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# The Facts Speak for Themselves

by Harry Winitsky

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In *The Daily Worker* of December 23 [1929], Earl Browder comes out with a tirade against Lovestone as a witness in the case of the state of New York against me. On November 30 [1929] *The Daily Worker* carried an editorial attacking Lovestone, also mentioning this case and referring to Lovestone as a former “police officer” of the state.

Since both the editorial of *The Daily Worker* and the article of Browder involve me and since I know the intimate details of this case I feel called upon to settle this matter definitely, once and for all.

First, I want to take up the editorial of Nov. 30. In this editorial is mentioned the fact that Lovestone was once a “police officer” of the state. I want to brand this statement as a contemptible lie. It is true that Lovestone was a social worker in 1918. He was in the employ of a charitable and social agency supervising delinquent children and was not a police officer. I also held the same position. This position we held while we were members of the Socialist Party and not while we were members of the Communist Party. Since *The Daily Worker* condemns Lovestone for having been a social worker and thus proves conclusively that this is the reason why Lovestone is now a “renegade,” I wish to point out that two of the staunchest supporters of the Party-wrecking policies, two of the strongest “loyal revisionists” of the present CEC also worked as social workers with Lovestone and myself at the time, and they are no other than W.W. Weinstone and Edward Royce, the super-bolshevik businessman and employer of scab labor, who was a social worker at the time. And Weinstone, the former DO of this district [New York] and now the American representative to the CI, has also forgotten when he was a social worker, too.

And now we come to the tirade of Browder in his article of Dec. 23, which appeared in *The Daily*

*Worker* under the heading “Lovestone Ends His Isolation.” Here Browder writes as follows:

In the light of Lovestone’s last evolution, new understanding may be had of his appearance in court in 1920 as a state witness in the case of Harry Winitsky, which was mentioned in passing in the *Daily Worker* editorial of Nov. 30. He received immunity from prosecution by agreeing to testify; his testimony was referred to by the judge in charging the jury as the basis for a verdict of guilty against Winitsky.

In the last issue of *The Revolutionary Age* there appeared two letters dealing with this case. One letter was from Comrade Ruthenberg while he was in Sing Sing with me, in which he accepted the entire responsibility for Lovestone’s appearance at the trial as a witness. Browder in his article lies when he states that Lovestone agreed to testify against me when he was offered immunity from prosecution. During the interval between Comrade Gitlow’s trial and mine, a period of a few weeks, a special law was enacted by the state legislature making it mandatory for a witness to appear and testify in any cases involved by the Criminal Anarchy statute. When Lovestone was called to the stand he refused to testify but was compelled to testify by the state. Many of us, myself included at the time, felt that Lovestone should have refused to testify and should have gone to jail for contempt of court. However since there was no ruling of the Party in this matter, Lovestone as a disciplined member of the Party accepted the instructions of Ruthenberg, then the Secretary of the Party, and testified. Browder further states that “his (Lovestone) testimony was referred to by the judge in charging the jury as the basis for a verdict of guilty against Winitsky.” This I again brand as a deliberate lie, a contemptible trick used by Browder to cover the truth. I have read and reread the minutes and pro-



ceedings in my case and nowhere is there a single word to justify Browder's statements. Lovestone did not say a word at the trial which was not already in the record at the time; he merely repeated some of the testimony which was in the record, and his testimony had nothing to do with my conviction. If Browder will take the trouble to look up my statement on this case which I submitted to the International Control Commission at Moscow, he will see therein that I stated that Lovestone's testimony had nothing to do with my conviction. My only objection at that time was that Lovestone should not have appeared at all as a witness; I thought he should have refused to testify and gone to jail. But I now recognize that this would have done no good whatever, but merely made another victim of the capitalist class. I had no illusions as to my fate when I went to trial, and I frankly told the Communist International in my statement of the case that I was convicted by the court even before my trial had started and that Lovestone's testimony had nothing to do with my conviction.

The question now arises: Why did I make my statement to the International Control Commission, and why was this question reopened a few years after the affair was closed? I will now take up a few minutes time to refresh the memories of such sterling Bolsheviks as Lore, Cannon, Foster, Browder, Dunne, Bit-

telman, Krumbein, Poyntz, Grecht, and others who were then in the same caucus and of which I was also a member. If they remember, we all used to meet at the office of Lore in the *Volkszeitung* building. While I was in prison, during 1921, Cannon came to visit me, and tried to get me to file charges against Lovestone, stating that he was wrecking the Party. However, knowing Jim Cannon as well as I did I refused to do this. When I came out and a year later joined the Foster caucus and the inner-Party fight became very intense the caucus decided that it was necessary to "eliminate" Lovestone if the fight was to be won. They all felt that Lovestone was the brains of the opposition caucus and that if he were discredited and eliminated the fight would be over. At these meetings they kept pleading with me to bring charges against Lovestone. In fact at one meeting in Lore's office, at which Lore, Poyntz, Krumbein, Grecht, London, Cannon, and some others were present, plans were discussed to get some money from a certain rich man *in order to hire a detective to shadow Lovestone and if necessary to frame him up!* Finally, after a good deal of persuasion on the part of Cannon, Foster, Lore, Bittelman & Co., I promised to forward the charges. I hold no brief for what I did at the time in those conditions. After they left I thought over the matter and decided not to go through with this dirty job. In the meantime they had made the charges at the Control Commission in Moscow, and when my written charges were not forthcoming the commission began to suspect that there was something wrong. Foster and Cannon were worried to death and finally cabled to Krumbein and Manley and they brought pressure to bear on me to send my charges, stating that the International Commission had threatened to expel Foster and Cannon from the Party if they did not back up their charges against Lovestone with written charges by myself. It was under these conditions that I finally sent my charges over, in order to save the necks of Foster and Cannon, the leaders of the caucus.

After this affair was over, and the CI had rendered its verdict closing the case, and I realized what a disgusting and non-Communist role I had played in the entire matter, and after carefully thinking over the entire case and realizing how I had been used as a dupe by Cannon, Foster, Lore, Bittelman, Dunne, and the rest, and while I was still in their caucus and fighting

against the Ruthenberg group, I wrote the following letter to Lovestone:

Dear Jay:—

Now that the CI has rendered its decision in this case of mine against you and I have had time to thoroughly digest all the events leading up to my presenting the charges, I want to say that I am sorry that I made these charges against you. As I told you once before, even though I disagreed with your position and that of Ruthenberg in taking the stand as a witness, I nevertheless know that you did what you did, feeling that it was your duty to carry out the decisions of Ruthenberg and Ferguson, who were on the small Executive Committee, and that you acted as you did knowing that it would not help the party for you to refuse to testify, and knowing full well all the time that no matter what you did you could not help me. All that I can tell you at this time is that I did this job, which is a nasty one, because I was led into doing it by a few “good friends” of mine. I did it to save their necks and there are now times when I often wonder and doubt their sincerity and loyalty as Communists. Even though I am at present fighting the Ruthenberg group in the Party, because I feel that you have an incorrect position, and I feel that you are not following a policy that will build up the Party in this country, I nevertheless want you to know that I am sorry that I took the stand that I did. This is a personal matter between the two of us, and I hope that you will consider it as such and not make this letter public.

Sincerely and Fraternaly,

Harry Winitsky.

Even at that time, as this letter to Lovestone proves, I already felt that the Foster, Bittelman, Dunne, Cannon, and Lore menage were hurting the Party, were interested in their own personal selves first, and that they would not hesitate to smash the Party if they felt that they could not win out otherwise. And I think I was correct in my letter to Lovestone in doubting their sincerity. The reign of expulsions of the best Communists in this country, the present campaign of slander and filth of the present misleaders of the Party, the frame-ups that they use now as they did then (when they wanted to hire a detective to shadow Lovestone and frame him) proves beyond doubt what I then suspected.

I have always been ashamed of the part I played in this affair and now I am certainly glad of the opportunity to expose the slimy schemes of the Party wreckers.

*Edited by Tim Davenport.*

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