warning people, by means of a public trial, of the existence of a gang of criminals in their midst.

A feature of the trial which has caused some consternation in England has been the comment upon the case in the Soviet Press while the trial was proceeding. Ever since the indictment was published a day or so

before the trial started, the Press was full of articles bitterly attacking the accused, and reports of meetings and demonstrations throughout the Soviet Union demanding the death penalty for all the accused, and these reports continued while the trial was proceeding and right up to the verdict.

There can be no doubt that similar articles published in the English Press about an English trial would infringe the law of contempt of court and render the newspapers concerned liable to heavy penalties.

It must be remembered, however, that the English law of contempt of court is almost unique. There is a vague shadow of it in America, and it probably exists in some form in most of the British colonies which derive their legal system from England, but the conception is unknown on the continent. When a sensational trial takes place in a European country, similar comments and similar claims for condign punishment may be seen in the Press.

So far as the present trial is concerned, the Press comment did not start until after the publication of the indictment, which contained a statement to the effect that the defendants had pleaded guilty. It was therefore far less objectionable to claim appropriate punishment for the defendants than it would have been if they had pleaded not guilty. Where defendants plead not guilty, I was informed, although I have not been able to verify this, that the Soviet Press shows itself much more restrained. I am also told that if a

newspaper makes an unjustifiable attack on a person undergoing trial who is subsequently acquitted, the newspaper may be sued and damages obtained. The newspaper may also be prosecuted under Section 161 of the Criminal Code, which provides a penalty of six months' corrective work or a 500 roubles fine for libel, and doubles the penalty in the case of a libel by a newspaper.

A law restraining comments on a pending trial is far less necessary in a country where the jury system does not prevail; and the best proof, I think, that in this particular case the court were not influenced by the Press comments is the fact although the Press were strongly demanding seventeen death sentences, only thirteen were in fact passed.

In conclusion I should like to express a sentiment which so far few people have expressed in this country, but which I am certain will be widely felt as soon as the truth about these trials is fully realized, and that is my sympathy with the Soviet Government and the people of the U.S.S.R. in having had this series of appalling crimes committed in their country, my congratulations to them in having caught the men responsible, and my hope that the U.S.S.R. will now be permitted to proceed in peace with the construction of socialism in their country.

APPENDIX
VERBATIM REPORT OF RADEK'S
EVIDENCE

MORNING SESSION, JANUARY 24, 1937,

11.0 A.M.

Commandant: The Court is coming, please rise.

The President: The session is resumed. We shall proceed to the examination of the accused Radek.

Accused Radek, do you confirm the testimony you gave during the preliminary investigation in December?

Radek: I confirm it.

Vyshinsky: Tell us briefly of your past Trotskyite activities.

Radek: During the Party struggle in 1923 I joined the Trotskyite opposition and belonged to it and to its leadership until the time of my exile in January 1928. While I was in exile I continued to adhere to the Trotskyite position until the time I made the declaration to the Central Committee of the C.P.S.U. in July 1929. All this time I belonged to the political centre of the Trotskyite organization.

Vyshinsky: What dictated your declaration?

Radek: My declaration was dictated, firstly, by the conviction I had come to at that time. I thought over, while in exile, the whole past and the falsity of Trotsky's general position. As regards the fundamental principles of Trotskyism, about the impossibility of building up

socialism in one country alone—I had abandoned that position.

The second reason that induced me to make the declaration was the conviction that the accusation of Thermidorism we had made against the Central Committee of the Party was unfounded and that the program of the Five-Year Plan was a program for a great step forward.

But I must say that I still had differences with the Party on questions of internal Party democracy and when I returned to the Party these questions temporarily receded into the background as far as I am concerned, but they were not entirely eliminated by the progress of events. I was convinced that in the future the development of the Five-Year Plan would either lead to the voluntary expansion of internal Party democracy, by the voluntary action of the Party leadership, or would be the cause of a split in the Party.

Thus, summing up my return to the Party, I must confess that since it was not based on a complete concurrence of my views with the views of the Party, there was an element of tacit reservation in it, of duplicity, although I did not return to the Party with the idea of fighting the Party.

Vyshinsky: Consequently, you returned to the Party while retaining a certain part of your old Trotskyite views?

Radek: Yes.

Vyshinsky: And you said nothing about it?

Radek: Yes, in the declaration which I, Smilga and Preobrazhensky signed, we hinted at this. The leadership of the Party at the time spoke of these hints and pointed them out to us, that we still had certain hangovers, and that if we did not get rid of them they would trip us up. This was what we were literally told. But to speak explicitly, I must say that these hangovers did exist, but that I returned without any intention of fighting the Party.

Vyshinsky: This continued until when?

Radek: When I returned I made a mistake which was the main cause of everything that followed. The current of the sum of views is the sum of human relationships, and you cannot break with the current without breaking with the people together with whom you fought for anti-Party aims.

During the time I belonged to the Trotskyite *bloc* I formed very close relations with a large number of participants in this struggle, and some of these relations dated back to an earlier period, but they grew stronger. For example, my relations with the accused Pyatakov. And when we returned to the Party we maintained these relations—unconcealed—I never concealed them—and constantly visited each other; and this became a stumbling block, because a large number of Trotskyites who had returned to the Party were working in key positions in various parts of the country at a time when the fight for the Five-Year Plan had become acute, when it had assumed the very acute form of clashes with

kulaks in some parts of the country and with those elements among the middle peasants who followed the lead of the kulaks, and these former colleagues in the struggle began to flood me with information of the most pessimistic character, information which most fatally affected my opinion of the situation in the country.

Vyshinsky: In what year was this?

Radek: This was in 1930-31. And here there were those transgressions which would have justified my being brought to trial even if I had not belonged to the *bloc*. There was the fact that, knowing from these talks of their vacillations—which already exceeded the bounds of vacillations—I did not consider it possible to inform the leadership of the Party of it. For example, if you were to ask me about my responsibility for the murder of Sergei Mironovich Kirov, I must say that this responsibility began not from the moment I joined the leadership of the *bloc*, but from that moment in 1930 when a man with whom I had close relations—Safarov—came to me looking black in the face and tried to convince me that the country was on the verge of ruin, and I did not report this—and what were the consequences? Safarov was connected with Kotolynov. If I had told the Party about Safarov's frame of mind, the Party would have got at the group of the former leaders of the Leningrad Young Communist League who later became the leaders of the assassination of Kirov. And so I declare that my responsibility dates not only from

the time I joined the *bloc*, but that the roots of this crime lie in the Trotskyite views with which I returned and which I had not thoroughly abandoned, and in the relations I had retained with the Trotskyite-Zinovievite cadres.

Vyshinsky: With which of the Trotskyites did you retain connections?

Radek: I was connected by ties of friendship with Mrachkovsky. I was connected by old friendship with I. N. Smirnov. I was connected with Dreitzer and with his close assistant, Gayevsky, not to mention the old personal friends with whom I was connected—Pya-takov, Preobrazhensky, Smilga, and Serebryakov. What formed the second storey in our Trotskyite centre in the period of 1924-27 was all connected with me, I was bound with these cadres by relations of personal intimacy.

Vyshinsky: This was in 1930-31?

Radek: Yes, this was in 1930 and 1931. I appraised the situation as follows: the gains of the Five-Year Plan were enormous, an important step had been made in the direction of industrialization. To a certain extent, the collective farms were already a definite fact. But at the same time, on the basis of the information I then possessed and the appraisal of the situation then made by the Trotskyite economists I was intimate with—I will mention Smilga and Preobrazhensky—I believed that the economic offensive was being conducted on too wide a front, that the material forces available

(number of tractors, etc.) would not permit of universal collectivization, and that if this general offensive were not slowed down this would, as we defined it by a catchphrase, "end like the march on Warsaw," that at this fast rate industrialization would produce no results, but would only cause huge expenditure.

Already at that time, in 1931, I thought it was necessary to hold back the offensive, and to mass resources on definite sectors of the economic front. In short, I dissented on the main question: on the question of continuing the fight for the Five-Year Plan. To analyse these disagreements from the social angle—of course, I then believed the tactics which I regarded as correct to be the best Communist tactics—but if one were to ask for the social analysis of this thing I would have to say: history's joke was that I over-estimated the power of resistance, the ability, not only of the mass of the kulaks, but also of the middle peasants, to pursue an independent policy. I was scared by the difficulties and thus became a mouthpiece of the forces hostile to the proletariat.

This brought me right up to the question of internal Party democracy. People begin to argue about democracy only when they disagree on questions of principle. When they agree they do not feel the need for broad democracy, that goes without saying.

Vyshinsky: That is already an explanation of the fact; I want first to establish the fact itself. This was in 1930-31, and then in 1932 the united centre was organized?

Radek: I knew nothing about it.

Vyshinsky: When did you learn about the existence and the activities of the united centre?

Radek: I learned of its formation in November 1932.

Vyshinsky: From whom?

Radek: Preliminarily, that preparations were being made, I learned from the letter Trotsky wrote to me in February-March 1932. I learned about the actual formation of the organization from Mrachkovsky in November 1932.

Vyshinsky: And in February 1932 you learned from Trotsky that the *bloc* was projected. Was this your first message from Trotsky?

Radek: The first.

Vyshinsky: What was the reason that made Trotsky venture to write to you at a time when you were already in the Party? There are two questions in this question. The first question: did Trotsky know that you had returned to the Party?

Radek: He knew it.

Vyshinsky: Why did he venture to write a letter containing fairly intimate political information to a Trotskyite who had returned to the Party? And the second question: how did you receive it, what were the actual circumstances?

Radek: The explanation is as follows: the Trotskyite leaders who maintained relations with me and who were at that time in communication with Trotsky,

knew that I was in favour of holding back the offensive.

Vyshinsky: Namely?

Radek: Mrachkovsky, Dreitzer and Gayevsky. I did not discuss matters at length with Smirnov, but Mrachkovsky knew what my sentiments were.

Vyshinsky: Before 1932?

Radek: Before 1932. They knew that I was for holding back the offensive.

Vyshinsky: That is, that you had retained the old Trotskyite views?

Radek: But at the same time they knew that when any of them insinuated the question of organizing the struggle, I replied in the negative, that nothing could be done, that it was a question of mass processes, and they themselves feared to approach me with what was being prepared.

Vyshinsky: But you already realized that they had begun to prepare something?

Radek: With regard to some of them I was convinced from the very beginning that they had something in the back of their minds when they returned, and, moreover, something was already apparent from certain symptoms. For instance, once when I was walking home from the offices of the *Izvestia*, I saw Smirnov on the Tverskaya with his former, if one may so express it, "Chief of Staff"—Ginsburg. Observing me, they turned down Gnezdnikovsky Pereulok. And I immediately realized that something was in preparation, that

something was brewing. But they did not come to me, and did not speak to me openly.

Vyshinsky: In a word, you already at that period noticed that they were engaged in some underground preparatory work?

Radek: I noticed that something was thickening, that sentiments were leading somewhere. But they did not speak openly, because, since the split with Trotsky in 1929 was connected with a great straining of personal relations between me and Trotsky, who regarded me as responsible, or one of those most responsible for the split of the Trotskyites, they feared to address me themselves and considered that this could be overcome only by relations between Trotsky and myself. And to all appearances they informed Trotsky, and, knowing of my frame of mind, requested him to take the first step so as to make it easier for them to approach me.

Vyshinsky: Consequently, it may be formulated in this way: after you had noticed that something was brewing with Mrachkovsky and Smirnov, they in their turn noticed that something was brewing with you?

Radek: They sensed that I was in a depressed frame of mind and that this frame of mind might crystallize into definite actions.

Vyshinsky: That is, in other words, that you too, to some extent, represented soil for action of some sort?

Radek: Yes.

Vyshinsky: Now it is clear why your correspondence with Trotsky arose. This was in 1932?

Radek: Yes, in February 1932 I received a letter from Trotsky.

Vyshinsky: What did Trotsky write to you then?

Radek: Trotsky wrote that the information he possessed led him to conclude that I had become convinced that he was right, and that without the realization of the Trotskyite demands the policy would find itself at an impasse. Trotsky further wrote that since he knew me to be an active person he was convinced that I would return to the struggle.

Vyshinsky: And did Trotsky summon you to the struggle?

Radek: At the end of the letter Trotsky wrote approximately as follows: "You must bear in mind the experience of the preceding period and realize that for you there can be no returning to the past, that the struggle has entered a new phase and that the new feature in this phase is that either we shall be destroyed together with the Soviet Union, or we must raise the question of removing the leadership." The word terrorism was not used, but when I read the words "removing the leadership," it became clear to me what Trotsky had in mind.

Vyshinsky: Did you reply to that letter?

Radek: No.

Vyshinsky: How did you take this letter?

Radek: Trotsky informed me that not only the Trotskyites but also the Zinovievites had decided to return to the struggle and that negotiations for union were under way. I sent no reply, believing that the

matter must be thought over very thoroughly. Approximately at the end of September or of October 1932, I decided to return to the road of struggle.

Vyshinsky: Did you think this over carefully; did you consult anybody?

Radek: I did not consult anybody.

Vyshinsky: What did you do in a practical way when you decided to take up the struggle again?

Radek: I knew that the leaders of the organization were also waiting and would take certain steps, that Trotsky had also informed them that he had written me, and I expected to meet them. Of course I expected Ivan Nikitich Smirnov or Sergei Vitalyevich Mrachkovsky to come.

Vyshinsky: Did they approach you?

Radek: I knew that one of them would come, and they came, and I gave them a reply in the affirmative.

Vyshinsky: What followed next?

Radek: I had a talk with Mrachkovsky and asked him: where and how do you intend to act? This was at the end of October or beginning of November 1932.

Vyshinsky: Mrachkovsky put questions to you and you put questions to him?

Radek: He asked me: have you received a letter from the old man?

Vyshinsky: Who is the old man?

Radek: He meant Trotsky. He asked me: what have you decided? I replied: if you had not guessed what I had decided you would not have put that question to

me. I have decided to go with you. Then I asked him how they visualized the struggle, and what progress had been made in the matter of joining with the Zinovievites.

Vyshinsky: What did Mrachkovsky reply?

Radek: He replied quite definitely that the struggle had entered the terrorist phase and that in order to carry out these tactics they had now united with the Zinovievites and would set about the preparatory work.

Vyshinsky: What preparatory work?

Radek: It was clear that since terrorism was the new position, the preparatory work must consist in assembling and forming terrorist cadres. Later Mrachkovsky told me that since the struggle would be a very severe one and the sacrifices would be enormous, they would like to preserve certain cadres in the event of defeat, that is to say, in the event of arrest, and he said that "this is why we have not included you in the first centre." He said this in reference to me, Pyatakov and Serebryakov.

Vyshinsky: And did he speak to you about Sokolnikov?

Radek: He spoke to me about him later. At this juncture the talk was about Trotskyites. During the first conversation he expressed the following idea: you must break off connections with all the people that used to come and see you, and he said: I forbid Dreitzer to visit you.

Vyshinsky: And was he in a position to forbid Dreitzer to visit you?

Radek: We regarded him as an organizer, the principal one, but although he was not a politician he was a man who gave instructions and who indicated a number of persons who must be held in reserve. We did not stop at this conversation. The first plan was that in the event of their arrest we were to go into action.

Vyshinsky: After the new meeting in 1932 did you have other meetings with Mrachkovsky?

Radek: I met him in the spring and autumn, when he came to Moscow on the pretext of official business, which he had the opportunity to do, and did do. During his visits he would inform me of the state of affairs. He came again in April 1933.

Vyshinsky: Did he tell you anything about Bakayev and Reingold?

Radek: When he later outlined the scheme of organization of the *bloc*, he named Dreitzer as the direct leader of the terrorist organization on our side, and Bakayev as the leader on the Zinovievites' side.

Vyshinsky: The direct leader of the terrorist organization?

Radek: Yes.

Vyshinsky: Did you know anything about the preparations for the assassination of Sergei Mironovich Kirov?

Radek: When we discussed the projected terrorist struggle, the question arose against whom it should be directed in the first place.

Vyshinsky: This was in 1932?

Radek: When the question arose against whom terrorism should be directed, it concerned terrorism directed against the leading core of the Central Committee of the C.P.S.U. and the Soviet government. And although not a single name was mentioned during this conversation, I know very well who are the leaders and did not have the slightest doubt that the acts were to be directed against Stalin and his immediate colleagues, against Kirov, Molotov, Voroshilov, and Kaganovich.

Vyshinsky: Were these your deductions or did he say this?

Radek: There was no necessity to say it because I knew very well who lead the Party and the Soviet government.

Vyshinsky: I request that the accused Radek be presented his testimony (Vol. V, page 106), the record of December 4, which contains a rather different reply to this question.

Allow me to read it. I read from a certified copy of the record:

"Regarding the activities of the Zinovievite-Trotskyite group the information given to me by Mrachkovsky at various times coincides with what was revealed at the trial. He told me. . . ." Who is this "he"?

Radek: Mrachkovsky.

Vyshinsky: ". . . of the role of Bakayev and

Reingold, of the preparations for a terrorist act against Stalin in Moscow and Kirov in Leningrad."

Radek: But I said: at various meetings. And it says there: at various meetings. You are now asking me what was said in the conversation in November 1932, and I answer what was said later in the conversation.

Vyshinsky: Did you know from Mrachkovsky about the preparations for terrorist acts against the leaders of the Party and the government?

Radek: In April 1933. Mrachkovsky. . . .

Vyshinsky: Excuse me, so as to adhere to procedure—do you confirm this testimony?

Radek: That I knew that preparations were under way for an assassination?

Vyshinsky: What I have just read to you. "He (that is, Mrachkovsky) told me (that is, you) of the role of Bakayev and Reingold, of the preparations for a terrorist act against Stalin in Moscow and Kirov in Leningrad." Do you confirm that Mrachkovsky told you that?

Radek: If you do not mean that particular meeting, then I confirm it.

Vyshinsky: I do not know what meeting this refers to, that one or another.

Radek: I confirm it.

Vyshinsky: Hence, it transpires that Mrachkovsky did not tell you this in November 1932, but when?

Radek: The conversation about Kirov was connected with the fact that in April 1933 Mrachkovsky asked me whether I could mention any Trotskyite in Leningrad

who would undertake the organization of a terrorist group there.

Vyshinsky: Against whom?

Radek: Against Kirov, of course.

Vyshinsky: He requested your assistance?

Radek: Naming a person is assistance, that is clear.

Vyshinsky: And then?

Radek: I named such a person.

Vyshinsky: You named?

Radek: Yes.

Vyshinsky: Who was it?

Radek: Prigozhin.

Vyshinsky: Prigozhin? Who could find a murderer?

Radek: Yes.

Vyshinsky: This was in April 1933?

Radek: Yes.

Vyshinsky: And when was Kirov killed?

Radek: Kirov was killed in December 1934.

Vyshinsky: Consequently, many months before this villainous crime, you, Radek, knew that the Trotskyites were preparing to murder Kirov?

Radek: I can say even more. I knew that it was being prepared in general, and by the Zinovievites, because since it had been decided to strike at the leaders—Kirov was one of the most prominent leaders, and the Zinovievites had their main centre in Petrograd—it was clear that their terrorist organization intended to strike at Kirov. Moreover, Mrachkovsky told me then that we had nothing in Leningrad; the Zinovievites were preparing

there and of course we ought to have our own group. That much in this connection he told me; but he did not tell me when and what would be. He only told me that the Zinovievites in Leningrad were preparing for an assassination. He told me that, and I very clearly, without any ambiguity, knew that this concerned Kirov.

Vyshinsky: When you say here that Mrachkovsky informed you of the role of Bakayev, what do you mean by that?

Radek: He did not tell me that Bakayev personally directed the assassination of Kirov, but he named him as the leader of all the terrorist groups of the Zinovievites. I did not know whether Bakayev would commit this assassination or entrust it to somebody else, but it was clear to me that the preparations for the assassination could not proceed without Bakayev.

Vyshinsky: And in Moscow?

Radek: It was also from Dreitzer that I learned about the Zinovievites, about the fact that in Moscow Reingold was the leader. When Dreitzer, at Mrachkovsky's request, had to come to see me to inform me concretely, I asked him, what are you doing? This and that. . . .

Vyshinsky: What do you mean by this and that?

Radek: He described to me what the Trotskyites already had, and said that matters were in the stage of the formation of cadres. They were organizing a number of groups and were making it their aim to wage a common struggle with the Zinovievites, to utilize these groups when the period of organization

was completed. I asked him who would lead this preparatory work in Moscow on the Zinovievites' side. He said that on the Zinovievites' side the general leadership was in the hands of Bakayev, just as it was in the hands of Mrachkovsky on our side, while Reingold was in charge in Moscow.

Vyshinsky: Thus you were fully informed of the activities of these terrorist groups?

Radek: Of course, as a member of the centre I was fully informed.

Vyshinsky: And you were informed of the fact that practical preparations for assassination were being made?

Radek: I knew about the practical preparations, the assemblage of cadres, the organization of these cadres, the training of these cadres, as a participant of the Trotskyite-Zinovievite *bloc* from its very beginning.

Vyshinsky: And also as a participant in the terrorist acts, one of which was the assassination of Kirov?

Radek: And also in the terrorist acts, one of which was the assassination of Kirov.

Vyshinsky: Whom did you meet at that time, and what was the subject of your conversations?

Radek: We agreed that we should meet as little as possible. Therefore, of the Trotskyites who were members of the first centre, Mrachkovsky was the only one I used to meet. Ivan Nikitich Smirnov was arrested at the beginning of 1933, I think in January. Ter-Vaganyan I had not met since 1932, or since 1931,

and in general Ter was not allowed to see me because he had a large circle of acquaintances and it was feared that Ter might cause my detection. Of the members of the Zinovievite centre, until 1932 I met Zinoviev and Kamenev casually. After I joined the movement, in 1933, I did not see them at all. They were at that time in exile because of their part in and connection with the opposition platform. After they returned, Zinoviev came to see me twice in 1934. Furthermore, I saw Kamenev once in the offices of the *Bolshevik*. But I saw them only in public or in our editorial offices, at a banquet in behalf of an antiquarian bookshop with which we writers were all connected. I never discussed these things with Kamenev. If it is a question of my connection with the Zinovievite part of the *bloc*, before the assassination of Kirov this connection consisted in three meetings with Zinoviev. And there was one meeting in the summer of 1934 with G. Y. Sokolnikov, not a member of the first centre but a member of the reserve centre. If it is a question of my meetings with my colleagues of the reserve centre—Trotskyites—I saw Pyatakov in December 1932, a second time at the end of 1933; in 1934 I saw him in the summer, in July; in 1935 I saw him in July and December; in 1936 I saw him in January. Serebryakov I saw in 1933, in 1935 and in 1936. I saw Sokolnikov three times.

Vyshinsky: And so it may be considered established that you learned about terrorism from Mrachkovsky?

Radek: Yes.

Vyshinsky: This was before you received the letter from Trotsky?

Radek: This was after I received the letter from Trotsky. The letter from Trotsky was received in February or March 1932.

Vyshinsky: That is, in February 1932 you received a letter from Trotsky in which he already spoke of the necessity of getting rid of. . . .

Radek: Removing.

Vyshinsky: . . . of the necessity of removing; consequently, you understood that terrorism was meant?

Radek: Of course.

Vyshinsky: If the materials of the preliminary investigation are correct, you were in Geneva in the spring of 1932?

Radek: Yes.

Vyshinsky: In Geneva did you meet with anybody and speak of subjects of this kind?

Radek: The only Trotskyite I met in Geneva was V. Romm. He brought me a letter from Trotsky.

Vyshinsky: That is, you received this letter from Trotsky in Geneva?

Radek: Yes.

Vyshinsky: How are these dates to be reconciled—February 1932 and the spring?

Radek: February in Geneva is already the beginning of the spring, and so I conceived this period as the spring. It may have been in March.

Vyshinsky: And so, let us get all these facts right. You

received the letter from Trotsky in Geneva in the spring of 1932 through V. Romm. Did you receive the letter from Trotsky through Romm unexpectedly?

Radek: About Romm's connections with Trotsky I personally knew nothing until that moment. I know Romm since 1922. During the period of the Party struggle, when the Trotskyite opposition was formed, he was not active in a general sense, in the general Trotskyite work. He adhered to us on the Chinese question. He is an expert on foreign policy. He is interested in the Far East. Through the differences with the Comintern on the Chinese question, he became preoccupied with this question, and since we had been close in work on foreign affairs, I was the person closest to him, from whom he took his bearings. When I returned from exile, about a year after that, Romm, who had been in Tokio, came to Moscow. We said nothing definitely about the struggle against the Party, but I told him that the situation in the country was fraught with upheavals and said to him: "Volodya, we may have to become active again."

Vyshinsky: This was in 1931?

Radek: In 1931, probably. Therefore Romm is quite right when he says in his testimony that when he was asked to transmit this letter, he considered that by transmitting the letter to me he would be executing my wishes. And when Romm says that I am responsible for his return to the opposition, it is true. It was I who led him into a Soviet prison.

Vyshinsky: What do you know about the terrorist activities of other groups?

Radek: I cannot fix the dates of the first period. I understand your question to be: what do I know about the whole period. I will mention the groups. I had unspecified information in the period of 1933-34 about the existence of groups, of the organization of a number of groups in Moscow. They were led by Dreitzer, but I did not know their personnel. That was the preparatory stage. Apart from Moscow I knew in 1934 about the formation of a group which we, among ourselves, called the "historical or hysterical" group. It was a group consisting of historians under the leadership of Friedland. I learned about this group because in 1934 Dreitzer's deputy, Gayevsky, informed me that a group of serious people was being formed, that it would not operate now and would be kept in reserve in case of discovery.

I knew of the existence of the Zinovievite organization in Leningrad.

About the Trotskyite organizations I knew that Prigozhin was forming a group there, but I did not know of whom. When he reported to me in 1934 he mentioned three or four names, which meant nothing to me, and I cannot say who they were. I recalled one during the preliminary examination and I mentioned it.

About the Ukraine, Yuri Leonidovich Pyatakov told me that the Ukrainian centre—he named Kotsyubinsky, Golubenko and, I think, Loginov—was forming a

terrorist group which would act against the leaders of the Communist Party and the Soviet government of the Ukraine.

As regards the Siberian group, Pyatakov told me that it was being formed there. I think that he mentioned the name of Muralov in this connection.

In addition, he said that some kind of terrorist group had been formed, or was being formed in Tula.

Vyshinsky: Did Pyatakov mention names?

Radek: He did not mention names and leaders, but said that this group was connected with Dityateva. Moreover, much later, in 1935, I heard of the formation of a group in Rostov-on-Don by Byeloborodov. It was also known that Mdivani had formed a group.

In 1935 I heard about the Zinoviev group, this was the Zaks-Gladnyev group with which my assistant, Tivel, was connected in Moscow. He came to me and stated, on Sokolnikov's instructions, as he said, that as he was working in my office he was subjecting me to great danger as he was connected with this group. He came to me and said that this group existed, that he was connected with it, that apparently it was broken up in Petrograd and had transferred its activities to Moscow where it was engaged in preparing for a terrorist act against the leaders of the Party and the government. At first they intended to make an attempt in the very premises of the Central Committee, as he told me. When I told him that this was sheer madness he agreed with me and said that simultaneously they

were watching outside the building of the Central Committee, keeping track of the routes used by the members of the government and members of the Central Committee of the Party.

Vyshinsky: A whole lot of groups?

Radek: Yes. I did not know about all of them, I was not in immediate charge of this act. But if we are to speak of political, juridical and moral responsibility, you may hold me responsible for all the groups, even for those of which I did not know.

That means that I must bear responsibility for all the centre did through the medium of its organs.

Vyshinsky: Do you know about the terrorist group which operated in Tula?

Radek: I knew of its existence.

Vyshinsky: Did you know that it existed as a terrorist group?

Radek: Of course.

Vyshinsky: That it was preparing an attempt on the lives of the leaders of our Party and government?

Radek: Why, clearly.

Vyshinsky: That was clear to you?

Radek: That is all a terrorist group is engaged in.

Vyshinsky: And you knew that?

Radek: Of course.

Vyshinsky: From whom did you hear that?

Radek: From Pyatakov. He did not tell me anything definite about the personnel, but he said there was a group in Tula under the direction of Dityateva.

Vyshinsky: Hence you heard of this from Pyatakov?

Radek: Yes.

Vyshinsky: And what about the Urals?

Radek: I don't remember anything about the Ural group; I cannot mention any names. I had heard about the Yulin group.

Vyshinsky: What about Western Siberia?

Radek: About Western Siberia. One of the leaders mentioned was Muralov.

Vyshinsky: From whom did you hear about him?

Radek: From Pyatakov.

Vyshinsky: What about the Byeloborodov group?

Radek: I had heard about the existence of the Byeloborodov group from two sources: from Pyatakov and from Evgeny Preobrazhensky.

Vyshinsky: What about the Zaks-Gladnyev group in Moscow?

Radek: I heard about it first from Tivel, and later I had confirmation of its existence during a conversation with Sokolnikov.

Vyshinsky: And lastly the Prigozhin group?

Radek: The Prigozhin group of Leningrad. I learned of its existence from the fact that at Mrachkovsky's request I sent Dreitzer to Prigozhin, and when Prigozhin arrived in Moscow I asked him: "What have you done with the people you had over there?" He replied that he had put them in touch with the Trotskyite, Zeidel. It was he whom I instructed to get in touch with Friedland.

Vyshinsky: Who directed the Prigozhin group?

Radek: As it did not go into action and existed three or four months, during which they only negotiated, evidently the question of leadership in the technical sense never arose among them.

Vyshinsky: Who was responsible for this organization?

Radek: Prigozhin was responsible to us for this group.

Vyshinsky: Who was responsible for the organization of this group?

Radek: Prigozhin.

Vyshinsky: And who directed Prigozhin?

Radek: Prigozhin was subordinated to Dreitzer, but as Dreitzer never got to him, obviously, if it were necessary to give him any instructions, I would have given them.

Vyshinsky: If you give instructions you are the leader?

Radek: If I give instructions I am the leader, but what I did so far was to give instructions to create this group. I had no occasion to direct it; but had there been occasion to do so I would have directed it.

Vyshinsky: You created the group?

Radek: The group was created by Prigozhin.

Vyshinsky: But Prigozhin was suggested by you?

Radek: Yes.

Vyshinsky: He was the man you sent for that purpose?

Radek: He was the man I found for the purpose of organizing a terrorist group.

Vyshinsky: On your instructions did he get in touch

with the Zinovievites, or with Mrachkovsky, or with Dreitzer?

Radek: I cannot say what actually happened. Mrachkovsky asked me, but as regards Prigozhin I said that this fellow was no use for any sort of serious terrorist work, either as an executor or as an organizer—a terrible squabbler, who would upset the group from the very start; but he was to look for people. The question arose of testing these people. We thereupon agreed that Dreitzer should test this group either himself or through this man. Neither Dreitzer nor Mrachkovsky ever told me what they did about this. As for Prigozhin, he reported to me in the summer of 1934 that he had found, as he thought, some suitable people, but they had no time to do anything as he was transferred to Moscow.

Such was the concrete situation.

Vyshinsky: But did he apply to you frequently during this period of time concerning terrorist affairs?

Radek: I saw him in 1933 when I gave him instructions, and in the summer of 1934 when he moved to Moscow. His statement that he saw me in 1935 is untrue, as are three-quarters of Prigozhin's statements regarding other persons.

Vyshinsky: Let us take those facts which are true according to you.

Did you see Prigozhin in the autumn of 1934?

Radek: That was in July or August, but in 1934 I only saw him once. He told me that he had begun to

prepare people, to select them, but he was transferred and they had no time to do anything.

Vyshinsky: Why was it necessary for him to tell you rather than anyone else that he had selected people?

Radek: Because I had given him these instructions.

Vyshinsky: So it was you who found Prigozhin? You sent Prigozhin to Leningrad?

Radek: He lived in Leningrad.

Vyshinsky: With whom did you put him in touch?

Radek: He was to put me in touch, not I him.

I said to him: "The task of the centre is to form a terrorist group in Leningrad; select the people and then let me see how things are going."

Vyshinsky: Hence, as far as this part is concerned, the responsibility for directing Prigozhin's work in preparing for this act lies on whom?

Radek: On me.

Vyshinsky: Who then directed Prigozhin in this preparatory work?

Radek: I, Radek.

Vyshinsky: In the autumn, when he told you that he was transferred to Moscow, what was the upshot of your conversation with him at that time?

Radek: That he would be transferred to the Friedland group and see to it that it was not exposed. This was a terrorist group. I did not know all its members, but three names were mentioned to me: Friedland, Vanag

and Piontkovsky. The group was under the direct supervision of Gayevsky and he said to me: "This will be your reserve." Gayevsky was Dreitzer's deputy.

Vyshinsky: Who represented the centre?

Radek: Dreitzer was directly connected with Mrachkovsky.

Vyshinsky: And who in this group had connection with your special centre?

Radek: Mrachkovsky attached Gayevsky to me for contact purposes.

Vyshinsky: Hence Prigozhin represented you, and you are responsible?

Radek: Yes.

Vyshinsky: And you found him, established connection with him and put him on terrorist work?

Radek: Yes.

Vyshinsky: Was Gayevsky connected with Dreitzer's terrorist group?

Radek: I must explain.

Vyshinsky: Give me a straight answer.

Radek: Gayevsky was the man Dreitzer attached to me in the event of it being necessary to communicate with Dreitzer.

Vyshinsky: Hence, he was connected with you from the centre. Consequently, the line runs from the centre to Prigozhin, from you to Gayevsky. Hence, you were connected with the Dreitzer group through Gayevsky. Thus, you also directed the Dreitzer group.

Radek: No, Dreitzer was subordinated to Mrachkovsky, and Gayevsky was attached to me for contact purposes.

Vyshinsky: Who gave them their instructions?

Radek: Mrachkovsky. Up to Mrachkovsky's arrest, Dreitzer was subordinated to Mrachkovsky.

Vyshinsky: And after Mrachkovsky's arrest you established connection with Dreitzer?

Radek: After Mrachkovsky's arrest I did not manage to establish any connection with Dreitzer; I did not see him and was unable to obtain any information or intimations from him.

Vyshinsky: But these connections were to have passed to you?

Radek: Yes, to me.

Vyshinsky: As a member of the reserve centre?

Radek: Yes.

Vyshinsky: You were to have established connection with Friedland as a member of the terrorist group. In that period who directed all the activities?

Radek: If you ask me who directed, then, of course, had Prigozhin come and told me about the preparatory work I would have had to reply.

Vyshinsky: Hence, Prigozhin had to receive instructions on the preparatory work in that period from you and he was not connected with the other members?

Radek: Yes.

Vyshinsky: That is why you say that you personally

directed his terrorist activities and personally guided him?

Radek: Yes.

Vyshinsky: With whom else did you discuss the question of terrorism?

Radek: I discussed it with the members of the centre whom I had occasion to meet and with whom I had to settle certain questions.

Vyshinsky: Whom can you name?

Radek: I have named Preobrazhensky. I can also state with whom there was a conversation along general lines—that was Smilga.

Vyshinsky: And the group of the Rights?

Radek: It goes without saying that I was connected with Bukharin.

Vyshinsky: It goes without saying? What concrete facts can you mention concerning connections with the group of the Rights?

Radek: I had connections only with Bukharin. I saw Tomsky only in 1933 when he spoke in very sharp terms about the internal situation in the Party.

Vyshinsky: What conversations did you have with Bukharin?

Radek: If you mean conversations about terrorism I can enumerate them concretely. The first conversation took place in June or July 1934, after Bukharin came to work for *Izvestia*. At that time he and I conversed as members of two centres which were in contact with each other. I asked him: "You have taken the path of

terrorism?" He said: "Yes." When I asked him who was directing this activity he mentioned Uglanov and himself, Bukharin. During the conversation he said to me that it was necessary to prepare cadres from among the academic youth. Technical and other concrete matters were not discussed in our conversation. Mrachkovsky once tried to put this question to Bukharin, but Bukharin replied: "When you are appointed commander-in-chief of all the terrorist organizations we will put it all out on the table for you."

Vyshinsky: So Bukharin kept things secret?

Radek: Kept things secret in the same way as I kept things secret from him in these matters, apart from what Mrachkovsky related; but there was no doubt that Mrachkovsky was directing these activities in our centre.

Vyshinsky: What other conversations did you have?

Radek: That was one conversation about terrorism. That was all he told me on that occasion. The next conversation regarding terrorism—in fact, two or maybe three conversations—took place at the end of December 1934, after the assassination of Kirov. These conversations took place under great difficulties, because the editorial staff at that time was working all night almost without a break. Bukharin's office was continually frequented by a large number of people, and only on the second day or on the third day—I cannot exactly say which—did I succeed in finding a spare moment, when we first exchanged opinions. As neither he nor I knew the name of Nikolayev, did not even

know that Nikolayev was a member of the Party at the moment when he carried out the assassination, it was clear to us that the assassination was the work of one of the terrorist groups either of the *bloc* or of the Right groups. We could not for the moment decide which it had been, but it was clear to us that it was the work of these organizations.

This was the first thing we decided in the first conversation. In subsequent conversations, when the situation had become clearer, we reverted to this subject, discussing it pithily as was usually the case when we met in such a way, and exchanged opinions regarding our estimate of the political consequences of the assassination of Kirov.

We became convinced that this murder had not produced the results the organizers had expected. It was not justified by the results; it was not a blow at the Central Committee; it did not rouse sympathy among the masses of the people as the Trotskyites-Zinovievites had expected it would; on the contrary, it resulted in the masses of the people uniting around the Central Committee; it led to the arrest of a large number of Zinovievites and Trotskyites.

Already at that time we said to ourselves: either this act, the result of the tactics of individual terrorism, demands the cessation of terrorist actions or it demands that we go further and commit a terrorist act against a whole group.

These were the first ideas we exchanged under the K_J

impression of the situation that had been created by the assassination of Kirov.

Bukharin informed me that in their centre there were many who considered that it would be frivolous and cowardly to give up terrorism altogether because of the results of Kirov's murder; that, on the contrary, it was necessary to pass on to a systematic, thought-out, serious struggle, to pass on from guerrilla tactics to planned terrorism.

Vyshinsky: I am interested in this very question about guerrilla tactics. It is just the subject which you touched upon yesterday.

Radek: All of us who were closely associated with the leadership of the Rights or with the leadership of the Zinovievite-Trotskyite *bloc* could not fail to talk, could not fail to think about this matter from the moment when we were confronted with the lesson of the assassination of Kirov; and I must admit that I had thought about it even before that.

Vyshinsky: And from what angle, exactly, did you think about it?

Radek: I have no practical experience whatsoever in the sphere of terrorist struggle, but I know from history, from books—not only the history of Narodnaya Volya, I know the great practical experience of the Polish terrorists—and so I had to ask myself whether it was possible for the *bloc* to achieve the aims it had set itself by firing at individual people, and firing, moreover, at long intervals. Moreover—in answer to this question—

I knew something about the difference of our organs of state security from other such organs in other countries and in the old days. I knew that, as distinct from the latter, our organs of state security have the tremendous support of the broadest masses of the people, who will inform them about any suspicious case; and while they might let themselves be taken unawares on one occasion, they are sufficiently versed in sociology to understand that such things as the assassination of Kirov are not like pimples which burst out for a short time and then disappear, but that they are the expression of certain incipient groups and tendencies. I was therefore convinced that the organs of state security would take all measures to render impossible the carrying out of individual terrorist acts.

In addition to this, I stood in too close proximity to the leadership not to see that these measures were already being taken in practice. And it was clear to me that we were therefore confronted with the question: either this individual terrorist action could be carried on at random in the hope that something would come of it—and this was a senseless idea—or the fighting side must understand and face the question of what it could do. And such an idea about what to do was present in our minds. The gist of these ideas, if we take the political side of the matter, was that here it was a question of selecting persons of quite a specific type from a specific point of view, that this was decisive—a specific selection connected with this plan.

I discussed this question in July 1935 with Bukharin, with Pyatakov and Sokolnikov.

Vyshinsky: Hence, you were not a supporter of guerrilla methods of action?

Radek: I was an opponent of guerrilla tactics from the very beginning.

Vyshinsky: You did not consider this method a serious one? Permit me to ask you, and you will answer afterwards. I ask you: were there, then, two systems of terrorist struggle? One, which you call the guerrilla system, and another, which you have called planned and serious work?

Radek: Yes. Therefore I did not consider the path of individual terrorism a serious one.

Vyshinsky: Did you stand for the first or the second system of terrorist struggle?

Radek: I stood for the old system until I became convinced that this struggle was just a guerrilla struggle. Then I stood for a systematic terrorist struggle.

Vyshinsky: When you were informed about the activities of the Tivel group, about the Zaks-Gladnyev group, about the Prigozhin group or about his activities, about the Zeidel group, about the Byeloborodov group, about the Muralov group—what was your point of view then?

Radek: These were groups which arose at various times. Permit me, therefore, to split up my reply.

Vyshinsky: I am referring to the period as a whole.

Radek: You are referring to two periods: up to the end of 1934 and after.

Vyshinsky: In what period did the Muralov group arise?

Radek: I heard about it in 1935.

Vyshinsky: Very well, we will ask Muralov. Accused Muralov, were you the leader of the terrorist group in Western Siberia?

Muralov: Yes.

Vyshinsky: Since when?

Muralov: Since 1931.

Vyshinsky: Until. . . .

Muralov: Until the day of my arrest.

Vyshinsky: Were you a supporter of the guerrilla system or of the organized, planned system?

Muralov: Generally speaking I am not a guerrilla fighter, and took measures to prevent guerrilla methods and to have organized action.

Vyshinsky: Ever since 1931?

Muralov: Later, approximately, as Radek says, after 1934.

Vyshinsky: That is to say, after the murder of Kirov?

Muralov: Yes.

Vyshinsky: And before that murder you were not clear about the system?

Muralov: No.

Vyshinsky: But you had a group and were engaged in preparations?

Muralov: Yes.

Vyshinsky (to Radek): When did you hear about the Byeloborodov group?

Radek: I heard about it in 1935.

Vyshinsky: And about the Zeidel group?

Radek: I heard about it at the end of 1934; I did not know exactly whether it was definitely formed, or whether it referred only to Zeidel personally. I had no precise information.

Vyshinsky: What about the Mdivani group?

Radek: I heard about it in December 1935.

Vyshinsky: So that you knew of most of them after the murder of Kirov?

Radek: Yes.

Vyshinsky: In that period all the groups existed, all were making preparations?

Radek: Yes.

Vyshinsky: And you still called this guerrilla tactics?

Radek: Guerrilla tactics in every way.

Vyshinsky: Hence your position was the same as that adopted by these groups, you were in agreement with these groups, gave instructions to these groups; nevertheless, you thought they would not lead to the proper results and that the tactics ought to be changed?

Radek: Yes.

Vyshinsky: Hence, in that period, in 1934-35, your position was that of organized, systematic, perpetration of whole groups of terrorist acts?

Radek: Yes.

Vyshinsky: Did you discuss this with other members of the centre?

Radek: Yes.

Vyshinsky: With whom in particular?

Radek: I distinctly remember that I discussed it with Pyatakov and Sokolnikov.

Vyshinsky: Hence, your position at that time was that you recognized the necessity of a systematic, regular, organized group struggle?

Radek: Yes.

Vyshinsky: But you did not regard these groups as the organized group struggle you were thinking about?

Radek: That is so—neither in personnel nor in the tasks they set themselves.

Vyshinsky: Having come to the conclusion that it was necessary to pass to committing terrorist acts against groups, did you take any measures to organize this struggle?

Radek: I did. In July 1935 I raised the question, first before Pyatakov, and later before Sokolnikov in a conversation I had with him: either we continue the struggle or we abandon it.

Vyshinsky: What was the reply?

Radek: The answer was: "We shall continue." In that case it was necessary to know what forces we had at our disposal.

Vyshinsky: That is to say, the first point was to take stock of your forces?

Radek: Yes, the first point was to take stock of our forces. The second point: when we knew what forces we had at our disposal, we had to draw up a plan of action, and in accordance with this plan of action, decide

whether these forces were suitable or whether we had to create new forces to carry out the plan.

Vyshinsky: If these forces were suitable, set them to work, and if unsuitable. . . .

Radek: If unsuitable, then there was no sense in setting them to work. These were not specialists who could engage in nothing but terrorism.

Vyshinsky: I am not interested to know what kind of specialists they were or what they could do besides. If these forces were unsuitable, what had to be done?

Radek: In that case we had to form new forces, from the viewpoint of our objectives.

Vyshinsky: That is to say, either set these forces to work after testing their qualities, or prepare new forces? You, as a member of the centre, had the task of taking stock of the forces, ascertaining their fighting capacity, and setting them to work or preparing new ones as the case might be?

Radek: Yes, that was how matters stood.

Vyshinsky: What measures did you take?

Radek: Then we decided to put an end to the situation in which nobody bore responsibility for the terrorist work. We decided to call Dreitzer, whom, after Mrachkovsky's arrest, we regarded as the most suitable person to direct terrorist acts, to ascertain what he intended to do and jointly with him to draw up a plan.

Vyshinsky: Hence, first of all you wanted to unify the leadership of the terrorist groups?

Radek: Yes.

Vyshinsky: And whom did you think of as leader?

Radek: Dreitzer.

Vyshinsky: Did you establish contact with him?

Radek: I wrote a letter to Dreitzer. I could not go to Krivoy Rog myself. I wrote in veiled language. In such cases it is customary to send a postcard with a love message. I wrote him that after the disaster that had befallen father we had to settle what to do next. You do not know how much we have left, we do not know what you are doing, and so forth. Be sure to come. This family tangle must be straightened out.

In answer, I received a letter from him saying he was lying sick; no one came to visit him, and he could not leave; as soon as he got well he would come. At first I thought that Dreitzer had some information of a conspirative character which prevented him from acting at that moment, that perhaps he knew he was under suspicion—so I said to myself. But several months passed and no answer came from Dreitzer. And then I began to grow suspicious; I knew Dreitzer too well to think that it was a case of cowardice or excessive caution, and I did not believe that Dreitzer was unable to find a way of getting in touch with me.

At first we, too, did nothing after the assassination of Kirov, but months passed—July, August, September, October—and not a word from Dreitzer. Then I decided to arrange to go to Dniepropetrovsk to speak there, so that I could get there in this way and see Dreitzer. I was frequently receiving applications from

Dniepropetrovsk to deliver a lecture in Zaporozhye and Krivoy Rog, so I resolved that at one of the forthcoming Party plenums I would have a talk with one of the secretaries either from Dniepropetrovsk or from Krivoy Rog, and say I wanted to see the Dnieper Power Station again, so that they would invite me to come there and I would thus be able to see Dreitzer. Then came a new event: Trotsky's December directives, which presented all the problems in their full scope. It was no longer a question of the plan now, but of something much broader.

Vyshinsky: In what year was this?

Radek: In 1935. But notwithstanding this, we decided to call a conference. And before this—in January, when I arrived—Vitaly Putna came to see me with some request from Tukhachevsky. I said: "This is no way for a leader to act. There has been no news of this man for six months. Get hold of him, dead or alive." Putna promised. But when I received no answer from Putna, I wrote Dreitzer a letter telling him categorically that "by the end of February or the beginning of March you must be here." And I received the reply from him: "I'm coming." So from this appraisal that I had made of guerrilla tactics, I drew practical conclusions, endeavouring to find out the exact position in order to put an end to guerrilla tactics and to see whether we could go on to something more decisive that would give us certain prospects from the viewpoint of terrorist action. I must say that whereas before receiving Trotsky's

directives my endeavours to get Dreitzer to come had been made with the positive aim of getting him for a planned terrorist action, the situation underwent a decisive change for me from the moment of Trotsky's last directive, about which you will probably ask me specially.

Vyshinsky: While you were ascertaining what forces you had and were looking for Dreitzer, all these groups continued to exist and function?

Radek: They continued to exist and function.

Vyshinsky: And you knew about this?

Radek: I knew about it in part.

Vyshinsky: Very well. Now let us pass to your work in the sphere of foreign relations.

The President: Adjournment for 20 minutes.

* * *

Commandant: The Court is coming, please rise.

The President: The session is resumed. Are there any questions?

Vyshinsky: Accused Radek, will you please tell the Court about the contents of your correspondence with Trotsky concerning questions of, if one may so express it, foreign policy.

The President: I must warn you, accused Radek, that you must not in open court mention the names of official foreign institutions or the names of their officials.

Radek: May I mention the names of countries?

The President: I repeat, you must not mention the

names of official foreign institutions or the names of officials in open Court.

Radek: I received three letters from Trotsky: in April 1934, in December 1935 and in January 1936. In the letter of 1934 Trotsky put the question in this way: the accession of fascism to power in Germany had fundamentally changed the whole situation. It implied war in the near future, inevitable war, the more so that the situation was simultaneously becoming acute in the Far East. Trotsky had no doubt that this war would result in the defeat of the Soviet Union. This defeat, he wrote, will create favourable conditions for the accession to power of the *bloc*. And from this he drew the conclusion that the *bloc* was interested in sharpening the conflicts. He reproached Sokolnikov and myself for committing ourselves in too personal a way in the struggle for peace, but, he said, if such are your duties, nothing can be done about it: but why, when talking with a certain representative of a certain Far Eastern power, did not Sokolnikov give a sufficiently clear answer, showing his solidarity with the *démarche* which Trotsky had already made in regard to this power? In this letter Trotsky stated that he had established contacts with a certain Far Eastern state and a certain Central European state, and that he had openly told semi-official circles of these states that the *bloc* stood for a bargain with them and was prepared to make considerable concessions both of an economic and territorial character. In his letter he demanded that we

in Moscow take the opportunity to confirm to the representatives of these states our agreement with his steps. I communicated the contents of this letter to Pyatakov and asked him whether he, Pyatakov, knew about this conversation of Sokolnikov with Far Eastern diplomats which had caused Trotsky's dissatisfaction.

Pyatakov said that he knew nothing about it.

Vyshinsky: What was it that caused dissatisfaction in this conversation?

Radek: From the letter it was supposed that I knew Kamenev's instructions. I personally understood that Sokolnikov had evidently confined himself to confirming the mandate, and thought that Pyatakov knew more concretely. Here I slightly differ from what Sokolnikov has said. At all events in July 1934 Sokolnikov visited me at the *Izvestia* offices and communicated to me the substance of the conversation he had had with Mr. —. Sokolnikov said: "Just imagine, I am conducting official negotiations at the People's Commissariat of Foreign Affairs. The conversation draws to a close. The interpreters have left the room. The official representative of a certain foreign state, Mr. —, suddenly turned to me and asked: am I informed about the proposals Trotsky has made to his government? I replied," said Sokolnikov, "that I was, that these were serious proposals and advice, and that I and my friends were in agreement with them." Sokolnikov also said that Kamenev had warned him some time previously that representatives of foreign countries

might approach him or me and that at that time, as far as I remember, there was some kind of advice which Trotsky had given them concerning the position in the Far East. And here Sokolnikov, a very restrained man in general—and still more restrained in regard to me, since our relations were purely business ones and not personal relations—showed great irritation and said to me: "How does Trotsky visualize that? How can I, as Assistant People's Commissar, conduct such negotiations? This is an absolutely impossible situation." I do not recall precisely how he expressed himself, but it was very disapprovingly in regard to this advice. Thereupon I said to him, "Don't get excited. He obviously does not understand the situation here." Pyatakov and I arrived at the conclusion that we could not go beyond endorsing the mandate for negotiations. We could not conduct negotiations here, in the first place because we would have to conduct these negotiations with third-rate persons, in the second place because we did not know just what Trotsky had said, and in the third place because we did not think it wise to conduct negotiations under the eyes of the People's Commissariat of Internal Affairs—we did not think that these were good conditions for the negotiations, and I was to write to Trotsky to this effect.

I draw special attention to the fact that I spoke to Sokolnikov because I was afraid that since Sokolnikov was representing the Zinovievite organization, and he and I were not on very intimate terms, a rift might be

caused owing to the scolding which Trotsky had given him from abroad.

Through Romm, who went abroad in May, I sent Trotsky a letter acknowledging the receipt of his instructions and stating that we had agreed among ourselves not to take any steps beyond endorsing his mandate to negotiate with foreign countries. In addition, I added: not only we officially as the centre, but I personally approved of his seeking contacts with foreign states. But while still at Geneva I was told that if, in the light of old experience, we wanted to avoid the aggravation of disagreements that might arise in the course of our work, he asked me to write with complete frankness if I had any doubts about his proposals and steps. I wrote that what I regarded in his directive as indisputable was the fact that if the *bloc* was reckoning with the possibility of coming to power in one way or another as a real possibility, this could not happen in a vacuum, for the U.S.S.R. existed among other states, and we must therefore know what the enemy wanted, what he was aiming at, what he could demand, how far he was ready to go, and that therefore not only we officially, as a centre, but I personally approved of the fact that he was seeking contact. But on my own part I would take the liberty of drawing his attention to the following: that in the first place, considering the state in which the *bloc* was, it would only compromise itself completely by establishing such contact directly, would deliver itself into the enemy's hands.

As the third point concerning aims, I told him the following: that it was one thing to take the stand that war would create the conditions under which the *bloc* would come to power, and another thing to try to bring about this war; that, leaving on one side the whole political significance of the endeavour to bring about war, I drew his attention—this was my private opinion, as I wrote—to the fact that the *bloc*, which existed in 1933, could do very little, because owing to the exile of Zinoviev and Kamenev, it had wound up its activities and was in the first stage of organization; and that even if this war were to begin now, it would lead to defeat, but we would be engulfed by the war and would not play any role whatever. I wrote this to him, for I thought that none of the others would venture to voice these warnings, and so I deemed it necessary to write to him.

Vyshinsky: This was in May 1934?

Radek: This was in May 1934. In the autumn of 1934, at a diplomatic reception, a diplomatic representative of a Central European country who was known to me, sat down beside me and started a conversation. Well, he started this conversation in a manner that was not very stylish. He said (speaking German): "I feel I want to spew. . . . Every day I get German newspapers and they go for you tooth and nail; and I get Soviet newspapers and you throw mud at Germany. What can one do under these circumstances?" He said: "Our leaders" (he said that more explicitly) "know that

Mr. Trotsky is striving for a rapprochement with Germany. Our leader wants to know, what does this idea of Mr. Trotsky's signify? Perhaps it is the idea of an émigré who sleeps badly? Who is behind these ideas?" It was clear that I was being asked about the attitude of the *bloc*. I could not suppose that this was an echo of any of Trotsky's articles, because I read everything that was written by Trotsky, watched what he wrote both in the American and in the French press; I was fully informed about what Trotsky wrote, and I knew that Trotsky had never advocated the idea of a rapprochement with Germany in the press. If this representative said that he knew Trotsky's views, that meant that this representative, while not, by virtue of his position, a man whom his leader treated confidentially, was consequently a representative who had been commissioned to ask me. Of course, his talk with me lasted only a couple of minutes; the atmosphere of a diplomatic reception is not suited for lengthy perorations. I had to make my decision literally in one second and give him an answer, and I told him that altercation between two countries, even if they represent diametrically opposite social systems, is a fruitless matter, but that sole attention must not be paid to these newspaper altercations. I told him that realist politicians in the U.S.S.R. understand the significance of a German-Soviet rapprochement and are prepared to make the necessary concessions to achieve this rapprochement. This representative understood that since I was

speaking about realist politicians it meant that there were realist politicians and unrealist politicians in the U.S.S.R.: the unrealist politicians were the Soviet government, while the realist politicians were the Trotskyite-Zinovievite *bloc*. And he also understood that what I meant was: if the *bloc* comes into power it will make concessions in order to bring about a rapprochement with your government and the country which it represents. In making that reply I understood that I was committing an act inadmissible for a citizen of the Soviet Union.

Vyshinsky: This is all connected with the first letter?

Radek: This was a result of the first letter, but it was not the only result of that letter.

Vyshinsky: Did you, between April and November 1934, have any conversation with other members of the centre on the subjects connected with this letter?

Radek: I informed Pyatakov, Sokolnikov and Serebryakov about it.

Vyshinsky: I emphasize once again: precisely in that period, autumn of 1934, you fully informed them of the contents of the letter and of your opinions about it?

Radek: Yes. Of my opinions, which I communicated to Trotsky in a private letter, I did not speak for political reasons. These political reasons were that I was one of those who was once the cause of the most serious break-up of the Trotskyite organization, and having decided to take part in this work a second time I was very cautious in expressing my own individual

opinions so as not to give anybody a pretext for saying that no sooner had I joined than I began to show discontent. That is why I thought it proper to tell Trotsky, but not the others.

Vyshinsky: What, concretely, did you tell them? Something slightly different to each, but in the main the same?

Radek: I told each one that at a diplomatic reception—I mentioned the position of that diplomatic person—I was told so-and-so and so-and-so and that I replied so-and-so and so-and-so. Of course, to those of them who did not attend diplomatic receptions the name of the person meant nothing. I remember that when in 1935 I personally spoke to Serebryakov and asked him whether Pyatakov had told him anything and whether he knew anything about this matter, he said: "Yes, there was talk with some German, but I don't remember his name." But Sokolnikov must have remembered.

Vyshinsky: You are not particularly heedful of the President's warning.

Radek: I apologize, it slipped out in the heat of the moment. I will keep strictly to instructions.

Vyshinsky: Did you also tell them about the contents of Trotsky's letter?

Radek: I spoke very distinctly about the contents of Trotsky's letter.

Vyshinsky: What questions were raised in it?

Radek: The victory of fascism in Germany. The growth of Japanese aggression. The inevitability of

these countries waging war against the U.S.S.R. The inevitable defeat of the U.S.S.R. The necessity for the *bloc*, if it came into power, to make concessions.

Vyshinsky: Excuse me, please. Inevitable defeat: how did Trotsky and you picture that? And what was your and Trotsky's attitude towards defeat?

Radek: The attitude towards defeat was entirely positive because it was stated there that this would create the conditions for the accession to power of the *bloc*, and it even stated more, that it was in our interest to hasten war.

Vyshinsky: Hence you were interested in hastening war and it was to your interest that the U.S.S.R. should be defeated in this war? How was this put in Trotsky's letter?

Radek: Defeat is inevitable, and it will create the conditions for our accession to power, therefore, we were interested in hastening the war. The conclusion is: we are interested in defeat.

Vyshinsky: We are reconstructing the contents of the letter.

Radek: Undoubtedly that was the line of thought. It logically followed with indisputable clarity. But since I am giving you, the State Prosecution, evidence, I must draw a clear distinction between the phrase, as I remember it, and the precise phrase that was in the letter. But irrespective of whether it was couched in those terms or not, there is no doubt that this was the line of thought.

Vyshinsky: I ask you to reply to the question about what was your and Trotsky's attitude towards the defeat of the U.S.S.R.

Radek: If you are asking me about Trotsky's attitude, I have answered. If you are asking me about my own, Citizen Procurator, I must say that in so far as it is a matter of establishing juridical facts I must give an answer. In so far as it is a matter of my feelings and my ethics, which did not affect my action. . . .

Vyshinsky: I am not interested in feelings, but in facts.

Radek: The fact that I gave a visa to Trotsky's mandate. . . .

Vyshinsky: The point is not that you gave your visa to Trotsky's mandate; I am speaking of a fact: the letter which you received from Trotsky in April 1934—this letter spoke about war, about this war being inevitable, that in this war the U.S.S.R., in Trotsky's opinion, would suffer defeat, that as a result of this war and defeat the *bloc* would come to power. And now I ask you: In these circumstances were you for the defeat of the U.S.S.R. or for the victory of the U.S.S.R.?

Radek: At that time I considered defeat inevitable and thought that in the circumstances of defeat we would come to power. If you are asking me about what I wished. . . .

Vyshinsky: But were you for the defeat or for the victory of the U.S.S.R.?

Radek: All my actions during these years testify to the fact that I aided defeat.

Vyshinsky: These actions of yours were deliberate?

Radek: Apart from sleeping, I have never in my life committed any undeliberate actions.

Vyshinsky: And this, unfortunately, was not a dream?

Radek: Unfortunately this was not a dream.

Vyshinsky: It was reality?

Radek: It was sad reality.

Vyshinsky: Yes, it was reality sad for you. You spoke with the members of the centre about defeatism. Consequently, we can put it as follows: That the question of defeat was for you a practical issue.

Radek: The question of defeat was a practical issue for us at that time.

Vyshinsky: This was in April 1934?

Radek: Yes.

Vyshinsky: And you spoke about this to the other members of the centre?

Radek: If you ask whether we spoke about our attitude towards defeat, I must say the following in order to define the situation: With Sokolnikov there was no exchange of opinions whatever from this angle. I informed him of the directives and asked about the specific fact regarding—

The President: Accused Radek, are you trying to provoke us?

Radek: I am not trying to provoke you; this will not occur again.

Vyshinsky: Such behaviour on the part of the accused Radek places me in a very difficult position during the course of the interrogation.

The President: Quite so.

Vyshinsky: And I am afraid that Radek will continue with such escapades, so that I shall be unable to put questions on this matter. You are a man sufficiently well versed in politics to understand that if it is forbidden to speak about certain things in Court, this must be accepted as a demand of the law.

Radek: I deeply apologize; this will not occur again.

The President: I consider that if Radek repeats anything of this kind, this question will have to be dealt with *in camera*.

Radek: I repeat that this will not occur again.

Vyshinsky: I would ask you to adhere to the factual side of the matter, then it will be easier for you to do it. You spoke with the members of the centre about defeatism?

Radek: We accepted it as something to be carried out.

Vyshinsky: Were any practical steps taken by you personally and by your accomplices to put these instructions into effect?

Radek: We took action, of course.

Vyshinsky: But this was connected not only with the letter but also with all further directives?

Radek: We did not retreat from the defeatist platform, we continued to be in agreement—this was up to the moment of our arrest; but since 1936, after the second

directive of Trotsky, certain changes became noticeable which unfortunately did not lead to any result.

Vyshinsky: We will speak of that later on. At present I am interested in the period from April 1934 up to the end of the autumn of 1934. Were Pyatakov, Serebryakov and Sokolnikov informed about Trotsky's letter?

Radek: Yes.

The President: It is proposed that the interrogation of the accused Serebryakov, Sokolnikov and Pyatakov be held after the adjournment.

Vyshinsky: I will be very brief. (*To Pyatakov.*) Do you confirm that you were informed about Trotsky's letter to Radek?

Pyatakov: I testified to this effect yesterday and hereby confirm that this is in full accordance with the facts.

Vyshinsky (to Sokolnikov): I put the same question to you.

Sokolnikov: I am also informed about it.

Vyshinsky: You also shared this standpoint?

Sokolnikov: Yes.

Vyshinsky (to Serebryakov): You also shared this standpoint of defeatism?

Serebryakov: I did not object.

Vyshinsky: You said that there was a second letter in December 1935. Tell us about it.

Radek: I received this letter at the beginning of December. This time it was not a political communication any more, even if of a certain fundamental

programmatic significance, but represented a draft program of this second variant.

Vyshinsky: Since we heard about this yesterday, I do not think that the Court would object either. You must tell us the main point.

Radek: The main point, in the first place, was the international perspective. It was that the victory of German fascism had ushered in a period of the fascization of Europe and the victory of fascism in other countries, the defeat of the working class and the absence of revolutionary perspectives until there was some radical change such as might be caused by an international war. That is the first thing. As far as the second is concerned, the main thing is that two alternative possibilities were contemplated.

Vyshinsky: That was mentioned yesterday.

Radek: The first was one which he regarded as impracticable—that of coming to power without a war.

Vyshinsky: That is to say, without a defeat?

Radek: Consequently the practicable plan remained that of coming to power as a result of a defeat. And this coming to power as a result of a defeat signified for him that while up to that time Trotsky abroad and we here, in Moscow, had spoken of an economic retreat within the framework of the Soviet state, a radical change was indicated in this letter. For, in the first place, Trotsky considered that as a result of the defeat there would arise the inevitability of making territorial concessions, and he specifically mentioned the Ukraine. In the second

place, it was a question of the partition of the U.S.S.R. In the third place, from the economic standpoint, he foresaw the following consequences of the defeat: not only the granting of concessions on industrial enterprises of importance to capitalist states, but also the transfer, the sale to private capitalist owners, of important economic enterprises to be specified by them. Trotsky contemplated the issue of debenture loans, *i.e.*, the admission of foreign capital for the exploitation of those factories which would formally remain in the hands of the Soviet state.

In the sphere of agrarian policy, he quite clearly stated that the collective farms would have to be disbanded, and advanced the idea of giving tractors and other complex agricultural machinery to individual peasants in order to revive a new kulak stratum. Lastly, it was quite openly stated that private capital would have to be revived in the cities. It was clear that it meant the restoration of capitalism.

In the sphere of politics, a new note in this letter was the way it posed the question of power. In this letter Trotsky said: There can be no talk of any kind of democracy. The working class has lived through eighteen years of revolution, and it has vast appetites; and this working class will have to be sent back partly to privately-owned factories and partly to state-owned factories which will have to compete with foreign capital under most difficult conditions. That means that the living standard of the working class will be

drastically lowered. In the countryside the struggle of the poor and middle peasants against the kulaks will be renewed. And then, in order to hold power, we shall need a strong government, irrespective of what forms are employed to veil it.

If you want historical analogies, take that of the government of Napoleon I and think over this analogy. Napoleon I was not restoration—the restoration came later, but it was an attempt to preserve the principal gains of the revolution, to preserve what could be preserved from the revolution. This was something new. He realised that the master of the situation, with whose aid the *bloc* could come to power, would be fascism—on the one hand German fascism and on the other hand the military fascism of another, Far Eastern country.

And as regards practical conclusions, the new factor here was that this activity—meaning wrecking activity—would have to be specially agreed upon with that partner with whose help alone the *bloc* could come to power.

Finally, the new feature was—although this, far from being the essence of the matter, was only camouflage—that we were confronted with the prospect of having to accept everything, but if we remained alive and in power, then owing to the victory of these two countries, and as a result of their plunder and profit a conflict would arise between them and the others, and this would lead to our new development,

our "revanche." But this was a prospect from the realm of fiction. Such is the substance of this first directive.

There was one other very important point in these directives, namely, the formula that we would inevitably have to bring the social structure of the U.S.S.R. into line with the victorious fascist countries if we wanted to keep in power at all. It was this idea of bringing into line—a pseudonym for the restoration of capitalism which immediately struck us as something specifically new when we received these directives.

Vyshinsky: So if we briefly sum up the contents of this letter, what are the main points?

Radek: We continued to maintain our stand of 1934 that defeat was inevitable.

Vyshinsky: And what was the conclusion you drew from this?

Radek: The conclusion to be drawn from this inevitable defeat was that now the problem of restoring capitalism was openly set before us.

Vyshinsky: That is to say, this restoration of capitalism, which Trotsky called bringing the social structure of the U.S.S.R. into line with the capitalist countries, was conceived as an inevitable result of an agreement with foreign states?

Radek: As an inevitable result of the defeat of the U.S.S.R., of the social consequences of this defeat and of an agreement on the basis of this defeat.

Vyshinsky: Further?

Radek: The third condition was the most novel of

all for us—that of replacing the Soviet power by what he called a Bonapartist government. And it was clear to us that this meant fascism without its own finance capital, serving foreign finance capital.

Vyshinsky: The fourth condition?

Radek: The fourth was the partition of the country. It was planned to surrender the Ukraine to Germany and the Maritime Province and the Amur region to Japan.

Vyshinsky: Was there any talk at that time about any other economic concessions?

Radek: Yes, those decisions about which I have already spoken were further amplified. The payment of indemnities in the form of supplies of food, raw materials and fats extending over a long period of years. Then—at first he said this without giving figures but afterwards in more definite form—a certain percentage of participation in Soviet imports to be guaranteed to the victorious countries. All this together meant the complete enslavement of the country.

Vyshinsky: Was there talk about Sakhalin oil?

Radek: As regards Japan, we were told she must not only be given Sakhalin oil but be guaranteed oil in the event of a war with the U.S.A. It was stated that no obstacles must be raised to the conquest of China by Japanese imperialism.

Vyshinsky: And as regards the Danube countries?

Radek: As regards the Danube and Balkan countries,

Trotsky said in his letter that German fascism was expanding and we should do nothing to prevent this. The point was, of course, to sever any of our relations with Czechoslovakia which would have contributed to the defence of that country.

Vyshinsky: Did these six conditions cover the whole contents of this letter of 1935?

Radek: Yes.

Vyshinsky: I think you spoke about a more intensive form of various wrecking activities.

Radek: He did not give any specific instructions on this score, but he pointed out that war was approaching and said that even if the countries concerned could give us any assurance that they will recognize our *bloc*, this would still be only a scrap of paper unless the *bloc* was strong, and the strength of the *bloc* would be measured by its terrorist actions, by its wrecking acts and by the role it played in the army in the event of war. This letter contained instructions on the necessity of spreading and intensifying wrecking, terrorist and diversive activities.

These activities were in line with the whole program, and they were referred to as one of the main levers in coming to power. In connection with war it was pointed out that the Trotskyites must undermine the organization and the discipline of the army.

Vyshinsky: Was there no talk about these diversive acts in connection with war and with the defeat of the U.S.S.R.?

Radek: It was stated quite definitely that they would

believe in our strength in proportion to the help we gave them.

Vyshinsky: And what was this help to consist of?

Radek: This help was to consist of wrecking and of developing terrorist activities, coupled with the undermining of the morale of the army by the Trotskyites.

Vyshinsky: And was anything said about the defence industry?

Radek: A special point was made of this. The diversive activities of the Trotskyites in the war industry were to be agreed upon with those partners with whom we would succeed in reaching an agreement—that is to say, with the general staffs of the foreign states involved.

Vyshinsky: To agree with the general staffs of the countries concerned upon a plan of acts of diversion?

Radek: Yes.

Vyshinsky: How was this plan conceived—in a general way or concretely?

Radek: These directives were quite general, which was connected with a certain resistance they met from Moscow. Clearly, this was not a matter of second-rate importance, which one could choose or reject at will; it was the thing for which they would give everything.

Vyshinsky: Yesterday we disclosed what Pyatakov said to Sokolnikov about setting fire to the Kemerovo Combined Chemical Works in the event of war. Were these instructions of Pyatakov's to Norkin in line with this letter?

Radek: I do not know what impelled Pyatakov to

have that conversation, but there can be no doubt that such instructions were given even earlier by those directing wrecking activities, that they fully conformed with the spirit of this letter and the demands it contained.

Vyshinsky (to *Pyatakov*): Accused *Pyatakov*, when you gave *Norkin* instructions on setting fire to the *Kemerovo Chemical Works* in the event of war, were you guided by any general policy?

Pyatakov: I was guided by that line of "concretization" which was given by *Trotsky*.

Vyshinsky: And your conversations with *Sokolnikov* took place after your return from *Berlin* in 1935, after your personal meeting with *Trotsky*?

Pyatakov: After.

Vyshinsky: And were these demands formulated during your personal meeting with *Trotsky*?

Pyatakov: Certainly.

Vyshinsky (to *Radek*): Was there no talk about railway transport?

Radek: The whole point of "concretization" concerned war, so that transport could not be an exception.

Vyshinsky: Accused *Serebryakov*, you remember your talk with *Radek* about *Trotsky's* letter in 1935?

Serebryakov: Yes.

Vyshinsky: Did *Radek* link up *Trotsky's* directives with your criminal activities in the sphere of transport?

Serebryakov: It was, naturally, linked up in my mind. As early as 1934, and in December 1935 when *Livshitz*

and I exchanged views, *Livshitz* being at that time Assistant People's Commissar of Railways, we said that at a certain period the questions of intensifying diversive and wrecking work in transport might arise.

Vyshinsky: You spoke with *Livshitz*?

Serebryakov: Yes. At that time we assumed that it would be possible to overload, to block up the most important junctions with a view to interrupting freight traffic.

Vyshinsky: And as regards the organization of diversive acts?

Serebryakov: The way the question was put was that we must speed up the recruiting of forces for diversive acts.

Vyshinsky: Accused *Livshitz*, what have you to say about this?

Livshitz: I confirm that we talked about speeding up the recruiting of members of the organization for acts of diversion and for carrying out acts of wrecking during war time.

Vyshinsky: You were Assistant People's Commissar of Railways and yet at the same time discussed the question of how to obstruct traffic on the railways in the event of war?

Livshitz: Yes. I considered that since we were carrying on a struggle for the coming to power of the *Trotskyite-Zinovievite bloc*, it was necessary to do this.

Vyshinsky: So these preparations were in line with the whole struggle of your *bloc* for power?

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Livshitz: Yes.

Vyshinsky: And you had a special talk about this with Serebryakov?

Livshitz: Yes.

Vyshinsky: And with Pyatakov?

Livshitz: No.

Vyshinsky: But did you not see Pyatakov at that time?

Livshitz: Yes.

Vyshinsky: Surely you must have spoken with Pyatakov about the tasks of the *bloc*?

Livshitz: He and I did not talk about such questions.

Vyshinsky: What did you talk about then?

Livshitz: We talked about the work which the Trotskyites were doing on the railways in general.

Vyshinsky: Namely?

Livshitz: About preventing the carrying out of orders which would ensure an improvement in the work of the railways.

Vyshinsky: What did you talk about with Pyatakov?

Livshitz: About the work which the Trotskyites were doing in the transport system, *i.e.*, about sabotaging those orders which would ensure an improvement in the work of railways.

Vyshinsky: Did Pyatakov give you direct instructions and directives to intensify wrecking and diversive work on the railways?

Livshitz: He did.

Vyshinsky: You accepted them?

Livshitz: Yes.

Vyshinsky: Carried them out?

Livshitz: Yes, what I could I carried out.

Vyshinsky: You carried on wrecking activities?

Livshitz: Yes.

Vyshinsky: Disrupted the work?

Livshitz: Yes.

Vyshinsky (to Radek): What was the gist of Trotsky's program in 1935?

Radek: In 1935 the question was raised of going back to capitalism.

Vyshinsky: To what limits?

Radek: What Trotsky proposed, was without any limits. To such limits as the enemy might require.

Vyshinsky: So, again, defeat was on the order of the day?

Radek: Yes, the new feature now was that defeat was linked up with foreign instructions.

Vyshinsky: That is to say, there was now a direct arrangement with foreign general staffs—and this was not the case before?

Radek: This was not the case before.

Vyshinsky: This made you stop and think?

Radek: What most made me stop and think was not only this, but the difference between the situation that had existed in the country previously, in 1934, and afterwards.

Vyshinsky: Pyatakov told you about his visit to Oslo?

Radek: Pyatakov's visit was decided on after we had conferred together. We had come to the conclusion that

I ought to take advantage of the fact that I had on three occasions been invited to go to Oslo and deliver a lecture to students. If Pyatakov had not been sent abroad on business, I, having permission to do so, would have gone to Oslo to deliver this lecture and would certainly have gone to see Trotsky.

Vyshinsky: So you were supposed to go abroad?

Radek: Either I or Pyatakov. I must speak of the aim of this journey, which was not very clearly brought out by Pyatakov yesterday. Why did I propose this and why did he immediately agree that it was necessary to visit Trotsky? He supported it by saying that the man had completely lost all sense of reality and was setting us tasks which we were unable to carry out, irrespective of what our attitude to them was, and it had become necessary to go to see him at all costs and talk things over with him. This was how Pyatakov explained his proposal. I did not give any explanation of why I urged this visit and considered it necessary. But I must admit that I did not for one moment believe those motives which Pyatakov put forward.

Vyshinsky: Why?

Radek: For the simple reason that Pyatakov knows Trotsky far too well to think for one moment that Trotsky would ever admit, under the influence of his arguments, that he did not know the basic elements of the situation; and as to risk one's neck in order to achieve a five per cent reduction in baseness was not worth while, therefore I could not take Pyatakov's

explanations seriously and thought that he probably had the same motives as myself, and my motives were very simple. After I read these directives, I thought over them at night, and came to Pyatakov only on the following day; it was clear to me that although the directives contained all the elements which had formerly been present, yet these elements had now so matured that to accept these directives meant, in the first place, that in order to carry them out I should have to inform a comparatively wide circle of people; because I had to set tasks to the organizers, and these tasks were considerably widened. I had to inform them about the matter and let them know how I myself regarded these directives, and I was personally convinced, when I closed my eyes and thought about the people in question, that a number of the most important persons, those who had sinned most deeply from the point of view of the Criminal Code, would not only fail to understand these directives but that they would respond to them by severing their connection. I did not think for a minute that Muralov would agree to a policy of supporting the partition of the U.S.S.R. Nor could I conceive this to be true of a dozen other persons with whom I was personally acquainted. I will not mention names here, lest I should appear in the role of counsel for defence, which they have refused, because I have no warrant from them to do this, but for me, as a politician, it was clear that this program was breaking up the *bloc*; in accordance with this program they

were indulging in wrecking activities, terrorism and similar things which undermined the power of the Soviet Union. But to come and to say that this had to be done in order to obtain power and to become police sergeant, as a result and to establish capitalism in the country—this, I was firmly convinced, meant the collapse and death of the *bloc*. Accordingly, when confronted with the question what I had done and of going to people in order to tell them what they had to do, it was perfectly clear that if I came to Pyatakov, being convinced that he would bring still more rigorous directives—then, naturally, the question would arise that our activities had brought us to a point where we might be asked to betray the country with the aim of restoring capitalism and of making the country a colony. We decided for ourselves that as regards that formula which had become untenable for the four—that we could not take responsibility for this formula, that we could not bear responsibility for these directives, that we could not lead people blindly, could not cause Soviet Red Army men to be shot down. We decided to call a conference. Pyatakov went to see Trotsky; I don't know why Pyatakov did not speak about this here, for it was perhaps the most vital point in his conversation with Trotsky—when Trotsky said that a conference meant exposure or a split. Now Pyatakov came back and told about his conversation with Trotsky. Then and there we decided that we would call a conference, despite Trotsky's ban. I talked it over with

Serebryakov, and Serebryakov agreed to it, and Sokolnikov, who kept silent and tried to take the attitude of scrupulously obeying instructions, said that since this conference was inevitable it would have to be held. We agreed how to organize this conference, agreed upon a number of persons whom we would invite, and upon who was to get in touch with which group.

As far as I am concerned, this was my last talk with Pyatakov and with Serebryakov and with G. Y. Sokolnikov.

In connection with this it was precisely these measures that I took: to get Dreitzer to come to Moscow at all costs—I will tell why—it is perhaps the most important thing in this case; to get in touch with the people in Rostov through Preobrazhensky and get them to come to Moscow. In doing this, I did not tell these people what was on foot, but that there was to be a conference at which we would adopt a most vital decision for us, and that it was absolutely necessary that they come.

And this was the moment which for all of us, inwardly, had this meaning: we had reached a barrier.

Did we interrupt our activities after receiving the directives? No. The machine went on working. We did not accept the directives, but neither did we reject them. Accordingly, in so far as the old directives were concerned, the machine went on working—particularly since we had concealed the idea of a conference from our men. In doing this I was guided by quite

definite considerations of a tactical, practical character, and I concealed it to such an extent—concealed the contents of these directives, that is—that when Bukharin met me in January and asked me during the course of our conversation what news there was and so forth, I, who on all other occasions had informed him of all Trotskyite directives, had informed him fully—did not tell him about these directives, told him about other letters, sent earlier, which had come.

And so, Citizen Procurator, I want to say the following:

Did we interrupt our activities? No. Up to the moment of arrest each of us did what he could. The fact that I was destined to do very little during these months, is not my merit. If, let us say, that same Prigozhin had come to me (he was already arrested at that time and did not come to me) and had asked me: "Shall we continue our activities?" I would have said: "Yes, continue them." If Friedland had come to me, I would have told him too: "Continue them."

But I none the less maintain that there is a new factor here about which I shall perhaps have to give you specific answers later on, and that this factor existed not only for me but for all the others who knew these directives: these directives were the limit.

Vyshinsky: Three facts: the April letter of 1934, the December letter of 1935 and Pyatakov's meeting with Trotsky in December 1935. How was the question put in Trotsky's letter in 1934? War, working for defeat?

Radek: Yes.

Vyshinsky: A return to capitalism in substance?

Radek: No, a return to capitalism is not raised in the letter of 1934.

Vyshinsky: No? What then?

Radek: A retreat which we then thought. . . .

Vyshinsky: To where?

Radek: To the positions of the NEP, with industry strengthened in comparison with what it had been before 1928.

Vyshinsky: A retreat towards strengthening what elements?

Radek: A retreat which was to restore a part of the capitalist elements as well, but this retreat, if compared with the state of things in 1927—there would be a possibility during this retreat, on the one hand, of admitting capitalist restoration, but at the same time of strengthening industry, thanks to the First Five-Year Plan, the state farms and part of the collective farms—that is to say, we would have an economic base on which in my opinion a proletarian government could have maintained itself.

Vyshinsky: So a proletarian government could still have maintained itself? But the tendency was to go backward?

Radek: The tendency was to go backward.

Vyshinsky: In 1935 this stood out more clearly in comparison with 1934?

Radek: In 1935 the question was raised of going back to capitalism.

Vyshinsky: To what limits?

Radek: What Trotsky proposed was without any limits. To such limits as the enemy might require.

Vyshinsky: So, again, defeat was on the order of the day?

Radek: Yes. The new feature now was that defeat was linked up with foreign instructions.

Vyshinsky: This new feature was accepted?

Radek: In the first place, allow me to answer the question about defeat.

Vyshinsky: What was the new feature?

Radek: The new feature was in the way the question of this defeat was put.

Vyshinsky: This was something new in comparison with 1934?

Radek: Yes.

Vyshinsky: And in comparison with Pyatakov's conversation?

Radek: The conversation tallies with the directives; it merely aggravates them.

Vyshinsky: So there is no difference between the letter in 1934 and the conversation in 1935?

Radek: There is no difference whatever; it is all one whole.

Vyshinsky: All one whole, and in this whole, defeat comes first?

Radek: Our attitude towards defeat was not due to the

fact that we had become better or worse, but to objective reasons—after all, the situation in 1935 was quite different from that in 1934.

Vyshinsky: We have cleared up that point.

Radek: That point has not been cleared up, Citizen Procurator.

Vyshinsky: I will now pass on to your attitude towards the letter in 1934 and the conversation in 1935. Was there any difference?

Radek: There was no difference whatever. There was one new point: concentration.

Vyshinsky: On the question of partitioning the U.S.S.R. there was also no difference between the conversation and the letter?

Radek: No, no difference.

Vyshinsky: On the question of territorial concessions—just the same?

Radek: Just the same.

Vyshinsky: On the question of terrorist activities—no difference here either?

Radek: No.

Vyshinsky: What then was the new feature?

Radek: The new feature was that it was now linked up with foreign instructions.

Vyshinsky: So that is the difference? That is to say, we have here a direct arrangement with foreign general staffs—and was not this the case before?

Radek: That was not the case before.

Vyshinsky: That made you stop and think?

Radek: It was not that which made me stop and think as much as the situation that existed in the country before, in 1934, and after. It was this that made me stop and think. After all, we were not born in order to help the fascists defeat the Soviet Union. In 1934 we considered that defeat was inevitable. We proceeded from an overestimation of the difficulties in the countryside. In industry we considered that there was a transitional period, when even the newly-built factories were only just being put into operation. The position on the railways was at that time considered to be castastrophic. But now, towards the end of 1935, could we consider that the situation on the railways was castastrophic? Why, Pyatakov, Livshitz (we had information from Livshitz)—we all knew of the tremendous work which the railways had accomplished under Kaganovich's direction. I personally, in connection with my official business, knew of the opinion held of our railways by foreign intelligence services, who considered that our railways were prepared for war. Could I, towards the end of 1935, on the basis of what the Trotskyites told me, consider that our industry was doomed in the event of war? I know what industrial mobilization means, I know the difficulties of every industry, I know the difficulties of our industry; but I also knew that everything required for the prosecution of war would be supplied. In the case of agriculture I myself did not have a wide field of observation: every year I went to the same collective

farms, in the Kursk Gubernia, and I saw that these collective farms, which I had been observing from year to year, in 1935 represented something incomparable, something absolutely different from what they were in 1933. And so, if in 1933 or 1934 we proceeded from the assumption that defeat was inevitable, and considered it necessary to assist this fact, so as to get something out of it, we now saw that the idea of the destruction of the U.S.S.R. by Western fascism and by military-fascist circles in the East which Trotsky took as his starting point—was now, from the standpoint of objective reality a fantasy, that all the conditions for victory existed. And so, in connection with this the question was bound to arise with us: in order that we might come to power—let the country be defeated. In 1934 we took defeat as our starting point, as a necessary fact. But in 1935 every one of us was bound to say to himself—if you are ready to do that you are thwarting a possible victory, which is already assured, even if against you. While in 1933 and 1934 we considered economic retreat as something necessitated by circumstances, as something essential for the country, and not only in order that we might come to power, we now saw that the country had emerged from its chief difficulties and that the Five-Year Plan had succeeded, not only in the fact that it had built factories, but because it had become a live reality.

Vyshinsky: And what was the conclusion?

Radek: And therefore the conclusion: restoration of

capitalism in the circumstances of 1935. For nothing at all, just for the sake of Trotsky's beautiful eyes—the country was to return to capitalism. When I read this I felt as if it were a madhouse. And, lastly, and this is no unimportant fact, formerly the position was that we were fighting for power because we were convinced that we could secure something to the country. Now we were to fight in order that foreign capital might rule, which would put us completely under its control before it allowed us to come to power. What did the directive to agree upon wrecking activities with foreign circles mean? For me this directive meant something very simple, something very comprehensible to me as a political organizer, namely that agents of foreign powers were becoming wedged in our organization, that our organization was becoming the direct representative of foreign intelligence services. We ceased to be in the slightest degree the masters of our actions. We had put up with Trotsky when he gave us directives from abroad, but in this case we were to become the agency of foreign fascist states.

This denoted in practice that if such men as Yakov Livshitz or Serebryakov, with decades of revolutionary work behind them, could descend to wrecking, now their moral fibre would have to be utterly broken, and they would act on the instructions of the class enemy. Either they would lose their bearings, or they would become spies. If they lost their bearings, I could do nothing with them; if they became agents of foreign

states, others would give them their orders. As a result, if foreign fascism came in, this fascism, far from letting Trotskyites get into power—they are of no use to it—would destroy the organization because it had no need to trouble itself with this crowd of anarchist intellectuals. So that even if my attitude to the country did not weigh with me, there was pure egoism. The leader of the organization told me that for the sake of power, for the phantom of power, Trotsky was ready to sacrifice the last man capable of dying for him, and I could not demand this of people who had been my associates for fifteen years. I therefore had to ask myself: what was I to do?

Vyshinsky: What did you decide?

Radek: The first step to take would be to go to the Central Committee of the Party, to make a statement, to name all the persons. This I did not do. It was not I that went to the G.P.U., but the G.P.U. that came for me.

Vyshinsky: An eloquent reply.

Radek: A sad reply.

Vyshinsky: For what purpose did you decide to call a conference? Was it in connection with the sentiments allegedly evoked in you by the monstrosity of the crimes, which allegedly fully revealed themselves and induced you to stop and think whether you should assume the responsibility, and how to assume it?

Radek: Yes.

Vyshinsky: You decided not to take this responsibility?

Radek: I came to the firm decision not to take this responsibility.

Vyshinsky: You decided not to commit these crimes?

Radek: Not to commit these crimes.

Vyshinsky: To break with all this?

Radek: I had the idea of calling a conference. The conference would disclose the attitude of all to these things, that is, some would say, "We will not do this," others would say, "We will do this."

Vyshinsky: And then what?

Radek: And then, when those who were jointly committing a crime begin to fight among themselves, the authorities whose duty it is to fight them would lay hands on the whole affair. I was convinced that the denouement would take place in the G.P.U., but I was not the one to organize it.

Vyshinsky: But there was a short cut to this?

Radek: But the short cut is not always the easiest way, and not everybody is capable of taking the shortest cut. And this was not the shortest cut for another reason: I was convinced that the authorities must and would differentiate between us. We, the leaders, bear full and final responsibility, but I was convinced that if some of our subordinates changed their minds and decided to lay down their arms, the attitude toward them would be different. And I considered that by placing these questions before them I would give them the opportunity of deciding for themselves. And in this connection I must say what I

have not yet spoken about; I want to speak about the role of Dreitzer, why we made these things so secret, and so forth.

Vyshinsky: You will tell us about this later. You are now describing all those mental perplexities and vacillations which made you think it necessary to summon a conference. What was the cause of this perplexity and these vacillations?

Radek: The realization that this directive was a directive to commit treason against the socialist fatherland, which might be victorious in a war, and to assist foreign capital in restoring capitalism in Russia, which restoration was not dictated by any objective necessity.

Vyshinsky: That means that the following conclusion may be drawn: as long as you assumed that socialism in our country was feeble, you considered treachery permissible, that it was permissible to work for war, that it was permissible to work for the defeat of the Soviet Union, and so on. But when you saw that socialism was sufficiently powerful and strong, you decided that neither war nor defeat were possible.

Radek: You are a profound reader of human hearts, but I must nevertheless comment on my thoughts in my own words.

Vyshinsky: I know that you have a fairly good stock of words behind which to conceal your thoughts, and it is very difficult for a man, even a good reader of human hearts, to understand you and induce you

to say what you are really thinking. But I would ask you not to reason here so much as a journalist who has specialized in international affairs, but as a man accused of treason. And it is from this standpoint that I ask you the question: were you in favour of defeat in 1934?

Radek: I have already answered that question.

Vyshinsky: Repeat it once more, if you don't mind.

Radek: In 1934 I considered defeat inevitable.

Vyshinsky: Were you in favour of defeat in 1934?

Radek: I considered defeat inevitable.

Vyshinsky: Were you in favour of defeat?

Radek: If I could avert defeat I would be against defeat.

Vyshinsky: You consider that you could not have averted it?

Radek: I considered it an inevitable fact.

Vyshinsky: You are answering my question incorrectly. Did you accept the whole of Trotsky's line given to you in 1934?

Radek: I accepted the whole of Trotsky's line in 1934.

Vyshinsky: Was defeat part of it?

Radek: Yes, it was a line of defeat.

Vyshinsky: Trotsky's line included defeat?

Radek: Yes.

Vyshinsky: Did you accept it?

Radek: I did.

Vyshinsky: Hence, since you accepted it you were in favour of defeat?

Radek: From the standpoint. . . .

Vyshinsky: You headed for defeat?

Radek: Yes, of course.

Vyshinsky: That is, you were in favour of defeat?

Radek: Of course, if I say yes, that means we headed for it.

Vyshinsky: Which of us then is putting the question rightly?

Radek: All the same, I think that you are not putting the question rightly.

Vyshinsky: In 1934 you were not against defeat, but in favour of defeat?

Radek: Yes, I have said so.

Vyshinsky: I want you to repeat it once more.

Radek: As you please, you are the State Prosecutor and may demand that I repeat it ten times.

Vyshinsky: It will be enough for me if you repeat it once clearly. In 1934—in favour of defeat, in 1935—the question of defeat is raised. . . .

Radek: It was raised in the December letter.

Vyshinsky: Did you accept it?

Radek: No.

Vyshinsky: Why?

Radek: Because in 1934 I considered defeat inevitable, whereas in 1935 I considered that the country had every ground to be victorious and therefore. . . .

Vyshinsky: In 1934 you considered defeat inevitable. Why?

Radek: I considered that the country could not defend itself.

Vyshinsky: That is, you considered that it was weak?

Radek: Yes.

Vyshinsky: That is, you proceeded from the weakness of the country?

Radek: Yes.

Vyshinsky: That is, proceeding from the assumed weakness of the country, you accepted defeat?

Radek: I considered it inevitable and accepted it.

Vyshinsky: And in 1935 you saw the country was strong and that this would not come true?

Radek: Not that defeat would not come true, but that it would not happen, that this was an unreal program, and therefore I was against the program, which was based on unreal foundations.

Vyshinsky: Was it because it was unreal that you were against it?

Radek: I will not speak of other motives.

Vyshinsky: Is it correct to say that in 1935 you were opposed to a program of defeat because you considered it unreal?

Radek: Yes.

Vyshinsky: That means that in 1934 you considered it real and were in favour of it, but in 1935 you considered it unreal and were opposed to it?

Radek: Yes.

Vyshinsky: That was all my question amounted to.

In 1935, after Pyatakov's meeting with Trotsky, about which you learned in January 1936, you were disturbed by the too frank way in which the question of becoming an appendage of fascism was put?

Radek: Not by the too frank way in which it was put, but by the fact itself.

Vyshinsky: Was it that which disturbed you?

Radek: Yes.

Vyshinsky: And you did not accept it?

Radek: No.

Vyshinsky: You said that this was already a proposal for direct treason against the country?

Radek: There was treason in the first case and in the other.

Vyshinsky: You said that the way the question was put by Trotsky in December 1935 in the conversation with Pyatakov and in the letter amounted to a proposal for treason against the country?

Radek: Yes.

Vyshinsky: Your conversation in November 1934 with this Mr. ——— of one of the Central European states if I am not mistaken was. . . ?

Radek: About treason against the country.

Vyshinsky: You accepted this? And you held this conversation?

Radek: You have learned it from me, that means that I did hold it.

Vyshinsky: What was this, treason against the country?

Radek: Yes.

Vyshinsky: And did it not disturb you?

Radek: It goes without saying. Of course, it disturbed me. Do you think I have trained myself for treason against the country? It disturbed me very profoundly.

Vyshinsky: But you continued to adhere to the position of defeat?

Radek: Yes, my position was one of carrying out Trotsky's directive.

Vyshinsky: Even though this directive meant treason against the country?

Radek: Yes.

Vyshinsky: That is, in one case it was treason against the country, and in 1935 also?

I am now interested in knowing what distinction you were making here on the question of treason against the country—not quantitatively, but qualitatively.

Radek: You have already drawn the conclusion, Citizen Procurator.

Vyshinsky: You admit that the fact of the conversation with Mr. — in November 1934 was treason against the country?

Radek: I realized this at the time of the conversation and characterize it now as I did then.

Vyshinsky: As treason?

Radek: Yes.

Vyshinsky: And the fact that Pyatakov brought you the directive, was that treason too against the country?

Radek: That was also treason against the country. What is the difference, perhaps it was treason against the country, perhaps it was not. A man may be capable of one thing and may not be capable of the other.

Vyshinsky: Did you commit treason against the country?

Radek: I did not want to betray my country, or to betray it completely.

Vyshinsky: You consider that to betray is one thing, and to betray completely or not completely is another?

Radek: I must add here that when I realized it I did not want to admit it.

Vyshinsky: Allow me to remind you of your testimony (Vol. V, page 119). Do you confirm this testimony?

Radek: I confirm it, even in full.

Vyshinsky: Do you confirm your testimony to the effect that you told Mr. — that to expect concessions from the present government was useless?

Radek: Such was the gist of my testimony.

Vyshinsky: Do you confirm it?

Radek: Yes.

Vyshinsky: And that the — government could count on concessions from the "realist politicians" in the U.S.S.R.?

Radek: Yes.

Vyshinsky: You told Mr. ——— that the *bloc* could consent to such concessions?

Radek: Yes, we confirmed Trotsky's mandate to negotiate as to what these concessions should be.

Vyshinsky: I ask you, did you in the name of the *bloc* promise Mr. ——— real concessions, or not?

Radek: Yes.

Vyshinsky: Real concessions? Those concessions were to be real, it must be presumed?

Radek: Yes.

Vyshinsky: That is to say, concessions of real things?

Radek: Yes, yes.

Vyshinsky: Was it a question of territorial concessions as you conceived it?

Radek: But without knowing then whether they would be necessary. These negotiations had only begun.

Vyshinsky: Did you think about what Mr. K—— regarded as real concessions?

Radek: I thought of the fact that I did not know at what stage there would be war, when there would be war, why, what concessions would have to be made, what particular concessions, what the plan would be.

Vyshinsky: Nevertheless, these were to be concessions of something real? Does that include territory?

Radek: It may include, but not necessarily includes.

Vyshinsky: Is that treason?

Radek: Yes.

Vyshinsky: Is that treason?

Radek: It is treason, of course.

Vyshinsky: The whole question amounts to this: You thought that, having committed treason once, that was enough, and that you would not necessarily be committing treason all your life. And so the moment arrived when you decided not to commit treason. Have I understood you right?

Radek: Yes.

Vyshinsky: And what did you do to carry this line into effect?

Radek: I have already said what I did.

Vyshinsky: Briefly.

Radek: I was creating conditions that would stop others from committing treason.

Vyshinsky: You wanted to summon a conference to persuade people not to commit treason any more?

Radek: People would change their views—those who would listen to me—and we would then decide what to do next.

Vyshinsky: And what else?

Radek: To decide what to do next.

Vyshinsky: You knew what would be done?

Radek: I knew what I intended to do.

Vyshinsky: And what would you have proposed?

Radek: To go to the Central Committee and tell.

Vyshinsky: Did you count on that?

Radek: Yes, I was convinced that a number would agree to it.

Vyshinsky: But you did not want to go alone?

Radek: As I was one of the leaders who was not

deciding his own personal problem but the problem of those who had entrusted him with the leadership.

Vyshinsky: But in that case there is one other question that is not clear to me, probably the last in this morning's interrogation.

You received a letter from Trotsky in 1934; you received a letter from Trotsky in 1935; Pyatakov had a conversation with Trotsky and brought a personal communication on this subject. This treasonable activity, this treasonable line was clear to you. Did you in any degree reduce your political, counter-revolutionary, criminal, anti-Soviet activity?

Radek: In 1936?

Vyshinsky: In 1935 and 1936.

Radek: In 1935 and 1934?

Vyshinsky: In 1935 and 1936.

Radek: In 1935 I was a leader who was conducting all the work.

Vyshinsky: And in 1936?

Radek: In 1936 I did nothing to undo what had been done until then, but I did not take any further steps, especially as regards carrying out this directive, on going deeper into this.

Vyshinsky: That is, in 1936 you took no steps to carry out this directive?

Radek: No.

Vyshinsky: Did you take any steps to undo the work which had been done until then?

Radek: No.

Vyshinsky: Not by your conference?

Radek: No, because I had not seen a single member of the *bloc* ever since March. In January I had seen Pyatakov.

I was inactive at that period; I did not undo anything. I was a member of the centre until the time of my arrest. If people had come to me at that time for instructions, I would have told them what directives I had received but I would have said: "Go home and wait." But I engaged in no activities in 1936.

Vyshinsky: Very well, will you confirm the description of your activities you gave when examined in the Procurator's office before January 17, 1937?

Permit me to read Vol. V, page 119:

"The new and more far-reaching instructions Trotsky issued in December 1935 carried his defeatist and restoration policy to extreme limits. . . ."

Do you confirm this?

Radek: Yes.

Vyshinsky: ". . . and the diminution of the prospects of the *bloc* coming to power converted the Trotskyite organization into a network of spies and diversionists for the German General Staff. . . ."

Radek: Yes, I fully confirm it.

Vyshinsky: And further:

"And therefore it is not surprising that the centre of the *bloc* grew nervous, I emphasize it, was afraid. . . ."

Radek: Yes, yes.

Vyshinsky: . . . of taking responsibility for this

platform arrived at by Trotsky himself with Hess and decided to summon a conference of the active members of the organization. That is, the chief motive was fright?

Radek: Yes.

Vyshinsky: You personally were of the opinion that this position should be rejected?

Radek: Yes.

Vyshinsky: And that you ought to go to the Central Committee in order to lay down your arms? But you did not go?

Radek: I did not.

Vyshinsky: And then you were arrested?

Radek: I was arrested, but I denied everything from beginning to end. Maybe you will ask me why?

Vyshinsky: I know that you will always find an answer. You were arrested and questioned. You gave answers?

Radek: I denied everything from beginning to end.

Vyshinsky: You knew everything, you had the opportunity to go and tell everything?

Radek: I had, but I decided that I would do that in the People's Commissariat of Internal Affairs. . . .

Vyshinsky: Comrade President, will you please ask the accused to answer questions and not to make speeches?

President: Accused Radek, you may make your two speeches: one—your speech in defence, and the other—your last plea.

Vyshinsky: I do not propose to engage in a shouting

match with accused Radek. I am interrogating you, putting questions to you. Answer the questions, if you please, and do not make speeches. I would ask you not to try to shout me down and not to speak on questions that have nothing to do with the case.

In December 1935 and in 1936 you no longer accepted Trotsky's position. You were repelled by the treason that now became clear to you in all its immensity. You therefore decided the question for yourself in the negative and wanted to discuss with your accomplices what was to be done next?

Radek: Yes.

Vyshinsky: You further said that you had the desire to go and confess.

Radek: Yes.

Vyshinsky: And that you did not go only because they came for you and arrested you. Am I putting it right?

Radek: Yes.

Vyshinsky: Now I ask you: on September 22 you were interrogated and told that you were arrested on a charge of counter-revolutionary, Trotskyite activities. Before they proceeded to accuse you on the basis of the evidence in possession of the investigating authorities, you had the opportunity to tell all?

Radek: I did not do so.

Vyshinsky: The investigating official put the question. Did you tell?

Radek: No.

Vyshinsky: After your arrest you were asked during

examination whether you had sinned against the Party and the Soviet state. What did you reply?

Radek: I replied that I had not.

Vyshinsky: Were you asked whether you had concealed in secret places or at home any illegal documents? What did you reply?

Radek: I was asked and I replied that I had not concealed anything in secret places.

Vyshinsky: You were asked about that—and did you tell the truth?

Radek: I denied it, and this was the truth.

Vyshinsky: Were you further asked whether you had connections with other persons—with Tivel?

Radek: I was asked.

Vyshinsky: Did you admit it?

Radek: I denied everything from beginning to end.

Vyshinsky: Don't hurry, answer each part. Did you deny connections with Tivel?

Radek: I denied it.

Vyshinsky: Did you deny connections with Friedland?

Radek: I denied it.

Vyshinsky: Were you asked about connections with other members of the terrorist group? What did you reply?

Radek: I denied it.

Vyshinsky: That was on September 22, 1936?

Radek: Yes.

Vyshinsky: Were you confronted with Sokolnikov?

Radek: Yes.

Vyshinsky: Did Sokolnikov expose you?

Radek: Yes.

Vyshinsky: And you?

Radek: I denied everything from beginning to end.

Vyshinsky: That was on September 22. Were you confronted with Tivel?

Radek: I was.

Vyshinsky: What did he say?

Radek: He said partly what was true and partly what was not true, but I denied everything.

Vyshinsky: Both what was true and what was not true?

Radek: Yes.

Vyshinsky: Were you on November 4 questioned about various facts concerning your activity?

Radek: Yes. I was questioned until December 4, and I denied everything.

Vyshinsky: For how many months did you deny everything?

Radek: About three months.

Vyshinsky: The fact remains that you, who wanted to tell everything, only could not make up your mind, as you say, to surrender your people to justice, when you yourself fell into the hands of justice categorically denied everything. Is that a fact?

Radek: Yes.

Vyshinsky: Does that not cast doubt on what you said about your vacillations and misgivings?

Radek: Yes, if you ignore the fact that you learned about the program and about Trotsky's instructions only from me, of course, it does cast doubt on what I have said.

Vyshinsky: The important thing for me is to establish the fact. Has the fact been established?

Radek: It has.

Vyshinsky: How can it be proved that after receiving the letter from Trotsky in December 1935 and after the conversation with Pyatakov you did not accept the line which you had fully and unreservedly accepted until then? Have you such facts?

Radek: No.

Vyshinsky: And you do not intend to try to prove it?

Radek: No.

Vyshinsky: I have no more questions.

The President: The court is adjourned until 6 p.m.

[Signed] PRESIDENT: V. ULRICH
Army Military Jurist
*President of the Military Collegium of
the Supreme Court of the U.S.S.R.*

SECRETARY: A. KOSTYUSHKO
Military Jurist First Rank

