

Statement in Support of “Resolution to Reverse Anti-Democratic Constitutional Amendments” presented by the Detroit & Michigan Chapter and the Massachusetts Chapter

By: Franklin Siegel
New York City Chapter (for identification purposes)
Former National Office Staff member

Governance matters in the NLG make members’ eyes roll in the best of times. But in 2022, the prolonged suspension of holding membership conventions due to the 2020-21 public health emergency, led to a substantial re-distribution of organizational decision-making power away from the membership to the national board alone, in a method which violated requirements explicitly provided in the NLG Constitution and By-Laws. The NLG Constitution requires that such amendments take place at a National Convention. There is no question the NLG’s national leadership needed tools to address an unforeseeable issue during the 2021-2022 period. (The NEC actually already had the powers to act under Section 5.6 of the NLG Constitution). But the transfer of broad and substantial decision-making authorities away from membership to the board (the National Executive Committee) went well beyond what was needed to address problematic issues the NEC was faced with in 2021 and 2022.

At the Detroit Convention Governance Plenary, I presented a Point of Order from the floor that the five amendments to the NLG Constitution and one amendment to the By-Laws offered by the National Executive Committee in 2022 were adopted in violation of the NLG’s Constitution’s requirements.

Article 10 of the NLG Constitution provides “This Constitution may be amended by a majority vote of the National Convention, consistent with voting procedures in the Bylaws”

Article 9 of the NLG Constitution provides “Bylaws not inconsistent with this Constitution may be adopted or amended by a majority vote of the National Convention.”

The package of constitutional amendments and the by-law amendment presented by the NEC in 2022 did not take place at a convention. In a communication to the membership from the NLG National Office (sent from traci@nlg.org) on Friday, June 17, 2022 at 9:50:57 AM ET, it was noted (emphasis in original):

“All governance matters will be handled during the **NLG Governance Plenaries on October 22-23, 2022**. The plenaries will be virtual and open to all current NLG members. All voting will take place online after the plenaries....

“As a reminder, [NLG will not have a consolidated #Law4thePeople Convention](#). Instead, programming will be spread throughout the year. This does not impact the governance timeline.”

As we have learned in retrospect, the shift of organizational authority from the membership is not splitting hairs about esoteric governance. The shift in 2022 was so broad that it set the stage for novel claims of authority within the national board in 2025 which distracted the organization's focus from programmatic issues proliferating under the new national administration.

To be sure, our board (the National Executive Committee) needs tools to address unforeseeable emergencies, including member and chapter misconduct. A future Convention should consider amendments to give governance bodies tailored and flexible tools and authority. Done at a future Convention, NLG membership will be able to confer with national leadership and each other about the scope and nature of changes. That could not and did not happen online in 2022. In the interim, the NEC has authority to address emergencies and challenges facing the NLG. Article 5.6 of the NLG Constitution provides: "Duties of National Executive Committee - The National Executive Committee shall govern the organization. The NEC is the highest decision-making authority in the NLG outside of the National Convention. All National Executive Committee decisions are reviewable by the national convention."; and in unusually exigent circumstances between NEC meetings, Article 5.8 provides in pertinent part: "The Executive Officers [of the NEC] and the Executive Director are authorized -- as the Executive Council (EC) -- to govern the business of the organization between meetings of the National Executive Committee and to take any action on behalf of the organization that the full National Executive Committee is entitled to take."