

X.F.C.

CASE NUMBER

ALAN GELFAND

PLAINTIFF(S)

CV-79 02710 MRP(TX)

VS.

~~SEPARATE~~
S U M M O N S

UNITED STATES ATTORNEY GENERAL, GRIFFIN BELL,
DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION,
WILLIAM H. WEBSTER, DIRECTOR OF THE CENTRAL
INTELLIGENCE AGENCY, STANFIELD TURNER, DIRECTOR
OF THE NATIONAL SECURITY AGENCY, VICE ADMIRAL
BOBBY INMAN, JACK BARNES, LARRY DEFENDANT(S)
SEIGLE, PETER CAMEJO, DAVID JEROME, MARY ROCHE
DOUG JENNESS, SHARON CABANAS, PEARL CHERTOV,
BRUCE MARCUS, SOCIALIST WORKERS PARTY.

GOVERNMENT

TO THE ABOVE NAMED DEFENDANT(S)

You are hereby summoned and required to serve upon ROBERT L. ALLEN,
Attorney at Law,

plaintiff's attorney, whose address is 6725 Sunset Blvd., Suite 421,
Los Angeles, California 90028

an answer to the complaint which is herewith served upon you within 60 days after
service of this summons upon you, exclusive of the day of service. If you fail to do
so, judgment by default will be taken against you for the relief demanded in the
complaint.

DATE: JUL 18 1979

EDWARD M. KRITZMAN, CLERK

BY Paula J. Goin 
Deputy Clerk

(SEAL OF THE COURT)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE

Pursuant to an Order of the Chief Judge, all newly filed actions are to be assigned to a United States District Judge and a United States Magistrate.

In accordance with that order and in the discretion of the assigned judge, the magistrate may, upon reference, hear and decide all contested discovery motions filed by the parties. In all such matters so referred and decided by a magistrate, no motion for reconsideration by a district judge may be filed by the parties or their counsel.

This action has been assigned to United States Magistrate

All communications with respect to discovery motions ONLY should be addressed to the Court Clerk for Magistrate Tassopulos.

The magistrate's initial should be used on all documents filed with the Court so that the case number reads as follows:

79-2710-MRP(TX)

NOTE:

A COPY OF THIS NOTICE MUST BE SERVED WITH THE SUMMONS AND COMPLAINT ON ALL DEFENDANTS.

ROBERT L ALLEN
ATTORNEY AT LAW
6726 SUNSET BLVD.
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(213) 461-3396

FILED

JUL 13 10:10 AM '79
FEDERAL BUREAU OF INVESTIGATION
GENERAL INVESTIGATIVE DIVISION

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT

ALAN GELFAND,)
)
Plaintiff,)
)
vs.)
)
UNITED STATES ATTORNEY GENERAL,)
)
GRIFFIN BELL, DIRECTOR OF THE)
)
FEDERAL BUREAU OF INVESTIGATION,)
)
WILLIAM H. WEBSTER, DIRECTOR OF)
)
THE CENTRAL INTELLIGENCE AGENCY,)
)
STANFIELD TURNER, DIRECTOR OF THE)
)
NATIONAL SECURITY AGENCY, VICE)
)
ADMIRAL BOBBY INMAN, JACK BARNES,)
)
LARRY SEIGLE, PETER CAMEJO, DAVID)
)
JEROME, MARY ROCHE, DOUG JENNESS,)
)
SHARON CABANAS, PEARL CHERTOV,)
)
BRUCE MARCUS, SOCIALIST WORKERS)
)
PARTY,)
)
Defendants.)

CASE NO 79 02710 MRP(T)
COMPLAINT FOR CIVIL
RIGHTS VIOLATIONS
[42 U.S.C. 1985(3),
1986, 1988; 5 U.S.C. 702;
FIRST AMENDMENT UNITED
STATES CONSTITUTION;
BREACH OF CONTRACT]

1. This action is brought by plaintiff ALAN GELFAND, individ-
ually, seeking relief for violations of his rights under the First
Amendment of the United States Constitution, namely, the freedoms
of speech and association. Plaintiff further seeks relief under
42 U.S.C. Section 1985(3), 42 Section U.S.C.1986, 42 U.S.C. Section
1988, 5 U.S.C. Section 702, and for breach of contract.

1 2. The jurisdiction of this Court is invoked through 28 U.S.C.
2 Section 1331, 28 U.S.C. Section 1332, and 28 U.S.C. Section 1343.

3 3. The defendants GRIFFIN BELL, WILLIAM H. WEBSTER, STANFIELD
4 TURNER and VICE ADMIRAL BOBBY INMAN, are sued in their respective
5 official capacities and individually.

6 4. The defendants, SOCIALIST WORKERS PARTY (hereinafter
7 referred to as "SWP") is a duly authorized political party of the
8 States of New York and California, with its national headquarters
9 in New York City, State of New York.

10 5. The defendants JACK BARNES, LARRY SEIGLE, PETER CAMEJO,
11 SHARON CABANAS, DOUG JENNESS and MARY ROCHE were at all times
12 herein mentioned residents of the State of New York.

13 6. The defendants JACK BARNES, LARRY SEIGLE, PETER CAMEJO,
14 DAVID JEROME, BRUCE MARCUS, PEARL CHERTOV, SHARON CABANAS, DOUG
15 JENNESS and MARY ROCHE are, and at all times mentioned herein
16 were, members of the "SWP."

17 7. The defendants JACK BARNES, LARRY SEIGLE, DOUG JENNESS and
18 other unknown persons were, at all times mentioned herein, members
19 of the Political Committee of "SWP" and defendants JACK BARNES,
20 LARRY SEIGLE, DOUG JENNESS, PEARL CHERTOV and other unknown persons
21 were, at all times mentioned herein, members of the National
22 Committee of "SWP". Plaintiff will seek leave to amend this Com-
23 plaint upon ascertaining the names of said unknown persons.

24 8. Plaintiff, ALAN GELFAND (hereinafter referred to as "GELFAND")
25 is a citizen of the United States and a resident of Los Angeles,
26 California. "GELFAND" is and has been a member in good standing of
27 the California State Bar Association, since December 1974, and is
28 presently engaged in the practice of law in the State of California.

1 FACTUAL ALLEGATIONS

2 9. On or about March 1, 1976, "GELFAND" became a member in good
3 standing of the "SWP." "GELFAND" joined the "SWP" because it was at
4 that time and, at all times herein mentioned, the political party
5 by which, and through which, he would be able to best express his
6 personal political opinions and feelings. The history and phil-
7 osophy of the "SWP" was well-known to "GELFAND" and he found strong
8 political identification with the political movement exemplified and
9 expressed in the traditions, policies and activities of the "SWP."

10 10. On and after August 1, 1977, it came to "GELFAND'S" atten-
11 tion that a certain JOSEPH HANSEN, who had been a highly regarded
12 person in "SWP" activities, and a very influential member, may have
13 had linkages or connections with the Federal Bureau of Investiga-
14 tion, (hereinafter referred to as "FBI"). "GELFAND" became con-
15 cerned for the integrity of the "SWP" and hence began to research
16 this matter as best he could. Several months later he determined
17 that the "SWP" should make every effort to clarify all doubts
18 regarding JOSEPH HANSEN'S involvement with the "FBI." "GELFAND"
19 further determined that it was very possible that certain members
20 of the "SWP" were also agents, representatives and/or informers for
21 the "FBI."

22 11. On or about January 23, 1978, "GELFAND", while in atten-
23 dance at a meeting of the Southeast Los Angeles Branch of the "SWP",
24 attempted to raise certain questions about the "FBI's" infiltration
25 of the "SWP." His remarks were knowingly and falsely characterized
26 as out of order by defendants DAVID JEROME, SHARON CABANAS and
27 BRUCE MARCUS, when said defendants misrepresented to the branch
28 members that "GELFAND'S" remarks were in violation of a political

1 resolution of the Political Committee and/or political directive of
2 the National Convention, which resolution or directive did not in
3 fact exist.

4 12. On or about January 28, 1978, defendant PETER CAMEJO, the
5 Southwest Regional Organizer of the "SWP", warned "GELFAND" in a
6 private meeting in Los Angeles not to speak to any members of the
7 "SWP" about any issues relating to the FBI's" involvement in the
8 "SWP."

9 13. On or about March 27, 1978, "GELFAND" attended the meeting
10 of the Southeast Los Angeles Branch of the "SWP", and attempted to
11 distribute copies of a letter he had written which analyzed as well
12 as raised certain issues regarding the "FBI's" involvement in the
13 "SWP." "GELFAND's" effort to distribute this letter was prevented
14 and stopped by the defendants herein named.

15 14. On or about April 4, 1978, "GELFAND" was told by, PETER
16 CAMEJO and PEARL CHERTOV, in a private meeting in Los Angeles, that
17 he would be subject to discipline if he again attempted to circulate
18 letters or other written materials concerning the "FBI's" involvement
19 in the "SWP." On this same date "GELFAND" was given a letter which
20 expressed the same warning and was dated March 30, 1978, and signed
21 by PEARL CHERTOV.

22 15. On or after April 7, 1978, "GELFAND" received a letter
23 dated April 7, 1978, and signed by defendant LARRY SEIGLE, a member
24 of the Political Committee of the "SWP", wherein "GELFAND" was
25 warned that any further attempts to discuss or raise questions
26 regarding the "FBI's" involvement or infiltration into the "SWP",
27 would be in violation of the organizational principles of the "SWP"
28 and would not be tolerated.

1 16. On or about January 5, 1979, the defendant JACK BARNES, the
2 National Secretary of the "SWP" charged "GELFAND" with disloyal
3 behavior and conduct against the "SWP", because "GELFAND" filed an
4 Amicus Curiae brief, in December of 1978, in the Second District of
5 the United States Court of Appeals, in the matter of the "SWP" vs.
6 Attorney General of the United States, No. 786114. This Amicus
7 Curiae brief supported the "SWP's" contention that the identities
8 of "FBI" informants within the "SWP" must be revealed.

9 17. On or about January 5, 1979, the defendant DOUG JENNESS, a
10 member of the Political Committee of the "SWP" informed "GELFAND"
11 that charges had been filed against him with the Political Committee.

12 18. On or about January 8, 1979, the defendant MARY ROCHE, act-
13 ing for the Political Committee of the "SWP", denied "GELFAND" the
14 right to be present at the trial of the charges against him, to
15 call witnesses in his behalf and to cross-examine his accusers, in
16 violation of the Constitution of the "SWP" and/or the Constitution
17 of the United States.

18 19. On or about January 15, 1979, MARY ROCHE notified "GELFAND"
19 that he had been expelled from the "SWP."

20 20. On or after February 24, 1979, "GELFAND" received a letter
21 dated February 24, 1979, which was signed by MARY ROCHE, for the
22 Political Committee, informing "GELFAND" that his request to appeal
23 his expulsion was denied.

24 21. "GELFAND" is informed and believes, and on such information
25 and belief alleges that, each and every above-named individual
26 defendant is an agent, or representative or informer for the "FBI",
27 CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, or other
28 agency of the United States Government and that their actions as

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1 above alleged, constitute acts taken on behalf of the United
2 States Government.

3 22. "GELFAND" is informed and believes, and on such information
4 and belief alleges that defendants GRIFFIN BELL, WILLIAM H. WEBSTER,
5 STANFIELD TURNER, and Vice Admiral BOBBY INMAN, have issued direc-
6 tives and orders to their employees, agents and representatives,
7 instructing them to infiltrate, surveil and inform upon the activ-
8 ities of the "SWP" for the purpose of controlling and manipulating
9 the activities of the "SWP", or said defendants have ratified such
10 directives and orders issued by their predecessors.

11 FIRST CLAIM FOR RELIEF

12 23. Plaintiff alleges that because of the acts and conduct
13 described above, the defendants, and each of them, have violated
14 plaintiff's rights to free speech, association and political
15 expression as provided by the First Amendment of the United States
16 Constitution.

17 SECOND CLAIM FOR RELIEF

18 24. Plaintiff hereby incorporates each and every allegation
19 contained in paragraph 1 through 22 into his Second Claim for Relief
20 and thereby alleges that the acts described above were done by the
21 defendants, and each of them, as they were engaged in a conspiracy
22 to deny plaintiff his rights as provided under the Constitution of
23 the United States, and plaintiff seeks relief under 42 U.S.C.
24 Section 1985(3).

25 THIRD CLAIM FOR RELIEF

26 25. Plaintiff hereby incorporates each and every allegation
27 contained in paragraphs 1 through 22 into this Third Claim for
28 Relief and thereby alleges that the defendants, and each of them,

1 had knowledge of the wrongs which were conspired to be done, had
2 the power to act to prevent those wrongs, but refused and neglected
3 to prevent or aid in preventing the acts herein complained of, and
4 plaintiff seeks relief under 42 U.S.C. Section 1986.

5 FOURTH CLAIM FOR RELIEF

6 26. Plaintiff hereby incorporates each and every allegation
7 contained in paragraphs 1 through 22 into this Fourth Claim for
8 Relief and thereby alleges that the acts described above violate the
9 common law as modified by the Constitution and Acts of Congress and
10 plaintiff seeks relief under 42 U.S.C. Section 1988.

11 FIFTH CLAIM FOR RELIEF

12 27. Plaintiff hereby incorporates each and every allegation
13 contained in paragraphs 1 through 22 into this Fifth Claim for
14 Relief and alleges that defendants GRIFFIN BELL, WILLIAM H. WEBSTER,
15 STANFIELD TURNER and Vice Admiral BOBBY INMAN have, in their admin-
16 istrative capacities decided to infiltrate the defendant "SWP" and
17 plaintiff therefore seeks relief under 5 U.S.C. Section 702.

18 SIXTH CLAIM FOR RELIEF

19 28. Plaintiff hereby incorporates each and every allegation
20 contained in paragraphs 1 through 22 into this Sixth Claim for
21 Relief and alleges that defendant "SWP", through its agents,
22 breached his contractual right to a trial before expulsion and to
23 an appeal of his expulsion.

24 WHEREFORE, plaintiff prays for judgment as follows:

25 1. That this Court order the defendants GRIFFIN BELL,
26 WILLIAM H. WEBSTER, STANFIELD TURNER and Vice Admiral BOBBY INMAN
27 to disclose the names of any and all agents and informants, past and
28 present, who were or are members of defendant "SWP"; and

