

Security and the Fourth International, the Gelfand Case and the deposition of Mark Zborowski

An open letter from David North to Susan Weissman

10 November 2015

Dear Ms. Weissman,

This letter is a formal request that you fully, unequivocally and publicly retract the false statements maligning the International Committee of the Fourth International and the attorney Alan Gelfand with which you conclude the second part of your article, “Mark ‘Etienne’ Zborowski: Portrait of Deception,” published this past summer in *Critique: Journal of Socialist Theory*.^[1]

The statements to which we object appear beneath the heading “Postscripts.” They are not merely factual misstatements, regrettable but unintentional, but consist of a series of willful distortions of fact and outright lies.

You have resorted to slander in order to discredit the investigation, initiated by the International Committee in 1975, into the penetration of the Fourth International by agents of the Soviet secret police, the GPU-NKVD. This investigation, known as *Security and the Fourth International*, remains to this day the most detailed exposition of the role played by Stalinist agents in the assassination of key figures in the Fourth International and, finally, of Trotsky himself. Indeed, the two articles that you have published in *Critique*—to the extent that they are grounded in a factual record—draw heavily, though without proper attribution, upon the research conducted by the International Committee 40 years ago. Your failure to forthrightly acknowledge your own use of the pioneering work of *Security and the Fourth International* constitutes intellectual plagiarism.

Your attack on Alan Gelfand and the lawsuit that he initiated against the Socialist Workers Party in 1979 is particularly reprehensible, inasmuch as his efforts led to the release of documents—such as the grand jury transcripts of GPU agent Sylvia Caldwell (aka Callen, Franklin and Doxsee)—that are widely cited by historians in works dealing with the criminal activities of the Soviet secret police.^[2]

The dishonest and malicious character of your “postscript” is made all too clear by the fact that you have concealed the political motivations underlying your attack on the International Committee and Gelfand. Following the postscript, there is a final “Disclosure Statement,” which reads, “No potential conflict of interest was reported by the author.”^[3] You are guilty, Ms. Weissman, of filing a false disclosure statement for the purpose of intentionally withholding important information from the readers of *Critique*.

Your extreme hostility to the *Security and the Fourth International* investigation is inextricably linked to your political affiliations. You have been active in Pabloite politics for 40 years, and have over all these decades opposed the International Committee’s investigation into GPU penetration of the Fourth International and the circumstances surrounding

Trotsky’s assassination. You are a member of the Solidarity organization, formed largely by ex-members of the SWP, and joined the editorial board of its journal, *Against the Current*, in 1986. Many of your closest political associates are on record denouncing *Security and the Fourth International* as a “slander campaign.” You, Ms. Weissman, never objected to the Socialist Workers Party’s praise of Sylvia Caldwell as an “exemplary comrade,” and you agree with the SWP’s characterization of efforts to uncover and expose state infiltration of the Fourth International as “agent-baiting” and “paranoia.”

You have privately spread lies about the research of the International Committee, describing *Security and the Fourth International* as “garbage” in a 1996 letter to the late Albert Glotzer, a founding member of the Socialist Workers Party. Nothing troubles you more than signs that *Security and the Fourth International* is being read by mainstream historians. Referring to a work written by a noted Soviet historian, you wrote to Glotzer: “What is very disturbing in the Volkogonov book, in a section on the Trotsky assassination, is that he bases himself not only on Sudoplatov, but even worse on the American Healyites (or ‘Northites’) from the ‘Gelfand Case.’”^[4] Sudoplatov, as you know, was a notorious KGB killer, who played a central role in planning Trotsky’s assassination. That you consider “the Northites” “even worse” than a GPU-NKVD murderer exposes not only the depth of your subjective hatred of the International Committee, but also the political outlook that underlies your Zborowski project.

You fail to tell your readers that you supported the expulsion of Alan Gelfand from the Socialist Workers Party for demanding that the SWP renounce its defense of Sylvia Caldwell and that Joseph Hansen, a central leader of the organization, reply to documents published by the International Committee exposing his own secret dealings with the GPU and the US Federal Bureau of Investigation in the 1930s and 1940s. Above all, Ms. Weissman, you still endorse and continue to cover up the efforts of the SWP in 1981–1983 to obstruct and suppress Alan Gelfand’s attempts to compel Sylvia Caldwell and Mark Zborowski to testify under oath about their murderous activities inside the Trotskyist movement.

Your filing of a false disclosure statement not only discredits your attack on the ICFI and Alan Gelfand. It also raises serious questions about the nature and purpose of your research into the activities of Mark Zborowski as an agent inside the Fourth International. In light of the dishonest character of your “postscript,” the integrity of your Zborowski project is highly suspect. The subtitle of your article on Zborowski, “Portrait of Deception,” could justly serve as a description of your own efforts.

Let us turn to a detailed examination of your postscript. The entire text of the concluding paragraph reads:

In 1979, the Workers League, US co-thinkers of Gerry Healy's British Socialist Labor League and the International Committee of the Fourth International, discovered where Zborowski lived in San Francisco and picketed his house. That organisation initiated a bizarre, sectarian smear campaign against Joseph Hansen, a leader of the US Socialist Workers Party, who was one of Trotsky's secretaries at Calle Viena in Coyoacán, Mexico. In the notorious Gelfand case, named for the lawyer Alan Gelfand who filed the lawsuit against the SWP and Joseph Hansen, the Workers League charged that key leaders of the SWP were FBI agents and that Joseph Hansen was an agent of the FBI and the GPU. The case was both frivolous and groundless, but provided headlines and ink for Healy's organisations. The relevance for this work is that Gelfand succeeded in deposing Zborowski in April 1982. Zborowski ran rings around Gelfand and his attorney, refusing to answer anything more than the year and place of his birth and whether he had any siblings. The case was eventually dismissed. Once again, Zborowski proved himself a master at revealing nothing, taking the fifth and making fools of his questioners.[5]

Virtually every sentence in this paragraph consists of factual inaccuracies, misleading presentations of the underlying events and issues, half-truths and outright lies.

1. "In 1979, the Workers League, US co-thinkers of Gerry Healy's British Socialist Labor [sic] League and the International Committee of the Fourth International, discovered where Zborowski lived in San Francisco and picketed his house."

You are incapable, as a result of carelessness and malice, of getting even the most elementary facts correct. The Workers League discovered Zborowski's address in San Francisco not in 1979, but in 1975. This four-year discrepancy distorts the narrative of events that led to Alan Gelfand's decision to file a lawsuit against the Socialist Workers Party, which occurred after his expulsion in January 1979. Also, the Workers League did not picket Zborowski's house. Acting on behalf of the International Committee, I photographed Zborowski and his wife outside their apartment in August 1975. These photos were included in *How the GPU Murdered Trotsky*, the initial interim report of the *Security and the Fourth International* investigation.

2. "That organisation initiated a bizarre, sectarian smear campaign against Joseph Hansen, a leader of the US Socialist Workers Party, who was one of Trotsky's secretaries at Calle Viena in Coyoacán, Mexico."

Your description of *Security and the Fourth International* as a "bizarre sectarian smear campaign against Joseph Hansen" is a defamatory falsification of the origins and nature of the accusations leveled by the International Committee against Joseph Hansen. *How the GPU Murdered Trotsky* was serialized in the press of the International Committee in August-September 1975. This meticulously researched historical narrative provided, for the first time in the history of the Fourth International, a detailed account of the conspiracy against Trotsky's life. With the exception of a single report written in the immediate aftermath of Trotsky's assassination, the Socialist Workers Party made no effort to uncover and expose the GPU-NKVD network that infiltrated the Fourth International and organized Trotsky's murder. Basing itself on official US government documents, the transcripts of Congressional hearings, and the testimony of Soviet agents who were placed on trial in the 1950s, the International Committee reconstructed the vast network of GPU agents—in Paris, New York and Mexico—involved in the plot to murder Trotsky and destroy the Fourth International.

How the GPU Murdered Trotsky examined the origins of the GPU conspiracy against the international Trotskyist movement. It reviewed the activities of the Sobolevicius brothers (aka Senin and Well) and Mark Zborowski ("Etienne") in Europe. The information uncovered by the International Committee also raised disturbing questions about Lola Dallin (aka Estrine), Zborowski's self-described "Siamese Twin," who protected him unrelentingly, over a period of nearly 20 years, from the threat of exposure and, thereby, facilitated his crimes. The International Committee reviewed the manner in which Ramon Mercader (aka Frank Jacson) was successfully insinuated into the milieu of the Fourth International and initiated the personal relationship with SWP member Sylvia Ageloff that eventually gave the future assassin direct access to Trotsky.

How the GPU Murdered Trotsky dealt also with the network of GPU agents who penetrated the Trotskyist movement within the United States, including Thomas Black, Floyd Cleveland Miller and Sylvia Caldwell, who functioned as SWP founder James P. Cannon's personal secretary between 1938 and 1947. *How the GPU Murdered Trotsky* uncovered information about Robert Sheldon Harte—the American guard who opened the gates of the Coyoacán villa to the Stalinist machine gun squad that unsuccessfully attempted to assassinate Trotsky on May 24, 1940—which strongly suggested he had been a Stalinist agent.

The International Committee also unearthed US government documents that revealed for the first time that Joseph Hansen initiated, just 10 days after Trotsky's assassination, a series of secret meetings, totally unbeknownst to the Socialist Workers Party, with a representative of the FBI in the American Embassy in Mexico City. At the first meeting, Hansen informed FBI agent Robert McGregor that "when in New York in 1938 he was himself approached by an agent of the GPU and asked to desert the Fourth International and join the Third." Claiming to act with Trotsky's approval, Hansen told the FBI that for three months he "had relations with a man who merely identified himself as 'John,' and did not otherwise reveal his true identity." [6]

Confronted with this previously unknown information, the International Committee demanded that Hansen provide an explanation of his contacts with the FBI and relationship with the GPU.

Hansen's response to *How the GPU Murdered Trotsky* was nothing less than astonishing. He simply dismissed the documents that memorialized his meeting with the FBI as a "geyser of mud," [7] without providing any evidence that this and subsequent meetings with representatives of the "American Gestapo"—as the SWP publicly labeled the FBI in 1940—were authorized by the SWP leadership. Nor did Hansen provide any credible explanation for his meetings with the GPU agent "John."

At the same time, Hansen issued a deceitful defense of Cannon's personal secretary. "Sylvia Caldwell (that was her party name)," he wrote in a lengthy statement published in the November 24, 1975 issue of the SWP's *Intercontinental Press*, "worked very hard in her rather difficult assignment of managing the national office of the Socialist Workers party, which included helping Cannon in a secretarial capacity. In fact all the comrades who shared these often irksome chores with her regarded her as exemplary. They burned as much as she did over the foul slander spread by Budenz." [8]

Louis Budenz, as you well know, Ms. Weissman, was the one-time Stalinist editor of the *Daily Worker*, who was an agent of the GPU in the United States and played a central role in the conspiracy to murder Trotsky. After defecting from the Communist Party, Budenz went over to the FBI and began identifying agents whom the GPU had sent into the Trotskyist Socialist Workers Party. One of those agents was Sylvia Caldwell, who disappeared from the SWP in 1947, shortly after Budenz had exposed her. In 1960, Sylvia Callen (Caldwell's maiden name) was named an unindicted co-conspirator in the trial of Robert Soblen for espionage. Robert Soblen—I should not need to inform you—was one of the

aforementioned Sobolevicius brothers who had first infiltrated the Trotskyist movement in the early 1930s. His brother, Jack Soble, who was found guilty of espionage in the 1950s, had during his trial also identified Cannon's secretary as a GPU agent.

Hansen also denounced the questions raised by the ICFI about Robert Sheldon Harte as "particularly vile," declaring: "The odor of the old GPU slanders against Harte, we see, still persists in the headquarters of the Workers Revolutionary party." [9]

Following the publication of *How the GPU Murdered Trotsky*, the International Committee uncovered more government documents relating to Hansen's contacts with the FBI. [10] They revealed that Hansen's relationship with the FBI was intense and open-ended. It involved a one-sided exchange of information, from Hansen to the FBI. He provided information identifying various US citizens as GPU agents. He handed over to the FBI a secret memorandum, authored by Whittaker Chambers (another defector from the GPU) that implicated SWP member Sylvia Ageloff in Trotsky's murder. It stated: "Cannot believe innocence of Ageloff girls. Only a moron could live with GPU agent and not become cognizant." Whether or not Chambers' assessment was justified remains a matter of legitimate debate. But at the time Hansen transmitted this document to the FBI, which incriminated a party comrade, the public position of the Socialist Workers Party was that Sylvia Ageloff was an innocent victim of the assassin's criminal duplicity.

FBI director J. Edgar Hoover closely monitored Hansen's meetings with the FBI and ordered that no information relating to the FBI's investigation of Trotsky's murder be given to him.

Finally, before returning to New York from Mexico, Joseph Hansen asked that he be provided with a confidential FBI contact "to whom information can be imparted with impunity." [11]

3. "In the notorious Gelfand case, named for the lawyer Alan Gelfand who filed the lawsuit against the SWP and Joseph Hansen, the Workers League charged that key leaders of the SWP were FBI agents and that Joseph Hansen was an agent of the FBI and the GPU. The case was both frivolous and groundless, but provided headlines and ink for Healy's organisations."

There was nothing "frivolous and groundless"—let alone "notorious"—about the lawsuit initiated by Gelfand in July 1979. It was based on a massive body of evidence. Had the lawsuit been "frivolous and groundless," it would not have survived the three motions for summary judgment brought by the SWP. On July 12, 1982, Judge Marianna Pfaelzer denied summary judgment, acknowledging that Gelfand had met the legal test required to establish a triable issue of fact. Thus, the case went to trial. As a matter of law, this ruling meant that the Court found Gelfand's suit to be neither "frivolous" nor "groundless." It objectively demolished the official SWP claim, which you uphold to this day, that "Healy and his associates have not brought forward the slightest probative evidence, documents, or testimony to substantiate their libelous accusations against Hansen and Novack, the nominal targets of the attacks." [12]

For more than a year prior to his expulsion from the SWP in 1979 and the initiation of his lawsuit, Gelfand had attempted to obtain from national secretary Jack Barnes and other party leaders a factually grounded and coherent explanation of the incriminating documents published by the International Committee. No explanation was provided. Instead, he was referred to the SWP Education Bulletin entitled "Healy's Big Lie." Gelfand was told, falsely, that all the issues raised by the International Committee had been answered in this Bulletin. This Bulletin, as was apparent to anyone who took the time to read it carefully, answered nothing. You, Ms. Weissman, were apparently satisfied with the SWP's refusal to provide credible answers to evidence establishing that Sylvia Caldwell was an agent and that Joseph Hansen served as an FBI informer.

But Gelfand was not.

In a letter to the SWP National Committee, dated March 26, 1978, Gelfand carefully reviewed the documents and related evidence uncovered by the International Committee. He presented the national committee with three questions:

I. Was Sylvia Franklin, personal secretary to James P. Cannon, a GPU agent?

II. Was Joseph Hansen authorized by the SWP to have personal contact with the GPU in 1938?

III. Was Joseph Hansen authorized by the SWP to meet with the FBI in 1940? [13]

Gelfand, a highly experienced public defense lawyer, included with each question a detailed review of the documentary evidence produced by the International Committee. In the concluding section of his letter, Gelfand wrote:

I am confident that upon any objective reading of my letter one will conclude that Sylvia Franklin was a GPU agent and that Joseph Hansen's relationship with the GPU and FBI are at the minimum, highly questionable, and in need of an immediate and exhaustive examination. [14]

Gelfand ended his letter with two demands:

That Sylvia Franklin be repudiated as a GPU agent.

That Joseph Hansen be required to give a complete and full accounting of his involvement with the GPU and the FBI, and that he hand over to the Party any and all files, memos, manuscripts, letters or other correspondence in his possession or under his control. [15]

On April 7, 1978, Larry Seigle, writing on behalf of the SWP Political Committee, replied to Gelfand with the following warning:

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. [16]

Seigle's letter made it clear that the SWP leadership was unable to answer and refute the evidence published by the International Committee, and that its only response to those who sought answers was to threaten them with expulsion from the SWP.

On December 18, 1978, Gelfand filed an *amicus curiae* (friend of the court) brief in federal court demanding that the US attorney general "disclose the names of all the informants in the SWP, both past and present..." [17] Just short of one month later, on January 11, 1979, the SWP Political Committee responded to this politically principled demand by expelling Alan Gelfand from the SWP. In a public statement issued by the SWP leadership in July 1979, Seigle wrote that Gelfand's "expulsion was long overdue." [18]

You persist to this day in slandering Gelfand despite the fact that his

questions about the infiltration of the Socialist Workers Party have been entirely vindicated.

Permit me to call your attention to certain indisputable facts:

First, the Venona Papers and documents obtained after the dissolution of the Soviet Union have confirmed that Robert Sheldon Harte—whom Hansen and his colleague George Novack had eulogized as an innocent victim of “Healy’s Big Lie”—had been recruited by the GPU and was a participant in the May 24, 1940 attempt on Trotsky’s life:

KGB archival material brought to the West by Vasili Mitrokhin confirmed that Harte had collaborated with the attackers. A history of the KGB published in Russia in 1997 noted that Harte willingly opened the gate and left with the assailants, asserting that he had been recruited by the New York station and given the cover name “Cupid.”[19]

Thus, the questions about Harte initially raised by the International Committee in *How the GPU Murdered Trotsky*—and for which it was viciously maligned by Hansen and Novack—were completely legitimate. There is, one must note, no reference to Sheldon Harte in your *Critique* articles.

Second, it has been established that Sylvia Caldwell was a GPU agent. Gelfand’s lawsuit led to the release of her 1958 grand jury testimony in which she confessed her role as a Stalinist spy in the SWP. Even you have finally acknowledged that she was an agent. You write in the *Critique* article:

Instead, Mike Cort, also known as Floyd Cleveland Miller, became the KGB’s main agent in the SWP, along with Sylvia Callen, who served as James Cannon’s secretary, a position that gave her access to internal documents and information about SWP activities. Sylvia’s name in the Trotskyist movement was Caldwell, but she was also known by the last names of the men she married, first Zalmond Franklin (also an agent), then James Doxsee. Her cover name in the Venona traffic was Satyr. She regularly supplied her NKVD controller Jack Soble with typewritten reports about the factional struggles within the SWP, but continually asked to be released from the work because it made her nervous. Joseph Katz was put in charge of both Cort and Caldwell, under Soble’s direction.[20]

The Venona papers—transcripts of decoded Soviet espionage reports that were released by the US government following the dissolution of the USSR—added little to the information about Doxsee that had already been uncovered years earlier by the *Security and the Fourth International* investigation and Alan Gelfand’s lawsuit. I had located Caldwell in Wheaton, Illinois in May 1977 and established that her new married name was Sylvia Doxsee. In March 1983, at the very conclusion of the trial of the Gelfand case, Judge Marianna Pfaelzer released, over the bitter objections of the Socialist Workers Party, the transcripts of Doxsee’s grand jury testimony. Pfaelzer’s action clearly took the SWP attorney, not to mention SWP National Secretary Jack Barnes, by surprise. Less than one hour before the transcripts were released, Barnes reaffirmed his admiration for Sylvia Franklin. The following exchange between Gelfand’s attorney and Barnes took place in open court on March 9, 1983:

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?

Barnes: 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?

Barnes: 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.[21]

Third, a document obtained by Gelfand in the course of the discovery process established that Louis Budenz, who had exposed Sylvia Caldwell, had also identified Joseph Hansen as a GPU agent. A private letter written on June 8, 1976 to Joseph Hansen by his friend, Vaughn T. O’Brien recalled the following significant event:

Some years ago, in the late ’40s or early ’50s, (I am hazy on the date but clearly recall the place—Second Avenue and Seventeenth Street in NYC)—I encountered Pearl Kluger on the street. Pearl had been a secretary in the office of the American Committee for the Defense of Leon Trotsky and was, I believe, originally associated with A.J. Muste and Louis Budenz [sic] in the old American Workers Party. I had not seen Pearl for a considerable period of time, but she immediately said, “Budenz says your friend Joe Hansen worked with the GPU.”[22]

O’Brien’s letter revealed, at long last, why Hansen and the SWP had relentlessly defended Sylvia Caldwell as an “exemplary” comrade in the face of overwhelming evidence (even prior to the release of the 1958 grand jury transcripts and the Venona Papers) that she was a GPU-KGB spy; and why they had again and again denounced Budenz as a perjurer. Budenz had fingered not only Caldwell, but Hansen as well. For the SWP to accept Budenz’ allegations against Caldwell as true would have raised inexorably the most serious questions about Hansen’s role. Moreover, the fact that Budenz never publicly identified Hansen as an agent would have inevitably raised the suspicion that the FBI had vetoed his exposure because Hansen had been functioning as a high-level informer since 1940.

Five weeks after the conclusion of the Gelfand trial, in the April 15, 1983 edition of the *Militant*, the SWP leaders informed their members for the first time of what they had known for years: that Budenz had named “several SWP members as Soviet agents. Among these were Joseph Hansen, a central leader of the SWP until his death in 1979...” The word “several” indicates that the list of GPU agents inside the SWP included more names than those of Hansen and Caldwell. Despite this staggering public admission, which entirely vindicated the *Security and the Fourth International* investigation and the efforts of Alan Gelfand, the SWP leaders decided to persist in their defense of Caldwell. Just one day after the damning admission published in the *Militant*, Larry Seigle made the following proposal to the SWP Political Committee:

Finally, we should write an article presenting the party’s position on the accusations against Sylvia Caldwell. The article should present for the party and the international movement our political position on the responsibility of the party to defend itself against Cointelpro-type “snitch-jacket” operations of the kind that is now

being carried out against Sylvia Caldwell and the SWP. It is especially necessary to explain again, for those who have never learned or have forgotten, the responsibility of the leadership of the revolutionary workers party to defend loyally each and every member against such slander campaigns.[23]

The political committee minutes record that a motion “To approve the approach outlined by Seigle for the Sylvia Caldwell article” passed unanimously. This “approach” was realized in a report given by Jack Barnes to the national committee of the SWP in May 1983, which was published in the *Militant* on August 5, 1983. Barnes again embraced Caldwell as a “comrade.” He told the national committee:

As we know, Sylvia was vilified by the FBI disrupter and stool pigeon, Louis Budenz. She was hounded by the FBI throughout the years of the witchhunt. She was hauled before the federal grand juries investigating Soviet “espionage” during the 1950s, like the one that indicted the Rosenbergs. And she has now had the WL-WRP continuing the effort as a means of furthering their disruption operation against our movement, here and internationally.

Barnes went on to claim that the grand jury transcripts had been forged. “This is supposed to be the perfect frame—an official transcript, in which the woman under oath herself says that she did things she was accused of doing.” Barnes’ preposterous and desperate claims were accepted without objection by the national committee.

4. “The relevance for this work is that Gelfand succeeded in deposing Zborowski in April 1982. Zborowski ran rings around Gelfand and his attorney, refusing to answer anything more than the year and place of his birth and whether he had any siblings. The case was eventually dismissed. Once again, Zborowski proved himself a master at revealing nothing, taking the fifth and making fools of his questioners.”

Everything in the above-quoted passage is a distortion and falsification of the legal record. Zborowski ran circles around no one. This is clearly shown by the legal record surrounding Gelfand’s efforts to depose Zborowski. On February 1, 1982, Judge Pfaelzer granted Gelfand 90 days of discovery, during which time he would be allowed to depose witnesses to obtain information relevant to his case. Gelfand’s attorneys proceeded to issue a subpoena to Zborowski. The SWP immediately petitioned the court to impose a protective order blocking Zborowski’s deposition. In his own deposition, in March 1982, Jack Barnes presented an extraordinary justification of the SWP’s intervention in defense of Zborowski:

Q: Is it your job to protect GPU agents?

Barnes: It is my job to protect the rights of American citizens by fighting and by working through the movement and defending the rights of our party, when they come under attack.

Q: Are the rights of your party coming under attack when investigations are conducted, within the confines of the law, into the activities of the GPU within your movement?

Barnes: When individuals are harassed by organizations whose sole purpose is to harass them their rights are affected. You referred to Mr. Zborowski earlier. He is a person who stated, under oath, associations with agencies alien to our movement. Even Mr. Zborowski has the same rights as any other citizen in this country.[24]

The issue was not whether Zborowski had rights, but whether he should be compelled to give testimony, in a lawful deposition, relating to his role as a Stalinist agent. In response to the SWP’s efforts to block the deposition, Gelfand’s attorneys submitted a brief, dated March 12, 1982, explaining the significance of Zborowski’s testimony.

Mr. Zborowski’s deposition will shed valuable light on the nature of GPU activity in the American Trotskyist movement. He will be questioned as to the names of his collaborators inside that movement and as to his own activities inside the SWP. Given Mr. Zborowski’s career within the Fourth International, it is clear that he can shed critical light on the activities of GPU agents and their modus operandi, an issue of great importance in evaluating the present-day activities of the SWP defendants. The importance of Mr. Zborowski’s deposition is clear, and considering the historical record of his espionage within the Trotskyist movement, it is indeed odd that the SWP defendants have sought a protective order on his behalf.[25]

Judge Pfaelzer rejected the SWP’s attempt to stop Zborowski’s deposition, which then went forward on Thursday, April 15, 1982. At long last, this murderer was to be questioned by an attorney representing the Trotskyist movement. Zborowski had played a central role in 1) the July 1937 kidnapping-murder of Erwin Wolf, a key secretary of Leon Trotsky; 2) the September 1937 assassination of Ignatz Reiss, who had defected from the GPU and declared his support for the Fourth International; 3) the February 1938 assassination of Trotsky’s son, Leon Sedov; and 4) the July 1938 kidnapping-murder of Rudolf Klement, the secretary of the Fourth International.

Zborowski’s deposition was an event that should have been celebrated by every socialist. But for the Socialist Workers Party, which had tried to quash the deposition, it was a threat. Attorney James Larson represented Mark Zborowski. In the fight to stop the questioning of Zborowski, Larson worked closely with attorneys for the SWP. The US government was intensely interested in this deposition. An attorney for the government, Linda Cromwell, attended the deposition, representing CIA Director William Casey, FBI Director William Webster, and Attorney General William French Smith. John Burton, the attorney representing Alan Gelfand, questioned Zborowski.

After answering questions relating to his personal identity, Zborowski was asked when he had left Russia. He replied: “Upon the advice of my attorney, I decline to answer that question on the grounds that the answer may tend to incriminate me in violation of my state and federal privileges against self-incrimination.” He asserted this privilege in response to all further questions from Burton, including the following critical question:

Q: If I asked you questions relating to the circumstances of your entry into the United States during December of 1941, would your answer be the same?

Zborowski: Yes.

As you know, Ms. Weissman, Zborowski was able to escape pro-fascist Vichy France and enter the United States due to the extraordinary efforts made on his behalf by Lola Dallin and George Novack. An answer by Zborowski to this question would have contributed to clarifying the nature of his relationship with Dallin. Was she working with him as a

collaborator in his GPU activities? Was George Novack part of a network of Stalinist sympathizers and operatives inside the SWP?

Burton pressed on with his interrogation of Zborowski, asking him if he would continue to assert the Fifth Amendment privilege against self-incrimination.

Q: If I asked you questions relating to any activities you may have engaged in on behalf of the Soviet secret police within the Trotskyist movement and within the Socialist Workers Party in the United States from the time that you entered the United States through the years 1954 and 1955, would your answers be the same?

Zborowski: Yes.

Q: If I asked you questions relating to personal knowledge or hearsay knowledge that you might have of the international apparatus of the Soviet secret police within the Trotskyist movement from 1930 to the present time, would your answer be the same?

A: Yes.[26]

Why do you describe Zborowski's invocation, on advice of counsel, of the Fifth Amendment privilege against self-incrimination as running "rings around Gelfand and his attorney"? How did his cowardly silence make "fools of his questioners"? In fact, in the context of the lawsuit, Zborowski's refusal to answer questions on the grounds that his testimony might lead to his own future prosecution supported Gelfand's charge of high-level state penetration of the Socialist Workers Party.

Gelfand's attorneys went back to court to compel Zborowski to answer questions. The hearing on their appeal of Zborowski's invocation of the Fifth Amendment privilege took place on January 4, 1983 before US District Court Magistrate J. Steele Langford. The magistrate responded to John Burton's argument by calling attention to newly passed legislation making it a federal crime to provide information that might lead to the exposure of government agents.

Court: Now, if you would, why should not the court, in effect, be honoring Mr. Zborowski's concern for indication of the privilege against self-incrimination?

Burton: Your Honor, we—

Court: —In light of the fact that the witness, as I understand it, in part, the deposition, wishes to have this witness identify various persons who were or are in the Socialist Workers Party, which are, in effect, covert agents, perhaps intelligence agents, of the United States?

Burton: Well, that is our cause of action, your Honor, that is to prove that, and we are proceeding to trial March 1 for that exact purpose. Are you saying would it be a violation of the Intelligence Identities Protection Act?

Court: Yes.[27]

Magistrate Langford ruled in favor of Zborowski, stating that testimony that led to the exposure of agents in the SWP could lead to his prosecution.

Now, my feeling is that Mr. Zborowski, given the very nature of this case, when postured up against, since the case was filed, an enactment known as the Protection of Certain National Security Information, which has just become the law this year, does or would run a possible risk of violating section 601(a) of that act, were he

asked to identify either by name or description or anything else which might lead to the identity of possible intelligence agents who might be superficially participating in this Socialist Workers Party.[28]

Zborowski did not run circles around Gelfand and his attorney, let alone make fools of them. Rather, after a protracted legal struggle, Zborowski was saved, with the critical assistance of his defenders in the Socialist Workers Party, from having to answer their questions by newly passed federal laws that made it a criminal offense to identify government agents inside that organization. Thus ended the only and last opportunity for the Trotskyist movement to interrogate Mark Zborowski.

In a plaintive letter to Albert Glotzer, written on March 1, 1997, you recall: "I tried to see Zborowski several times and phoned him at least four times before he died, but he always hung up on me or shut the door on my face. Swine!" Your indignation was misplaced. Why were you surprised, Ms. Weissman? Did you really expect that Zborowski, a Stalinist agent with blood on his hands, would agree to have a pleasant and informative chat with you about his murders? Did you expect him to bare his soul and seek your understanding? In your naïve approaches to Zborowski, it is you who made a fool of yourself.

Thirty-two years have passed since the conclusion of the Gelfand case. During the past few years, you have advertised yourself as a scholar tirelessly seeking to uncover the truth about the role of Mark Zborowski. You have written, with a tone of weariness, of having "to negotiate a formidable labyrinth of archival censorship and documentation." With a lofty air you proclaim: "Prying secrets loose is never easy." Tell Alan Gelfand and the International Committee of the Fourth International about that, Ms. Weissman! Rather than being ashamed of your own acquiescence in the lies and cover-ups of Hansen, Novack and Barnes, you are still working to perpetuate them.

In conclusion, I again demand that you publicly retract the slanderous distortions and false statements that appear in the postscript of your article on Mark Zborowski.

Yours sincerely,

David North

National Chairman, Socialist Equality Party (US)

International Editorial Board Chairman of the *World Socialist Web Site*

Footnotes:

[1] Volume 43, No. 2, pp. 189–209

[2] See, for example, *The Venona Secrets: Exposing Soviet Espionage and American Traitors*, by Herbert Romerstein and Eric Breindel; and *Spies: The Rise and Fall of the KGB in America*, by Harvey Klehr, John Earl Haynes, and Alexander Vassiliev

[3] *Ibid*, p. 209

[4] Letter to Albert Glotzer, December 13, 1996

[5] *Ibid*

[6] *How the GPU Murdered Trotsky* (London: New Park, 1981), pp. 217–218

[7] *Healy's Big Lie: The Slander Campaign Against Joseph Hansen, George Novack, and the Fourth International* (New York: National Education Department, 1976), p. 13

[8] *Ibid*, p. 9

[9] *Ibid*, pp. 9–11

[10] The texts of these documents are reprinted in *The Gelfand Case*, Volume 1, (New York: Labor Publications, 1985), pp. 7–30

[11] *Ibid*, p. 21

[12] *Healy's Big Lie*, p. 63

[13] *The Gelfand Case*, Volume 1, pp. 52–70

[14] *Ibid*, p. 69

[15] Ibid, p. 70

[16] Ibid, p. 74

[17] Ibid, p. 91

[18] Ibid, p. 103

[19] Harvey Klehr, John Earl Haynes, Alexander Vassiliev: *Spies: The Rise and Fall of the KGB in America* (Kindle Locations 7502-7505). Kindle Edition

[20] "Portrait of Deception," Part 2, *Critique*, 2015, Volume 43, No. 1, p. 192

[21] *The Gelfand Case*, Volume 2, p. 635

[22] Ibid, p. 651

[23] SWP Political Committee Meeting No. 8, April 16, 1983

[24] *The Gelfand Case*, Volume 2, p. 422

[25] *The Gelfand Case*, Volume 1, pp. 152–153

[26] *The Gelfand Case*, Volume 2, pp. 434–435

[27] Ibid, pp. 465–466

[28] Ibid, p. 469

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