

Security and the Fourth International

The Smith Act trial and government infiltration of the Trotskyist movement

Eric London

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Seventy five years ago, on December 8, 1941, 18 Trotskyists were sentenced to prison terms for advocating the overthrow of the US government. The following two-part article is based on information gathered from the valuable book Trotskyists on Trial: Free Speech and Political Persecution Since the Age of FDR, by Donna T. Haverty-Stacke. In addition, the articles draw from the World Socialist Web Site's independent investigation of thousands of pages of trial transcripts, SWP archive material, and previously unavailable FBI records brought to light by Haverty-Stacke.

In 1941, the Roosevelt administration launched one of the most important political trials in the history of the United States when it charged 29 members of the Socialist Workers Party (SWP) with sedition and conspiracy to overthrow the government. FBI agents raided the party's offices in Minneapolis on June 27 and prosecutors convened a grand jury shortly thereafter. On October 27, the trial began in federal court. Its proceedings lasted more than one month.

The Socialist Workers Party was aligned politically with the Fourth International at the time of the trial. It was singled out for prosecution as the United States prepared to enter the world war in Europe and East Asia.

The defendants used the trial to present the party's socialist principles to a broad audience. They defended the SWP's opposition to imperialist war from the witness stand and refuted the prosecution's attempt to portray socialist revolution as a conspiratorial coup d'état. They conducted themselves in a courageous and principled manner, with federal prison sentences hanging over their heads. The SWP published the trial transcript of SWP National Chairman James P. Cannon's spirited testimony in the 1942 pamphlet *Socialism on Trial*.

On December 1, the jury found 18 of the defendants guilty of violating the newly enacted Smith Act, but recommended leniency in sentencing. On December 8, one day after the Japanese attack on Pearl Harbor, the trial judge read "the 18" their sentences, which ranged from 12 to 16 months. On November 22, 1943, the Supreme Court refused to take the appeal lodged by the defendants. The next month, the 18 surrendered themselves to federal authorities and began serving their sentences. Despite a national campaign that generated support from thousands of workers and many prominent intellectuals and attorneys, Roosevelt refused to pardon the defendants. Six of the 18 were released after six months, and the remaining 12 were released in January 1945 after serving one year.

This significant event in the history of the socialist movement is the subject of a new book published 75 years after the trial by Hunter College Professor Donna Haverty-Stacke. The book, titled *Trotskyists on Trial: Free Speech and Political Persecution Since the Age of FDR* (New York University Press, 2016), is a significant work and its author is to be congratulated on her accomplishment. Haverty-Stacke has not only taken

up a subject that has been ignored by academia, she has also brought to light many previously unknown details of the prosecution and its political and legal ramifications.

Haverty-Stacke has undertaken a painstaking review of previously unexamined or unavailable archived material from the Department of Justice and the Federal Bureau of Investigation. This material has been largely unexplored by academics, who have all but ignored (with the notable exception of Bryan Palmer's biography of James P. Cannon and his history of the 1934 Minneapolis General Strike) the significant role of Trotskyism in American political life.

It is a welcome development that Haverty-Stacke's book provides a wealth of new information regarding the extent of the penetration of the Trotskyist movement by FBI agents and informants. She presents the discussions taking place within the Roosevelt administration as it prepared the first peacetime sedition prosecution since those following the passage of the Alien and Sedition Acts of 1798. She addresses the legal issues involved in the trial, the appeal before the Eighth Circuit Court of Appeals, and the case's precedential role in laying the foundation for further anti-communist trials in the 1940s and 1950s. She begins by providing the backdrop to the trial and biographical sketches of the defendants.

The selection of the defendants

The Socialist Workers Party was a major force within the American left. This was the product not only of its leadership of key strikes during the 1930s, but also, and above all, its identification with the political conceptions of Leon Trotsky. His enormous stature as leader, along with Vladimir Lenin, of the 1917 October Revolution; implacable opponent of the Stalinist degeneration of the Soviet Union; and one of the greatest writers of his time made Trotsky, even in exile, a major presence in world politics. Even after his assassination in August 1940, the lasting influence of Trotsky's ideas was feared by his enemies among the Stalinists, the fascists and the "democratic" imperialists. First and foremost among those in the latter category was the US government under the leadership of President Franklin Delano Roosevelt.

There were two sets of defendants amongst the 29 charged: the party's political leadership based in the SWP's national headquarters in New York City, and the SWP's representatives in Minneapolis, Minnesota who occupied positions of leadership in the region's Teamster's union, Local 544.

The first group of defendants consisted of long-standing leaders of the

SWP, professional revolutionaries whose convictions were forged in the class struggles of the early 20th century.

Haverty-Stacke notes that foremost among these defendants was James P. Cannon, the national chairman of the SWP and the founder of Trotskyism in the United States. Born in 1890 in Rosedale, Kansas, Cannon read Trotsky's critique of Stalinist policies while attending the Sixth Congress of the Communist International, held in Moscow in 1928. Upon returning to the United States, he declared his agreement with Trotsky. Expelled from the Communist Party, he founded the American section of the Left Opposition and established contact with Trotsky.

Felix Morrow, born in 1906 in New York City, was an SWP political committee member and revolutionary journalist who wrote for the party press. He was respected as the author of the book *Revolution and Counter-Revolution in Spain*. At trial, the prosecution emphasized Morrow's position on the editorial board of *Fourth International*, the party's theoretical journal.

Albert Goldman, another leading figure in the SWP, migrated to the United States from Belorussia at the age of seven in 1904. Goldman was best known for serving as Leon Trotsky's attorney before the Dewey Commission of Inquiry's hearings on the Stalinist show trials in 1937. The Roosevelt administration sought the indictment of these three men because their political and, in the case of Cannon and Goldman, personal association, was central to establishing, in accordance with the law, a conspiracy to overthrow the government. One significant omission from the list of defendants was Joseph Hansen, who served as Trotsky's secretary for three years. It would seem logical for the government to have considered him the ideal defendant. His absence from the list will be discussed later.

The second group of defendants served in the SWP leadership in Minneapolis, where the party's direction of the Teamsters union had established the Trotskyist movement as a significant political force commanding the respect of thousands of workers. Many of the Trotskyist defendants had personally led the victorious 1934 general truckers' strike in the Twin Cities and fought to recruit 200,000 members to the union across the Midwestern states.

Haverty-Stacke describes the history of the Communist movement in the area, noting how Minneapolis became a center of support for the Left Opposition after the Stalinist Communist Party expelled the Trotskyists from the party in 1928: "Along with [Cannon] went other future Smith Act defendants in Minneapolis, including Vincent Dunne, Carl Skoglund, and Oscar Coover." [1]

In the years following the general strike, the national Teamsters union under the leadership of close Roosevelt confidant Daniel Tobin unsuccessfully sought to purge Local 544 (and its predecessor, Local 574) of its Trotskyist leadership, employing the most vicious anti-communist propaganda.

In the weeks before the government initiated its prosecution, Local 544 was engaged in a renewed political battle over control of the Minneapolis Teamsters union. When Tobin and the Teamster leadership launched a new attempt to remove the Trotskyists from their positions, in part due to the SWP's opposition to US entry into World War II, thousands of truck drivers voted to abandon the American Federation of Labor (AFL) and recertify the local with the Congress of Industrial Organizations (CIO).

The Minneapolis defendants had played key roles in the decertification efforts. Vincent Dunne was one of them, and he was joined in the defendants' dock by his brothers Miles and Grant. All three had led the general strike alongside Skoglund. Grant was unable to bear the immense pressure of the prosecution and took his own life on October 4.

Harry DeBoer, a truck driver, was active during the general strike and was shot by the police. A key member of the SWP in Minneapolis, he visited Trotsky in Mexico City several years later.

Grace Carlson was a social service worker and former professor at the

University of Minnesota who ran as the party's candidate for US Senate on an anti-war platform in 1940, garnering over 8,500 votes.

Jake Cooper, also from Minneapolis, served as Trotsky's guard at Coyoacan for a four-month period in 1940.

Farrell Dobbs, a former coal yard worker, was appointed national labor secretary of the SWP in 1939 after organizing strikes of hundreds of thousands of truck drivers in the Midwest. Other Minneapolis-based defendants who were ultimately convicted included Max Geldman, Clarence Hamel, Emil Hansen, Carlos Hudson, Karl Kuehn, Edward Palmquist and Oscar Schoenfeld.

The editorial board of the party's *Fourth International* magazine wrote in July 1941 after the indictment list was published: "Yes, there is a profound logic in the fact that these persecutions and prosecutions are instigated by the Gestapo-FBI at this time and in this place and against the specifically-designated victims." [2]

This logic would play out at trial when the prosecution submitted evidence of the close connection several of the defendants had to Leon Trotsky in Mexico. The visits of Cooper, DeBoer, Vincent Dunne, Cannon and Dobbs to Mexico were presented as evidence of an anti-government conspiracy, as was Goldman's close relation to Trotsky in the years preceding the trial. The government selected each "specifically-designated victim" with an eye to proving that a conspiratorial connection existed between Trotsky and the SWP's alleged preparations for social revolution.

The Smith Act

The defendants were charged with two criminal counts. The first of the two charges against the 29 defendants was "unlawful conspiracy from and before July 18, 1938 to date of the indictment [June 23, 1941] ... to destroy by force the government of the United States" in violation of 18 US Code Section 6, a Civil War-era statute written to suppress the slaveholders' rebellion. [3]

The second charge alleged that those indicted "advised insubordination in the armed forces with intent and distributed literature to the same effect," and "knowingly and willfully would, and they did, advocate, abet, advise and teach the duty, necessity, desirability and propriety of overthrowing and destroying the government of the United States by force and violence" in violation of the Alien Registration Act, also known as the "Smith Act" after the bill's congressional sponsor, Howard Smith (Democrat of Virginia). [4]

Haverty-Stacke describes in detail the anti-communist predecessors to the Smith Act, from the criminal syndicate statutes of the "Red Scare"-era following World War I to the 1938 House Committee Investigating Un-American Activities, established by Texas Democratic Congressman Martin Dies.

The Smith Act's criminal sedition sections made it a crime to advocate, write or organize for the overthrow of the US government, punishable by a jail term of up to 20 years. Its sections relating to immigration required the immediate registration of 5 million immigrants, 900,000 of whom were soon after categorized as "enemy aliens" subject to internment and/or immediate deportation. This same law used to target socialists and communists was also used to intern 120,000 Japanese-Americans on the West Coast during the war. In contrast to efforts to portray Roosevelt as a defender of democratic rights, he was at the very center of the intensification of repressive police measures.

The Communist Party, which took its political instructions from Moscow and the Soviet secret police, the GPU, wholeheartedly supported the Smith Act prosecution of the Trotskyists (as it later supported the

internment of Japanese-Americans). CP leader Milton Howard supported the prosecution of the “fascist fifth column” on the grounds that the defendants “deserve no more support from labor and friends of national security than do the Nazis.” [5] Speaking in Minneapolis, Stalinist functionary Robert Minor said the Roosevelt administration should follow the example set by Moscow during the Great Terror of 1936-39 in dealing with the American Trotskyists. [6]

The passage of the Smith Act marked a drastic expansion of the surveillance powers of the state, aimed at socialist groups operating in the United States. Haverty-Stacke points out that in 1939, “three days before the House sent H.R. 5138, now known as the Alien Registration Bill, to the Senate, President Roosevelt issued a secret order ‘placing all domestic investigations [of espionage, counterespionage, and sabotage] under the FBI, Military Intelligence Division, and Office of Naval Intelligence,’ with the FBI as the central coordinating agency.” [7]

As early as 1936, FBI Director J. Edgar Hoover was sending Roosevelt reports on “domestic subversives,” which included the Trotskyist leadership. [8] Hoover continued to pressure the president for the authority to intensify his surveillance, and Roosevelt signed the bill into law on June 29, 1940. Haverty-Stacke writes that by the time the bill became law, the FBI’s infiltration of the SWP was already well underway: “By late 1939, both Teamsters Local 544 in Minneapolis and the Socialist Workers Party headquartered in New York became targets of the bureau’s investigations.” [9]

The decision to prosecute

As the US prepared actively for entry into the war, Roosevelt faced the challenge of imposing the type of class discipline needed for the war effort. For the previous 22 months, the Stalinist Communist Party of the United States of America (CPUSA) had opposed US involvement in the war in Europe, in keeping with the August 1939 Stalin-Hitler pact. But with the German invasion of the Soviet Union on June 22, 1941, the CPUSA pivoted from opposition to US intervention in the war to full support for the Roosevelt administration’s war drive. The Stalinists immediately began transforming their apparatus into a mechanism to police the working class and enforce a nationwide “no strike” policy.

The Roosevelt administration decided to prosecute the Trotskyists on June 23, 1941, the day after the German invasion of the Soviet Union. With the CPUSA reversing its previous stance to become a pro-war party, the SWP became the most significant socialist anti-war party in the United States. The Roosevelt administration was concerned that the movement’s principled opposition to imperialist war would make it a pole of attraction for anti-war sentiment in the American working class.

The decision to prosecute followed months of intense discussion at the highest levels of the Department of Justice and the FBI. Haverty-Stacke examines the contentious legal and political problems that confronted the government.

FBI Director J. Edgar Hoover

Hoover was an early advocate of prosecution. But for the Department of Justice and Roosevelt himself, prosecution entailed a series of risks. Leading administration officials such as Department of Justice lawyer Francis Biddle were concerned that the prosecution could generate broad opposition, galvanizing the SWP and alienating the Roosevelt

administration’s liberal base.

In June 1941, Hoover attempted to pressure Roosevelt, claiming that should the US enter the war, the Socialist Workers Party could “cause a tie-up of materials flowing to and from plants in that vicinity having National Defense contracts.” [10] That same month, US Attorneys Victor Anderson and Wendell Berge indicated their support for prosecution. [11] On June 12, Teamsters President Tobin sent Roosevelt a telegram requesting prosecution. Haverty-Stacke writes: “Tobin argued that the Trotskyists, who had succeeded in organizing drivers across the central states, were in a position to disrupt the nation’s commercial transportation networks, and, if they took advantage of the war crisis, could overthrow the government and set up a socialist state.” [12]

The SWP claimed during the trial and in its aftermath that Roosevelt decided to prosecute the SWP as a result of Tobin’s June 12 telegram. But this was only partially true. Haverty-Stacke explains:

“Because of this telegram, Tobin has been accused of setting in motion the chain of events that led to the arrest of twenty-nine members of the SWP and Local 544. At the time of those arrests and during the trial, the defense argued that Tobin called in a political favor from Roosevelt and that the president intervened in an internal union dispute, launching the first Smith Act prosecution. This ‘political debt’ argument has survived in varying degrees in the limited scholarly literature on the case and has informed the popular memory of the prosecution within the SWP. The Department of Justice, however, had already been seriously considering such prosecution as early as April 1941, *based on the independent investigation of the FBI dating back to the fall of 1940.*” [13] (Emphasis added)

Ultimately, according to Haverty-Stacke, Francis Biddle “made the move in this case largely because of the intelligence he received from the FBI.” [14]

The centrality of Leon Trotsky to the prosecution’s case

Though Haverty-Stacke does not focus on this issue in her book, the WWSW’s investigation of the trial record makes clear that the prosecution’s theory of the case is centered on establishing the connection between the SWP defendants and Leon Trotsky. This became the crucial legal issue around which the entire case revolved. Under this theory, Trotsky was the architect, instructor and director of the SWP’s activities in Minneapolis and across the country. So central was Trotsky to the prosecution’s case that he was listed as a co-conspirator at the grand jury phase, despite the fact that he had been killed the prior August.

The experienced US attorneys from the Department of Justice, aware that a verdict of “not guilty” on both counts would be an immense embarrassment for the administration, laid out a strategy aimed at securing convictions. Their theory of the case revolved around showing the connection between Trotsky and the SWP defendants.

The prosecutors searched for any evidence that tended to show the defendants had met or corresponded with Trotsky or traveled to Mexico City. They submitted evidence of even the slightest connections between the SWP and Trotsky to advance their theory.

In the prosecution’s opening argument, the US attorneys claimed that the SWP:

... was an instrumentality framed by a man who departed this life in August 1940, by the name of Leon Trotsky, who at the time of his departure, I believe, was in exile in the Republic of Mexico, and that this party was the Trotsky Party, or the party was

dedicated to carry into effect the ideas and the plans and the views of Leon Trotsky with respect to the establishment of a government here on earth, and particularly as this refers to the United States of America, and that the program of this party, or the ideas that were basic in this party, represented the views of Leon Trotsky, and those of his contemporary, the first executive head of the Soviet Union, V.I. Lenin, and that their philosophy was that they could reach a solution of all their problems by the establishment of a workers' state... and that the defendants, or a large number of them, with the knowledge of all these defendants here on trial, made trips to Leon Trotsky in Mexico for the purpose of receiving his counsel and guidance and direction from time to time, not only in furnishing a personal bodyguard and in furnishing protection to Leon Trotsky, for his personal safety, but otherwise contributing to Leon Trotsky and his activities while he was at the outskirts of Mexico City, in Mexico, until the time of his assassination, and that these ideas of Leon Trotsky's are the ideas of the Socialist Workers Party, and so far as the evidence in this case will show, the affirmative and positive ideas of all the defendants upon trial. [15]

Even a single visit to Trotsky in Coyoacan was flaunted by the prosecutors as proof of conspiracy. So brazen were the state prosecutors that SWP attorney and defendant Albert Goldman raised legal objections to the prosecution's excessive reliance on evidence of SWP visits to Mexico. The government, Goldman claimed, made it seem that visiting Trotsky was itself a conspiratorial act. US Attorney Schweinhaut replied:

The law, I am certain, as counsel knows, with respect to a conspiracy, is that a conspiracy can be accomplished not alone by doing an illegal act but by the doing of, for example, legal acts for an unlawful purpose. The testimony here has already shown and it will be shown again that these men held out Trotsky as their leader. It becomes an important matter to show the association of the defendants personally with Trotsky and in doing so it can be shown what the nature of the association was. [16]

In particular, the prosecution sought to show that Trotsky elaborated two of the SWP's "conspiratorial" policies—the SWP's proletarian military policy and the Union Defense Guard.

The proletarian military policy was developed by Trotsky and communicated to the SWP leadership through personal meetings and extensive correspondence in the years that preceded Trotsky's assassination in August 1940. [17] The proposal for a Union Defense Guard was initiated by Trotsky for the purposes of defending workers and socialists from attacks by fascist paramilitary organizations, which had established a presence in Minneapolis.

The prosecution's theory of the case relied on showing (a) that such programs existed and were being implemented by the SWP in Minneapolis, (b) that they were conceived of by Trotsky, and (c) that Trotsky's suggestions were conveyed to the SWP via personal communication with several of the defendants. The US attorneys spent five weeks at trial using evidence gathered through months of investigation to prove each link.

The previously unknown extent of government infiltration of the SWP

Haverty-Stacke's book reveals that by late 1940, the FBI had acquired extensive knowledge of the SWP's activities and had access to high-level informants within the party's New York headquarters.

The surveillance of the Trotskyist movement had begun in the mid-1930s, when the FBI began placing certain party leaders under surveillance. Haverty-Stacke notes: "The Trotskyists found themselves targets of both the SDU's [Special Defense Unit's] recommendations and the FBI's Custodial Detention list. A few of the '18' had already been categorized by Hoover in the most dangerous grouping—'A1'—before their prosecution." [18]

By late 1939, as Haverty-Stacke notes, the FBI had already targeted the SWP in Minneapolis and New York. But even the following year the infiltration was still somewhat primitive. In April 1940, the FBI resorted to paying a janitor at a Chicago event center to retrieve information from trashcans regarding delegates to the SWP congress.

In this period, Haverty-Stacke explains, there were two essential elements to the government infiltration. First, the government obtained informants from a minority faction of Local 544 that was opposed to the Trotskyist leadership on an anti-communist basis. James Bartlett, the government's star witness at trial, represented this reactionary element. Second, the government based its infiltration program on the acquisition of informants from within the SWP.

According to Haverty-Stacke, the FBI sought to recruit agents from within the SWP leadership. They attempted to contact and recruit SWP leaders in the months before the Roosevelt administration made the decision to prosecute.

According to the testimony of FBI informant Henry Harris, FBI Agent Perrin asked Harris to convey an offer to SWP defendant Carl Skoglund in early 1941. [19] Skoglund, a Swedish-born socialist, was living in the US without proper immigration papers. The FBI offer was for Skoglund to provide information to the FBI in return for impunity and a permanent resolution of his immigration problems. Skoglund refused the offer. A central element of the FBI's infiltration was offering key figures an "impunity" incentive to become informants and aid the prosecution. [20]

FBI Agent Roy Noonan testified that the FBI obtained a major new source of information in the autumn of 1940. Noonan played the role of lead investigator, tasked with overseeing the evidence-gathering operation against the SWP in Minnesota.

US Attorney Henry Albert Schweinhaut and SWP Attorney Albert Goldman questioned Agent Noonan. Noonan noted that by 1941, the FBI "had several investigations of the Socialist Workers Party in their files for the past years." [21]

Schweinhaut asked Noonan when the FBI began its investigation into the SWP defendants and Noonan replied: "[W]e have had several of them in our files in past years, but *in the latter part of 1940*, two or three specifically." [22] (Emphasis added)

On cross-examination, Goldman and Noonan had the following exchange:

Goldman: And how long before that did the investigation start, as far as you know?

Noonan: I know that the investigation was being conducted in February and March [1941], and I know that we have had information regarding some of the defendants long before that.

G: How long before that?

N: I know we had it in November, 1940. [23]

The November 1940 date corresponds with Haverty-Stacke's finding that the decision to prosecute was "based on the independent investigation of the FBI dating back to the fall of 1940." [24]

After the FBI obtained a higher degree of information regarding the defendants in November 1940, the FBI was able to oversee a vast expansion of its infiltration network. Noonan testified at trial that the surveillance “was intensified in February and March of this year [1941].” [25]

Recently declassified FBI communications show a qualitative development in the FBI’s infiltration network from November 1940 to mid-1941. The FBI files include dozens of reports by agents located in Omaha, Kansas City, St. Louis, Minneapolis, Seattle, Los Angeles, Mississippi, New York, New Jersey and elsewhere, quoting from confidential informants. The FBI files from the year 1941 include transcripts of branch meetings and full subscription lists to the party press. The FBI knew how much money each branch was raising and when it was holding meetings. The FBI had full schedules of the national speaking tours before they were publicly announced, as well as minutes from Political Committee meetings. It was aware of who was elected to serve on what national board, including the Control Commission. The FBI had also acquired substantial information about foreign affiliates to the Fourth International, indicating a high degree of infiltration of the New York headquarters.

“By the spring of 1941,” Haverty-Stacke writes, “the investigation thus had broadened out beyond the Teamsters in Minneapolis to mesh with the existing investigations of national SWP leaders in New York.” By that time, the party’s “two most active branches [Minneapolis and New York] remained under heavy FBI surveillance, riddled with well-placed informants.” [26] (Emphasis added). According to Haverty-Stacke, “The FBI watched the SWP’s national headquarters in New York in particular very closely.” [27]

Hoover’s priority at trial: Preventing the exposure of the SWP informant network

Internal government documents uncovered by Haverty-Stacke also shed light on the qualities Hoover was looking for in an informant. Haverty-Stacke points to a June 1941 conversation between Hoover, leading Department of Justice lawyer Francis Biddle and US Attorneys Schweinhaut and Berge. In the course of this discussion, the Department of Justice lawyers suggested the FBI place its own agents in SWP headquarters in New York to gather evidence in preparation for trial.

Schweinhaut was first to propose this plan of action to Hoover. Berge seconded Schweinhaut, writing Hoover in mid-June 1941: “If you think there is information which, from the investigative standpoint, can be best secured by the method you discussed with me on the telephone, you are authorized to order such an investigation,” noting that the administration attorneys “agree that it would not amount to entrapment so long as the government agents do not inspire the doing of illegal acts merely for the purpose of getting evidence.” [28]

Hoover’s response revealingly sheds light on his strategy for infiltrating the SWP. His concerns were two-fold.

Replying to the Justice Department attorneys, he first expressed a fear that FBI agents placed in headquarters for the purpose of gathering evidence for trial could pose a “serious possibility of embarrassment to the Bureau ... if the agent were later used as a witness and required to testify in open court.” [29]

In an additional section of his response letter (a section to which Haverty-Stacke does not make reference), Hoover explains that not only was the Justice Department suggestion risky, it would also be ineffective from an information gathering standpoint.

Hoover wrote: “The possibilities of obtaining important evidence in the

immediate future through such an arrangement are very doubtful, inasmuch as a new member of the Party would necessarily have to establish himself and satisfy the Party leaders as to his reliability prior to being the recipient of confidential information,” and that this would take a “considerable amount of time, probably months.” [30]

From these quotations, the following conclusion can be inferred. To Hoover, an informant was valuable insofar as he (a) could be protected from being exposed publicly by testifying at trial, (b) was already operating at the highest levels of the SWP and with the confidence of the SWP leadership, and (c) could provide the FBI with information immediately without the risks and delays associated with an outside agent ingratiating himself into the party leadership.

This discussion took place in mid-June 1941. Eight months earlier, Hoover had begun personally monitoring discussions between B.E. Sackett, the FBI’s chief agent in New York City, and Joseph Hansen, a key leader of the SWP who had served as Trotsky’s secretary in Mexico City.

Hansen met all of Hoover’s criteria. He had already won the confidence of the party leadership and was in a position to provide “important evidence” to the FBI without delay and with minimal risk of exposure. As the prosecution unfolded over the following months, Hansen’s name was almost inexplicably absent from the list of SWP defendants.

Seventy-five years ago, on December 8, 1941, 18 Trotskyists were sentenced to prison for advocating the overthrow of the US government. Below is the second part of a two-part article based on information gathered from the valuable book Trotskyists on Trial: Free Speech and Political Persecution Since the Age of FDR, by Donna T. Haverty-Stacke. In addition, the article draws from the World Socialist Web Site’s independent investigation of thousands of pages of trial transcripts, SWP archive material, and previously unavailable FBI records brought to light by Haverty-Stacke.

In her recently published book *Trotskyists on Trial*, Professor Donna Haverty-Stacke makes use of trial records and newly available FBI records to investigate how the FBI prepared for the prosecution of 29 members of the Socialist Workers Party (SWP) in the Smith Act trial of 1941.

The material presented by Haverty-Stacke provides a much clearer picture of this key period in the history of the socialist movement. It lends enormous weight to documents uncovered by the International Committee of the Fourth International in 1975 as part of its “Security and the Fourth International” investigation, which revealed that the State Department and FBI held meetings, beginning in September 1940, with a leading figure in the SWP, Joseph Hansen. In the context of the new material published by Haverty-Stacke, one central question arises: Why was Joseph Hansen absent from the list of defendants in the Smith Act trial?

Joseph Hansen’s secret meetings with the US government

The documents published in the initial Security and the Fourth International investigation show that Joseph Hansen established communication with the US government after Trotsky’s assassination. Between 1975 and 1978, the investigation raised the question: why would Hansen have been interested in contacting the government, and why did he do so without notifying the SWP leadership? Hansen claimed in *Healy’s Big Lie* that he met with the FBI “just once.” [31] This was proven to be untrue.

Hansen had spent three years as Trotsky’s personal assistant in Coyoacan, Mexico. Of the small handful of Americans residing at Trotsky’s compound, Hansen was the most politically involved and had

the closest connections with the leadership of the SWP in the US. Ten days after Trotsky's death on August 21, 1940, Hansen contacted the US Embassy in Mexico City with the hope of opening up a confidential relationship with the US government.

Hansen's meetings were carefully followed by the highest levels of the American government. Figures such as George P. Shaw, Robert McGregor and B.E. Sackett were assigned to lead and follow the investigation. Shaw, a high-ranking State Department diplomat, had worked at the US consulate in Tegucigalpa, Honduras; San Luis Potosi, Mexico; and Ciudad Juarez, Mexico and was later to serve as ambassador to Nicaragua, El Salvador and Paraguay. [32] McGregor served as secretary of the US consulate in Mexico, and Sackett was the special agent in charge of the New York division of the FBI. Within weeks of Hansen's first contact, J. Edgar Hoover was personally monitoring the meetings between Hansen and government officials.

Other officials following Hansen's case included Raymond E. Murphy of the State Department and H.H. Clegg of the FBI. Murphy was a well-connected State Department officer who was later to champion prosecution of suspected spy J. Alger Hiss. Murphy was the State Department official who first made information about Whittaker Chambers available to Congressman Richard M. Nixon of the House Un-American Activities Committee. [33] Clegg was a veteran FBI agent who later served as assistant director of the FBI. [34] Government officials handled the matter with great delicacy and interest.

A September 1, 1940 letter from US Embassy official George P. Shaw to the State Department includes "a memorandum of a conversation which took place on August 31, 1940, between Consul [Robert G.] McGregor of this office and Mr. Joseph Hansen, secretary to the late Mr. Leon Trotsky." [35]

The memorandum reads: "Mr. Joseph Hansen, secretary to the late Mr. Trotsky, came in on Saturday morning in order to discuss matters connected with the assassination of Mr. Trotsky." [36]

During this first meeting, Hansen provided the government with information surrounding the assassination. At this time, Hansen communicated to the US government that he had met for three months in 1938 with agents of Stalin's secret police, the GPU. McGregor's report from the August 31 meeting notes that Hansen said "he was himself approached by an agent of the GPU and asked to desert the Fourth International and join the Third." The report states that Hansen met with a GPU handler named "John" for three months. [37] Hansen's astonishing admission brought heightened attention to these meetings.

Several days later, on September 4, Hansen returned to the US Embassy and provided the government with a "memorandum of conversation." A second report from George P. Shaw to the US secretary of state was labeled "Strictly Confidential" and dated September 4. It reads: "I have the honor... to enclose as of particular interest to the Department a copy of a memorandum of conversation handed in at this office by Mr. Joseph Hansen, secretary to the late Mr. Trotsky, on September 4, 1940." [38]

The September 4 report notes that "Mr. Hansen informed a member of my staff" regarding details behind the August 20 attack on Trotsky. A memorandum attached to the report notes that Hansen "said he would be very glad to have a copy [of unpublished writings by Trotsky] furnished to the Consulate General." [39]

On September 14, embassy official McGregor sent another "strictly confidential" letter to the State Department noting that Hansen had returned to the consulate that day to turn over confidential information to the US government. The report begins: "Mr. Joseph Hansen, Secretary to the late Leon Trotsky, called this morning and exhibited a memorandum, a photo stat of which is attached." [40] This was the "W Memorandum"—a list of names of GPU agents the SWP had received from Whittaker Chambers, a former member of the Communist Party who later aided the US government in the anti-communist witch-hunt of the late 1940s and

early 1950s.

The September 14 report also notes that Hansen provided the government with information regarding Albert Goldman, who was later to become a defendant in the Smith Act trial. The report notes: "Hansen said that Albert Goldman, lawyer for the late Leon Trotsky, questioned Jacson yesterday ["Jacson" was an alias of Ramon Mercader, Trotsky's assassin]. Jacson told him that he had forwarded a suitcase on June 13, 1940 in bond via Railway Express to the Customhouse in New York in his own name..." [41]

On September 25, 1940, another letter from the US Embassy in Mexico to the State Department informed Washington that "Mr. Joseph Hansen, Secretary to the late Mr. Trotsky, called at this office yesterday..." Hansen then provided information which he obtained as a result of "questioning" individuals connected to Ramon Mercader, including Sylvia Ageloff, a young SWP member whom Mercader had seduced in an attempt to gain access to Trotsky's home in Coyoacan. [42]

Another letter dated September 25, sent by George P. Shaw to Raymond E. Murphy of the US State Department, includes the following passages: "I am resorting again to a personal letter in order to acquaint you with a desire of Mr. Joseph Hansen, secretary to the late Mr. Trotsky, to establish confidential means by which he may be able to communicate with you and through you to this office from New York City." [43]

George P. Shaw further notes that Hansen "believes it possible that certain information may become available to him in which the Department will be interested ... For this reason he wishes to be put in touch with someone in your confidence located in New York to whom confidential information could be imparted with impunity." [44]

In response to Shaw's letter conveying Hansen's request to impart "confidential information" in return for "impunity," Raymond E. Murphy phoned J.B. Little of the FBI on September 28. In a follow-up letter dated that same day, Murphy wrote to his FBI contact: "It is further understood that Hansen is desirous of ascertaining the name of some person with whom he may communicate in the event he develops any information. Consequently, it would be appreciated if your New York office would send an agent to interview him in about ten days by which time he should be located in New York." [45]

Also on September 28, Raymond Murphy of the State Department wrote to George P. Shaw of the US Embassy "regarding the desire of Mr. Joseph Hansen to establish means by which he may communicate with me and through me to your office ... I would suggest that Mr. Hansen be informed that he get in touch with Mr. B.E. Sackett, Room 607, United States Court House, Foley Square, New York City, and use that office as a liaison. Mr. Sackett, agent in charge of the New York District of the Federal Bureau of Investigation through its office in Washington, is developing the investigation of the Trotsky case in the United States. The Department much prefers that these channels be employed as, strictly speaking, it has no means of its own to go into the extensive investigation needed for a case of this character... The Federal Bureau of Investigation has been appraised of Mr. Hansen's departure and will undoubtedly contact him in New York." [46]

On September 30, George P. Shaw wrote to Hansen "in answer to the inquiry you made here [in Mexico City] prior to leaving for the United States." Shaw informed Hansen that B.E. Sackett was to be his "intermediary." In a handwritten note, McGregor said: "Dear Joe: Please acknowledge receipt of this and indicate condition received in," so as to ensure that nobody, SWP member or otherwise, had opened the letter intended for "Joe." [47]

News that Hansen sought to "impart information" with "impunity" soon made its way to J. Edgar Hoover, who became personally involved in overseeing the government's meetings with Hansen and the management of his status as an informant.

In an October 1, 1940 letter to B.E. Sackett, J. Edgar Hoover

acknowledged that “Joseph Hansen, Secretary to the late Leon Trotsky, is leaving Mexico City shortly for New York City where he intends to conduct some independent investigation into the assassination of Trotsky. He has requested advice from the state Department as to whom he can contact to furnish any information that he may develop.” [48]

Hoover ordered the FBI to accept Hansen’s offer to impart information with impunity: “Should Hansen call at the New York Office, he should be handled tactfully and all information which he can supply and his assistance in this investigation should be obtained. No information, of course, should be furnished him concerning the progress of the investigation by the Bureau.” [49]

On October 23, Hansen replied to George P. Shaw. “I received your letter concerning Mr. Sackett in good condition and shall visit him shortly,” Hansen wrote in response to Shaw’s September 30 letter. [50] Hansen was notifying the government that no members of the SWP had intercepted the letter.

The SWP leadership’s testimony regarding Hansen’s communications

Hansen carried out his meetings with the US government behind the backs of the leadership of the SWP. Several leading figures of the SWP denied having any knowledge of Hansen’s communications with the government and insisted that the leadership did not consider approaching the FBI after Trotsky’s death.

On June 2, 1977, David North, the national secretary of the Workers League, the predecessor of the Socialist Equality Party, interviewed Felix Morrow, a Smith Act defendant who served on the SWP Political Committee in 1940.

Q: I was wondering whether or not you had any recollection about the steps taken by the Socialist Workers Party at the time to learn more about the assassination, how it was carried out. Particularly whether it received any assistance from the American government in any way.

Morrow: None.

Q: None whatsoever?

Morrow: None.

Q: Well, what was the attitude of the FBI, in your opinion, toward the assassination?

Morrow: They weren’t involved in any way.

Q: Well, did the SWP to your knowledge have any policy of trying to obtain the assistance of the FBI?

Morrow: There would be no reason. It was an open and shut case. Jacson had done it. The only problem was to establish that Jacson was a GPU agent.

Q: I see. Then to your knowledge the SWP made no initiative at any time toward establishing contact with the FBI?

Morrow: None. None.

Q: Nothing at all?

Morrow: I’m sure of that.

Q: You’re sure of that?

Morrow: Yes.

Q: Let me ask you something. Who was more or less in charge in the party with investigating the death of Trotsky? I know that Goldman wrote a book on the assassination.

Morrow: Well, all involved—you know, the whole Pol-Com (Political Committee).

Q: I see. How about Joseph Hansen?

Morrow: He was down in Mexico.

Q: And when he came back in late September 1940?

Morrow: He was not a member of the Pol-Com.

Q: And therefore he would not have been given a special responsibility?

Morrow: No.

Q: Does the name Sackett mean anything to you?

Morrow: No.

Q: It means nothing to you?

Morrow: Nothing.

Q: Politically speaking, in that period of time, as I recall there was some serious problem in terms of repression against the SWP and the labor movement by the FBI. This was before the war.

Morrow: Uh-huh.

Q: In 1940, around the period of August, had the repression already started, building up toward the Minneapolis case?

Morrow: I would say so.

Q: In what particular way?

Morrow: I couldn’t really remember the details, but you know...

Q: The heat was on?

Morrow: Yes, the heat was on.

Q: And by the beginning of 1941, it probably became quite serious?

Morrow: Yes.

Q: In light of that, how would the party have looked upon an attitude—given Trotsky’s political positions on defense of the workers’ state, his attitude toward imperialism and Stalin—how would the SWP leadership at that point, the Political Committee, have looked upon reliance on the FBI in terms of—

Morrow: There was no reliance on the FBI.

Q: I see.

Morrow: It just didn’t exist.

Q: But politically speaking, it would have been considered out of the ordinary...

Morrow: Of course!

Q: ... for someone to suggest that be done?

Morrow: Yes.

Q: I’m asking this because the question has come up in documentation, but to you that would be complete news.

Morrow: That’s right.

Q: I see, and you’re quite sure that there was never any authorization.

Morrow: None. [51]

Morrow’s statements were supported by the depositions taken of SWP Political Committee members Farrell Dobbs and Morris Lewit, and of Morrow, during the Gelfand Case. [52] Each of these leading SWP officials testified that he had no knowledge of Hansen’s secret meetings with the FBI.

On April 11, 1982, Dobbs was questioned by Gelfand’s attorney, John Burton:

Burton: Did you know that in 1940 Mr. Hansen had face-to-face meetings with the FBI in New York City?

Dobbs: I did not...

Q: Did you ever talk to Mr. Hansen about his meetings with the FBI?

A: I told you I know nothing about it. [53]

Morris Lewit led the SWP while Cannon, Morrow, Dobbs and others were imprisoned. He was deposed on April 13, 1982 and gave similar testimony.

Burton: At that time did you know whether or not Hansen had met with the FBI in New York City following Trotsky's assassination?

Lewit: I might have known it from the Healyites' statements, the documents. I don't know.

Q: Did you consider at that time that allegation to be a lie?

A: Not a lie, but if—I knew if anything Joe did was done with the knowledge of the party leaders and under their direction. He was that type of person. [54]

Hansen did not inform the leadership of the SWP about his meetings with the FBI. A December 9, 1940 report by FBI Special Agent M.R. Griffin details the agent's visit to SWP headquarters:

"The writer interviewed James P. Cannon and Joseph Hansen regarding the Trotsky affair and was advised by them that they had no information to offer. They appeared very reluctant to discuss the matter and gave very brief answers to questions put to them by the reporting agent."

The internal US government reports indicate that Hansen evinced no "reluctance" to talk to government officials in private. It was only when confronted by the FBI in the presence of James P. Cannon that Hansen kept silent.

The timing of Hansen's meetings with the US government

In *Trotskyists on Trial*, Donna Haverty-Stacke lays out evidence that the FBI's infiltration of the SWP underwent a fundamental change in the autumn of 1940, at precisely the time Hansen established contact with the FBI. FBI Agent Roy T. Noonan testified at trial that the agency developed specific files on key SWP leaders "*in the latter part of 1940.*" [55] (Emphasis added).

On cross-examination, SWP attorney Goldman and Noonan had the following exchange:

Goldman: And how long before that did the investigation start, as far as you know?

Noonan: I know that the investigation was being conducted in February and March [1941], and I know that we have had information regarding some of the defendants long before that.

G: How long before that?

N: I know we had it in November, 1940. [56]

The November 1940 date corresponds with Haverty-Stacke's finding that the decision to prosecute was "based on the independent investigation of the FBI dating back to the fall of 1940." [57]

Haverty-Stacke notes that this infiltration was intensified in the spring of 1941, at which time the SWP's New York headquarters was "riddled with well-placed informants." [58] "The FBI watched the SWP's national headquarters in New York in particular very closely." [59]

Hansen wrote to George P. Shaw on October 23, 1940 that he "shall visit [FBI Agent B.E. Sackett] shortly" at his office in New York. Hansen had requested the meeting earlier for the express purpose of "imparting

information" with "impunity" to the government.

Hansen returned to New York City in the "fall of 1940," and Agent Noonan placed emphasis on "November 1940" as the date the infiltration reached a higher stage. Such a date strongly correlates with Hansen's return to the US and the fact that he promised *on October 23* that he would visit with B.E. Sackett *shortly*, i.e., at the end of October or early November 1940.

The public record of the communications between Hansen and the FBI stops after the October 23, 1940 note. This indicates that after Hansen returned to New York, the relationship took on a higher level of confidentiality and was subject to more stringent classification rules, which have hidden the communications from public view.

Joseph Hansen's request for "impunity"

Haverty-Stacke's book provides a context for the peculiar language included in the agreement Hansen sought, in which he would receive "impunity" in return for sharing information with the government. According to *Black's Law Dictionary*, "impunity" means: "Exemption from punishment; immunity from the detrimental effects of one's actions. Cf. Immunity." [60] Hansen's request for personal legal protection had a purely individual character. He would not have made such a request if he had been contacting the FBI with the approval of the SWP.

There are two likely reasons why Hansen would have sought exemption from punishment by the government.

The first related to the disappearance of George Mink. J. Edgar Hoover stated specifically that Hansen was to be questioned concerning the disappearance of Mink, a Stalinist agent who vanished in the early part of 1940 and was presumed murdered. Hansen's admitted ties to the GPU gave the FBI reason to believe he was linked to Mink's disappearance.

In his October 1, 1940 letter to B.E. Sackett, J. Edgar Hoover provided his agent with background information surrounding Hansen's ties to the GPU and his possible knowledge of Mink's disappearance.

Hoover wrote: "Information has further been supplied by the State Department to the effect that Hansen and his associates liquidated George Mink six months ago, shortly before the first attack on Trotsky in May of 1940, by tying Mink up and throwing him into a crater some thirty miles from Mexico City... he should be handled tactfully and all information which he can supply and his assistance in this investigation should be obtained. No information, of course, should be furnished him concerning the progress of the investigation by the Bureau. However, every attempt should be made to determine the truth of the report concerning George Mink." [61]

The FBI was interested in Mink because he was a well known GPU agent and a US citizen. Mink, a former Philadelphia taxi driver, had traveled back and forth to Moscow and throughout Europe, where he was imprisoned in Denmark in 1935 as a Stalinist spy. Upon his release, Mink worked for the GPU in Spain during the Civil War. The Anarchist Carlo Tresca accused Mink of murdering the anarchist professor Camillo Berneri on behalf of the GPU in Barcelona. [62] His whereabouts and disappearance were of high importance to the FBI.

There is nothing to suggest that Hoover thought the Trotskyists were responsible for Mink's death. Hoover's use of the term "Hansen and his associates" is a reference to the GPU, which Hoover suspected of killing Mink. The Trotskyists did not engage in assassination of opponents as a matter of political principle and could not have been responsible. Moreover, they had neither the manpower nor the skill to carry out the assassination of a skilled GPU killer. The breach of Trotsky's residence in Coyoacan by the Stalinist assassination team in May 1940 and the failure

of the guards to return fire give an indication of the inexperienced character of Trotsky's defense guard.

A second reason for Hansen to seek exemption from punishment stemmed from the possibility that the government would prosecute the SWP. Hansen used Trotsky's assassination as a pretext to establish ties with the government. At this point, the FBI was already active in monitoring the SWP and was considering the possibility of prosecution. By requesting legal "impunity," Hansen sought to ensure that neither his past actions nor the information he provided would be used against him as grounds for indictment or prosecution. The fact that he did not appear as a defendant or even as a witness in the trial indicates that he did, in fact, receive impunity.

Joseph Hansen's absence from the Smith Act trial

During the trial of the 29 members of the Socialist Workers Party, the prosecution's theory of the case was based on showing a connection between the chief conspirator, Leon Trotsky, and the Socialist Workers Party. This required a detailed showing of each and every connection between Trotsky, who was living in exile in Mexico City, and the Socialist Workers Party.

The prosecution spent days at trial attempting to show the connection between the defendants and Trotsky in Coyoacan. They brought forward the entire weight of evidence collected after months of investigation involving hundreds of witnesses and countless undercover agents to establish the connection between Trotsky in Mexico City and the SWP defendants. Beyond the hundreds of pages of documents showing the SWP's political support for Trotsky's program, the evidence included:

- A March 1939 photograph showing James Bartlett, defendant Harry DeBoer and their wives posing with Trotsky in Mexico
- Testimony that defendant Emil Hansen had traveled to Mexico City to receive advice from Trotsky about establishing union defense guards
- Testimony that defendants Vincent R. Dunne and James Cannon had visited Trotsky in early 1939, along with Max Shachtman, also for the purpose of discussing union defense guards
- Testimony that defendant Jake Cooper served as a guard for Trotsky in Coyoacan
- Evidence that defendant Carl Skoglund drove to Texas in early 1938 with a group of SWP leaders who then visited Trotsky
- Records from a Texas auto body shop showing that a Pontiac car owned by Local 544 and driven by Vincent R. Dunne broke down in January 1938 en route to Mexico from Minneapolis
- Testimony that defendant Farrell Dobbs told Minneapolis SWP members in early 1938 that guards were needed to defend Trotsky in Mexico City
- Testimony that Dobbs himself visited Trotsky in Mexico City
- A photograph of Trotsky from August 1, 1938, signed by Trotsky and addressed to Vincent R. Dunne
- Testimony that defendant Albert Russell had a photograph of Trotsky in his work office
- A reference in Cannon's memorial address after Trotsky's assassination in which he notes visiting Mexico to help strengthen Trotsky's guard.

One name emerges as an obvious evidentiary keystone to the prosecution's case: Joseph Hansen. Hansen lived with Trotsky in the latter's compound in Coyoacan and served as his political secretary from 1937 until Trotsky's assassination by a Stalinist agent on August 20, 1940. He participated in daily political discussions with Trotsky and was chiefly responsible for overseeing communication between the SWP and

Coyoacan. Many of Trotsky's communications to the SWP dating from this period were signed "J. Hansen" for security purposes.

Hansen personified the connection between the SWP and Trotsky, the precise legal issue the prosecution sought to prove. He was intimately familiar with the discussions between the SWP leadership and Trotsky regarding the split with the Burnham-Shachtman faction of the SWP in 1939-40, the development of the party's policy toward conscription in World War Two, and the development of the policy for the establishment of union defense guards. Each of these issues, and, in particular, the latter two, were repeatedly used by the prosecution to show that the SWP and Trotsky were engaging in a conspiratorial plan to overthrow the US government.

The US attorneys were aware of Hansen's position as Trotsky's secretary and Hansen's name is referenced multiple times in the course of the trial. From a prosecutorial standpoint, the fact that Hansen was not even subpoenaed to testify defies explanation.

Had the SWP leadership known of Hansen's visits with the FBI, the SWP's defense attorneys would have made heavy use of this key fact at trial.

First, it would have been a major political embarrassment for the Roosevelt administration if it became known that it had held secret meetings with a group it was now prosecuting for conspiracy to overthrow the government.

Second, the fact that the FBI had infiltrated the SWP leadership in advance of the trial would have served as evidence of the anti-democratic, frame-up character of the trial. The defense attorneys could have moved for a mistrial on the grounds that the secret meetings made it impossible to differentiate between the genuine plans of the SWP and suggestions made by government agents and FBI officials. Proof of Hansen's meetings could have been used to show that the FBI sought to entrap the SWP into advancing conspiratorial demands, rendering the whole trial illegitimate.

Third, the SWP could have used the meetings to expose the FBI's infiltration network by calling government witnesses and asking them, under oath, about any agents and informants operating within the party. The SWP could have turned the trial into an exposure of state surveillance. The issue of government infiltration of the labor movement was a major one in the late 1930s and early 1940s. The question occupied thousands of pages of testimony before the subcommittee on civil liberties of the Senate Committee on Education and Labor. The subcommittee was led by Wisconsin Senator Robert LaFollette. [63]

The prosecution's definition of a conspirator

In the course of his argument, US Attorney Anderson asserted defendant Albert Goldman's guilt on the grounds that "he was a member of the Editorial Board of the Fourth International [Magazine], with James P. Cannon, with Felix Morrow, with Joe Hansen—Secretary for Leon Trotsky—and others..." [64]

Given that the prosecution claimed Goldman was implicated in the alleged conspiracy against the government by virtue of his serving on an editorial board with Hansen, "Secretary for Leon Trotsky," it follows legally that Hansen himself met the prosecution's definition of a conspirator. In addition, the prosecution introduced into evidence an article penned by Hansen and titled "Wall Street's War, Not Ours." [65] In other words, the prosecution felt that the writings of Hansen advanced the criminal conspiracy to overthrow the government. What's more, the prosecution referred to Hansen by the familiar name "Joe," despite the fact that he was listed as "Joseph Hansen" in the party press. Albert Goldman, James Cannon and Felix Morrow were not referred to as "Al,"

“Jim,” or “Fritz,” yet the government called Joseph Hansen “Joe.”

In criminal law, those engaged in a conspiracy are responsible for all acts of the other conspirators in furtherance of that conspiracy, with one exception. As the prosecution noted in its argument at trial, a conspirator can absolve himself of complicity only by taking “some affirmative and effective act to disassociate himself from that criminal group.” [66]

The most common form of such an “affirmative act” in American criminal law is to inform on other members of the conspiracy.

The post-war FBI infiltration of the SWP

Even with the SWP’s main leadership in jail, the FBI remained concerned that the party was a significant revolutionary force. The infiltration that began with the preparation for the 1941 prosecution was greatly expanded. Based on the acquisition of new information in the autumn of 1940, the FBI began to lay the foundation for a network of informants that gave the government a clear view into the inner workings of the SWP and the Fourth International.

During the Second World War, Hoover believed the SWP remained a significant political force. His nervousness is exemplified by a letter he sent to Assistant Attorney General Wendell Berge in May 1943 in which he notes that the SWP picketed a showing of the pro-Stalinist propaganda film *Mission to Moscow*.

“Information has been received that on the evening of April 30, 1943, members of the subject organization [the SWP] picketed the opening of the film ‘Mission to Moscow’ playing at the Hollywood Theater, Times Square, New York City,” the memo reads.

Hoover reports the exact wording of the SWP’s slogans and cites a pamphlet distributed at the picket. “James P. Cannon, National Secretary of the Socialist Workers Party, and approximately twenty other members of the Party were present at the picketing but did not participate. Many of the pamphlets mentioned above were distributed to members of the Armed Forces.”

In 1945, Hoover disobeyed a Justice Department order that no further investigations of the SWP be carried out. It appears that the sources gained in “November 1940” through the spring of 1941 stayed on as long-term assets of the FBI. Hoover successfully shielded his assets from being exposed at trial.

In July 1945, the FBI “went after the SWP with a vengeance,” Haverty-Stacke explains. “[Hoover] continued to gather reports on the party from agents stationed around the country, who worked closely with well-placed informants.” [67] In the late 1940s, Hoover “maintained the steady flow of memos to the attorney general highlighting the possible dangers and alleged criminal activity of the party and of individual members, like Cannon and Carlson, found in the agents’ reports that he also forwarded to the Justice Department on a regular basis.” [68]

The “well-placed informants” within the leadership of the SWP remained in their positions and were not exposed by giving testimony during the trial.

Informants in the SWP’s New York City headquarters and elsewhere seemingly had access to all correspondence that passed through the headquarters and branch leaderships. FBI reports include detailed descriptions of every major party plenum and conference as well as the positions that were taken by individual comrades. Informants provided the government with a laundry list of the work of Trotskyists internationally, including in the Eastern bloc and in countries run by military dictatorships. [69]

Reports composed by agents in 1946–48 on branches of the SWP in the US were sometimes 60 to 80 pages long. These reports included detailed,

multi-paragraph reports on individual party members, their home addresses, the ages of their children, their places of employment, their places of birth, their citizenship status and details regarding personal relationships and affairs.

Throughout this period, FBI agents prepared detailed reports on the activities of key members. There were long reports regarding Cannon, Vincent Dunne, Grace Carlson and Farrell Dobbs, just some of those who remained subject to close monitoring after their release from prison.

The degree to which the FBI was able to intensify its infiltration of the SWP is exemplified by a June 12, 1948 letter from J. Edgar Hoover to the attorney general. Hoover writes: “At the present time an extensive investigation is being conducted of the Socialist Workers Party and the coverage of this National Convention is believed desirable. It is requested, therefore, that you authorize the use of technical equipment in connection with our surveillance work of the national Convention of the Socialist Workers Party at the Irving Plaza Hotel, New York City, from July 1 through 5, 1948.” [70]

The structure of the FBI’s post-war infiltration was as follows: The highest-level information came from at least 20 “Confidential Informants” who were in personal communication with FBI officials on a regular basis. FBI records indicate that these informants provided information about political meetings, disagreements and the state of the movement internationally. Certain agents, code-named “T-1” through “T-4,” “T-14,” “T-19” and “ND 452,” had intimate knowledge of the leadership of all branches and clearly occupied key roles in the SWP leadership.

So valuable were a certain number of these agents that the FBI notes they were “not in a position to testify” in case the government decided to bring further prosecution. The fact that the FBI received full reports of Political Committee meetings and party plenums from different confidential informant sources shows that the highest levels of leadership were compromised by agents of the state.

A rung below the confidential informants was a network of lower-level sources and agents who were members of the SWP in local areas and reported to their specified handlers on local party activities, political disagreements, and the lives of individual members. The FBI had a ring of agents in place in all areas where the party had a presence.

Haverty-Stacke notes that the infiltration of the SWP during 1938–41 laid the foundation for a decades-long infiltration program. Hoover’s requests for surveillance were granted by the Justice Department “through 1948 and beyond.” Further, “as the Cold War heated up, Hoover’s pursuit of the SWP took on added intensity. The investigation of the party expanded with the growth of anti-communist sentiment and the new mechanisms created to facilitate such sentiment during the early 1950s that became hallmarks of the Second Red Scare.” [71]

Haverty-Stacke makes reference to the Socialist Workers Party’s 1973 lawsuit against the FBI’s launching of COINTELPRO operations against the SWP in 1961. She notes that the FBI used 1,300 agents against the SWP between 1961 and 1976, stealing over 20,000 SWP documents and conducting over 200 illegal break-ins. In 1986, a federal judge ruled that the FBI was “guilty of violations of the constitutional rights of the SWP... and of its members,” and granted the SWP a judgment of \$264,000. [72] Haverty-Stacke writes that “with access to the FBI’s files, [District Court Judge Thomas Griesa] substantiated the SWP’s contention that the bureau’s investigations of its activities and members began in 1940.” [73]

Yet even as the SWP’s lawsuit dragged on, the party expelled one of its own members, Alan Gelfand, because he asked the SWP to explain the communications between Hansen and the FBI in 1940. The SWP denounced Gelfand, called the Security and the Fourth International investigation a “big lie,” and collaborated with the government to protect known agents of the Soviet secret police—the GPU—from testifying as to the Stalinists’ role in infiltrating the SWP. Hansen himself died in the weeks before the Gelfand Case began.

There is an overwhelming body of circumstantial and direct evidence pointing to the role of Joseph Hansen as a government informant. During the Gelfand trial, Gelfand's lawyer gave the following description of the evidence against Hansen:

The proof depends on an intricate web of circumstantial evidence which leads inexorably to the nexus between the infiltration of the SWP by agents of the federal government and the expulsion of plaintiff. The facts of this case are embedded in great historical events. Their ever-widening spiral sweeps back into the past, embracing within its bounds an increasing number of individuals, including Trotsky himself and those closest to him during his last heroic exile. If a more direct and less arduous road to truth were available, plaintiff gladly would have taken it. Nonetheless, when fact is added to fact, and each is evaluated in its proper relationship to the other, the conclusion becomes inescapable that something is very, very wrong with the leadership of the Socialist Workers Party.

While documentary records exist proving the *beginning* of Hansen's confidential relationship with the FBI, no documents have yet surfaced showing that this relationship *ended*.

None of this evidence has been answered by Hansen's defenders.

Notes:

[1] Haverty-Stacke, Donna T. *Trotskyists on Trial: Free Speech and Political Persecution since the Age of FDR*. (New York, New York: New York UP, 2016), Print. p. 77. *FDR*. (New York, New York: New York UP, 2016), Print. p. 11.

[2] The Editors, ed. "The FBI-Gestapo Attack on the Socialist Workers Party," *Fourth International* 2.6 (1941): 163-66. *Marxists.org*.

[3] Haverty-Stacke at 77.

[4] *Ibid*.

[5] *Id.* at 79.

[6] *Id.* at 108.

[7] *Id.* at 34. (Citing "Confidential Memo for the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of the Navy and the Secretary of Commerce from President Roosevelt, June 26, 1939, OF 10b, box10, FDRPL").

[8] *Id.* at 41.

[9] *Id.* at 30.

[10] *Id.* at 62.

[11] *Id.* at 61.

[12] *Id.* at 60.

[13] *Id.* at 61.

[14] *Id.* at 73.

[15] Prosecution's Opening Statement, *US v. Dunne et al.*, 26-27.

[16] Testimony of James Bartlett, *US v. Dunne et al.*, 130.

[17] For a detailed explanation of the character of the proletarian military policy, see *The Heritage We Defend*, Ch. 6: "Trotsky's Proletarian Military Policy," accessible here. Also available at Mehring Books.

[18] Haverty-Stacke at 153. (Citing J. Edgar Hoover to Special Agent in Charge, New York, June 16, 1942, re. Farrell Dobbs, Internal Security, in Farrell Dobbs's FBI file 100-21226, FOIA, in the author's possession; Joseph Prendergast, Acting Chief SDU, to Wendell Berge, January 31, 1942, and Wendell Berge to J. Edgar Hoover, April 25, 1942 in Farrell Dobbs's FBI file 146-7-1355, FOIA, in the author's possession; Chief of SDU to J. Edgar Hoover, February 26, 1942, in Dunne's FBI file 100-18341, and Edward Palmquist's Custodial Detention Card, in

Palmquist's FBI file 146-7-1213; J. Edgar Hoover to Chief of SDU, March 31, 1941, in Dunne's FBI file 100-18341).

[19] Testimony of Henry Harris, *US v. Dunne et al.*, 507.

[20] *Id.* at 78.

[21] Cross Examination of Agent Roy T. Noonan, *US v. Dunne et al.*, 371.

[22] *Id.* at 372.

[23] *Id.* at 371.

[24] Haverty-Stacke at 61.

[25] *Id.* at 371-372.

[26] Haverty-Stacke at 155.

[27] *Id.* at 154. (Citing FBI report 100-413, NYC 10/20/42 and 12/3/42, f. 7, box 108, SWP 146-1-10).

[28] *Id.* at 63. (Citing J. Edgar Hoover to Matthew McGuire, June 25, 1941, f. 2, box 108, SWP 146-1-10; Wendell Burge to Henry Schweinhaut, June 25, 1941, f. 2, box 108, SWP 146-1-10; J. Edgar Hoover to Matthew McGuire, June 25, 1941, f. 2, box 108, SWP 146-1-10).

[29] *Ibid*.

[30] J. Edgar Hoover to Matthew McGuire, June 25, 1941, f. 2, box 108, SWP 146-1-10.

[31] Hansen, Joseph, *Healy's Big Lie: The Slander Campaign Against Joseph Hansen, George Novack, and the Fourth International: Statements and Articles*, (New York: National Education Dept., Socialist Workers Party, 1976), Print, p. 14.

[32] Political Graveyard Entry for George Price Shaw, accessible at <http://politicalgraveyard.com/bio/shaw.html>; US State Department History Office of the Historian Entry for George Price Shaw, accessible at <https://history.state.gov/departmenthistory/people/shaw-george-price>

[33] Morgan, Ted. *A Covert Life: Jay Lovestone: Communist, Anti-Communist, and Spymaster*, (New York, New York: Random House, 1999), Print, p. 149.

[34] Historical G-Men: "1930s FBI Biographies and More." Entry for H. H. Clegg, accessible at <http://historicalgmen.squarespace.com/agents-of-the-30s-biographie/>.

[35] Letter from George P. Shaw to US Secretary of State Enclosing Memorandum of Conversation Between Robert G. McGregor and Hansen, September 1, 1940. (Cited in *The Gelfand Case: A Legal History of the Exposure of U.S. Government Agents in the Leadership of the Socialist Workers Party*. Vol. 1. Detroit, MI: Labor Publications, 1985. Print, p. 7).

[36] *Id.* (*The Gelfand Case* at 8).

[37] *Ibid*.

[38] Letter from George P. Shaw to US Secretary of State Enclosing Memorandum for File of Robert G. McGregor, September 4, 1940 (*The Gelfand Case* at 10).

[39] *Ibid*.

[40] Memorandum of Robert G. McGregor of Conversation with Joseph Hansen, September 14, 1940 (*The Gelfand Case* at 13).

[41] *Id.* (*The Gelfand Case* at 14).

[42] Letter from George P. Shaw to US Secretary of State, September 25, 1940 (*The Gelfand Case* at 19).

[43] Letter from George P. Shaw to Raymond Murphy, US State Department, September 25, 1940 (*The Gelfand Case* at 21).

[44] *Ibid*.

[45] Letter from Raymond E. Murphy to Mr. J.B. Little, Federal Bureau of Investigation, September 28, 1940 (*The Gelfand Case* at 23).

[46] Letter from Raymond E. Murphy to George P. Shaw, September 28, 1940 (*The Gelfand Case* at 24-25).

[47] Letter from George P. Shaw to Joseph Hansen, September 30, 1940 (*The Gelfand Case* at 26).

[48] Letter from J. Edgar Hoover to B.E. Sackett, Special Agent in Charge, October 1, 1949 (*The Gelfand Case* at 29).

[49] Id. (*The Gelfand Case* at 29-30).

[50] Letter from Joseph Hansen to George P. Shaw, October 23, 1949 (*The Gelfand Case* at 31).

[51] Interview by David North of Felix Morrow, June 2, 1977.

[52] The Gelfand case was a civil lawsuit brought by Alan Gelfand, a member of the SWP who was expelled for raising questions about Hansen's communications with the FBI and GPU. Gelfand sued alleging that the US government was violating his First Amendment rights by using its agents in the SWP to expel him from a political organization.

[53] Deposition of Farrell Dobbs, *Gelfand v. Smith et al.*, 178, 182.

[54] Deposition of Morris Lewit, *Gelfand v. Smith et al.*, 144.

[55] Cross Examination of Agent Roy T. Noonan, *US v. Dunne et al.*, 372.

[56] Cross Examination of Agent Roy T. Noonan, *US v. Dunne et al.*, 371-372.

[57] Haverty-Stacke at 61.

[58] Id. at 155.

[59] Id. at 154.

[60] *Black's Law Dictionary* (9th ed.) at 826.

[61] Letter from J. Edgar Hoover to B.E. Sackett, Special Agent in Charge, October 1, 1940 (*The Gelfand Case* at 29-30).

[62] Dewar, Hugo. "Chapter 7: The Lady Vanishes." *Assassins at Large, Being a Fully Documented and Hitherto Unpublished Account of the Executions Outside Russia Ordered by the GPU*, (Boston: Beacon, 1952), Print.

[63] For further details, see *The Labor Spy Racket*, by Leo Huberman, U.S. Congress Senate Committee on Education and Labor, Modern Age Books, NY, NY, 1937.

[64] Closing argument of US Attorney Anderson, *US v. Dunne et al.*, 2492.

[65] Testimony of James Bartlett, *US v. Dunne et al.*, 228.

[66] Closing Argument of US Attorney Anderson, *US v. Dunne et al.*, 2457.

[67] Haverty-Stacke at 204.

[68] Ibid.

[69] See Boxes 109 and 110, SWP 146-1-10, including, for example, FBI Report 100-4013, New York.

[70] June 12, 1948 Memorandum For the Attorney General, RE: Socialist Workers Party—Internal Security—SWP, Box 110 SWP 146-1-10.

[71] Haverty-Stacke at 204.

[72] Id. at 220.

[73] Ibid.



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