

Alan Gelfand: A fighter for socialism and historical truth

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Alan Gelfand, whose lawsuit against the US government led to the exposure of high-level agents of the FBI and Soviet secret police in the Socialist Workers Party, died Wednesday, October 29, in Los Angeles. He was 76 years old.

The cause of his death was cancer. Alan had been diagnosed with non-Hodgkin's lymphoma in 1986. Intensive radiation treatment cured him of the disease. However, the long-term consequences of the radiation led earlier this year to the recurrence of cancer. As Alan's physical condition deteriorated, he gave instructions a few days before his death that all efforts to extend his life be ended.

Until his final hours, Alan remained fully lucid. Accepting calmly and with dignity his approaching death, Alan expressed satisfaction with the course of his life, to which he had devoted 50 years to the struggle for socialism. Alan's hatred of injustice and unyielding defense of democratic rights and equality found expression not only in his politics, but also in his professional career as a public defender in Los Angeles. Alan's skill as an attorney saved countless defendants from unjust conviction. A passionate opponent of the death penalty, he did not lose a single defendant to the California state executioners.

The lawsuit filed by Alan in July 1979, which became known as the Gelfand Case, arose out of his expulsion from the SWP in January of that year as a consequence of his efforts to obtain answers to questions he had raised about evidence that the longstanding leader of that organization, Joseph Hansen, had met secretly with the Soviet secret police [the GPU] in 1938 and with the FBI in the aftermath of Trotsky's assassination in 1940. Gelfand had also sought an explanation of Hansen's and the SWP's fervent defense of Sylvia Franklin (née Callen, party name Caldwell), the personal secretary of party founder James P. Cannon, despite overwhelming evidence that she had been an agent of the GPU.

Gelfand joined the SWP in 1976 and became a leading member of its Southeast Los Angeles branch. He first raised his concerns with the party's leaders, including national secretary Jack Barnes, in August 1977 after studying documents circulated by the Workers League, the US section of the International Committee of the Fourth International (ICFI), at the SWP's national convention in Oberlin. The documents had been uncovered by the ICFI in the course of its investigation into the assassination of Leon Trotsky and GPU penetration of the Fourth International. Despite assurances from Barnes that answers to his questions would be forthcoming, Gelfand received no further response from the SWP leadership.

On January 23, 1978, Gelfand attempted to raise his concerns at a meeting of his party branch, but was immediately told that he was out of order and silenced before he had completed the first sentence of his prepared statement. Six days later, Gelfand sent a letter to Barnes and the SWP Political Committee, objecting to his censorship by the branch leadership and by the Los Angeles city-wide organizer and major SWP representative, Peter Camejo.

Receiving no response to this and a second letter to the Political

Committee, Gelfand wrote a letter to the SWP National Committee, dated March 26, 1978. It began:

I consider the writing of this letter to be the most important task I have undertaken in my life. It is the product of an intensive and thorough study of the history and principles of our movement. This study was initially prompted by a series of events which began in Oberlin at our convention this summer.

At this convention I became deeply concerned over government documents printed in the August 5, 1977 issue of the *Bulletin* which was being distributed by the Workers League. On its face these documents indicated that Joseph Hansen had requested and obtained a confidential relationship with the FBI.

Gelfand then reviewed the chronology of the SWP leadership's failure to respond, as promised by Barnes, to his questions. He also objected to the attitude of Camejo, who reacted to Gelfand's questions by shouting repeatedly, "Who cares, who cares?"

Gelfand wrote:

Well, comrades, it is clear from both the length of the letter and the research I have done, that I care very much. I care about the GPU murder machine that slaughtered Trotskyists throughout the world, and who today, continue to carry out their counterrevolutionary role by suppressing the dissidents in the Soviet Union and Eastern Europe. . . .

I also care about the FBI. The FBI also framed and sent to prison 18 of our leading comrades in the 1940s. The FBI, who has infiltrated every progressive movement in this country, including our own, as well as having played an active role in the murders of Malcolm X, Martin Luther King, and numerous Black Panthers.

Gelfand's letter demanded answers to the following questions: 1) "Was Sylvia Franklin, personal secretary of James P. Cannon, a GPU agent?" 2) "Was Joseph Hansen authorized by the SWP to have personal contact with the GPU in 1938?" 3) "Was Joseph Hansen authorized by the SWP to meet with the FBI in 1940?"

Gelfand, an outstanding public defender well known and respected in Los Angeles for his meticulous attention to facts, supported these questions with a detailed review of the documents and related evidence uncovered by the Security and the Fourth International investigation. In his conclusion Gelfand wrote:

I am confident that upon any objective reading of my letter one will conclude that Sylvia Franklin was a GPU agent and that Joseph Hansen's relationship with the GPU and FBI are at the minimum, highly questionable and in need of an immediate and exhaustive examination.

One who reads any of Hansen's replies to these charges, must conclude that his "answers" are riddled with evasions, distortions, and misrepresentations.

In a letter dated April 7, 1978, SWP Political Committee member Larry Seigle failed to answer a single question raised by Gelfand. Instead, he was issued a warning and threat:

You have asked for our opinion about how you may proceed to press your charges against Joe Hansen. The answer to that question is simple. The Party cannot and will not allow agent-baiting within its ranks. Any further repetition by you of the Healyite slanders will not be tolerated. ...

We repeat: any further steps by you to circulate slanders against Joe Hansen or any other party member would be in violation of the organizational principles of the Party, and will not be tolerated.

During this time, the SWP was conducting a lawsuit, primarily for publicity and fund-raising purposes, related to the massive infiltration of agents and informants by the FBI in the 1960s and early 1970s during its infamous COINTELPRO program. The SWP did not seek or obtain the identification of a single agent.

Gelfand filed on December 18, 1978 an *Amicus Curiae* ("Friend of the Court") brief in support of the SWP's lawsuit. However, in contrast to the SWP's unserious and purely propagandistic enterprise, Gelfand's brief called upon the presiding Court of Appeals to compel the US attorney general to "disclose the names of all informants in the SWP, both past and present."

Reacting with fury to Gelfand's demand that the US government identify its agents in the SWP, Jack Barnes filed charges on January 5, 1979 demanding the former's expulsion. One week later, on January 11, the Political Committee expelled Gelfand. In attendance at the meeting was Joseph Hansen, who died one week later. Gelfand was not given an opportunity to appear before the Political Committee and defend himself.

Responding to his expulsion in a letter to the Political Committee dated January 29, 1979, Gelfand stated he had "been purged, not expelled, and that this action was taken by the government, not the SWP."

On July 18, 1979, Gelfand filed a civil rights case in a US district court in Los Angeles. Named as defendants were the US Attorney General, the FBI, the National Security Agency, and the SWP leadership, charging that US government agents expelled him from the SWP in violation of his constitutional right to freedom of speech and political association.

The SWP immediately filed a motion for the dismissal of the case. In a hearing on November 19, 1979 before US District Court Judge Mariana R. Pfaelzer, Gelfand explained the legal basis of his case:

I am contending that the government through its infiltration has not only attempted to distort what this political party is supposed to represent, but when members such as myself attempt to inquire as to infiltration by the government we are either told to shut up, be quiet, and if we continue to persist we are thrown out. We do not have an opportunity to really promote our politics within our party because the government through its agents prevents us from

doing so, and that is essentially the thrust of my First Amendment argument.

Seven months later, on June 27, 1980, Judge Pfaelzer issued an order denying the SWP's motion to dismiss Gelfand's lawsuit. In a lengthy ruling that upheld Gelfand's central legal argument, Pfaelzer wrote "it is clear that the governmental manipulation and takeover of plaintiff's political party is a drastic interference with the associational rights of its adherents and cannot pass constitutional muster."

Moreover, contradicting false claims made by the SWP that Gelfand wanted the government to determine who could be a member of the party, Pfaelzer wrote, "the government may not expel a member from the political party of his choice, directly or indirectly."

Pfaelzer concluded her order with a warning that "if Gelfand is unable to substantiate his allegations of governmental agency and control, his claims will not withstand a motion for summary judgment." In other words, the case would be dismissed before trial if Gelfand failed, in the course of the discovery process, to factually substantiate his allegations.

For the next 18 months, the SWP sought to preempt Gelfand's assembling of evidence with frivolous motions for summary judgment before he had been allowed by the court to make effective use of the discovery process.

On February 1, 1982 Pfaelzer finally granted Gelfand 90 days to engage in discovery before a final hearing on summary judgment, which she scheduled for July 12, 1982. In the three months that followed, Gelfand and his attorneys undertook an intensive process of discovery, which included depositions of SWP national secretary Jack Barnes, other leading members of the organization and party members active in the late 1930s and early 1940s.

Gelfand also sought to depose the notorious GPU agent Mark Zborowski, who played a central role in the assassinations of leading members of the Fourth International in 1937 and 1938, including Trotsky's son, Leon Sedov. Zborowski was actually brought into a deposition room in April 1982. But invoking, with the active collaboration of the SWP and the US government, the newly passed Intelligence Identities Protection Act, Zborowski was able to avoid answering questions.

Nevertheless, the evidence gathered by Gelfand in the course of the 90 days of discovery, presented in a brief submitted on June 28, 1982 in opposition to the SWP's final motion for summary judgment, substantiated his allegations of government control of the SWP. The depositions with members of the SWP, including individuals who had been leaders of the party at the time of Trotsky's assassination, conclusively established that neither Hansen's meetings with the GPU nor those with the FBI had been known or authorized. Hansen's alibis consisted of lies. Similarly, the claims of Barnes and other present-day SWP leaders that Gelfand's questions had been answered were no less false.

The opening paragraph opposing summary judgment stated:

Substantial evidence derived from ninety days of intensive discovery strongly supports Alan Gelfand's contention that the leadership of the Socialist Workers Party was acting to preserve its secret connection to the government of the United States when he was summarily expelled from SWP membership in 1979. His persistent inquiries into government infiltration of the Party created a crisis among agents within its leadership, and forced them to act in a manner fundamentally irreconcilable with their pose as staunch defenders of the party constitution and loyal observers of the socialist tradition.

The brief further stated:

Agents can, perhaps all too successfully, conceal their duplicity for long periods of time but, inevitably, when they perceive a direct threat to their role as agents, the mask will be set awry. This case thus depends on the meticulous study of defendants' actions. Their conduct should be interpreted not as the conduct of typical individuals, but in light of who the defendants purport to be—the most faithful proponents and followers of Trotsky's highly principled politics. A legitimate leadership would have had no difficulty in dealing with plaintiff's questions, in accordance with the constitution of the SWP and the proud traditions it claims to represent. The questions would have been answered forthrightly and as completely as possible. Instead, plaintiff's persistent but appropriate questions about matters pertaining to party security created a crisis among the agents and forced them to show their hands.

On July 12, 1982, Judge Pfaelzer—though clearly angered and taken aback by the scope and intensity of Gelfand's use of discovery—denied the SWP's motion for summary judgment and set the case for trial.

Over the next several months, between the denial of summary judgment and the trial in March 1983, Gelfand and his attorneys continued the fight to obtain documents relating to Joseph Hansen's relationship with the GPU and the true role of Cannon's personal secretary, Sylvia Callen, a.k.a. Caldwell, Franklin.

In the weeks prior to the opening of the trial, Gelfand petitioned the federal court in New York to authorize the release, decades in advance of the normal 75-year schedule, of Callen's testimony before federal grand juries in 1954 and 1958. In response to Gelfand's petition, the New York court ordered the transcripts sent to Pfaelzer for a decision on their public release.

The trial opened on March 2, 1983 and lasted one week. As the trial proceeded, with the testimony clearly discrediting the narrative of the SWP defendants, Pfaelzer called the attorneys into her chamber for a discussion. She presented an interpretation of "preponderance of evidence"—the level of proof required to prevail in a civil lawsuit—that had absolutely no basis in law. Normally, preponderance of evidence means that the side whose version of events is more credible on the basis of the facts prevails at trial. Upon weighing the evidence, the trier of fact—in this case, the judge—must determine the direction of the scale's tilt, toward the plaintiff or the defendant.

However, Pfaelzer declared that Gelfand could not prevail simply because his explanation of the SWP leaders' decision to expel him was more credible than that of the defendants. Rather, as long as the SWP was able to present any explanation of their actions, however absurd and unsupported by facts, Gelfand could not "preponderate." In an extraordinary statement, Pfaelzer told Gelfand and his attorneys: "You can't win on a preponderance of the evidence based solely on the fact that the charges were true."

In the course of the week-long trial, Gelfand's attorneys repeatedly asked Pfaelzer to release the grand jury transcripts of Sylvia Callen's testimony. The judge did not respond to the request. But on the final day of the trial, Jack Barnes delivered an unrestrained tribute to Sylvia Caldwell, insisting that there existed no grounds whatsoever to suspect that she was a GPU plant in the SWP. He declared:

Her whole comportment not only when she was in the movement but everything that's happened since she left indicates that she is

exactly what she was: a loyal, hard-working, and model member of our movement.

Asked by Gelfand's attorney whether that remained his opinion, Barnes became still more emphatic.

Well, my opinion today is that she is one of my heroes after the harassment and what she's been through in the last couple of years.

Later that day, after all the witnesses had completed their testimony, Judge Pfaelzer finally released the 1954 and 1958 transcripts. In her sworn testimony, Sylvia Callen testified that she had worked as an agent of the GPU inside the SWP.

There was yet another critical piece of evidence released at trial. It was a letter, written to Hansen by a long-time SWP member and close friend, reporting that Hansen had been identified as a GPU agent.

Judge Pfaelzer, after a delay of several years, eventually ruled against Gelfand. Her extended silence amounted to a tacit admission that her conduct of the trial was dictated by national security issues related to the protection of state agents. Moreover, Pfaelzer never assented to the SWP's demand that Gelfand pay legal fees or make any other form of monetary restitution.

Nearly six years elapsed from the time when Alan Gelfand first raised his questions in 1977 and the conclusion of the trial in March 1983. An additional six years passed until the SWP finally abandoned its effort in May 1989 to win an award of attorneys fees against Gelfand. The lengthy and grueling process subjected Alan to immense pressure. Moreover, the case unfolded while he was working full-time as a public defender in Los Angeles, representing defendants in extremely difficult cases.

There is no question that the physical, intellectual and emotional strain generated by the combined professional and political tasks contributed to the health crisis that Alan confronted in the spring of 1986. He was diagnosed with non-Hodgkin's lymphoma. Alan received intensive radiation therapy at Stanford University Medical Center. The cancer cells were eliminated. But despite the precautions taken by the radiologists, Alan suffered recurrent side effects caused by the treatment. However, he continued his professional work with unflagging commitment and energy.

While still recovering from the difficult after effects of the radiation, Alan had to contend with the repudiation of Security and the Fourth International and the Gelfand case by the British Workers Revolutionary Party following its split with the International Committee in February 1986. In an Open Letter to Cliff Slaughter, the leader of the WRP, dated February 22, 1987, Alan reminded Slaughter that he was

totally familiar with *Security and the Fourth International*; publications of the WRP and IC show that you were intimately involved in this investigation from the outset. It was your breadth of knowledge and understanding of fundamental security issues that resulted in your being included, with your permission, on my list of witnesses filed with the Los Angeles federal court as an expert to testify about the political and historical implications of the evidence I had assembled.

Gelfand continued:

But now you, without explaining anything politically or factually and without consulting me about your new concerns with the case, have adopted virtually word for word the line of the agent-dominated SWP. I cannot understand why, if leaders of the WRP had doubts about the case, you never suggested that I be contacted. After all, I have devoted years of my life to this investigation at considerable personal risk. . .

After having put my life and political reputation on the line to uncover the facts about the assassination of Trotsky and the penetration of the Fourth International by agents of imperialism and Stalinism, defending the integrity of what you and others in the WRP wrote over many years on the question of *Security*, I find myself stabbed in the back by those with whom I closely collaborated in order to establish historical truth.

I do not raise this as a personal question or in any way to complain. I regret absolutely nothing. Even had I been able to anticipate the eruptions inside the WRP and foresee your own evolution, it would not have deterred me from beginning the struggle inside the SWP and, after my expulsion, exercising my democratic rights in the interests of the workers' movement to expose a dangerous conspiracy. But there is an important class issue raised by your callous betrayal of political confidence. What worker in his right mind could ever be expected to place his trust in an organization whose leaders change their positions and are prepared to stab in the back in the interest of immediate factional gains?

Slaughter, who was in the process of severing all political and intellectual connections to Trotskyism, Marxism and revolutionary socialism, never replied to Alan's letter.

In the aftermath of his death, a review of Alan's involvement in socialist politics inevitably places the greatest emphasis on his central role in the case that bears his name. However, it must be emphasized that his contribution to the fight for socialism did not end with the Gelfand case. Throughout the nearly four decades that remained of his life, Alan fought indefatigably for the building of the Trotskyist movement. While his daily political activity was centered in Los Angeles, where he continued to practice law, Alan's remarkable objectivity and judgment was an intellectual resource of immeasurable importance to the Socialist Equality Party. Alan was elected by the most recent national congress of the SEP to serve on its control commission, which is responsible for conducting internal party investigations.

He was an avid contributor to the *World Socialist Web Site*. Well over 100 articles are credited to Alan. Under the pen name Alan Gilman, he wrote on a wide range of subjects, and especially on matters relating to sports, of which his knowledge was nothing less than encyclopedic.

The penultimate article written by Alan, dated May 9, was headlined, "Trump proposes to reopen Alcatraz and America's Guantanamo." Alan denounced the plan as "repulsive and revealing."

It would serve to normalize the construction of similar concentration like prisons throughout the country. And it is a demonstration of the fundamentally sadistic preoccupation with brutal repression as the solution to the crisis of American capitalism, shared not just by Trump but by the entire ruling class.

In his political and professional legal work, Alan displayed exceptional objectivity and analytical skills. But his formidable intellectual powers were refracted through a profoundly humane personality. As a public

defender, Alan would fight passionately for the acquittal of all those who were wrongly accused. However, he was no less determined to uphold the democratic rights of those defendants who confronted an overwhelming array of incriminating facts. Alan maintained a deeply empathetic attitude, viewing them not as "monsters" but as victims of a hostile and oppressive society, caught up in a social tragedy.

In the later stages of his long professional career, Alan was assigned to represent defendants in death penalty cases. In all these cases, the accused were suffering from serious psychological disorders. The crimes of which they were accused were truly terrible. But Alan was outraged that the State of California would respond to the irrational act of a mentally ill person by seeking the death penalty. Alan fought relentlessly to save the lives of the defendants, and he was proud that he prevailed against the bloodthirsty district attorneys in every case to which he was assigned.

Amidst all the pressures of his political and legal work, Alan led a wonderfully fulfilling personal life. His companion of 37 years, Roseanna, brought enormous joy into Alan's life. Though introduced to the SEP by Alan, Roseanna, on the basis of her own experience and convictions, became a member of the party.

The last year of Alan's life was marked by recurring health crises and physical pain. Despite this, he maintained an optimistic view of life. He was convinced that the cause for which he had devoted his life would continue. Alan participated in the 2025 online international summer school of the Socialist Equality Party, which was devoted to the subject of *Security and the Fourth International*.

On July 15, two weeks before the opening of the school, I wrote to Alan:

I know that you are following with intense interest the preparation of the party for the international summer school, which will be devoted to an intensive review of Security and the Fourth International. Several sessions of the school will be devoted to a careful review of the legal case that bears your name. The Gelfand Case made possible the verification and vindication of the International Committee's investigation into and exposure of the conspiracy that led to the assassination of Trotsky and the combined Stalinist-imperialist assault on the Fourth International. The prosecution of this historically unprecedented case, in the hostile environment of a federal district court, would not have been possible without your courage, determination, and unyielding commitment to historical truth.

Nearly 50 years have passed since you first confronted the leadership of the Socialist Workers Party with fateful questions that challenged its failure to respond to the evidence of Hansen's relations with the GPU and FBI. The passage of time has substantiated the far-reaching significance of your actions. Almost all the student-cadre who will attend the international school were born years and even one or two decades after the trial of the Gelfand Case in March 1983. The study of the struggle in which you played such a central role is, and will continue to be, a source of critical knowledge and inspiration for the new and emerging generation of revolutionary workers and youth.

Alan, you have led a life of great and enduring significance. You have every right to look upon your life and achievements with satisfaction.

For my part, Alan, I am proud to have been for so many years your friend and comrade.

Just a few weeks before his death, Alan wrote to Joseph Kishore, the national secretary of the SEP:

Politically it is a very intense and exciting period. My only regret is that I may have to check out in the midst of carrying out man's greatest achievement, the world socialist revolution, but it is comforting to know that you and so many others will be carrying out that task.

In his final words to a comrade and close friend, Alan said: "It's hard to say goodbye. But I have joy in my heart and a smile on my face, and confidence in the movement and in my comrades."

Alan Gelfand will never be forgotten. His place in this history of the Fourth International and the hearts of his comrades is secure.



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