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## Socialist Workers Party: *First Amendment suit*

A case with potentially far-reaching implications for First Amendment rights is about to go to trial.

The Socialist Workers Party (SWP), the largest Trotskyist party in the U.S., is being sued by a former member in a case that raises the question of whether a political party—or any voluntary organization—can establish its own standards for who can be a member, who can be elected to leadership and what the group's ideology should be.

In 1979 Alan Gelfand, the plaintiff in the case, was expelled from the SWP. Gelfand is seeking a court order that his membership be restored, his expulsion be ruled a breach of contract in violation of the SWP's rules and that the members of the SWP responsible for his expulsion, including several leading figures of the group, be removed from their leadership positions. The case is scheduled to open in U.S. District Court in Los Angeles on March 1.

Gelfand's bizarre charge is that the SWP leadership is controlled by U.S. government agents who engineered his expulsion, thus violating his First Amendment right to be a member of the political party of his choice. The case originated four years ago during a lawsuit by the SWP against government spying and disruption. That case revealed years of illegal harassment of the SWP and other political groups by the FBI, CIA and other government agencies and is now awaiting a decision by District Court Judge Thomas Griesa in New York on whether the government has to pay damages for their harassment.

In 1978 during the course of that case, Gelfand, who was a member of the SWP in Los Angeles, argued that the leadership of the SWP couldn't be trusted and that he should be given the files documenting government harassment. He filed his own brief, without the knowledge of the SWP, noting he was trying to investigate "the alleged FBI relationships of certain prominent SWP members." Upon learning of the contents of this brief, the SWP expelled Gelfand in 1979.

Since Gelfand's expulsion, it has been revealed that he had been collaborating with the Workers League (WL), a small Trotskyist sect hostile to the SWP, while he was still a SWP member and that he had conferred with the WL about filing his lawsuit against the SWP shortly after his expulsion. The WL has for several years mounted a campaign against the SWP charging the party was controlled by government agents.

Court hearings showed that the WL was funding Gelfand's case.

All of this might just be a footnote in the history of sectarianism among political groups were it not for the extremely grave consequences that are raised—not only for the SWP, but for all political groups.

In an emergency petition filed Jan. 15, SWP lawyers argued: "If this case is allowed to continue and come to trial, the court will pass judgment on whether the plaintiff [Gelfand] or the SWP defendants are, in plaintiff's words, the 'true believers' in the principles that the SWP stands for. In making its decision the court will be required to delve into the doctrines of the SWP, varying interpretations of Marxism, differing views on the proper organizational principles for a Marxist party and other subjects which the First Amendment puts beyond the jurisdiction of a civil court."

"Such inquiry into the doctrine, administration and internal functioning of a political party is forbidden by the First Amendment."

In a statement protesting the trial of the SWP, Rev. Fred Taylor of the Southern Christian Leadership Conference noted, "The trial itself is a violation of the most fundamental rights of the American people: the right of the people to band together in voluntary organizations like labor unions and civil rights organizations and to set their own policies, elect their own leaders and determine their own membership."

"The intervention of the U.S. District Court into this area of democratic rights is an infringement of the First Amendment rights not just of the Socialist Workers Party, but also of the rights of all Americans."

JOHN TRINKL

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