

# A History of the National Lawyers Guild

## *Our Mission*

*We seek to unite the lawyers, law students, legal workers, and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests.*

-- Preamble to the NLG Constitution, 1937 as amended 1971

Founded in 1937, the National Lawyers Guild was the nation's first racially integrated bar association. The first "Guild lawyers" supported the New Deal, assisted the emerging industrial labor movement, and opposed racial segregation in the American Bar Association and the larger society. The Guild was the first national bar association to oppose the Death Penalty. During its more than 60 year history, the NLG has been an important part of the struggle of the American people for *real* democracy, for economic and social justice, and against oppression and discrimination based on race, ethnicity, immigration status, class, gender or sexual orientation. Consistent with its commitment to ensuring fairness and equality for *all* people, law students, non-lawyer legal workers and inmate legal experts are full members. The Guild elected its first African-American president in the early 1950s, its first female president in the 1960s and its first legal worker president in 1996.

## *Our History*

In the 1930s, NLG lawyers helped organize the United Auto Workers (UAW), the Congress of Industrial Organizations (CIO) and supported the New Deal in the face of determined ABA opposition. In the 1940s, Guild lawyers fought against fascists in the Spanish Civil War and WW II, and helped prosecute Nazis at Nuremburg. Guild lawyers fought racial discrimination in cases such as *Hansberry v. Lee*, the case that struck down segregationist Jim Crow laws in Chicago and entered our culture as Lorraine Hansberry's *A Raisin in the Sun*. The Guild was one of the non-governmental organizations (NGOs) selected by the U.S. Government to officially represent the American people at the founding of the U.N. in 1945. NLG members helped draft the Universal Declaration of Human Rights and founded one of the first UN-accredited human rights NGOs in 1948, the International Association of Democratic Lawyers (IADL).

In the late 1940s and 50s, Guild members founded the first national plaintiffs personal injury bar association that became the American Trial Lawyers Association (ATLA), and pioneered storefront law offices for low-income clients that became the model for the community-based offices of the Legal Services Corporation. During the McCarthy era, Guild members represented the Hollywood Ten, the Rosenbergs, and thousands of victims of the anti-communist hysteria. Unlike *all* other national civil liberties groups and bar associations, the Guild refused to require "loyalty oaths" of its members and consequently, the NLG was unjustly labeled "subversive" by the Justice Department, which later admitted the charges were baseless, after 10 years of federal litigation. This period in the Guild's history made the defense of democratic rights and the dangers of "political profiling" more than theoretical questions for Guild members and provided valuable experience in defending First Amendment freedoms that informs the work of the NLG today.

In the 1960s, the Guild set up offices in the South and organized thousands of volunteer lawyers and law students to support the Civil Rights Movement, long before the federal government or other bar associations were involved. Guild members represented the families of murdered civil rights activists Schwerner, Chaney and Goodman, who had heeded the NLG's call to join the civil rights struggle and were assassinated by local law enforcement-Ku Klux Klan members, which was fictionalized in the film *Mississippi Burning*. NLG-initiated lawsuits brought the Kennedy Justice Department directly into the Civil Rights struggle in Mississippi and challenged the seating of the all-white Mississippi delegation at the 1964 Democratic Convention. Guild lawyers defended thousands of civil rights activists who were arrested for exercising basic rights and established new federal constitutional protections in groundbreaking Supreme Court cases such as: *Dombrowski v. Pfister*, which enjoined thousands of racially-motivated state court criminal prosecutions; *Goldberg v. Kelly*, the case that established the concept of "entitlements" to social benefits which require Due Process protections; and, *Monell v. Dept. of Public Services*, which held municipalities liable for brutal police-employees.

In the late 1960s and early 1970s, Guild members represented Vietnam War draft resisters, antiwar activists and the Chicago 7, after the 1968 Chicago Democratic Convention. NLG offices in Asia represented GIs who opposed the war. Guild members argued *U.S. v. U.S. District Court*, the Supreme Court case that established that Nixon could not ignore the Bill of Rights in the name of "national security" and led to the Watergate hearings and Nixon's resignation. Guild members defended FBI-targeted members of the Black Panther Party, the American Indian Movement, the Puerto Rican independence movement and helped expose illegal F.B.I and C.I.A. surveillance, infiltration and disruption tactics (called COINTELPRO), that the U.S. Senate "Church Commission" hearings detailed in 1975-76 and which led to enactment of the Freedom of Information Act and other specific limitations on federal investigative power. The NLG supported self-determination for Palestine, opposed apartheid in South Africa, at a time when the U.S. Government still called Nelson Mandela a "terrorist", and began the ongoing fight against the blockade of Cuba. During this period, NLG members founded other important civil rights and human rights institutions, such as the Center Constitutional Rights, the National Conference of Black Lawyers, the Meiklejohn Civil Liberties Institute in Berkeley, San Francisco's New College School of Law and the Peoples Law School in Los Angeles.

In the 1980s, the Guild pioneered the "necessity defense" and used international law in support of the anti-nuclear movement and began challenging the use nuclear weapons under international law. This eventually resulted in the World Court declaration that nuclear weapons violate international law in a case argued by Guild lawyers more than a decade later. The NLG National Immigration Project began working systematically on immigration issues, spurred by the need to represent Central American refugees and asylum activists fleeing U.S. sponsored "terror" in Nicaragua and El Salvador. Legal theories for holding foreign human rights violators accountable in U.S. courts, based on early 19<sup>th</sup> Century federal statutes, were pioneered by Guild lawyers. The Guild organized "People's Tribunals" to expose the illegality of U.S. intervention in Central America that became even more widely known as the "Iran-Contra" scandal. The Guild prevailed in a lawsuit against the F.B.I. for illegal political surveillance of legal, activist organizations, including the Guild. The NLG Center for Social and Economic Justice was established in Detroit and the Guild published the first major work on sexual orientation and the law, and the first legal practice manual on the HIV/AIDS crisis.

In the 1990s, Guild members mobilized opposition to the Gulf War, defended the rights of Haitian refugees escaping from a U.S.-sponsored dictatorship, opposed the U.S. embargo of Cuba and began to define a new civil rights agenda that includes the right to employment, education, housing and health care. As a founding UN-NGO, the Guild participated in the 50th anniversary of the UN and Guild members authored the first reports that detailed U.S. violations of international human rights standards regarding the death penalty, racism, police brutality, AIDS discrimination and economic rights. The Guild initiated the National Coalition to Protect Political Freedom (NCPFF) to focus opposition to "secret

evidence” deportations and attacks on the First Amendment rights after passage of the 1996 Anti-Terrorism Act and established the NLG-National Police Accountability Project to address the widespread police violence. Guild lawyers won the first case in the World Court that declared the use of nuclear weapons a violation of international law.

The Guild began analyzing of the impact of “globalization” on human rights and the environment long *before* the Seattle demonstrations, and played an active role opposing NAFTA and in facilitating and supporting the growing movement for “globalization of justice.” As the 20th Century came to a close, the Guild was defending anti-globalization, environmental and labor rights activists from Seattle, to D.C., to L.A. Guild members were playing active role in encouraging cross-border labor organizing and in exposing the abuses in the *maquiladoras* on the U.S.-Mexico Border. The Project for Human, Economic and Environmental Defense (HEED) and the Committee on Corporations, the Constitution & Human Rights focus specifically on “globalization” issues.

### ***Today and Tomorrow***

At the turn of the 21st Century, globalization of information and economic activity is a fact of life, but so is the globalization of extremes in wealth and poverty. The American people are facing inescapable trends that will require vast restructuring of our entire society, if we are to avoid the social chaos that is already overtaking life in our major cities, or the militarized imposition of social peace that we see in other unstable societies and that is embodied in post-911 laws and policies. NLG members have long recognized that neither democracy nor social justice is possible, internationally or domestically, in the face of vast disparities in individual and social wealth. In short, we have always seen questions of economic and social class as inextricably intertwined with *most* domestic and international justice issues.

Domestically, the betrayal of democracy and the Supreme Court’s integrity in *Bush v. Gore* has made clear that the struggle for *real* democracy in the U.S. is far from over. The intertwining of governmental power with the influence of corporations, epitomized by the ENRON debacle, has confirmed that the theme of the 1998 NLG Convention, “Fighting Corporate Power”, may well be the major challenge for the American democracy in the new century. The seizure of increased executive power, the huge buildup of military might and the attack on civil liberties after the 9-11 tragedy, together with the scape-goating of Muslims, Middle-Eastern immigrants and the *re-creation* of McCarthy-esque “anti-terrorism” measures, has demonstrated that the Guild must, once again, play the role for which history and experience has prepared its members.

Guild members lobbied Congress and worked with the House Judiciary Committee in a failing effort to turn back the worst aspects of the 2001 USA PATRIOT Act. Guild members also filed the first challenges to the detention of prisoners from Afghanistan and to the use of military tribunals. Across the nation, Guild members are demanding that civil liberties be protected and that the U.S. Government respect the Constitution and international law at home and abroad. Guild members are defending activists, representing immigrants facing deportation, testifying in federal and state legislatures against civil liberties cutbacks. They are using their experience and professional skills to help build the 21<sup>st</sup> Century grass-roots movements that will be necessary to protect civil liberties and to defend democracy now and in the future.

### ***Who We Are / What We Do***

The Guild is a local organization, as well as national organization. Local Guild chapters are active on a wide range of issues, from police misconduct to environmental concerns to homelessness. Our chapter

structure allows members to become active in the struggles of their own communities, to support each other on a grassroots level and our committee structure make it possible to play a role in national political, social justice and legal issues. The Guild has more than 5,000 members and tens of thousands of active supporters, both within the legal profession and without. NLG Chapters can be found in most states, in all major cities and on more than 100 law school campuses.

This phrase from the NLG Preamble to the Guild's Constitution that began this short description of a complex history makes clear that: The purpose of the National Lawyers Guild is... *to serve the people*, rather than public or private entities that do not put human needs first. By stating clearly that...*human rights shall be held more sacred than property interests*, the NLG Preamble recognizes that the economic and social needs should also be considered "rights" and that these rights often conflict with the interests of propertied elites in all nations. Adherence to these ideas resulted in charges of "subversion" during the anti-Communist hysteria of the 1950s and 1960s. Today, many of these same ideas are embodied in the United Nations International Declaration of Human Rights, many international agreements to which the U.S. is a party (or should be), and are being incorporated into 21<sup>st</sup> Century constitutional theory and practice.

These are the same principles have informed the Guild's approach to domestic legal, political and social justice issues for over 60 years. These ideas have made possible the Guild's existence as a multi-issue organization. Rather than focusing on narrow areas of professional practice, the NLG see that a wide range of social, political and legal issues, such as racism, sexism, homophobia, environmental destruction, immigrant-bashing, labor issues, voting rights, etc. are intertwined with questions of economic justice and cannot be solved through focus on specific "legal practice" issues, or through the legal system alone. As a result, in addition to belonging to other professional organizations with a specific practice or professional focus, NLG lawyers, non-lawyers, students, academics, legislators, jurists and activists from a wide range law-related work find ways to make common cause, through the National Lawyers Guild.

### *Join Us*

The goal of building a society in which "human rights shall be regarded as more sacred than property interests" has inspired several generations of National Lawyers Guild members since 1937, and it is a goal worth fighting for today, and in the future. We welcome and encourage your support, ideas, and your energy in finding ways to shape that future.

*– Prof. Peter Erlinder, NLG past-President, 1993-97*