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S. Tchernomordik

BOLSHEVIKS UNDER ILLEGALITY

With a foreword by
JOHN SPENCER

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About the author

Solomon Isayevich Tchernomordik (1880-1943) was a founder member of the Bolshevik Party, active in the revolutionary movement from 1902. Born in Smolensk, the son of an office worker, he studied Natural Science and then Medicine at Moscow University. His studies were repeatedly interrupted by imprisonment and persecution at the hands of the Tsarist authorities. He took part in the 1905 Revolution. During the First World War he was an army physician on the Persian front. After the 1917 Revolution he worked for the People's Commissariat of Health and Labour; he served in the Red Army medical service during the Civil War, contracting typhus on the Southern Front in 1919. From 1922-1924 he was director of the Museum of the Revolution in Moscow, and later worked for the USSR Red Cross and Red Crescent Society. From 1938 to his death in 1943 he was a senior associate of the Institute of History of the Academy of Sciences

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Foreword

In the course of decades of struggle against the Tsarist autocracy the Russian revolutionary movement accumulated a body of knowledge and experience of illegal work unrivalled in the international workers' movement of the day. Secret police surveillance, provocation, arrest, interrogation, torture, trial and imprisonment were the lot of thousands of revolutionaries engaged in the underground battle with the autocracy.

The author of this book, Solomon Tchernomordik, suffered repeated imprisonment for his political activities as a Bolshevik Party worker. His book is an authoritative summary of the practice of the Bolsheviks when under arrest and facing interrogation, trial and imprisonment.

Bolsheviks under Illegality was written after the October revolution under the supervision of the Society of Old Bolsheviks and it relates mainly to the party's experiences prior to and during 1905. The only previous English edition was published by Martin Lawrence in 1932 under the title *Bolsheviks on Trial*.

Whatever the problems they faced, the Bolsheviks never lost sight of the central importance of the revolutionary party. Bolsheviks were expected to fight as party members while in the hands of the police, just as they had while at liberty. Tchernomordik does not idealise the young revolutionaries who fell into the hands of the Tsarist police. He shows that some fell victim to the tricks and ruses used by the secret police. But he also reveals how these police stratagems could be defeated by determined and principled resistance.

Experience taught the Bolsheviks that the best course of action was to say nothing to the police, observe the rules of secrecy as firmly inside prison as outside and use the trial itself

as an opportunity to attack the autocracy and expound the party's position. Some of these lessons were embodied in a resolution adopted of the second congress of the Russian Social Democratic Labour Party held in London in 1903. The Congress resolution said:

> Considering: (a) that any testimony given by revolutionaries when under interrogation by the gendarmerie serves, in the hands of the interrogators, regardless of the intentions of the revolutionaries, as the principal means of charging more people and bringing them under interrogation; and (b) that refusal to testify, if carried out on a wide scale, will markedly help in the revolutionary education of the proletariat, the Second Congress recommends all Party members to refuse to give any kind of testimony when interrogated by the gendarmerie. (*1903*, New Park Publications, page 19.)

Great importance was attached to the prisoner's speech from the dock, a rare chance under conditions of illegality to make a public statement of revolutionary defiance against the regime.

Above all, however, the book reveals the central importance of the party, guided by Marxist theory, in sustaining the struggle and training revolutionary fighters even under the most adverse conditions. Here was the real secret of the tenacity and determination with which Bolshevism overcame all the obstacles which faced the Russian workers on the road to power.

The new edition appears under a Tory government which is destroying basic trade union rights, illegalising strikes and creating the conditions for dictatorship over the working class. It deserves the widest circulation in the workers' movement.

John Spencer
November 14, 1983

Preface

Before it became the dominant party, the Russian Bolshevik Party traversed the long and tedious road of underground work. The October victory was not easily gained. For decades the Party carried on a bitter struggle against the Tsarist autocracy for the liberation of the working class. On the basis of different theoretical principles (the teachings of Marx and Engels) and on a changed social basis (developing capitalism and the growing labour movement) the Bolshevik Party continued the work of the earlier Russian revolutionary movement and utilised its experiences in its struggle with Tsarism.

In this prolonged conflict with the brutal enemy of the toiling masses, our Party suffered not a few casualties. Many fighters did not live to witness the triumph of the proletariat. They perished gloriously on the battlefield in open combat, or on the gallows, in penal servitude, in prisons; from tortures and man-handlings, from the hard conditions of underground work.

But despite the great number of victims, the fierce blows of the Tsarist regime, and the momentary set-backs, our Party did not lay down its arms for a moment. After temporary defeats it re-formed its ranks, so that it might continue the struggle under new conditions. It pushed onward continually towards victory. The basic organisational experience, which has facilitated the work of our Party in the struggle for the building of socialism in our country, was gained in the period of underground work. The richness of this experience depended in many ways on the organisational methods used in the struggle against Tsarism. The complexity of these methods demanded from the Bolsheviks flexibility, initiative, persistence and a constant search for new organisational forms for the more advantageous use of the revolutionary forces.

1. Under arrest

The Russian Bolsheviks learned much from the many rich experiences gained by the previous revolutionary generation in the struggle with Tsarism. While in the realm of theory, programme and tactics the Bolsheviks rejected the ideological inheritance left by the movement of the *Narodniki* (populists) and of the *Narodnaya Volya* (People's Will) of the 1870s, and took up their position entirely on the basis of proletarian revolutionary socialism, based on the teachings of Marx and Engels, they did however utilise the experiences of their predecessors, especially those of the members of the People's Will, in the field of underground activities, and in their conduct during trial. For several decades preceding the October Revolution, the conditions for underground work for the revolutionary parties in Russia remained almost unchanged. The methods employed by the organs of Tsarism in its struggle with the revolutionary movement were, in general, the same, varying only in accordance with local conditions and with the ideas of particular heads of the secret police.

We know from the evidence of the Tsarist Secret Service (Okhrana) and the police administration, at present in our possession, that there was scarcely a single Bolshevik engaged in underground work who had not been systematically shadowed by the agents of the Okhrana. The reports of these

agents go into such great detail, that we are convinced that the agent of the Okhrana followed his victim's every step.

However, 'outside observation' did not play the chief role in the Okhrana's activities. Commencing with the end of the 1870s, the Tsarist government began to employ *agents provocateurs* in its fight against the revolutionary movement. As the proletarian revolutionary movement grew the Police Department began to apply these methods on a large scale. For the 'internal observation' of the organisation and the discovery of its most active members, the Okhrana began to introduce its members into the directing organs of the Party, or terrorised members of the Party into becoming spies.

The archives of the Tsarist Okhrana indicate that these *agents provocateurs*, who appear in the records under pseudonyms (most of them, after careful investigation, have been identified) gave fairly complete information as to the activities of the organisation. Moreover, in order to safeguard the secrecy of the Okhrana's work, they reported on their own work and activities within the organisation, under their Party pseudonyms. This mass provocation was a powerful weapon in the hands of Tsarism in its fight against the revolutionary movement. It complicated our struggle, in that we suffered many defeats, and made it difficult for us to carry on mass work. It compelled us to work in an extremely conspiratorial fashion, and to withdraw into the narrow shell of a secret organisation.

However, neither the information gathered by the outside agents of the Okhrana, nor the information obtained by the *agents provocateurs* could provide sufficient material for the complete discovery of the organisation or, even under the barbarian and bloody regime of the Tsarist autocracy, provide grounds for prosecution, or if they did, give them the possibility of formulating charges involving long terms of imprisonment or exile. The laws governing the Okhrana (which were in force up to the February Revolution) gave the latter power to arrest all active members of the organisation at sight, to keep them in

prison without trial for long periods, and to deport them; but they could not place revolutionists on trial or sentence them to penal servitude or death. That was the function of the court.

A revolutionist of the 1870s, Mishkin, once said that 'A Tsarist court was no better than a brothel' (Mishkin's speech at his trial). Nevertheless, even the Tsarist court was obliged to have some legal basis for passing the sentence that the government desired. The reports of the detectives and *agents provocateurs* were not treated as legal evidence. Firstly, because the reports were not direct evidence, and hence could be easily refuted at the trial, and secondly, because the *agents provocateurs* could not be produced at the trial, since the Okhrana was interested in concealing their identity. Again, neither the detectives nor the *agents provocateurs* could give a complete picture of the activities of the organisation, since the system under which the Party organised its secret activities only enabled them to become familiar with single episodes and aspects of the work.

For this reason the Department of State Defence (Okhrana) and the police administration could only begin to collect materials that could be produced at the trial after the arrests, after the organisations had been raided. They tried to get information about the whole organisation on the basis of evidence obtained by questioning the prisoners. If they failed to get that information they kept the prisoners under preliminary arrest or deported them to other districts. Sometimes they were obliged to liberate the prisoners owing to lack of evidence. This latter course was very distasteful to the authorities, because they felt that all their efforts had been wasted.

That is why the authorities relied so much on the preliminary investigations which sometimes dragged on for years. The police officers and the examining magistrates did everything they could, during the examination of the prisoners, to induce them to give evidence that would help to betray the organisation completely and provide material for the trial.

A revolutionist under arrest and examination, had a great responsibility thrust upon him. It was not an easy matter to fight against the unseen forces of the secret police, and now, under arrest, the revolutionist was face to face with the cunning, experienced agent of the Okhrana for the first time, who strove in every conceivable way to trap his victim. It must be said that, owing to lack of experience of the revolutionist, or because he failed to understand the full consequences of his conduct under examination for the organisation, the Okhrana sometimes succeeded in procuring the material they sought.

2. *Giving evidence*

As a result of many years' experience during the Tsarist regime, the Bolsheviks came to the conclusion that the best policy was to refuse to answer any questions whatever. These tactics were dictated by the methods which the Okhrana employed in trying to unearth the movement.

The revolutionist who fell into the enemies' hands was cut off from the outside world, and kept in solitary confinement for a month or two. No questions were asked, he was just left alone with his thoughts. This was, so to speak, the psychological preparation for the examination. During this period the Okhrana searched their archives to discover the exact identity of the prisoner. Frequently, the prisoner's parents came to the Okhrana asking for permission to visit him. The Okhrana officers would enter into conversation with them, and thus learn details of the prisoner's family life. They would warn them of the 'terrible fate' awaiting their son, brother, or sister, as the case may be, and thus tried to work upon the feelings of the relatives in order to persuade them to advise the prisoner to make a 'frank confession' because only 'in this way', the Okhrana agent would say, 'will he be able to escape the fate that awaits him'.

Police socialism

After a month or so — it depended on the speed with which they gathered in the material — the prisoner was finally summoned

for examination. The type of examination conducted by the Okhrana magistrate was determined by the social position and the personality of the prisoner. If he was a worker, the nature of the examination was very primitive. In keeping with the brutal customs of Tsarist Russia and with the attitude of the ruling classes towards the workers as towards beings of an inferior breed, the Okhrana officials tried to terrorise the prisoners at once. 'If you don't confess, you son of a bitch, I will have you rot in prison, you will not leave here alive,' was the classical threat of the Okhrana. If the worker was a revolutionist of long standing, the attitude of the Okhrana agent was 'milder'. In such a case they treated him as a professional revolutionist, for they knew that these crude tricks would not work.

The treatment accorded to these professional revolutionists was more 'subtle'. Opposite the prisoner there were seated, not ferocious enemies, not brutes, ready to tear him to pieces, or a jeering malignant enemy, gloating over his victim, but a 'humane' gentleman who sympathised with his 'misfortune'. The 'conversation' begins, the tone is extraordinarily polite, the face of the Okhrana agent reveals deep concern for the fate of the prisoner. The latter is treated to expensive cigarettes (the prisoner has not smoked for a long time), tea and biscuits are brought in, and sometimes a good meal from the nearest restaurant.

'You are still young, your whole life is still before you; a single false step may ruin your whole career. It is very difficult for me to help you in spite of my warm regard for you, because there is too much evidence against you. All the material in our possession speaks against you. A very cruel fate awaits you. Only a frank confession can save you. If you make it, then perhaps we may succeed in liberating you entirely. A few days ago your mother called. Have you no pity for the old lady? She is overwhelmed with sorrow, and your revolutionary enthusiasm is the cause of it all. If you should be sent to the gallows, your mother will never survive it.'

Such is the introduction. If this proves of no avail, the official starts a 'friendly' conversation with the prisoner on all sorts of topics, hoping to put him off his guard. If he is lucky he learns the political views of the prisoner and so determines which political party he belongs to. For interviews of this kind the most skilled Okhrana agents were employed, those who were fairly well equipped with knowledge on political questions. Certainly their knowledge was very superficial, but it was quite sufficient for their 'narrow specialities'. Since they were often able to get hold of illegal literature they were sometimes even better acquainted with it than the revolutionist they were examining. In this respect the chief of the Moscow Okhrana, Zubatov,* distinguished himself by creating a whole school of 'educated Okhrana agents'. Quite a number of revolutionists

*Zubatov, one time Chief of the Moscow Department of the Okhrana, initiator and founder of 'police socialism', called *Zubatovschina* after him. Supported by the Tsarist government and the organisational machine of the Okhrana, Zubatov in 1890 and subsequent years established a series of workers' organisations, directed by agents of the Okhrana, for the purpose of combating the revolutionary labour movement, which was developing on a large scale at that time. The 'platform' of this organisation, which attracted the politically backward, those who had not yet severed their connections with the village, consisted of the following: the intelligentsia requires Revolution and all kinds of 'freedoms', but the workers need only to have their material position improved, and the latter may be accomplished within the framework of the autocracy, which is ready to protect the interests of the workers. In order to strengthen the popularity of this organisation among the masses, Zubatov was compelled to go to the length of calling strikes, so as to bring about conflicts with the bourgeoisie, who did not want to bear the burden of these police experiments. In these clashes the Zubatov movement experienced its first defeats. The final collapse of *Zubatovschina* came before the first Revolution, when it became obvious that the framework of the Zubatov organisations was too weak to hold back the revolutionary class movement of the proletariat and that these organisations were objectively beginning to serve the interests of the revolution. The Gapon movement was the swan song of *Zubatovschina*. After January 9, 1905, when the priest Father Gapon led the workers to the Winter Palace to petition the Tsar and when they were ruthlessly shot down by the Tsar's troops, all illusions concerning 'police socialism' were dissipated.

Zubatov tried very hard to plant the seeds of his 'teachings' among the revolutionary prisoners who fell into his hands.

with limited experience, won over by this feigned 'sincerity', were caught in the trap. From these 'discussions' with the arrested revolutionists the Okhrana agents obtained valuable material which enabled them to study the personnel of the revolutionary organisations.

After these 'free and easy' conversations, the agent of the Okhrana passes to 'real business'. The examination begins. If the prisoner has allowed himself to be drawn into the 'conversation' with the Okhrana agent before the examination, half the work is done. The prisoner, without realising it himself, continues the conversation. The agent tries to astonish the prisoner with the exactness of the information in his possession. 'On such and such a date, at such and such an hour you were at such and such a place; you carried such and such a parcel, tied up in a newspaper. You stayed there such and such a time and from there left in the company of so and so, at such and such an hour, and went to such and such a place.' The prisoner is astounded. 'On such and such a date you were at such and such a meeting; there were such and such persons present, and you said so and so.' He is even more astonished. 'Your denials are of no use, we know everything. We have learned it all from your comrades.'

Crushed by this evidence, the prisoner, already caught in the toils of the Okhrana, is forced to give evidence. Either he begins to give full testimony, sparing neither himself nor his friends, and in this way unwillingly becomes a traitor, or he tries to invent evidence in order to disprove the agent's evidence, and in this way becomes entangled in contradictions, thus strengthening the authenticity of the Okhrana's evidence. In both cases the agent is able to obtain fresh material for unearthing the organisation, and for the trial.

Frank testimonies and attempts to 'disprove' the evidence of the agents produced unfortunate results. It helped the Okhrana to unravel the complicated knot of the 'case', and gave them clues for additional arrests and for the complete destruction of the organisation. It led to the betrayal of com-

rades, and in cases of imaginary evidence, to contradictions and to hints as to the part played by the prisoners in the revolutionary organisation.

Dangers of giving evidence

Frank testimony by a revolutionist was often the beginning of his political death. The Okhrana utilised this frank testimony to compromise him in the eyes of his organisation or to invite him to become an agent of the Okhrana. 'You maintain that you don't know so and so, and never met him,' says the Okhrana agent, 'but here your colleague "N" denies the truth of your statement in this matter. Here, would you like to glance over this testimony?' and he gives him a statement alleged to have been written by 'N'. Returning to the prison cell, the prisoner denounces 'N', and hastens to tell all the political prisoners: ' "N" is betraying us, beware of him.' And 'N', through his lack of caution, having been caught in the net of the Okhrana, drifts away from the revolutionary movement and is branded as a traitor all his life.

It also happened that the prisoner, forced to the wall by the evidence given by the weaker comrade in his 'frank confession', was compelled to admit the correctness of the evidence or give contradictory evidence, which of course got him more entangled. Often, with the best of intentions, a prisoner would take the whole blame upon himself and try to keep his comrades out of the business. But no good came of this, it was all grist to the Okhrana mill. The comrade did not succeed in saving anybody, but either got himself entangled in contradictions, which confirmed the evidence of traitors, ran the risk of becoming a traitor himself, or at least of compromising himself in the eyes of the Party.

There was a case in Kharkov of a worker, named Voikov, who was very popular among the workers and who had been deported for the active part he took in the May Day demonstrations. He was brought back to Kharkov to give evidence on the work of the Kharkov Social-Democratic Party. He gave

testimony, repented and admitted his sins. As a reward he was liberated from prison and his deportation was cancelled.

And then one of the prisoners in this case decided that since Voikov had betrayed everything, there was no sense in refusing to give testimony, and he too gave evidence at his own risk, partly affirming and partly denying the evidence of Voikov for the purpose of deceiving the gendarmes, and of exculpating his comrades. The result was that he supplied the Okhrana with valuable material and himself nearly became an accomplice of Voikov and barely escaped being branded as a traitor. Only when this case was cleared up was he saved from shame and public disgrace.

But there were not a few cases when frank confessions led to a direct betrayal of the revolutionary cause. The Okhrana resorted to blackmail. 'Although your testimony is frank and even if the court should find extenuating circumstances, it cannot give you a favourable verdict. Severe punishment awaits you. On the other hand when your comrades hear that you have frankly confessed (and the court cannot conceal it) you will be compromised in the eyes of the revolutionists and they will try to take revenge on you, perhaps kill you. Yes, you are in a bad fix. But there is a way out. Come and work with us. We don't demand much from you. You can remain in the organisation, continue to carry on your work and keep us informed. If you agree, we are ready to keep your testimony secret, set you free, and thus save you from your dismal fate.'

This reminds us of the proverb: 'Give the devil a finger and he will take the whole hand.' Many inexperienced young revolutionists were caught in the net of the cunning, hypocritical agent of the Okhrana under such circumstances. They made the mistake of believing that the ferocious enemy was 'human'; they were deceived by the suave manners of the agent and allowed themselves to be drawn into discussions. For a moment the flame of hatred and contempt for the enemy was extinguished. That sealed their fate. It was the first step in the moral collapse of the revolutionist.

Most often (even in the case of experienced revolutionists) evidence was given with the best of intentions. The revolutionist often gave testimony, not in order to try to clear himself, but, as he thought, in the interest of the revolutionary organisations. Some revolutionists took the entire blame upon themselves so as to clear the more responsible leaders of the organisation. But these tactics gave positive results only in those cases where they were employed by experienced revolutionists. Generally speaking the Okhrana knew very well who its most dangerous enemy was and it had sufficient means at its disposal to keep its hold on him; it was not deceived by the evasions of the prisoner, but the prisoner's evidence was of immense value to the Okhrana, because it provided clues for completely unearthing the revolutionary organisation, provided material for the prosecution and for the liquidation of the organisation on 'legal grounds'.

For these reasons the Bolshevik Party, during the Tsarist regime, advised its members to *refuse* to give evidence of any kind during examination. In this the Party was not only guided by its own experience but also by that of the preceding generation. It remembered the testament of that outstanding revolutionary organiser and conspirator of the end of the 1870s, a member of the 'People's Will' Party, Alexander Mikhailov, who said: 'I ordain you, brothers, to employ a uniform method of giving evidence prior to the trial; furthermore, I recommend that you refuse to make any statement under examination, no matter how clear the denunciation, or the reports of the Secret Service appear to be. This will save you from many mistakes.'

It must be borne in mind that the refusal to give evidence carried with it heavy penalties, particularly for the Bolshevik revolutionists. Generally speaking, it was not easy to be an active Bolshevik under illegal or semi-legal conditions, but it was doubly hard for the Bolshevik when he fell into the hands of his enemies. But they had to be prepared to take the consequences of these tactics.

Torture

As was said above, the Tsarist Okhrana strove to obtain evidence from the arrested revolutionist by every conceivable means. But they did not always employ 'humane' tactics and 'refined' manners. The Okhrana usually employed those tactics during the first stages of the examination in the hope of luring the prisoners into its net. But long experience taught the Bolsheviks to defeat these tactics. Fewer and fewer victims were caught on the hook of the Okhrana. Then the agents of the Okhrana showed their true colours. After the Revolution of 1905 there were very few 'friendly discussions' with arrested Bolsheviks on the teachings of Marx, or the tactics of the Bolshevik and Menshevik Parties, and on general political questions.

After the pogroms that were organised by the Police Department and its agents all over the country on the eve of, and during the first revolution, after the brutal suppression of the 1905 Revolution by the Tsarist government, the Okhrana could catch or deceive hardly anybody, not even the most inexperienced, with its hypocritical tactics at preliminary examinations. The Zubatov movement suffered complete collapse. Zubatov himself was released from his duties and sent out of Moscow. The cards were exposed and the Okhrana appeared openly as the bitter enemy of the revolutionary movement. The Okhrana agents abandoned the practice of 'conversations' and 'persuasion' and adopted the tactics of terror. The enemy was triumphant and strove to consolidate its victory by means of terrorism.

During this period of the Russian Revolution, the Okhrana mostly resorted to physical force against arrested revolutionists under examination in order to compel them to give evidence. Torture was applied systematically during the examination: suspension by the finger tips, twisting of the hands and legs, pouring of large volumes of water mixed with oil into the mouth, mutilation, flogging, these were the methods employed

by the Okhrana to compel political prisoners to give evidence. Many Bolsheviks, who fell into the hands of the Okhrana, still bear the marks of the torture inflicted on them.

'Trial'

The more stubborn the Bolsheviks were in refusing to give evidence the more this system of torture was employed. The tactics of refusing to give evidence were dictated by the political conditions prevailing at that time. For the purpose of liquidating the Bolshevik movement more rapidly, the Tsarist government began to hand over the cases of the Bolsheviks to the military courts and to the circuit courts, on charges which, according to the Criminal Code, carried penalties of death and penal servitude. The practice of administrative exile without trial to remote parts of Eastern Siberia which prevailed until that time did not attain its end, because the Bolsheviks did not stay in exile long and very often escaped, sometimes even while on the way to the place of exile. The Tsarist government therefore decided to put the active Bolsheviks thoroughly out of commission.

Under these conditions every careless word uttered during the examination might cause irretrievable harm, not only to the entire organisation, but also to the person under examination. The attempts of some weak spirits to clear themselves by giving open testimony did not accomplish the purpose; long terms of imprisonment or penal servitude awaited even them.

The tactics of refusing to give evidence involved immeasurable suffering for the Bolsheviks. But this was only suffering of the body. The torments and torture of the hangmen threw no blemish on the revolutionary honour of the Bolsheviks. On the contrary, the refusal to give evidence under torture expressed the courage of the revolutionist and his contempt for the enemy. By his refusal to give evidence during examination, the Bolshevik signified his determined refusal to take any part whatsoever in 'exposing the work'. Of course, the agents of the

Tsarist government had sufficient means at their disposal to punish the defenceless Bolsheviks who fell into their clutches. They could shoot them on the pretext that they 'attempted to escape'; they could simply strangle them or shoot them in the back while in prison. But the Tsarist government tried to punish the Bolsheviks in a 'legal' manner, by putting them on trial.

The Russian Bolsheviks refused to be parties to this 'judicial farce', and to the last the defenceless Bolshevik expressed his revolutionary determination; he refused to give evidence and, utilising the right to the final speech in defence, held aloft the banner of the revolution and hurled his defiance at his enemies.

Shadowing

The shadowing of the Bolshevik did not cease with his arrest. The Okhrana tried to exploit the life and conduct of the Bolshevik while in prison, for the purpose of collecting material for the trial. For this purpose the Okhrana placed its agent in the same cell as the Bolshevik, if he was put in a common cell, or in the next cell, if he was in solitary confinement. They counted on the inexperience of the novice, on his indiscretion, or his dropping the rules of secrecy whilst in prison. The agent of the Okhrana in the cell tried to gain his confidence, to befriend him, and discover the details of the work. Sometimes, after a lengthy stay together in the same cell, if the agent were experienced and did not arouse suspicion by his conduct, this manoeuvre succeeded. The desire for social intercourse on the part of the imprisoned revolutionist often led him into unguarded discussions with his fellow prisoners, made him forget the need for discretion even while in prison. The new and inexperienced revolutionist particularly, sometimes thought the rules of secrecy were not required behind prison bars. The agents of the Okhrana were able to play on this. They even tried to obtain incriminating documents from the Bolshevik. They tried to persuade him to send letters 'outside' which were

intercepted by the Okhrana and produced at the trial as evidence against him.

But if the Bolshevik did not become intimate with him, the agent limited himself to watching his victim. He listened to the conversation carried on by the Bolsheviks among themselves; made note of the tapping of signals between the Bolsheviks incarcerated in different cells, and thus, in one way or another, obtained good material for reports to the Okhrana.

More frequently, when the Bolshevik was in solitary confinement, the agent of the Okhrana occupied the neighbouring cell. As soon as the arrested Bolshevik arrived in this cell a tapping was heard in the political prisoners' code, asking: 'What is your name? In what case? Under what conditions were you arrested? Who else was arrested with you?' The novice, insufficiently experienced in conspiratorial work, thought this 'correspondent' was a comrade and so swallowed the bait. Sometimes the new prisoner was warned in time by his comrades: 'Comrade, be careful, so and so, in such and such a cell, is a police agent.' If this was not done, the agent succeeded in gaining his confidence, induced him to write letters, which, of course, would be handed over to the Okhrana.

Not only were agents of the Okhrana placed in cells with the prisoners, but the prison guards, the prison warden and his assistants closely watched the arrested Bolsheviks and reported what they saw to the Okhrana.

For this reason the general rule was established that a Bolshevik must observe the rules of secrecy in prison as strictly as 'outside'.

3. Famous speeches

The whole conduct of the Bolshevik under arrest was dictated by the interests of the revolution, the interests of the working class and of his Party. During the examination he refused to give evidence in the interest of the Party and at the trial used the prisoner's dock as the tribune from which to denounce his class enemies, and to proclaim to the broad masses the programme and tactics of his Party. Although the cases of 'political criminals' were heard behind closed doors, and the court consisted of Tsarist officials, representatives of the nobility and the bourgeoisie (the so-called 'representatives of the estates'), and although these trials were not reported in the press, nevertheless, the speeches of the revolutionists were made public. They were reported in the illegal press, and thus circulated amongst the broad masses. These speeches served as excellent agitation material, and for a whole generation revolutionists were educated by them.

Both at the examination and at the trial, the Bolsheviks took into consideration the experiences of the preceding revolutionary organisations. In the 1870s and 1880s the Tsarist government had not yet adopted the simpler method of dealing with the revolutionists. Administrative exile (i.e. without trial) to places 'not so distant' and 'distant'* began to be

* The formal wording of the order of exile. — *Ed.*

applied later. At that time the Tsarist government gave the political prisoners the semblance of a trial. Their unfortunate experience in giving Vera Zasulich, who attempted to assassinate General Trepov, trial by jury is well known. Vera Zasulich was found not guilty. After this, the Tsarist government gave up such 'experiments'. 'Political' cases began to be transferred to military courts or to courts composed of the 'representatives of estates', i.e. the most bitter enemies of the working masses.

In order to show what a fund of experience the Bolsheviks obtained from the revolutionists of the 1870s regarding court tactics, we will quote excerpts from the brilliant and biting speeches delivered by two revolutionists of that time: the plebeian intellectual Ippolit Mishkin, and the weaver Peter Alexeyev.

Mishkin

Mishkin was one of several hundred revolutionists arrested for propaganda work among the peasants, which was being carried on in the middle of the 1870s in many Russian districts. In many parts of the country the Tsarist government arrested hundreds of agitators and put them on trial in order to smash the revolutionary movement of that time. Altogether 193 revolutionists were brought to trial and it became known as the 'Trial of the 193'. This was the first great political trial held in Russia. To many of the accused it was their revolutionary baptism, which helped them later on to play a great role in the revolutionary movement. However, the participants did not constitute a single organisation, directed by a single centre. Under the influence of the ideas of Bakunin, which prevailed at that time, the young intellectuals abandoned their studies and their families, gave up their previous ways of life, and 'went to the people' in the villages and supported themselves there by such work as they could find (as teachers, physicians, handicraftsmen and so on) so as to be nearer to the peasantry, and to rouse them to political consciousness. But this was not an

organised movement in the sense that we understand it today. It was a movement united by the common ideas that swayed the revolutionary intelligentsia at that time. For this reason, the trial of the 193, artificially instigated by the government, revealed not an organisation, but the revolutionary ideas of that time. At the trial, Mishkin appeared as the brilliant exponent of these ideas and of revolutionary implacability towards the enemies of the people.

Almost half a century has elapsed since then, and in spite of the events of world-wide importance which have occurred since, one cannot but feel enraptured by the revolutionary heroism and passion displayed by Mishkin at the trial. He was not the 'accused', but a terrible judge, pouring forth his wrath on the 'judges'. In spite of the continuous interruptions of the President of the Senate (the case was heard at a special session of the Senate), Mishkin succeeded in voicing his ideas.

The President of the court wanted to restrict Mishkin to the specific charges on which he was being tried, and not allow him to say anything that might condemn the Tsarist government, and that would reveal the condition of the country and the peasantry. Mishkin, however, insisted on speaking to the country from the dock, to explain the ideas of the revolutionary movement, to expose the policies of the autocratic government and to present a picture of the people's suffering. A bitter struggle ensued between the President and Mishkin which only ended with the forcible removal of Mishkin from the court room and the closing of the session by the perplexed Senator.

This struggle commenced at the very beginning of Mishkin's examination. To the customary formula of the President, 'Accused Mishkin, you are charged with belonging to an illegal society, the object of which is, in the more or less distant future, to overthrow and change the system of government,' Mishkin answered: 'I admit that I belong, not to a society, but to the Socialist-Revolutionary Party.' And he went on to say: 'We represent an infinitesimal part of the now large Russian Socialist-Revolutionary Party, understanding by this term the

whole mass of persons who hold similar opinions to ours – similar in general, of course, but not in particular – the union between whom is mainly inward, but which nevertheless is sufficiently real and is determined by a unity of purpose and similarity more or less in methods of practical activity.' Further, ignoring the interruptions of the President who tried to keep him to the definite charges in the indictment, Mishkin described the poverty-stricken conditions of the people, their exploitation, their political repression, the history of the people's movement, and proved that the programme and tactics of the 'Social Revolutionary Party' is in complete accordance with the hopes and aspirations of the people.

In the usual stereotyped form, the indictment charged the accused with undermining religion, and repudiating science. Mishkin indignantly denied these charges. 'In the ideal social structure for the realisation of which I am striving, and the establishment of which is the aim of my activities, there will be no criminal penalties for spreading pernicious ideas, including religious ideas, for heresy, for observing or failing to observe certain rites prescribed by any particular church, etc. In one word, there will be no place for violence against the ideas and conscience of men . . According to our ideal, there should be no power to compel one to lie and be hypocritical under threat of punishment . .'

President: 'But nobody compels you to lie and simulate, now. I request you not to make such insinuations.'

Mishkin: 'According to your laws I am liable to criminal punishment. I cannot leave the Orthodox Church and adopt another faith, consequently the law compels me to be hypocritical.'

And the President could not find anything better to say than to declare that the accused had no right to criticise the existing laws. It became perfectly clear from the behaviour of the President, who grew more and more furious as the trial proceeded, and who interrupted Mishkin at every sentence, that further words were useless. All that could be said, had been

said. This became particularly obvious when Mishkin protested against the torture to which he was subjected while under examination. The President said that this protestation was unsupported by evidence, and when Mishkin stated that he had made a written protest to the Public Prosecutor, the President answered that this was a matter for the Prosecutor, who was not a subordinate of the court.

Then Mishkin made his last speech, which the gendarmes prevented him finishing by gagging him. Here is the speech:

'In that case, after the numerous interruptions to which I have been subjected by the President, there is only one thing left for me to do and that is to make what perhaps is my last declaration. I am quite convinced now that the opinion expressed by my comrades who refused to make any statement at the trial was quite right, namely that in spite of the absence of publicity, I would not be given the opportunity of making clear the real character of the case. Now, it is obvious to everybody, that here at every frank word uttered the accused is gagged. Now I can say, and I have every right to say it, that this is not a trial, but an empty farce, or something even worse, hideous, shameful, more shameful . . .' At this point the gendarmes seized Mishkin and gagged him; but in a stifled voice he managed to finish the sentence: '. . . than a brothel; there women sell their bodies because they are in want, but here the judges are rascals and lick-spittles; for the sake of rank and fat salaries they trade in others' lives and sell truth and justice and all that is dearest to humanity.'

Mishkin is forcibly dragged out. In the gallery women fall into hysterics, noise and confusion reign. The session is closed, and the court room is cleared.

Alexeyev

The speech delivered by the weaver Peter Alexeyev at the 'Trial of the 50' was fully embued with *class* consciousness. He was not an intellectual commoner 'going to the people' to rouse them to rebellion, not merely an avenger of the people's suf-

fering, but a true proletarian, who understood the interests and the problems of his *CLASS*. In spite of the Narodnik teachings which he imbibed in the circle organised by Sophie Bardin, his class instinct triumphed over all the Narodnik dogmas, and for the first time in the history of the revolutionary movement a class conscious proletarian, who bore the marks of the terrible exploitation of Russian capitalism and the political oppression of Tsarism, spoke out in court. He faced the Tsarist judges not as a 'poor working man', crushed by exploitation, but as a revolutionary proletarian, submitting a bill of charges against his class enemy.

In the simplest manner imaginable, he described the conditions of the workers. They work 17 hours a day for a wage of 40 kopecks a day, and from their meagre wages fines are deducted for every trifle. He described the ignorance and degradation in which the workers lived, the insults and torments they suffered at the hands of the capitalists.

'Under present conditions,' he said, 'the workers cannot satisfy the most elementary human needs. Have we any leisure for study? Do we, the poor, receive any education in our childhood? Are useful books published for the working man? Where, and what may they study? Look at the Russian popular literature. Nothing can better illustrate this case than such books as *Bava the Crown Prince*, *Yeruslan Lazarevich*, *Vanka Kain*, *The Bride is in the Ink and the Bridegroom in the Soup*, etc. That is why the popular opinion about books is that: "Some are amusing, others are religious." This is reality. In vain does the government think that the workers don't understand this reality.

'Do you think we do not see that all around us people are enriching themselves and making merry at our expense? Do you think we do not understand why we are valued so cheaply and where the fruits of our intolerable labour go? Why are the others able to live luxuriously, without toil? Whence come their riches? The working people, although living in primitive conditions and until now without education, regard this as a

temporary evil; and they think the same about political power which has been temporarily usurped by force.'

What was the way out? P. Alexeyev declared that first of all it was necessary to overthrow the autocracy, which was on the side of the capitalists. Considering that the ideas of Bakunin, who repudiated the struggle for political liberties, predominated at that time, the idea expressed by Alexeyev was a bold innovation.

'The Russian working people,' he said in conclusion, 'can rely only upon itself; it can expect help from no one except the young intellectuals [*the President interrupts* – 'Be silent']. Only they are willing to march inseparably with us until the muscular arms of millions of working people are raised' [*the President shouts*: 'Be silent!'] Alexeyev, raising his voice: and the yoke of despotism which is upheld by soldiers' bayonets, will be reduced to dust.'

According to a lawyer who was present at the trial, Alexeyev's speech produced such a powerful impression on the public and even on his guards that they were all dumbfounded. 'If', said the attorney, 'Alexeyev had faced about and left the dock, nobody would have stopped him, so astonished were they all.'

Peter Alexeyev's speech for many decades was circulated in thousands of copies as a fine agitational pamphlet.

Attack at trial

From the revolutionists of the 1870s the Bolsheviks inherited revolutionary courage and determination. Like them, the Bolsheviks, when on trial, did not 'defend' themselves, but attacked. But in addition they introduced something new, that reflected the complicated conditions of the political life of Russia of the twentieth century. It was insufficient to hurl biting criticism against the political regime and the exploitation of Russian capitalism. It was essential at the trial to unfold the programme and tactics of the Bolsheviks, and to distinguish

them from the programmes and tactics of the other illegal revolutionary parties. The Public Prosecutor in his indictment swept all parties into one heap from the point of view of the statutes of the criminal code which provided penalties for 'those who strive to overthrow, in the more or less distant future, the existing order'. From the point of view of the prosecutor, the Bolsheviks, the Socialist-Revolutionaries and the Mensheviks were all 'criminals', some more dangerous, others less, the difference being only in degree, so to speak. Under these circumstances the Bolshevik's task in court was a complicated one. His speech at the trial had to trace very clearly the programme, the tactics and current political tasks of the Party. The Bolshevik on trial was not so much expected to make a fine oration as to formulate the Party position.

This is precisely the main trait revealed by the Bolsheviks who had to stand trial on the eve of the first revolution. As an example we will quote excerpts from two speeches, which most clearly illustrate these traits: the speech of Leon Goldman, who was arrested in connection with the Kishenev illegal printing plant of the newspaper *Iskra*, and the speech of Bogdan Knunyantz, arrested in connection with the work of the Moscow Committee of the Bolsheviks (1904).

Goldman

In 1901, in Kishenev, the Okhrana seized the underground printing plant of the Social Democratic group *Iskra*, from the left wing of which later developed the Bolshevik Party. In connection with this raid a group of Social Democrats, under the leadership of Leon Goldman, were arrested. After two years of preliminary investigation, during which the accused were kept in solitary confinement, the case was brought up in the circuit court (with the 'representatives of the estates', of course) behind closed doors.

In the old stereotyped form, the indictment charged the 'criminals' with 'incitement to riot against the supreme

powers', and it was from this point of view that all the printed matter seized during the raid on the printing plant was regarded. The stupid agents of the inept Tsarist government were not so much concerned about analysing the revolutionary movements as in fitting the 'cases' into the statutes of the law which provides a penalty of a long term of imprisonment, or exile to remote places in Eastern Siberia. It goes without saying that all the various trends in the revolutionary movement in Russia were tarred with the same brush in the opinion of the prosecution, with some slight difference in shade, determined, not by the character of the revolutionary party the accused belonged to, but by the degree of 'criminality' of the accused. The task of the revolutionary Social-Democrats on trial under these circumstances was to make the trial one of principle, and to let the country know the true character of the Party, to familiarise it with its programme and policies. In short, the Bolshevik had to do at the trial what he did while at 'liberty' — propagate the ideas and programme of his Party, and to call the masses to fight for the demands inscribed on its banner.

It was with this task in mind that Leon Goldman began his speech. He said:

'I admit that I took part in the work of the secret press in Kishenev, which printed Social-Democratic literature. But I was very much surprised when I learned from the indictment that I am accused of inciting to riot. I absolutely deny the charge of inciting to riot. Social-Democracy has nothing in common with rioting. I am a Social-Democrat and I belong to the Russian Social-Democratic Labour Party.' Goldman then proceeded to explain the programme and tactics of the Social-Democratic Party.

It must be said that Goldman's position at this trial was more favourable than that of the revolutionists of the 1870s and 1880s. The revolutionary wing of Social Democracy which was united in the *Iskra* group, in which Lenin played the leading role, had emerged victoriously from its struggle with the

opportunist elements (the 'Economists') in the Social-Democratic movement. In this struggle the chief elements of the programme and tactics of the revolutionary Social-Democracy were crystalised. Parallel with this *internal* struggle, an *external* process of dissociation from the neo-Narodniki (the Socialist-Revolutionary Party) and from the Liberal movement, was taking place. This process was accompanied by a bitter struggle, directed by the *Iskra* group, led by Lenin. In this struggle on many fronts, revolutionary Social-Democracy acquired its ideological form and laid the basis of the movement which later developed into Bolshevism.

Goldman was thus able to come forward at the trial with the full programme of *Iskra* and to show that the question at issue was not a mere riot, but *revolution*, under the hegemony of the proletariat and led by Social Democracy.

There is another aspect of Goldman's speech which distinguished it from the speeches delivered at their trial by the revolutionists of the 1870s and 1880s. His was the speech of a revolutionist of the epoch tinged with the red dawn of the approaching revolution. He said:

'We stand in the dock before this court, but we are not criminals. We are prisoners of war, and the government itself proves this by its conduct towards us The government snatched us from the ranks of the fighting revolutionary army, kept us in prison for two years and now, in handing us over to the court, wants to make us responsible for the revolutionary conflagration that is sweeping over all Russia. But where is the logic of this? By establishing a secret printing press, and publishing manifestos and leaflets, we protested against the enforced silence to which the government condemned the country. By these means we sought to meet the growing demand of the people for freedom of speech, the need of which, during this period, has been felt by the widest strata of the people and society. And, if from the point of view of the autocratic government we have committed crimes, then the responsibility for this rests not only on us but on an enormous part of the

population of Russia, whose will we carried out. But an entire people cannot commit a crime. The will of the people is law. And when the time arrives when the people will judge the government, it will mean that the time has arrived when the people will put the government in the dock. . The government itself, by placing almost the whole of Russia under martial law, thereby proclaimed that all her citizens are politically unreliable. And all the politically unreliable, i.e., those in whom slavish submission has given way to the sense of civic duty, should unite with the revolutionary movement and take their places in the ranks of the fighters for the liberation of Russia from the power of the bureaucracy, which builds its well-being on rivers of the people's blood. I, as a true citizen of the fatherland, did this. I joined the ranks of these fighters. I gave the great cause all my strength, all my abilities.'

This is the manner in which the representative of a Party for which the path and perspectives of the revolution were clear, of the Party which led the proletarian masses to struggles and victories, could speak.

Knunyantz

The remarkably simple and profound speech delivered by the Bolshevik, Bogdan Knunyantz, expressed the spirit of the oncoming revolution.

His trial took place on March 30 (old style), 1905, after the events of 'Bloody Sunday', January 9.

At the arrest of Knunyantz the manuscript of the manifesto signed by the 'Moscow Committee RSDLP' was discovered. This was the only piece of 'legal' evidence against him. If Knunyantz had desired to defend himself on legal grounds it would not have been difficult for him to refute the charge of belonging to the Moscow Committee and clear himself, particularly in view of the consternation that reigned among the agents of the Tsarist government after January 9. But he did not choose to do this. As a revolutionist, as a Bolshevik, he decided to utilise the trial for the cause of his Party.

When the President of the court read the order of the Minister of Justice to hold the trial behind closed doors, Knunyantz asked whether the court could reverse this order. The reply was in the negative, upon which Bogdan Knunyantz made the following declaration:

'In view of the fact that the trial is to be held behind closed doors, which renders it impossible for public opinion to control this litigation between the revolutionists and the government, I think it is quite useless for me to take part in the court enquiry, and I warn you that I shall not answer any questions. With this I reserve for myself the right to the final speech, as I consider it my revolutionary duty to utilise every opportunity for propagating my ideas.'

The experience of the revolutionary movement had not passed without leaving traces also on the Tsarist public prosecutors. At the trial of Knunyantz, the public prosecutor made a more or less politically literate speech. He characterised the political position of the Russian Social Democratic Labour Party, referred to the international character of the Party, the identity of its ideas, both as to programmes and theories, with those of the Western European socialist parties, and its socialistic aims that could only be attained by means of social revolution. But, he said, Russian Social Democracy was unlike Social Democracy in Western Europe in that the latter engaged in the peaceful agitation and propaganda of its ideas, whereas Russian Social Democracy incited the workers to rioting and mass violence. It was, he said, a second Pugatshev movement.*

Developing the characteristics of Social Democracy mentioned by the prosecutor, Knunyantz in his speech said:

'He (the prosecutor) was right, of course, in pointing out the international character of our programme and our whole theoretical viewpoint which is based on that of the teachers of international socialism, Marx and Engels. He correctly pointed

* Pugatshev. Leader of the peasant rebellion on the Volga in 1773-75.

out our fundamental aim — socialism, and the only road to it — the social revolution, toward which, we are profoundly convinced, the whole development of our economic life is leading. We are certain that the proletariat will achieve socialism, not by way of social reforms, not by palliatives under the capitalist system, but by irreconcilable struggle against the very basis of that system — private ownership of the means of production — and that only with the transfer of the latter into the hands of the whole people will an end be put to the exploitation of one section of the people by another. The indispensable condition for this must be the dictatorship of the proletariat, i.e., the conquest of political power by the proletariat.'

At the time of the Knunyantz trial Russia was seething with political life. The defeats suffered by Tsarism in the Russo-Japanese War, the growth of the labour movement after the events of January 9th, the growth of the peasant movement, the revival of the liberal-bourgeois movement — all this disorganised the autocratic government, and the ground was shaking under its feet. Tsarism's former confidence in its own strength was shattered; the revolution was reaching for its throat and was ready to strangle it.

This picture of the epoch was reflected in Knunyantz's speech. He said:

'Mr Prosecutor laid special emphasis on the last lines of the manifesto, ending with the exclamation "Down with the Autocracy!" But who now does not cry out "Down with the Autocracy!"? Is there a single honest man in our country who does not undertand that only the overthrow of the autocracy will extricate our country from the deadlock into which the rapacious policies of the bureaucrats have driven it; that only the overthrow of the autocracy will give an impetus to the further development of its cultural forces . . After the heroic demonstration of the St Petersburg proletariat, after the revolutionary strikes that have broken out all over Russia, after the united protest — after the strikes of the university

students, after the ceaseless agrarian unrest, finally, after the movement which has now spread among the hitherto inert strata of educated society, it is no secret to anyone that the days of the autocracy are numbered. Within a month or so, the terrible wave of the people's revolution will completely wipe out this relic of our barbaric past. And what does all this mean to this court? Really, to carry things to their logical conclusion, you should put the entire Russian people in the dock. But the great question will then arise as to who will be the accused and who the judges.

'. Your court is not certain that the verdicts it pronounces can be carried out, and that all its work may not have been a waste of time. Take even my case. On a strict interpretation of articles 126 and 129 under which the prosecutor charges me, I should be sent to penal servitude up to eight years, or sent into lifelong exile. But is it not absurd, Messrs Judges, to talk about such verdicts now? Is there one among us who seriously thinks that the autocracy will live for another eight years, or even one or two years? Does not the demand of the law for lifelong exile at a time when none of us can be sure of the morrow sound like cruel irony? All Russia is seething. Very soon nothing will remain of the government and the rubbish of court orders and verdicts; and those who are now on trial will be among the most energetic leaders of young Russia. How then, Messrs Judges, can you seriously think of passing paper resolutions?'

Perhaps the judges realised the awkward position they were in, for in spite of the slashing speech he made, Knunyantz received a sentence of only four months imprisonment.

Uses of lawyers

Only a few words remain to be said about the role of counsel at the trial of Bolsheviks.

Some may ask: if the Bosheviks did not 'defend' themselves in court why was it necessary to engage counsel? Was that not inconsistent?

It was very useful, however, to have counsel at political trials. In the first place, through him the revolutionary prisoner, who was cut off for a long time from society, was able to establish contact with the 'outside' world and with the representatives of his Party. The lawyers sympathetic to the revolutionary movement did not refuse to act in this capacity. This contact was made easier by the fact that the lawyer was able to visit the prisoner alone in his cell both before as well as during his trial. A person sitting in solitary confinement knows the importance of connections with the outside world; it keeps up the spirit of the comrade who is torn away from the active revolutionary ranks, it often enables him to continue to work for the movement by correspondence and literary activity. Connection with the 'outside' world was often essential for the revolutionary prisoner in preparing his escape from prison.

Secondly, it was important that the revolutionist on trial, whose punishment the government was preparing behind closed doors, should have in the court room a man who had the right to interfere in the case, to speak and compel the court to adhere to the rules of court procedure formulated by the government itself, but which were systematically violated by the agents of the court when revolutionists were involved. Very often these rules of procedure, with which usually the revolutionist was not familiar, made it easier for him to expose the crimes of Tsarism and put the position of his Party.

Finally, in view of the absence of public control at the trial, since political cases were tried behind closed doors, counsel for the defence acted, as it were, as the representative of the public, who informed the latter about everything that took place at the trial. The government did not succeed in keeping the truth from the public, it did not succeed in keeping the secrets of the 'court' torture-chamber and all the circumstances and details of the case. Through the lawyer, they became public property.

However, while inviting the services of the lawyer the Bolshevik restricted his sphere of activity.

The lawyer had to concern himself only with the juridical aspects of the case. He was not to engage in the political defence of the accused or to analyse the viewpoints of the Bolshevik Party for the purpose of shielding his client and mitigating the penalty. His task was more modest. During the trial he had to weaken the evidence juridically, refute the evidence of the police officials and spies and show up the flimsiness of the charges. In his speech for the defence he had to make an estimation of the case from the legal point of view, to compromise it juridically. Of course he had to bring forward all the juridical arguments at his command in order to try to secure an acquittal, or at least a light sentence for his client.

Regarding the political aspects of the case he was permitted by his client to sketch in his speech the political conditions of the country, against the background of which the case may have arisen, but under no circumstances to touch upon the viewpoint of the Bolshevik Party. The Bolshevik could not entrust a non-party lawyer, or one belonging to another party, with the task of speaking in the name of the Party. This task the accused Bolshevik took upon himself.

The degree to which the role of counsel for the defence was restricted by the Bolsheviks is strikingly illustrated by the following letter written by Lenin to Comrade Stasova and the arrested Moscow Bolsheviks, in reply to their question as to the line of conduct they were to pursue during the examination and at the trial.

A letter from Lenin to Y.D. Stasova and to the other comrades in Moscow Prison, January 19, 1905

Dear Friends,

I have received your inquiry concerning the tactics to be pursued in court (in Absolute's letter and the note 'reported verbatim' through an unknown person). Absolute writes of two points of view. The note speaks of three groups: perhaps it has in minds three shades of opinion, which I shall attempt to reconstruct as follows: (1) To refuse to recognise the court and to boycott it outright. (2) To refuse to recognise the court and not to participate in the court proceedings; to employ a lawyer only with the understanding that he speak exclusively about the court's lack of jurisdiction from the point of view of abstract law; in the concluding speech for the defence to make a *profession de foi** and to demand a trial by jury. (3) The same applies to the defendant's last statement. To use the trial as a means of agitation and, for this purpose, to take part in the court proceedings with the aid of legal counsel; to show up the unlawfulness of the trial and even to call witnesses (to prove alibis, etc.).

There is this further question: should you say only that you are a Social-Democrat by conviction, or should you admit that you are a member of the Russian Social-Democratic Labour Party?

You write that a pamphlet is needed on this question. I do not think it is advisable to issue a pamphlet straight away without any experience to go by. Perhaps we shall mention it somehow in the newspaper when the opportunity occurs. Perhaps one of the people in prison will write a short article for the paper (from 5,000 to 8,000 letters)? I think this would be the best way to start the discussion.

* Declaration of faith, or programme.

I personally have not yet formed a definite opinon and should prefer, before committing myself, to talk it over in detail with comrades who are in prison or have stood trial. To get such a talk started I shall state my own ideas on the subject. Much depends, I think, on *the kind* of trial it will be, viz., whether or not there will be a possibility to utilise it for purposes of agitation. In the first instance, policy No.1 will not do; in the second, it is appropriate, but only after an open, definite and energetic protest and statement. However, if there is a chance of taking advantage of the trial for agitational purposes, policy No.3 is desirable. A speech with a *profession de foi* is generally most desirable, and, I think, very useful, and it could in most cases have an agitational effect. Particularly when the government has begun to utilise the courts, the Social-Democrats should speak out about the Social-Democratic programme and tactics. Some hold that it is not advisable to declare oneself a member of the Party, particularly of any definite organisation; that one should rather declare oneself a Social-Democrat by conviction and limit the statement to that. I think that one's affiliations should be omitted entirely from the speech, i.e. that one should say: For obvious reasons I shall not speak about my affiliations, but I am a Social-Democrat and I shall speak of *our* Party. Such a formulation has two advantages: it states directly and specifically that one is not to speak of one's affiliations (viz., whether one belongs to an organisation, and if so, to which, etc.), while at the same time one speaks of *our* Party. This is necessary in order that Social-Democratic speeches in court may become Party speeches and statements, in order that the Party may benefit by this propaganda. In other words, I waive my formal affiliations; I pass them over in silence, I do not speak formally in the name of any organisation whatever, but as a Social-Democrat I speak to the court of *our* Party and ask it to accept my statements as an endeavour to expound precisely the Social-Democratic views that have been set forth in all *our* Social-Democratic literature, in such-and-such pamphlets, leaflets and newspapers.

As to lawyers. Lawyers should be kept well in hand and made to toe the line, for there is no telling what dirty tricks this intellectual scum will be up to. They should be warned in advance: Look here, you confounded rascal, if you permit yourself the slightest impropriety *or political opportunism* (if you speak of socialism as something immature or wrong-headed, or as an infatuation, or if you say that *the Social-Democrats reject the use of force*, speak of their teachings and their movement as peaceful, etc., or anything of the sort), then I, the defendant, will pull you up publicly, right then and there, call you a scoundrel, declare that I reject such a defence, etc. And these threats must be carried out. Only clever laywers should be engaged; we do not need others. They should be told beforehand: Confine yourselves to criticising and 'laying traps' for witnesses and the public prosecutor on the facts of the case, and to nailing trumped-up charges; confine yourselves exclusively to discrediting the Shemyakin-trial* features of the proceedings. Even a smart liberal lawyer is extremely prone to mention *or hint* at the peaceful nature of the Social-Democratic movement, at the recognition of its cultural influence even by people like Adolf Wagner, etc. All such attempts should be nipped in the bud. The lawyers, as Bebel, I believe, said, are the most reactionary of people. The cobbler should stick to his last. Be a lawyer only, ridicule the witnesses for the State and the Public Prosecutor; at most, draw a comparison between such a trial and a trial by jury in a free country; but leave the defendant's convictions alone, do not even dare to mention what you think of his convictionsand actions. For you, a measly liberal, have so little understanding of these convictions that even in praising them you will not be able to avoid saying something banal. Of course, all this need not be explained to the lawyer *a la* Sobakevich;† it can be done mildly, tactfully,

* An unjust trial, from the title of an old Russian story about the Judge Shemyaka.

† A character in Gogol's *Dead Souls* typifying a bullying, tight-fisted landlord.

discreetly. Still, it is better to be wary of lawyers and not to trust them, *especially* if they say that they are Social-Democrats and Party members (as defined by our Clause 1!).*

The question of taking part in the court proceedings, it seems to me, depends on the question of the lawyer. Retaining counsel means participating in the court proceedings. And why not participate in order to show up witnesses and agitate against the court? Of course, one must be very careful not to slip into a tone of unbecoming self-vindication — that goes without saying. It is best to declare immediately, *before* the taking of testimony, in answering the presiding judge's first questions: I am a Social-Democrat, and in my speech to the court I shall explain what that means. In each case, the question whether or not to take part in the court proceedings depends entirely upon the circumstances. Let us assume that you have been proved guilty, that the witnesses are telling the truth, that the entire accusation rests on unassailable documentary evidence. In that case it may be of no use to take part in the court proceedings, and all attention should be centred on the declaration of principles. If, however, the facts are dubious, if the police witnesses are confused and lie, then it is hardly worth while to miss an opportunity of making propaganda by exposing the case as a frame-up. Much depends also on the defendants; if they are very tired, ill, or worn-out, and if there is no one among them with experience in 'pleading' and word-tilting, then, perhaps, it would be more expedient to refuse to participate in the court proceedings, to make a statement to that effect, and to concentrate on the declaration of principles,

* At the time Lenin wrote, this paragraph 1 of the Party Rules permitted membership of the Party to all those who declared their agreement with the Party programme and paid Party dues. The rule did not insist on the member performing active party work. The Bolsheviks, led by Lenin, fought against this rule on the ground that it opened the door of the party to all sorts of opportunist elements. A few months after this letter was written the Bolsheviks secured a majority and altered paragraph 1 in such a way as to restrict membership of the Party only to those who took an active part in its work.

which it is desirable to prepare in advance. At any rate, the speech on the principles, the programme, and the tactics of the Social-Democratic Party, on the working-class movement, on the socialist aims, and on uprising is the most important thing.

In conclusion, I repeat once more: These are my first reflections, which should not be regarded in the least as an attempt to solve the problem. We must wait until experience gives us certain hints. And while accumulating this experience the comrades, in the majority of cases, will have to be guided by a consideration of the concrete circumstances and by their *revolutionary instinct.*