Lecture to the 2025 SEP Summer School

The Gelfand Case: Trial and conclusion

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This lecture, delivered by Don Knowland, an attorney for Alan Gelfand, covers the trial of the Gelfand case in March of 1983 and the unsuccessful suit by the Socialist Workers Party to impose the costs of litigation on Gelfand and his lawyers. It was given to the 2025 Summer School of the Socialist Equality Party (US) on the history of the Security and the Fourth International investigation. Parts one and two of the lecture "The Gelfand Case: 1978-1982" are here and here. The lecture "The Gelfand Case: Depositions and the fight against summary judgement" is here.

John Burton has exhaustively covered the details of the first three years of the Gelfand case. I will focus on the year 1983 going forward and my role as an attorney in it.

First, a bit of background on how I got involved in the Gelfand case.

I had known Comrade John for some time when he began to work on the Gelfand case, so I began to hear about the case from him and follow it.

I had read the Workers League party newspaper, the *Bulletin*, periodically as an undergraduate student and during law school, and I had read a fair amount of Marxist literature, including Trotsky's *History of the Russian Revolution*, so the case immediately interested me.

After serving as a law clerk for a year for a federal judge in the same downtown Los Angeles courthouse where the Gelfand case was later tried, I had been a practicing lawyer for a little over two years. My first work on the case was reviewing drafts of Gelfand's summary judgment opposition in 1982. In the course of that work I learned about the evidence and legal foundation for the case.

Later, I also contributed to and reviewed Gelfand's compelling 80-page trial brief, which was filed February 25, 1983.

I sat and assisted at counsel table during the trial. But John Burton mostly, and Robin Moest, a partner in his law firm, secondarily, handled the trial testimony and argument.

Judge Mariana Pfaelzer held the final pretrial conference in the case on January 31, 1983. A combined joint pretrial conference statement of all the parties, which Pfaelzer signed off on, stated what each party claimed were to be the issues to be resolved at trial.

The two main issues set forth by Gelfand in his PTC statement were:

(1) Whether police or intelligence agencies of the United States may lawfully place agents or informants in leadership positions within an otherwise autonomous political party and use them to manipulate the party and its membership; and

(2) Whether an individual expelled from the political party of his choice at the instance of United States government agents, or as a result of their activities within the SWP, entitled him to appropriate equitable and injunctive relief based on the First Amendment right to political association.

As for the SWP defendants, the sole issue they tendered was:

Whether the First Amendment prohibits the courts from inquiring into and/or overriding decisions of a voluntary political association, engaged in First Amendment activities, regarding the association's internal functioning and political positions.

The SWP here was necessarily stating outright that a court could not interfere with the operations of government agents at a leadership level in a political party.

The US government put the sole issue to be adjudicated as:

Whether, as sought by Gelfand, the court could enjoin the government from the use of agents or informants to conduct investigative and data-gathering activities within the SWP.

Here the government was saying that the court could not interfere with government spies in the SWP, at least to the extent of investigative activity by such agents.

Contrary to the SWP's position, Judge Pfaelzer was forced to recognize at the pretrial conference that if Gelfand "could present sufficient evidence to show that he was expelled by government agents," he could prevail in the lawsuit.

The legal burden Gelfand faced to prevail was to show his claims were true by a "preponderance of the evidence."

That is, if Gelfand could show, if only by a margin of 50.1 percent, that the evidence supported his allegations that the SWP's leaders were government agents, he would be entitled to a judgment in his favor.

Shortly after the pretrial conference, on February 25, 1983, Gelfand filed his trial brief. The brief is included as document 5 of Volume 2 of *The Gelfand Case*.

Desperate to avoid a public trial, the SWP defendants then brought yet another motion to dismiss the case before Pfaelzer, and at the same time petitioned the Ninth Circuit Court of Appeals for an extraordinary writ to prohibit a trial. Both efforts failed.

The SWP even filed a motion to recuse Judge Pfaelzer, on the flimsy basis that she had been on the Los Angeles Police Commission during time frames when the police department had infiltrated local SWP branches, including Gelfand's branch, and thus she could not be objective or impartial. Another federal judge reviewed and denied the SWP's motion as baseless, and inferred, correctly, that this was nothing more than an effort on the part of the SWP to postpone trial.

The SWP's weekly paper, *The Militant*, had not covered the case for over three years. Suddenly it was plastered with headlines about an attack on the bill of rights and an attempt to disrupt the SWP, rather than what it was in reality, an attempt to identify high-level government agents in the party.

Shortly before the trial commenced, the court ordered the SWP to turn over to Gelfand the letter dated June 8, 1976 from Hansen's longtime close friend Vaughan T. O'Brien. (See *The Gelfand Case*, Volume 2, Document 4).

That letter dispositively confirmed the testimony of O'Brien given at his prior deposition that Louis Budenz's friend Pearl Kluger, at around the time of the publication of Budenz's books, and the time of the SWP's Control Commission as to Sylvia Franklin, had told O'Brien that Budenz had said that "your friend Joseph Hansen worked with the GPU."

This letter was particularly damning, given that Budenz had also been

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the source of Franklin's exposure as a GPU agent.

The letter was otherwise fantastical, in that it spun a preposterous and hackneyed yarn about Trotsky sending Hansen to the CP headquarters in New York City to pose as a disenchanted young man who sought $25,000 for turning over the manuscript of Trotsky's *Life of Stalin*.

Gelfand's February 25 trial brief masterfully wove together the historical and political threads of the case. It explained the reluctance of the SWP to publicize the murderous exploits of Mark Zborowski. The lives of Zborowski, Sylvia Franklin, and Joseph Hansen were woven from the same fiber.

As the trial brief explained, each held the posts most coveted by the GPU. In Paris, Zborowski, alias "Etienne," served as secretary to Trotsky's son Leon Sedov, assiduously carrying out his political duties while, unbeknownst to Sedov, providing the GPU with the information it used in February 1938 to murder the young revolutionist in a Paris medical clinic. In New York, Sylvia Franklin functioned as James P. Cannon's "girl-Friday," transforming her secretarial desk into a listening post for Stalin. And, in Coyoacan, Mexico, Joseph Hansen performed secretarial duties on behalf of Leon Trotsky.

Within a week after the pretrial conference, Pfaelzer told Gelfand's lawyers that she had received and reviewed both the 1954 and the 1958 transcripts of Sylvia Franklin's grand jury testimony, and that she would soon release them. But as of the commencement of trial on March 2, 1983, she had not released them.

The trial lasted six days. Deposition testimony was introduced into evidence. The live witnesses were:

* Jack Barnes
* Barnes's hatchet man, Larry Seigle
* Alan Gelfand
* Jean Brust, who joined the SWP in the late 1930's, as an expert witness for Gelfand as to SWP policies regarding communications with the Soviet secret police and what the SWP called "agent-baiting." Gelfand originally had sought Cliff Slaughter to testify as an expert witness, but Slaughter chose not to testify.
* Two LAPD undercover officers in Gelfand's SWP branch (Gibby and Parisi), who testified that after Gelfand had raised his concerns in the branch in what appeared to be the customary fashion, he was threatened and silenced by the branch leadership.

Apart from Alan Gelfand himself, Jack Barnes plainly was the most important live witness. His testimony was markedly evasive, if not self-contradictory.

Despite (1) all the deposition testimony to the contrary, including that of former SWP political committee members who said they would have been, but were not, advised about Hansen's meeting with the GPU, his visits to the US consulate in Mexico City, and his visits with the FBI in New York City, and (2) the absence of any documentation supporting his testimony, Barnes nevertheless insisted that the SWP leadership had been informed of this activity at that time.

Barnes testified that he talked to Hansen "once or twice" in 1975 about these matters, when Hansen was putting together *Healy's Big Lie*, but they "did not get into detail about the subject." Barnes conceded that Hansen had said he had met with the State Department, and was trying to "follow up" on that.

According to Barnes' testimony, Hansen had said that the "main task" was to try to bring Natalia Trotsky to the United States and that he "hoped to get a little bit of information about who assassinated Trotsky." Barnes continued:

> But Trotsky's widow finally decided not to try to come to the United States... It was clear there was going to be no information forthcoming from the FBI or anybody else that would help us spot Trotsky's killer, and that was the end of the affair.

Barnes initially testified that Hansen had told him about a single meeting at the SWP office between Hansen, "maybe James Cannon," and an FBI agent. He had learned of this meeting with the FBI from either Hansen or Cannon.

But Barnes then conceded that Hansen had met with FBI agent Sackett in the FBI office in New York City at least a couple of times, unaccompanied by other SWP personnel. Given the deposition of Morrow and others, Barnes was forced to concede that the political committee did not know about this at the time, only Cannon.

Barnes testified further that no other members of the SWP political committee in 1981 other than himself were fully informed about Hansen's contacts with the GPU and FBI.

Barnes was then examined about the Sylvia Franklin matter.

The following exchange with John Burton occurred:

> Q: Now, was it your opinion at the time you received [Gelfand's letter] that there was no evidence whatsoever to indicate that Sylvia Franklin was an agent of the GPU?
>
> A: All the evidence is just the opposite. 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.
>
> Q: That is still your opinion today?
>
> A: Well, my opinion today is she is one of my heroes after the harassment and what she's been through in the last couple of years. I would even feel more strongly about her, her character, than I did then.

The examination continued:

> Q: Now, was Sylvia Franklin the subject of an SWP Control Commission investigation?
>
> A: No. Sylvia Franklin was not the subject of an SWP Control Commission. Sylvia Caldwell was invited to an SWP Control Commission hearing to discuss the fact of the Shachtmanites were spreading this rumor. The Control Commission had their hearing and then they passed a motion saying, one, that there is zero evidence that there is anything connected with this rumor that could be true, and, number two, which of course is the key of why they met, to request of the Shachtmanites to cease spreading this rumor because of that.
>
> Q: Are there any records of this Control Commission?
>
> A: I think the reports were oral.

No objective, unbiased trier of fact could have accepted this testimony as true.

Larry Seigle's testimony was even more absurd than that of Barnes. He didn't know whether Hansen had met with the special agent in charge of the New York City office of the FBI in 1940, and he "did not care." He never even asked Barnes about it, apparently even after Gelfand's lawsuit was filed.

Seigle's logic in substance was that anything that appeared in *Healy's Big Lie* was, by definition a lie, because Hansen had said so. Hansen, the head of the SWP, was, like the pope, seemingly infallible and could not sin.

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Seigle adopted similar tautological logic as to Max Schachtman's warning at SWP headquarters in 1947 that Sylvia Franklin was a GPU agent.

When confronted with the deposition testimony of Albert Glotzer in the Gelfand case, who had accompanied Max Shachtman when he visited the SWP to inform them that Franklin was an agent, for Seigle that charge was by definition false, because it came from the FBI. In other words, for Seigle, any information that originated with the government or the FBI was a lie.

Jean Brust testified that no one in the party would talk to the GPU in the 1930's and 1940's. She stressed that:

> These people were the police arm of the Stalinist bureaucracy that had murdered our co-thinkers around the world. They had murdered the leaders of our party, of the Left Opposition to the Communist Party, Rudolf Klement, Erwin Wolf, Leon Sedov. They had murdered Ignace Reiss. They had stolen the archives of Trotsky.
>
> They murdered thousands of oppositionists in the Soviet Union.

Brust testified that reports of agent penetration of the party were handled with the utmost seriousness, and without criticism of such concerns as "agent baiting." Her testimony completely debunked the SWP's trial position.

Only after Gelfand's counsel stated that he had no further witnesses after Barnes and rested his case did Pfaelzer release the transcripts of Franklin's 1954 and 1958 testimony before the New York grand jury.

This maneuver amounted to manipulation of basic court procedures, and the gutting of elemental tenets of justice at the highest level.

Neither the SWP nor the US government put on a defense, so Gelfand could not examine the defendants' witnesses as to these transcripts.

Barnes was thus able to give a virtual paean to Franklin as "one of [his] heroes" without facing cross-examination on it, widely considered the most potent weapon in a lawyer's arsenal for uncovering truth.

Franklin had invoked the Fifth Amendment privilege against self-incrimination in the 1954 grand jury transcript.

But the 1958 grand jury transcript contained testimony which confirmed virtually every detail of Budenz's prior affidavit.

She described her GPU contacts — an older man named "Jack," alias Dr. Gregory Rabinowitz, that Budenz had introduced her to, and "Sam," who was Jack Soble, and a "slim man," Dr. Robert Soblen. She also described the material that she would provide to them from the SWP office:

> Well, I remember I used to type up—it was mostly during the faction fights and the political committee meetings, who was fighting with who, and then if there was correspondence from Leon Trotsky that I saw, I would try to remember what was in the letters and write that all out, who's going with who and that kind of thing, personal things like that, I remember, how much money they had—I knew, you know, bank balances and stuff like that.

In sum, the unassailable evidence assembled in the course of pretrial discovery and presented at trial, in conjunction with the Franklin grand jury transcripts, proved every key allegation Gelfand put forth:

· Hansen had met with the GPU, and then lied about these meetings when asked by the International Committee to explain them.

· Hansen had met with State Department intelligence personnel in the US consulate in Mexico City on multiple occasions, and then met with the FBI in New York City, without the knowledge of the SWP leadership.

• Sylvia Franklin (a.k.a. Callen, Caldwell, Doxsee) was, in fact, a GPU agent sent to penetrate the Socialist Workers Party.

• Hansen had lied about Sylvia Franklin in order to discredit Louis Budenz, because the latter had secretly named Hansen as a GPU agent.

• Barnes had withheld information about Hansen's contacts with the FBI from Gelfand and the SWP membership; and he and Seigle had deliberately covered up for Hansen and Franklin, knowing that the questions asked by Gelfand had not been answered.

• They had done so because they were themselves the heirs of the apparatus infiltrated into the SWP by the GPU to assassinate Trotsky, and then delivered by Hansen into the arms of US imperialism.

• Gelfand had been silenced, expelled from the SWP, and then denied his right to appeal, in order to prevent the exposure of the cover-up of the connections of the defendants to the FBI and American intelligence agencies.

• There existed no politically plausible explanation for the sudden influx of students from Carleton College and their rapid elevation into the leadership of the SWP except that they too are government agents.

Not a single fact presented by Gelfand in relation to Hansen, Franklin, and his treatment at the hands of the SWP defendants was even seriously challenged, let alone disproved at trial. Of the many exhibits Gelfand offered into evidence, not a single one was shown to be inauthentic.

Yet in closing arguments, and in orally announcing her ruling thereafter, Pfaelzer insisted that Gelfand had not proven his case even if Hansen and Franklin had been GPU agents, because the SWP defendants could have had "blind faith" in their bona fides despite the mountain of evidence to the contrary.

During closing argument, Pfaelzer had the following exchange with John Burton:

> MP: Now let's just assume that [the defendants] covered up. May I derive from that conclusion that they are agents of the CIA or the FBI or any other governmental agency?
>
> I said to you: There are two equally persuasive inferences. One is that they [Barnes and Seigle et. al.] were, taking all this on blind faith, and they may not have been; it may not have been desirable for them to do that. But it certainly is possible that they did exactly that, that they were loyal to Hansen and Caldwell and they assumed that all of these charges were false. That is an equally persuasive inference to be drawn from this set of facts, even giving Mr. Gelfand all the best of it.
>
> …
>
> Two inferences that can be drawn from this record. And that means you don't preponderate.
>
> JB: Yes. Mr. Barnes knew that this was a conscious cover-up on the part of Mr. Hansen. He wasn't just going along lackadaisically. He was working with Mr. Hansen. Every time Mr. Gelfand's correspondence came in he'd shoot it over to Mr. Hansen. He had private discussions with Mr. Hansen. He worked with Mr. Hansen. "How are we going to keep the lid on this thing? We can't answer these questions."
>
> Mr. Gelfand said in his letters, "I know why you are not answering my questions. You don't have answers to them."
>
> MP: I ask you again: Does that show that Mr. Barnes is an agent of the FBI, the CIA, or any other governmental agency?
>
> JB: It certainly does. It does without any qualification, when evaluated in the context of the history of this movement.
>
> MP: What you have just said then will prove that he is an agent of the FBI, the CIA, or a governmental agency? And incidentally, which is it? Is it the FBI, the CIA, or is it the United States Navy?

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> JB: That precise fact we are unable to establish when the informer's privilege was upheld by this Court. We have to go from inference on these activities on these people to establish that they are agents of the United States.

Had Hansen been an FBI agent, in response to Gelfand's discovery requests the government could have admitted that, without revealing government intelligence sources and methods, which is the usual state mantra for avoiding such disclosures. Yet the government declined to that, even though Hansen was deceased, because such disclosure would undress Barnes and his adjutants as government agents.

A subsequently declassified June 1982 memo from the CIA's general counsel to CIA Director William J. Casey showed "major interest" in the Gelfand case. The memo insisted on invoking the agency's "statutory exemption from any requirements to disclose names or functions of CIA personnel."

It is likely that when the government lawyers made their 1982 *in camera* submission to Pfaelzer in her chambers without Gelfand's lawyers present in response to Gelfand's attempt to discover such matter, Pfaelzer was informed that the current leaders of the SWP were, in fact, US government agents. If so, that gave her all the more reason to grant the government's motion that this not be disclosed.

Pfaelzer's statement in closing argument at trial that Gelfand had to prove not only that Barnes & Co. were government agents, but which agency or agencies they operated out of, imposed a burden she well knew she had rendered impossible given her rulings on Gelfand's discovery requests.

Pfaelzer also voiced on more than one occasion a half-veiled charge that the Workers League and the WRP were behind the lawsuit and its funding. I personally suspected that the government may have provided Pfaelzer with information on both parties when it made its *in camera* disclosures to her, that is, a disclosure in chambers that excluded Gelfand.

Pfaelzer's reference to the United States Navy was notably curious, if not strange. In 1940, US international intelligence gathering was principally assigned to Naval Intelligence, not to the domestic F.B.I. (the CIA not having been formed), which is a fact that was not addressed in the case.

At a post-trial hearing on March 21, 1983 (see *The Gelfand Case*, Volume 2, document 5), Pfaelzer orally announced her ruling in favor of the Central Intelligence Agency, the FBI, the US attorney general, and the Socialist Workers Party and its leaders, whose interests had all been aligned against Gelfand.

Pfaelzer orally stated that her findings would be that the individual SWP defendants were not government agents, that Gelfand was not expelled for threatening to expose connections between the SWP defendants and the government, but rather because his "conduct violated the concepts of the party." In that regard, she emphasized his filing of an amicus brief in the SWP's purported case against the government.

But in truth, the ruling was a wholesale violation of all the historical precepts of the party, as against Stalinism and the Soviet Union, which had not yet fallen, and American imperialism.

While it was not, Pfaelzer said, unreasonable for Gelfand to raise "appropriate" questions about Joseph Hansen and Sylvia Franklin, for her that was "fairly irrelevant."

Moreover, she said, it was "possible that everything that he said was true and they negligently didn't look into it sufficiently, or they felt that it was wrong to take a second look at it. Even if they were incorrect in what they did, that does not show they were agents of the United States government, or any other government, or any other political party."

In sum, for Pfaelzer, the factual essence of the case — that Barnes and other SWP leaders deliberately covered up for Joseph Hansen's connections with the FBI and the GPU, as well as for Franklin's role as a Stalinist agent inside the SWP — was either ignored or declared "irrelevant."

In grasping at these findings, Pfaelzer trampled on and hollowed out the time-honored jurisprudential preponderance of evidence standard of proof.

The judge's reasoning — that Gelfand could not meet the preponderance standard simply because it is possible that the SWP leaders lied merely to avoid embarrassment, and that the inconsistency between their conduct and their claimed principles is irrelevant — is not correct as a statement of law governing fact-finding and inference in civil litigation.

Under the American legal system, the central task for the trier of fact (the judge or jury) is to weigh all of the evidence — including the credibility of witnesses, the plausibility of explanations offered, and the significance of circumstantial evidence — in order to determine whether the plaintiff's version is more likely than not, that is, supported by the preponderance of the evidence.

The factfinder is to assess not only direct evidence, but also the consistency (or lack thereof) between a party's actions and their claimed motives, as well as the broader context, to draw reasonable inferences about intent and truthfulness.

Thus, in order to prevail it was not necessary for Gelfand to prove that every possible innocent explanation for the defendants' conduct was excluded; rather, he had to show that his explanation — namely, that the leaders' repeated cover-up and lying was evidence of their being agents — was more probable than alternative explanations, taking into account the totality of evidence and context.

The existence of other "possible" or hypothetical motives for the defendants' conduct (such as embarrassment) would not defeat Gelfand's case unless, after reviewing all evidence, it could be shown that the alternative was more likely than Gelfand's theory, which it was not by a long shot.

By insisting that context is meaningless, and that no adverse inference could be drawn from conduct fundamentally inconsistent with the SWP's avowed and historical tenets, Pfaelzer wrongly restricted how circumstantial evidence and the political context should be considered.

Context, pattern of conduct, and consistency with claimed values are all valid considerations in civil fact-finding. As a matter of law, such evidence in the Gelfand trial was highly relevant to the evaluation of witness credibility, and to the question of whether cover-up and deceit reflect innocent motives, or were more likely to conceal culpability.

Therefore, Pfaelzer's position was legally incorrect. The preponderance standard does not require certainty or the elimination of every innocent explanation; it only requires that, after considering the context and all evidence, the plaintiff's theory is the more probable one.

In sum, by ignoring political history and context, and refusing to allow inferences from inconsistent behavior on the part of the SWP, Pfaelzer undermined the fact-finder's core function and misapplied the law governing civil proof.

On Pfaelzer's invitation, on April 28, 1983 the SWP filed a motion seeking an unspecified sum in excess of $400,000 in fees and litigation costs against both Gelfand and his attorneys.

This reactionary motion threatened to establish a legal precedent that would bankrupt civil rights litigants and their attorneys whenever a court ruled against them.

The fees could only be awarded under the applicable law if Gelfand's claims were "frivolous, unreasonable or without foundation," that is, if no reasonable person could believe his claims after hearing the evidence.

The SWP sought to justify a fee award against Gelfand on that basis, and under the exceptional doctrine that courts have "inherent power" to award fees to punish litigants and lawyers who knowingly bring frivolous cases for ulterior purposes, in "bad faith."

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Because John Burton individually, and his law firm Fisher & Moest, were, along with Alan Gelfand, a target of the SWP's post-trial motion to recover its attorneys' fees, I played a larger role in opposing that motion. I drafted the opposition to the motion on behalf of Alan.

Gelfand's brief opposing attorneys' fees is attached as Document 1 to Chapter 8 of *The Gelfand Case*, Volume 2. It clearly established that the SWP had not shown, and could not show, that Gelfand's case was frivolous and brought in bad faith.

When we argued the fees motion before Pfaelzer, in October 1983, a more seasoned and well known lawyer, Charles Rosenberg, handled it for Alan Gelfand.

John Burton's law firm, Fisher & Moest, brought in James Brosnahan, a very prominent San Francisco civil and criminal litigator, to represent it as to the attorneys' fees motion.

At the hearing on the fees, both Brosnahan and Rosenberg insisted that the inferences Gelfand drew were far from frivolous, were plausible, and were far from brought in bad faith.

Pfaelzer seemed particularly annoyed that such powerful arguments against an award of attorneys' fees were made in the briefs opposing the motion, and by these seasoned and prominent lawyers.

After the fees motion was argued, Pfaelzer took the matter under submission.

For five-and-one-half years, Pfaelzer refused to rule on the fees motion, knowing that an order granting it would most likely be reversed on appeal. Finally, the fees motion was withdrawn by the SWP after it received a minor financial settlement from Fisher & Moest's malpractice insurance carrier. In the final analysis, Pfaelzer's failure to grant the fees motion as to Alan Gelfand was the equivalent of a denial of it.

Further reflecting her difficulty in wrestling with the strength of Gelfand's case, almost six years had passed before Pfaelzer finally entered her "Findings of Fact and Conclusions of Law," on August 15, 1989. There Pfaelzer ruled in favor of the SWP on every question, ignoring the overwhelming evidence Gelfand had presented to substantiate his charges.

Gelfand then filed a detailed motion asking Pfaelzer to amend her findings, which was heard on November 13, 1989.

In a highly unusual 30-minute conference in her private chambers, Pfaelzer proposed to withdraw her findings against Gelfand if he withdrew his lawsuit. She urged Gelfand and the SWP to settle the case quietly amongst themselves, by agreeing to withdraw her findings in exchange for a promise by Gelfand not to appeal.

Pfaelzer's maneuvering plainly was meant to stave off an appeal of her flawed rulings during trial: her denying Gelfand access to the government files on its agents in the SWP leadership, her withholding of the Sylvia Franklin transcript until after Gelfand had concluded questioning witnesses, and her overall refusal to consider the powerful evidence Gelfand provided that showed he was expelled by government agents.

The trial record itself revealed the shaky and completely unprincipled character of Pfaelzer's findings.

As to the ultimate issues, the overwhelming strength of Gelfand's evidence clearly established that:

(1) Gelfand's versions of Hansen's undisclosed operations with the GPU, and later with the FBI, were in fact true;

(2) Sylvia Franklin had admitted under oath that she was a GPU agent planted in the SWP;

(3) Hansen and Barnes were forced to defend Franklin in order to shield Hansen's GPU and FBI past; and

(4) As an FBI asset, Hansen recruited Barnes and his Carleton College lieutenants as state agents.

Moreover, Gelfand proved that:

(5) Hansen lied about it when called upon by the IC to explain his meeting with the GPU; and *Healy's Big Lie* was itself the big lie;

(6) Hansen met with Robert McGregor and Shaw at the US Consulate in Mexico City in 1940 without authorization by the SWP, turned over confidential party documents, and sought to meet with state agents "with impunity"; and

(7) Gelfand was silenced, expelled from the SWP and then denied his right to appeal in order to cover up the FBI connections of Hansen and the Carlton defendants.

In the final analysis, the maneuvers of the bourgeois judge to shield the state from these disclosures were all for naught.

In sum, it was irrefutably established in the Gelfand trial that the central leadership of the anti-Trotskyist SWP was dominated by agents of US imperialism. This takeover of the party by the government was the outcome of a conspiracy against the Fourth International, the World Party of Socialist Revolution, on the part of both Stalinism, which was destined to restore capitalism in the USSR, and the American capitalist state.

Also established by the Gelfand case was the high degree of political vigilance that is necessary in matters relating to party security, contrary to the Pabloite attempts to minimize its importance.

There can be no doubt that the Gelfand case was a historic achievement. It was a monumental victory for the International Committee and the working class, dealing a heavy blow to the agent-ridden SWP, to the Pabloites and to the US government and its spy apparatus.

This is not a part of my formal report, but I wanted to close it out with a brief anecdote.

Sometime not too long after the trial I went with Comrade North to the National Archives in Washington D.C. to do some additional digging around.

This being long before computerization, we were in an area with the usual library wood file cabinets with alphabetic index cards.

We were told by a worker there that an area a few feet away was off limits, so not to research there.

At some point I nevertheless walked over and quickly searched for Joseph Hansen. I immediately saw a card that referenced a 1963 or 1964 Hansen report on Sri Lanka.

The card did not say it was a report to the SWP or other political entity.

So I immediately concluded that this was a report to the CIA or the State Department. Otherwise, why was it in a classified area?

Anyway, the worker came by right at that time and told me to leave the area, so I could not pursue it further.

This was not proof positive, but to me it strengthened what I had already concluded in working on the Gelfand case: that Gelfand had proven his case many times over.

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