Lecture to the SEP 2025 Summer School

The Gelfand Case: 1978-1982 (Part 2)

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

This lecture on the Gelfand Case will cover the filing of the complaint in July 1979 through the outcome of the motion to dismiss in June 1980.

It will begin with examining Gelfand's decision to file a lawsuit in the context of contemporary revelations of massive government infiltration of the Socialist Workers Party, including exposures of the Federal Bureau of Investigation's COINTEL program by the Church Committee in 1975-76. Then it will cover the motion to dismiss, including the district court's extraordinary rejection of the legal position of the Carter administration, allowing the case to proceed.

What will hopefully emerge in this lecture is the legal as well as political and historical justifications for Gelfand's decision to file a lawsuit, which the International Committee quickly recognized.

The Gelfand Case, as an element of Security and the Fourth International investigation more broadly, was part of a turning point in the history of the Fourth International since Trotsky's death. It marked the beginning of the end of the period in which the opportunists and revisionists had in some respects the upper hand. It was a counter-offensive by a principled, serious, revolutionary tendency in the process of maturing, prepared to stand its ground against the compromised old organizations and their leaderships as well as against the state.

Taking the SWP to court was a politically astute response on the part of Alan Gelfand to his expulsion. The leadership of the Socialist Workers Party, as has been indicated, was arrogantly insisting that all his claims had been answered while blocking all internal discussion. Filing a lawsuit over his expulsion forced the SWP out from behind the hand-waving evasions and subjective attacks. In a courtroom, the SWP leaders would be expected to answer fact for fact and to take a position on each of the issues that had been raised.

In a lawsuit, claims are expected to be backed up by facts and evidence, to be presented in a logically consistent manner, and to be theoretically sound—and to the extent they are not, they are subject to confrontation, cross-examination, and rebuttal. This is true of both sides.

The SWP also had significant resources and substantial control over the membership's access to information, especially given that this was many years before the internet. In that context, the lawsuit helped level the playing field between Gelfand and the compromised SWP leadership, which could not rely on its undemocratic internal regime to shout down any efforts to start a discussion.

Filing a lawsuit would also afford Gelfand the opportunity to conduct discovery, that is, the procedural rights in court to force the disclosure of documents and compel the testimony of witnesses. This included not just the individuals who had been responsible for his expulsion, but those individuals who had been accomplices in the murder of Trotsky himself.

The SWP leadership would go on to denounce Gelfand's lawsuit as an unprincipled and disloyal effort, supposedly, to appeal to the repressive power of the state to interfere in an allegedly internal political decision regarding membership. This argument turned reality upside down: by filing a lawsuit, Gelfand was not trying to use the state to harm the SWP. If anything, he was trying to defend the SWP from further harm by the state, by forcing the government to reveal its agents in the party and remove them.

A lawsuit gave Gelfand the ability to compel the SWP leadership to take a legal and political position on that question—are they for Gelfand's efforts to expose agents? Or will they support the US government's efforts to block Gelfand's attempts? As the next lectures will explain, the SWP and its leaders repeatedly took positions in and out of court in alignment with the US intelligence agencies and in opposition to Gelfand's efforts to expose agents in the SWP.

A. The filing of the Gelfand Case

As the previous lecture explained, Alan Gelfand was expelled from the Socialist Workers Party at a meeting of the Political Committee attended by SWP leaders Joseph Hansen and George Novack in January 1979. Gelfand was expelled after he raised questions that threatened to expose the presence of government agents and informants in the SWP and particularly in its leadership.

Gelfand filed a lawsuit over his expulsion on July 18, 1979 in the United States District Court for the Central District of California. The federal district courts are the trial-level courts in the American federal system, under the circuit courts of appeal and the US Supreme Court. The federal courts are separate from the courts of each state and generally only accept cases where federal law applies or where there is a dispute between citizens of different states. Here, the case was filed in federal court because Gelfand was alleging that his federal rights under the US Constitution were violated.

When a new case is filed, it is typically assigned immediately to one of the federal judges in the geographic district. Federal judges are appointed by the president of the United States for life and have historically wielded relatively considerable political power in the American system. Gelfand's case was immediately assigned to Mariana R. Pfaelzer (1926-2015). At that time, Pfaelzer had just been appointed to be a federal judge by President Jimmy Carter in 1978. She had previously served on the Los Angeles Police Commission and was reported to have been sympathetic to the Democratic Party before becoming a judge.

A complaint is a document that starts a lawsuit, and generally contains a short, plain statement of the case, describing who is suing whom, the factual circumstances of the case, and the legal claims that are being

made. At the time, Gelfand was represented by the attorney Robert L. Allen. The complaint appears in Volume One of the Gelfand Case materials as Document 1 in Chapter Three.

In the US legal system, like many others around the world, the person who files a lawsuit is called a "plaintiff" and the people who are being sued are called "defendants." In his complaint, Gelfand named as "defendants" the US government, represented by the Attorney General, the heads of the Central Intelligence Agency, the Federal Bureau of Investigation, and the National Security Agency. He also named the SWP and the individual SWP leaders and members who had played a role in his expulsion.

The list of defendants in the Gelfand Case included Griffin Bell, then the US Attorney General; William H. Webster, director of the FBI under the Carter administration (1977–1981); Stansfield Turner, the Director of Central Intelligence under the Carter administration, previously the Supreme Allied Commander, NATO, Southern Europe (1975–1977); and Vice Admiral Bobby Inman, director of the NSA under Carter.

The SWP leaders who were named as defendants included Jack Barnes, Larry Siegle, and Doug Jenness. Hansen, who had been the SWP's national secretary, died in January 1979, after Gelfand's expulsion and before the case was filed. Barnes was the national secretary at the time the case was filed, but he would go on to expressly repudiate Trotskyism by the end of 1982.

Among the other SWP members who were named in the lawsuit as defendants was notably Peter Camejo. Camejo had been the SWP presidential candidate in the 1976 election, and he would go on to play a prominent role in California politics. He ran three times for governor on a Green Party ticket and was a vice-presidential candidate for Ralph Nader in 2004.

Gelfand filed the case on his own behalf individually and was the only plaintiff. If there was ever a caption to a legal case that resembled *David v. Goliath*, it was this case: Gelfand, the young lawyer who had just been admitted to the bar in 1974, versus the national leadership of the SWP together with the leadership of the entire national security apparatus of US imperialism.

The legal theory of Gelfand's case was beautiful and forceful in its simplicity. Gelfand contended that his expulsion violated the First Amendment, part of the Bill of Rights, which famously guarantees free speech and free association. Under the First Amendment, he contended, he had a right to join a political party of his choosing, and his expulsion by a leadership that had been compromised by the presence of government agents effectively deprived him of that right. He also contended that the SWP leaders had violated the SWP's own constitution by summarily expelling him without following the internal procedures they had implicitly promised to follow when he was admitted.

The "remedy" in a lawsuit is what the plaintiff is asking for the judge to do. As a remedy, Gelfand's complaint demanded that the judge order the US government to identify its current and past agents in the SWP and prohibit them from sending any more agents into the organization. As for the SWP, Gelfand demanded that the court order him reinstated as a member.

Significantly, Gelfand did not ask for any money damages or financial compensation, a fact that underscores the principled character of the case. In contrast to the SWP's own lawsuit against the US government following the COINTELPRO revelations, which demanded money but failed to demand the exposure and removal of agents, Gelfand demanded the exposure of removal of agents without asking for a penny.

However, because he did not ask for money damages, he was not procedurally entitled to a jury trial, meaning that all of the dispositive decisions in the case would be made by the judge.

At the time he filed the lawsuit, as was explained in the previous lecture, Gelfand already had information that Hansen had meetings with the Soviet secret police (then known as the GPU) shortly before Trotsky's murder, and that immediately afterwards, Hansen had met secretly with the FBI. Gelfand contended that there could be no innocent explanation for the SWP leaders expelling him for having raised questions about these revelations.

B. COINTELPRO and the Church Committee

The FBI's COINTEL program and the Church Committee have already been referenced in the previous lectures. This lecture will return to it to make a few additional points, because it helps explain not just the conduct of the International Committee, but the conduct of the US government and the courts. In the shadow of those revelations, they were unable to simply toss Gelfand's complaint out of court without addressing the legitimate democratic issues that it raised.

In the 21st century, we have witnessed the impact of the revelations of war crimes by Wikileaks, Julian Assange, and Chelsea Manning, and of the extent of NSA spying exposed by Edward Snowden. But without diminishing the importance or radicalizing impact of those revelations, the COINTELPRO and Church Committee revelations are distinguished by the scale of government criminality involved as well as by the scale of crisis that they produced. At that time, sections of the American political establishment felt compelled to distance themselves from the "excesses" of the intelligence agencies, which so obviously contradicted the democratic ideological justifications for the existence and conduct of the American government both domestically and abroad.

The first breakthrough took place on March 8, 1971, when an underground anti-war resistance group burglarized an FBI field office in Media, Pennsylvania, stealing over 1,000 classified documents and transmitting them to a number of newspapers and politicians. As a result of this burglary, the world first learned of the existence of a program that would go on to become infamous around the world: the FBI "Counterintelligence Program," or COINTELPRO.

The COINTEL program was not just about surveillance—a point that needs to be emphasized. As was openly acknowledged at the Church Committee hearings themselves in 1975-76, COINTELPRO was first and foremost an extensive secret government program designed to destroy people and destroy organizations. And those destructive energies were expressly directed above all at Marxists, and at preventing Marxist ideas from gaining a foothold in the US.

The COINTEL program as such was underway from at least 1956 and continued through both Democratic and Republican administrations until its exposure in 1971, but covert efforts to neutralize and disrupt political opposition continued before and after COINTELPRO.

While its primary focus and justification was destroying Marxist organizations, COINTELPRO reached across the entire spectrum of reformist, labor, and radical movements in the US. It targeted the civil rights movement, including Martin Luther King Jr., Malcolm X, and the Black Panther movement. It also targeted American Indian movements, environmentalist groups, Chicano and Mexican-American groups, and the United Farm Workers. It should be underscored that these were vast, intricate, well-documented operations that rivalled if not surpassed those of the infamous Stasi in East Germany. There were more than a million COINTELPRO documents on the Puerto Rican independence movement alone.

Looking back on this period, it is a statement of fact that what the SWP leadership termed "paranoid conspiracy theories" were, in reality, an accurate reflection of the real activities and methods of US government agents.

One infamous August 25, 1967 COINTELPRO memorandum described how political movements should be targeted. This memo directed FBI agents to "expose, disrupt, misdirect, discredit, or otherwise neutralize" the targeted "organizations and groupings, their leadership, spokesmen, membership, and supporters." Special emphasis was given to blocking efforts "to consolidate their forces or to recruit new or youthful adherents."

The memo emphasized: "no opportunity should be missed to exploit through counterintelligence techniques the organizational and personal conflicts of the leaderships of the groups and where possible an effort should be made to capitalize upon existing conflicts."

This particular memo specifically mentions as targets Martin Luther King, Jr. of the Southern Christian Leadership Conference (SCLC), Stokely Carmichael of the Student Nonviolent Coordinating Committee (SNCC), and Elijah Muhammed of the Nation of Islam (NOI).

The FBI labeled these groups "black nationalist hate groups" and disrupted them relentlessly under the framework of "racial intelligence." It is noteworthy that labeling civil rights groups as "hate groups" under COINTELPRO has an echo in the effort to label anti-genocide protests as "antisemitic" today.

To cite just one representative example of the methods of the FBI, one COINTELPRO operation targeted actress Jean Seberg with a very detailed written plan to spread gossip about her pregnancy at a moment calculated to cause the maximum embarrassment to her and undermine her career. She had committed no crime, but the FBI targeted her because she had given financial support to the Black Panther movement.

Seberg's mental health collapsed after the media reported a story—planted by the FBI—about her private sex life. Her pregnancy ended in a miscarriage and she went on to commit suicide.

This was how COINTELPRO operated: they intentionally broke up marriages by spreading rumors of infidelity by a spouse, broke into people's houses, opened mail, got people fired from their jobs, and aimed to undermine people psychologically as well as physically.

Another especially infamous episode in the COINTELPRO operation was the targeting of Martin Luther King, Jr., which has already been referenced.

One anonymous letter sent to King by the FBI attempted to psychologically manipulate him into committing suicide: "King, there is only one thing left for you to do. You know what it is. … You are done. There is but one way out for you. You better take it before your filthy, abnormal fraudulent self is bared to the nation."

There are statues of King today in many US cities, and countless roads and buildings named after him. But when he was alive, it is a historical fact that US government agents conspired to end his life. This letter was read on national news in November 1975 and produced genuine shock.

In one of the most brazen assassinations of this period, Fred Hampton, national spokesman for the Black Panther Party, was murdered in a COINTELPRO operation on December 4, 1969. Under the pretext of serving a search warrant, the Chicago police executed Hampton and Black Panther member Mark Clark in an apartment in Chicago, Illinois. The raid was prepared by an FBI informant named William O'Neal, who provided detailed floor plans of the apartment.

The COINTEL program also worked relentlessly to exacerbate factional rifts between organizations, for example, violently aggravating the rift between Malcolm X and a rival organization in the period leading up to his murder on February 21, 1965.

Similarly, John Huggins and Alprentice "Bunchy" Carter, young leaders in the Black Panthers, were killed at the University of California, Los Angeles (UCLA) campus in January 1969 in the context of a COINTELPRO operation to incite violence between the Black Panthers and another organization.

During 1975-76, the degree of US government efforts to "disrupt" and "neutralize" left-wing movements in the US had been the subject of extraordinary revelations by the Church Committee, a congressional committee headed by Idaho Senator Frank Church that was established to contain an eruption of public outrage over the existence of such programs.

The Church Committee exposed the CIA's "Family Jewels," an assassination program targeting foreign leaders, as well as the CIA's "Operation Mockingbird," which involved using controlled journalists both domestically and overseas to spread propaganda and plant stories.

This brings us to the FBI's COINTELPRO operation within the Socialist Workers Party, which was the subject of open public hearings beginning in 1975.

The SWP appears in COINTELPRO documents from the early 1960s as an express target of the program. Along with the Communist Party, the antiwar movement, and the civil rights movement, the SWP was a longstanding top priority for the FBI.

While SWP was targeted by COINTELPRO from the early 1960s, the FBI's targeting of the SWP dated back before COINTELPRO all the way to 1940, according to the Church Committee's own documents, a year that coincides with Hansen's secret meetings with FBI agents behind the backs of other SWP leaders.

The scale of surveillance of the SWP is extraordinary. Under COINTELPRO, the FBI conducted hundreds of burglaries of the SWP's offices. Between 1960 and 1976, the FBI had at least 1,300 informants targeting the SWP and its youth movement, including at least 300 members, from individuals in branches to the national leadership.

Again, this was not a surveillance program, it was a disruption program. These are the FBI's own words, in the header of every memo: "Disruption Program." The FBI collected as much detailed information about every member as possible, from their transcripts at school to their sources of income. FBI agents paid careful attention to any friction between people of different races or sexes or backgrounds, and they sought to fan the flames of any internal conflicts along such lines. The private sex lives of each member special interest to FBI agents, who gathered and recorded every detail they could sniff out, especially anything that did not conform to the social or sexual norms of the time.

This program prioritized long-term over short-term damage to people and organizations. In one memo dated February 23, 1962, the FBI admonished officers that "only carefully thought out programs with the widest possible effect will be considered."

During the Church Committee hearings beginning in November 1975, there were some senators who attempted to characterize the individuals who were targeted by the program as harmless people, implying that the FBI was wasting government resources by hounding and persecuting them. The FBI was generally indignant because, as they saw it, the Socialist Workers Party in 1940 and onwards was not an unimportant or harmless tendency. The FBI accused the Church Committee of being unserious about the danger of communism in the US. The FBI officials believed that they deserved credit for having succeeded in saving the country from communism, and they felt that the criticisms leveled by the Church Committee were unjust for that reason.

The Church Committee hearings were remarkable. Bitter divisions inside the state exploded into the open. Hundreds of pages of documents as well as footage of the hearings are available online today. One goal of the committee was to impose on the FBI a charter, which Congress never actually managed to do. Congress did pass the Foreign Intelligence Surveillance Act (FISA), an effort to impose some oversight over the intelligence agencies.

The explosive impact of the Church Committee created a temporary gap in the wall that the Trotskyist movement could and did exploit, a narrow window of opportunity during which what are under usual circumstances the most sensitive and closely held state secrets could be the subject of challenge in open court.

C. The hearing on the motion to dismiss

When a lawsuit is filed in the US federal court system, the person or entity against whom the lawsuit is filed has an opportunity to ask the judge to dismiss the case at the outset. This motion to dismiss is a key moment in the opening stages of a case and is the first test of whether the legal theory of the case is sound. On a motion to dismiss, the judge can dismiss all or part of a case.

The US government officials as well as the SWP and its leaders asked the judge to dismiss the case immediately after it was filed. The arguments on these motions were made on November 19, 1979. The transcript is Document 2 in Chapter 3 of Volume One of the published case materials.

Robert L. Allen, the attorney representing Alan Gelfand, stressed at the outset of that hearing that this was not an "in-house squabble of some sort between the plaintiff and the party."

"What Mr. Gelfand is seeking to do is to gain some redress for a violation of his First Amendment right to associate," he said. "It's a complaint that says that the Party has become in effect some form of agency or instrument of the government."

"The SWP," he continued, "knows that between 1960 and 1979 there were 1,331 informants from the FBI, 300 actual members of the SWP party who were working with the government as agents." Despite these revelations, he argued, the SWP leaders refused to "clean and clear or purge the SWP government informants."

The SWP's attorney at that hearing, Margaret Winter, responded to the invocation of Gelfand's First Amendment rights by declaring: "On this First Amendment right, this claimed First Amendment right to freedom of association, I honestly believe that this is a nonissue, your Honor, because I think it is just inescapable that even if Mr. Gelfand's accusations against these SWP members were true, and we say that they were ludicrous slanders, but if they were true Mr. Gelfand hasn't shown how you can have a First Amendment right to remain a member of a political party while you violate the basic rules of the membership of the organization."

In other words, according to the SWP, even if the SWP leadership was compromised by government agents, Gelfand's expulsion was still justified because he allegedly, in the course of trying to expose the agents, violated "basic rules" that those agents had imposed on the organization.

For his part, Stan Wright, the attorney from the Department of Justice representing the US government officials, limited himself to accusing Gelfand of "speculation." "He has not even made allegations. He's speculated. Again today he says that he believes. But again, we do not have specific allegations. This complaint has failed. Thank you."

This is the kind of argument one frequently hears from the government when it has secretly engaged in illegal activity of one sort or another. They say, in effect, "You don't know exactly how we did the illegal things we did, you can only speculate, therefore you won't be able to prove your case against us."

In a remarkable moment at the hearing, after this initial exchange, Gelfand then asked the judge for permission to speak, and the judge allowed him to do so.

Gelfand began by noting that "it is not in dispute that the SWP was massively infiltrated by the government. I think it is important for the Court to note that the SWP is a very small party. From the years 1960 to 1976 the membership ranged from around five to six hundred to a high of around thirteen to fourteen hundred," Gelfand said, referencing the COINTELPRO revelations.

"So when we are talking about 300 informants being actual members of a party, I think the Court can see the significance of those kinds of numbers," he continued.

Gelfand then referenced the Security and the Fourth International investigation and its revelations regarding Hansen. "Now, independent of this fact, other documents were made public beginning in August 1977 concerning Joseph Hansen, a very prominent member of the SWP," he said. "Now, the SWP claims that I went around slandering this man, that I made wild accusations. The Court has in its files a number of correspondences from me that explains how I proceeded. It explains that I wrote letters, that I asked questions, very logical questions to explain the meaning of these documents."

The "simple solution," Gelfand said, "would have been for someone to explain to me what these documents really meant," referencing documents indicating that Hansen "asked for and obtained a confidential relationship with the FBI" and a document "from J. Edgar Hoover instructing his agents on how to handle Hansen."

Judge Pfaelzer asked Gelfand how this implicated his right to "freedom of association." Gelfand responded: "Your Honor, it is my contention that the leadership of the Socialist Workers Party is dominated by government agents. Therefore, the Socialist Workers Party has in essence become an instrument of the government. I am prevented from exercising my First Amendment rights as a member of the Trotskyist movement because of the interference of government agents."

Gathering momentum, Gelfand continued, "I have a right to be a member of a political party," and the "political party that I am interested in is the Socialist Workers Party. It is a party that has very rich and historic traditions. It goes right back to Trotsky and Lenin and Marx.

"Now, I'm 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 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."

In conclusion, he said, "At the beginning of the time that I raised these questions I was a very active member of my branch. I had major responsibilities. After I began to raise these questions, I was relieved of those responsibilities. I was ostracized. I was isolated and I was eventually expelled. I submit that this is the direct product of the fact that the government has infiltrated the SWP and thereby has denied me the right to engage in the politics of my choice."

Responding to Gelfand, the judge said that, "I have the theory in mind now. All right." She took the matter "under submission," meaning that she would not issue a decision verbally that day but would issue a written decision at a later time.

D. The court's ruling

Judge Pfaelzer's ruling on the motion to dismiss finally arrived on June 27, 1980, approximately six months after the hearing and almost a year after the case was filed. The unusually long delay suggests that she was conflicted about how to respond to the case and took some time to make up her mind.

In the published case materials, this decision is Document 3 in Chapter 3 of Volume One. The standard on a motion to dismiss, as it was at the time and as it remains today, is whether, if all the plaintiff's allegations are accepted as true, the complaint states a plausible legal claim.

As to the claims against the US government, the judge rejected the

arguments advanced by the attorneys for the Carter administration. “Such a dismissal would necessarily hold that the First Amendment permits the government to infiltrate and take over political parties and then cause expulsion of those members who object,” she wrote.

The judge agreed that Gelfand had raised fundamental democratic questions that could not be summarily thrown out of court before they had a chance to be investigated and proven.

Judge Pfaelzer cited a 1957 Supreme Court case involving the National Association for the Advancement of Colored People (NAACP) in Alabama, which declared that “state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.” Applying that “strict standard” to Gelfand’s case, Judge Pfaelzer concluded 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.”

Likewise, as to Gelfand’s expulsion, Judge Pfaelzer drew an analogy to the government discouraging membership in the NAACP by compelling disclosure of its membership records and thereby exposing its members to retaliation. If merely discouraging membership with the threat of exposure is prohibited, she reasoned, then direct expulsion by government agents is obviously unlawful.

“If the government is prohibited from indirectly discouraging membership in a political association, it could hardly be argued that government agents are permitted to the cause the expulsion of Gelfand from the SWP, particularly on the ground that he complained of FBI infiltration,” she wrote.

Acknowledging that what Gelfand described in his complaint “cannot pass constitutional muster,” Judge Pfaelzer was effectively saying she no choice but to allow Gelfand’s case to proceed, because to dismiss it would be to effectively ratify government conduct that was clearly illegal and unconstitutional. However, she went out of her way to remind the litigants that she was not going to do Gelfand any favors, warning that she may still dismiss the case at a later stage.

“Both the government and the SWP defendants concur in disputing plaintiff’s factual allegations regarding the true cause of his expulsion,” she wrote. “Obviously, if Gelfand is unable to substantiate his allegations of governmental agency and control, his claims will not withstand a motion for summary judgment.” This qualification foreshadowed steps the judge would take later in the case, which will be the subject of the next lectures.

At any rate, the dismissal of the motion to dismiss meant that the complaint had to be answered, and it meant that the case would proceed to the next stage, during which Gelfand would have the right to compel the disclosure of documents and the testimony of witnesses.

E. The significance of filing a lawsuit

One frankly suspects that if a case like Gelfand’s was filed today—in an American judicial system marked by decades of degeneration, in which the president has been granted categorical immunity from criminal prosecution for “official acts”—the dismissal of the case would be immediate, accompanied by a loud bang of the gavel.

But in 1980, a number of factors converged to produce Gelfand’s outstanding legal victory on the motions to dismiss: the exposure of the COINTELPRO program by the Church Commission in 1975-76, the International Committee’s own work in the Security and the Fourth International investigation, the mishandling of Gelfand’s questions by the compromised SWP leadership and their inability to mount a principled political defense, and the assignment of the case to a relatively new judge who was clearly troubled at the outset by Gelfand’s allegations.

More generally, Gelfand’s case exploited a brief window of opportunity owing to the crisis produced by the exposure of the COINTEL program, which in turn expressed the contradiction between the US government’s claim to be crusading for “freedom and democracy” abroad while its intelligence agencies employ the most sophisticated, ruthless, and effective methods of political repression at home.

One should also add to this list of factors Gelfand’s own conduct, including his forceful and principled speech to the judge at the hearing in November 1979.

If Judge Pfaelzer had granted the motions to dismiss, that would have been the end of the “Gelfand Case.” But Gelfand’s victory on this motion made possible everything that will be the subject of the later lectures.

Looking back, it is clear that the International Committee correctly appreciated the significance of the case as soon as it was filed. If anything, the historical significance appears in sharper relief, especially in the context of the earlier lectures in this series.

Sometimes a counterfactual hypothetical question helps underscore the significance of a particular course of action. What if Gelfand had not filed a lawsuit? He could still have published an open letter denouncing the SWP leadership on paper, for example. He could have made every effort to publicize his expulsion and raise awareness of his concerns. The International Committee could have noticed and lent support to these efforts.

But by filing the case, he was able to elevate, escalate, and translate what would otherwise have been an obscure, murky, controversial expulsion to a higher historical plane, one that ultimately proved to be a devastating political exposure of the SWP as well as of the US government and of Stalinism—a political experience that would be remembered as “the Gelfand Case,” which could be the subject of a summer school nearly a half-century later. As the previous lecture demonstrated, the SWP never recovered from this exposure.

As for Gelfand’s decision to file a lawsuit, it would have been politically justified and principled even if he had lost at the motion-to-dismiss stage, but his victory in spite of the odds was a tremendous vindication.

If the SWP had been a legitimate Trotskyist organization in 1979, it would have welcomed a lawsuit as a mechanism for the exposure and expulsion of agents, as well as an opportunity to defend itself in an objective forum from what it called the “slanders” of the International Committee.

When Trotsky was being slandered in the Moscow Trials, he announced that he would welcome a counter-process, “a great counter-trial” to vindicate himself factually and politically against the false accusations made by the Stalinist bureaucracy. The Stalinist bureaucracy, for its part, never made a substantial effort to extradite Trotsky from Mexico, fearing that Trotsky would turn any legal proceeding around and use it to his advantage.

Trotsky himself took advantage of opportunities presented by legal proceedings to expose the lies of the Stalinist apparatus. In 1937, Trotsky sued the Swiss communist newspaper *Freiheit* for libel, intending to use that legal proceeding as a forum to expose and denounce the Moscow Trials.

Gelfand’s decision to file the lawsuit was politically astute and audacious—and it is necessary to add, included an element of physical bravery. This series of lectures have only scratched the surface of the political assassinations that were carried out both domestically and overseas by the US and other intelligence agencies and their accomplices in this period. Gelfand filed the case only two years after the murder of Tom Henehan, which had been preceded by the SWP and Hansen predicting violence and threatening “deadly consequences” if the Security and the Fourth International investigation continued.

I asked Alan Gelfand a few days before giving this lecture whether he felt that element of physical danger in filing the lawsuit. He responded by saying that this fear was superseded in his mind by the fear of making a mistake. He explained that he recognized that in filing the case, he was stepping out on the stage of history.

Legal proceedings are a form of warfare, they are full of procedural traps for the unwary and of course there are opposing lawyers lying in wait, ready to pounce at the faintest glimpse of an oversight or inconsistency. Every move on the procedural chessboard, every answer to a judge's question, and every brief require careful attention to every sentence, in a long marathon of short deadlines. Looking back now after almost a half-century, the way the case was conducted is extraordinary. This was in turn, a reflection of the seriousness and historical consciousness with which Gelfand approached the case, together with the International Committee, which immediately recognized the important opportunity that the case represented.

On a final note, those who were not born at the time of the events that are the subject of this lecture necessarily come away from a review of these materials with a profound appreciation for the work of those who went through these experiences, and for the whole movement, who carried the torch of the cause of the working class through a very difficult period, without exaggeration, of a life-and-death struggle to preserve its heritage against those trying to subvert it. Nearly everything that the International Committee does today was made possible by that struggle, next to nothing would be possible without it, it must not be taken for granted.

The struggle over Security and the Fourth International is part of the thread of continuity that connects the International Committee today, to borrow Gelfand's words at the November 1979 hearing, "right back to Trotsky and Lenin and Marx."