

Lecture to the SEP 2025 Summer School

The Gelfand Case: 1978-1982 (Part 1)

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This is the first part of the lecture "The Gelfand Case: 1978-1982," delivered by Norisa Diaz to the 2025 Summer School of the Socialist Equality Party (US) on the history of the Security and the Fourth International investigation.

On July 17, 1979, Alan Gelfand, an expelled member of the Socialist Workers Party and a young public defense attorney, filed a civil rights federal lawsuit in the United States District Court in Los Angeles, California, charging that his First Amendment rights to freedom of speech and political association were violated when government agents in the SWP leadership expelled him from his political party for raising questions about FBI infiltration.

The suit named as defendants the heads of the US Department of Justice, the FBI, the CIA, the National Security Agency, the SWP, and the SWP leaders instrumental in his expulsion.

The trial, which began four years later on March 2, 1983, was a climax of the investigation. When the International Committee of the Fourth International and the Workers League began Security and Fourth International in 1975, they could not have anticipated that eight years later this monumental trial would begin. The case continues to hold the most powerful implications for the working class and the Trotskyist movement, as well as for the defense of democratic and constitutional rights, and the defense of historical truth.

There are a number of key acts that comprise the broader drama that is the Gelfand Case. In this lecture, Tom Carter and I will address the opening and initial unfolding of the case. I will focus specifically on the ways in which Gelfand first became aware of the initial findings of Security and the Fourth International and his fight for answers to questions that ultimately resulted in his expulsion from the SWP in January of 1979.

Gelfand had been a member of the SWP for about a year and a half when he attended the party's 1977 National Convention at Oberlin College. The Workers League intervened, handing out copies of the initial findings on Security and the FI. It was here that Gelfand first came into possession of the documents that implicated longtime SWP National Committee member and leader Joseph Hansen in a covert relationship with the State Department and the FBI.

At the convention, Gelfand raised his concerns to SWP National Secretary Jack Barnes and noted that, as an attorney, the documents appeared legitimate to him.

Barnes told Gelfand that the documents were in fact true, and that their contents represented a part of the party's history that was supposedly known to many. He claimed that Hansen's meetings with the FBI were to gather information on Trotsky's assassination, and assured Gelfand that Hansen would provide a comprehensive response to the allegations in *Intercontinental Press*.

Gelfand became increasingly troubled as a reply never came. All the while, he continued to make a close examination of the documents uncovered by the IC and juxtaposed them with the pamphlet *Healy's Big*

Lie, which the SWP claimed contained all of the exculpatory information addressing the allegations.

Through this examination, Gelfand found that the explanations in *Healy's Big Lie* did not answer the issues raised by the IC and frankly made no sense from the standpoint of the heritage of the Trotskyist movement.

In the fall of 1977, Gelfand attempted to raise the issue during a members-only SWP city-wide meeting that included all of the Los Angeles branches, but the discussion was evaded when a leader suggested that an educational was the place to discuss the matter rather than a city-wide meeting.

The second time Gelfand attempted to raise the issue was at a January 23, 1978 branch tasks and perspective meeting, where he was not permitted to complete a single sentence. The meeting ended with Gelfand being told he could not raise the issue again with anyone until the executive committee convened to discuss it.

This was the second time in six months he attempted to have a discussion and was immediately prevented from speaking. It was only the beginning of a campaign of censorship and intimidation to silence Gelfand and prevent a discussion and exposure of past and current agents within the SWP.

Six days later, on January 29, 1978, Gelfand sent a copy of the remarks he had intended to give in a letter to Jack Barnes and the SWP Political Committee:

I would initially like to introduce myself. My name is Alan Gelfand, and I have been a member of the SWP for approximately two years. Professionally I am an attorney who has been working for Watts Legal Aid for three years. I am presently in the Southeast Los Angeles Branch...

In this correspondence, Gelfand went on to explain how he had been censored in his branch and in a subsequent meeting with his branch organizer, Sharon C, and acting city-wide organizer, Peter Camejo, who refused to answer such basic questions as whether Sylvia Franklin was a GPU agent or if Joseph Hansen had a confidential relationship with the FBI.

He made clear that he had studied all of the documents and posed an initial 10 questions related to Hansen's meetings with the GPU and the FBI, and the SWP's defense of Stalinist agent Sylvia Franklin. Gelfand stressed that answers were required in order to prepare "a factual defense" of the SWP against all current allegations and future implications. Gelfand stated:

These questions have been purposely posed in the sharpest and

most direct terms. This is to ensure that the information—which needs to be forthcoming in order to answer these questions—will be more than sufficient to defend against not only the specific charges raised by the Healyites, but also any and all implications which may arise therefrom. The answers to these questions, therefore, will enable our membership to defend the integrity, principles and reputation of our party, as well as that of our leadership, in the strongest, most convincing and persuasive manner.

(Letter from Alan Gelfand to Jack Barnes and the SWP Political Committee, January 29, 1978)

It is important to note that at this point Gelfand was interested in getting to the truth in order to properly defend the SWP.

After submitting his initial questions to Barnes and the SWP leadership on January 29, Gelfand sent follow-up correspondence to the SWP Political Committee on February 15 asking for a reply and informing it that the executive committee in his branch had been arbitrarily told it could not discuss his questions without the city-wide organizer Peter Camejo, who had been curiously absent from meetings.

Gelfand received no answer to his January 29 and February 15 letters, so after two months of waiting for a reply, he appealed to the SWP's National Committee in a March 26, 1978, letter, in which he 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.

Gelfand detailed how he came to be aware of the documents, his initial conversation with Barnes at the Oberlin convention, and his continued struggle for answers and subsequent stonewalling, and posed three central questions:

•Whether Joseph Hansen was authorized by the Socialist Workers Party to have personal contact with the GPU in 1938?

•Whether Hansen had authorization from the SWP to meet with the FBI in 1940?

•Whether Sylvia Franklin, personal secretary to James P. Cannon, was a GPU agent?

It was in this March 26, 1978 correspondence that Gelfand went into depth about the factual basis of each of his three central questions, drawn from the documents published by the International Committee which have already been thoroughly reviewed by previous lecturers.

The analysis of these questions was critical, and they would form the legal basis of his lawsuit. He stated:

It has been almost 40 years and Hansen still refuses to disclose the facts and details concerning his GPU contact and what in fact this “valuable information” consisted of. The GPU certainly is aware of what this “valuable information” is, since they gave it to Hansen. The US Government in all probability knows or has a good idea of what it is, based on Hansen's conversations with McGregor. Why is it that only the Trotskyist movement is left in the dark?

Gelfand's March 26, 1978 letter to the SWP National Committee was extremely significant. Not only had he laid out the central questions and crossed them with the implausible and false narrative provided by Hansen, he placed the allegations of infiltration of agents within the SWP as part of

the historical crimes of Stalinism, the targeting of the Trotskyist movement, which has had to fight both Stalinism and US imperialism, and broader FBI infiltration of left-wing movements, of which numerous revelations had and were continuing to come to light. Gelfand wrote:

Well, comrades, it is clear from both the length of this 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. In this country, the GPU certainly continues to function, and in all probability even functions in our own party, we being the primary exponent of Trotskyism in the world today. 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 March 26, 1978 letter to the SWP National Committee)

He noted that in the Dewey Commission Trotsky exemplified the method for answering vigorously, aggressively, and factually charges made against persons or the movement.

In his conclusion to the letter, he cited an opening statement from Trotsky at the start of the Commission in March 1937:

I do not demand any a priori confidence in my affirmations. The task of this commission of investigation is to verify everything from the beginning to the end. My duty is simply to help it in its work. I will try to accomplish this duty faithfully before the eyes of the whole world.

Contained within Gelfand's questions was a powerful appeal for answers based on the traditions of Trotskyism, the fight against Stalinism and the Moscow Trials, and the broader heritage of the Fourth International.

Not only was Gelfand never answered by the SWP, he was met with increased diversion, gaslighting, threats, and intimidation. On March 30, 1978 he received a letter from Pearl Chertov, a Los Angeles city organizer:

I note that nothing in your document or previous statements provide any information that is not already public as part of the vicious slander campaign of the Healyites attempting to discredit the Socialist Workers Party. Agent-baiting such as your document is impermissible in a revolutionary organization... I wish to warn you that any further violation of the Leninist norms of our party will force me to ask the Local Executive Committee to proceed with disciplinary action against you.

A week after Chertov's letter to Gelfand, another reply was sent by Larry Seigle:

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.

In this letter, Seigle claimed that all the charges brought against Hansen collapsed “like a house of cards.” He doubled down that the issue had been settled in *Healy’s Big Lie*, and threatened Gelfand that taking his questions any further “will not be tolerated.”

Furthermore, Seigle accused Gelfand of whipping up “spy scares,” which he claimed somehow served the interests of the FBI. He wrote in his April 7 letter, “Spy scares rarely uncover the real spies, who are invariably among the most determined and enthusiastic about ‘security.’” “Fueling spy scares,” Seigle said, is “one of the favorite tricks of the FBI informers.”

He claimed that the FBI

know(s) quite well that setting an organization on the tracks of uncovering spies in its own ranks can do more to destroy the functioning than anything the FBI’s own spies can do by themselves. Fortunately, despite repeated attempts, the FBI has never been able to use this tactic effectively against our party. This is because we simply do not allow agent-baiting in our ranks.

In what can only be referred to as the pinnacle of gaslighting, Seigle, one of the Carleton 12 ushered into the movement by Hansen and Barnes, told Gelfand that the very practice of weeding out agents from the FBI was exactly the type of disruption the FBI desired. He was essentially saying that *allowing agents to remain in the SWP was how one could best prevent FBI disruption*.

Gelfand replied in a May 6, 1978 letter to Seigle with principled opposition to allegations that he was “agent-baiting” at a time, as has been reviewed, when there were widespread revelations of Cointelpro FBI infiltration, government assassinations, and major political scandals such as Watergate that shocked the nation. Gelfand wrote:

Reading your April 7, 1978 letter reminded me of Watergate and the struggle that Woodward and Bernstein engaged in against Nixon. They patiently and meticulously gathered evidence which brought them progressively closer to the White House. With each new revelation Nixon responded by saying that these charges were lies and slanders...

I again, therefore, in the strongest of terms, urge the Political Committee to reverse its position of covering up for Franklin and Hansen and openly and honestly answer, criticize, repudiate or otherwise explain their respective involvements with the GPU and FBI.

In this reply, Gelfand informed the SWP leadership that he had submitted a Freedom of Information Act request that very month.

On December 18, 1978, Gelfand filed an amicus curiae brief in support of the SWP’s case against the government over Cointelpro FBI infiltration of the SWP.

Amicus curiae (Latin for “friend of the court”) allows an individual or organization that is not a party to a legal case to offer information, insight, or expertise that bears on the issues in the case. Its primary purpose is to

assist the court by providing arguments and data that may not be fully presented by the parties directly involved. This is especially common when a case has broader implications for the public.

In the brief, Gelfand explained his proximity to the case “as a member of the Socialist Workers Party,” who, as he wrote, “has been inquiring for the last one-and-one-half years into the alleged FBI relationships of certain prominent SWP members. The center of this inquiry has focused on one Joseph Hansen.”

The Workers League would explain that the SWP’s lawsuit against the FBI was “a colossal political fraud,” one which was aimed “not at exposing government agents, but at providing a cover for the government agents who have taken over the SWP.” Comrade Patrick Martin has reviewed this.

It’s important to note that Gelfand’s filing of the brief, the arguments contained within it, the documents unearthed by the IC that it put on official public record, and the demands that Gelfand put forward such as the call for the government to reveal the identities of all current and past informants meant that Gelfand’s brief was the political antithesis of the SWP’s fraudulent case against the FBI.

It contained facts which the SWP and its leadership of agents sought to conceal from the membership and the working class more broadly. This was an important and principled step in keeping with the traditions of the Trotskyist movement.

Gelfand stated that the issue before the court was the balancing of “the interests of the right of a citizen to engage in political activity unfettered by governmental surveillance versus the supposed ‘right’ of the government to ‘monitor’ such activity.”

He argued that the government should be compelled to disclose the identities of past and present informants. Again, this was in direct contradiction to the purely monetary relief that was being sought in the SWP’s case.

In his argument, Gelfand challenged the legal doctrine of “informant’s privilege,” which allows the government to withhold the identity of individuals who provide information to law enforcement on alleged criminal activities. The intention is to protect the anonymity of those providing information to police and protecting these informants from harm and retaliation.

Citing earlier case law, *Schneiderman v. United States* (1943) and *Roviaro v. U.S.* (1957), Gelfand argued that the Informant’s privilege is limited, it cannot be used to infringe on a defendant’s right to a fair trial, and “cannot supersede a citizen’s right to engage in political activity.” He stated that “the greater interest lies in a private citizen’s right to engage in political activity without the fear, either real or imagined, of government surveillance.”

Challenging the supposed protections needed for informants, Gelfand explained that despite widespread knowledge among Trotskyists that GPU agent Mark Zborowski played a direct role in the murders of leading Trotskyists throughout Europe, including Trotsky’s own son, Leon Sedov, Zborowski was living a comfortable life as a professor of anthropology at UC Berkeley and faced no threats.

He also pointed to the revelations of deep infiltration tactics and provocations whipped up by FBI agents throughout Cointelpro, the covert operations conducted by the FBI from the 1950s through the 70s, which surveilled, infiltrated and sought to discredit and ultimately destroy political organizations.

Gelfand explained that rather than the need of informants to fear reprisal, it was the citizens engaged in political activity who had something to fear, and from the government itself. Gelfand noted that “These informants certainly are not in the SWP to help build this Party. Their ultimate purpose is to destroy it.”

He cited the well-known case of Gary Rowe, an FBI informant in the Ku Klux Klan in Alabama during the 1960s. Rowe was publicly outed as an

FBI informant in 1965, shortly after the murder of civil rights activist Viola Liuzzo. What came out was that Rowe did not just gather intelligence, he actively participated in and encouraged violence, including attacks on civil rights activists and other crimes such as the 1963 Birmingham church bombing. Gelfand wrote:

It becomes abundantly clear, therefore, that the purpose in disclosing the identities of the appellant's informants is not so that such informants can be harmed; but on the contrary is to ensure that the innocent members of the SWP will not be harmed by such informants.

A number of the arguments made by Gelfand in his brief would become the basis of the legal theory of the Gelfand Case, which Tom Carter will discuss in greater detail in the next lecture.

Gelfand faced a swift and severe backlash by the SWP leadership in response to the filing of his amicus curiae brief. On January 5, 1979, Jack Barnes sent the SWP Political Committee a letter charging Gelfand with "undisciplined and disloyal behaviour in violation of the organizational principles."

The amicus brief represented a significant turning point, as it made clear to the SWP leadership that Gelfand was not only refusing to be intimidated or to back down, but that he was going on the offensive, and this was just the beginning.

The irony was that Gelfand's brief was in support of the SWP's case against the government. The brief put on official record the numerous cables and communications regarding Hansen's meetings with the FBI.

The subsequent expulsion of Gelfand from the SWP proceeded at a very rapid pace. At the center of the charges and expulsion was concern over the submission of his amicus brief and the documents uncovered by the IC it had put on record.

On January 5, the same day Barnes charged him with violating the party's principles, a letter was sent to Gelfand from Douglas Jenness informing him of the charges by Barnes and the fact that the Political Committee would meet January 11 to hear the charges against him. He was told by phone he might be "invited to attend."

On January 15, 1979, Alan was informed via a letter from Mary Roche that the January 11 meeting resulted in an adopted motion to expel Gelfand from the SWP, "effective immediately." Gelfand had never heard of Roche, nor was she a member of the National Committee. While Gelfand was denied the right to attend his own expulsion proceeding and put forward a defense, Barnes and Seigle invited Joseph Hansen and George Novack. This group of agents led the charge for Gelfand's expulsion.

On January 29, Gelfand followed up with a letter rejecting his expulsion, notifying the SWP of his desire for an appeal, and explaining that he was denied his right to a trial, as stated in Article 8 Section 3 of the SWP Constitution. He demanded to know why he was not present at the January 11 meeting that determined his expulsion, writing that he had a "right to attend this trial to present my position, to call witnesses in my behalf, and to confront and cross-examine my accusers."

The SWP Political Committee denied Gelfand his appeal to the National Convention, again in violation of an SWP constitutional provision guaranteeing that right.

A response from Mary Roche to Gelfand noted the fact that he had "rejected" his expulsion. Roche made clear that "By taking your stand as a 'friend of the court' in an action deliberately and clearly designed to disrupt the Party's prosecution of our case, you have placed yourself in the camp of the government and its cops." She ended the letter by stating that "No further correspondence from you will be acknowledged."

That summer, Larry Seigle produced the article "The Expulsion of Alan Gelfand," which appeared in the SWP's pre-convention discussion bulletin in July 1979. Seigle attempted to cover for the undemocratic and unconstitutional expulsion by claiming that Gelfand's actions, despite his being a member, somehow put him "outside the workers movement," and therefore justified the withholding of rights due to him under the SWP's constitution:

This was a qualitatively different matter than the case of an individual who commits even a grossly undisciplined and extremely disloyal act. It is important to note this distinction because individuals in this category are never denied their right of appeal to higher bodies. However, in the case of Gelfand, it was a question of recognizing that, by his series of actions leading him into the camp of the capitalist government, he had chosen to place himself outside the workers movement altogether, and thus outside the constitutional framework of the SWP.

"The Expulsion of Alan Gelfand" by Larry Seigle, July 1979

It is difficult to express the enormous political task with which Gelfand was confronted after his expulsion. To fight it would require taking on the US government, the FBI, GPU agents, and the SWP leadership.

The fact that he did embark on that fight and saw it through to the very end is a powerful testament to the fact that he and the IC, which supported him, represented the historical lineage and heritage of the Trotskyist movement, the fight for historical and factual truth, and the interests of the international working class.

Tom Carter will review the next chapter of this drama, the official beginnings of the Gelfand case.



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