

# New York City News

NATIONAL LAWYERS GUILD – NYC CHAPTER



FALL 2023

## Membership Survey Results Are In

BY GARRETT KASKE

Much has changed over the 86 years that NLG-NYC has proudly served New York and its legal community. Over the last few years, COVID upended how the Chapter and its members interact. Even before COVID, according to a 2019 six-part series by the New York Law Journal, bar associations like ours were struggling to stay relevant – with over a dozen merging or disbanding around that time. Not only has our expectations of what a bar association is and offers shifted, people are finding it more difficult than ever to carve out time for them.

With this in mind, we circulated a short survey this summer to take our membership's temperature. Thanks to all of you that took the time to answer our questions. Now that the results are in, here is a snippet of what we've learned and what we're doing about it (see full survey results below).

### A RETURN TO IN-PERSON PROGRAMMING IS COMING

Survey respondents prioritized in-person programming options, whether social or educational. The Chapter is responding. We're pleased to say that the end-of-the-year Holiday Party is returning this December. We've also set the wheels in motion to bring back the Spring Fling in 2024. But don't fret, our popular webinars – such as those put on by our Animal Rights Committee – and virtual CLEs aren't going away.

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### WHICH ISSUES MATTER TO YOU AND WHAT AREAS SHOULD THE CHAPTER FOCUS ON?

All of them. And rightfully so. Our communities and the environment are under siege from all sides. It is no surprise that our members have wide-ranging interests.

When asked to rank various subject areas, civil rights, as might be expected, was the top concern. As some of you noted, civil rights is often an umbrella term that covered other issues on the survey. Many of you felt strongly about animal rights, mass defense, mass incarceration and labor rights, which all received about 15% of top-priority votes. Yet, as the ranked voting shows, there is a deep concern for all the other issues listed in the survey, including housing, immigration, LGBTQ+ rights, and women's rights, which all received many high-end and mid-tier votes, while receiving few low-priority votes. Some members also provided some write-ins, such as militarism and education, for us to consider.

Likewise, you identified a diverse set of topics and event types for the Chapter to focus on. In addition to reengaging members and building community, you asked for programming covering subjects like the judiciary, healthcare, elections, career development, imperialism and self-determination, and the justice gap.

### WE LOOK FORWARD TO WORKING AND CELEBRATING WITH YOU

We are considering your suggestions to plan for a bigger, better 2024. We are committed to taking a more intersectional approach to CLEs and educational programming – encouraging our committees to work across practice-area divides. To build our community, we are ensuring that our virtual community is as vibrant as ever, as we are cleaning up our listservs and updating our membership platform. Likewise, we are getting back to in-person events — big and small.

We appreciate all your feedback. We hope to see you at our upcoming events. If there is something you are interested in working with us on or would like to see us focus on, please do not hesitate to connect with us.

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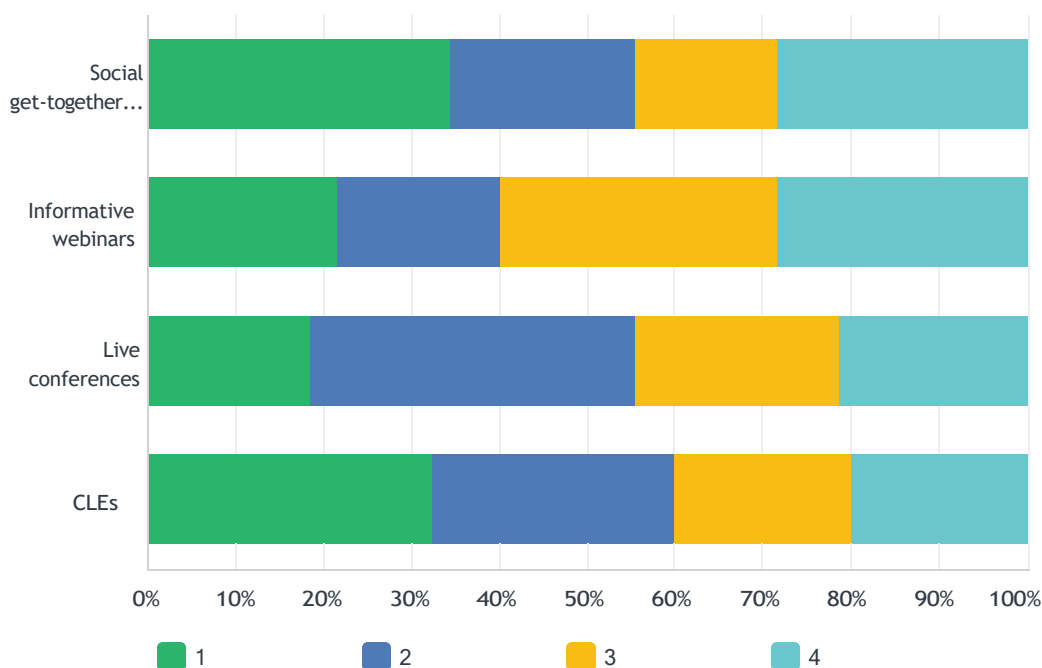
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**Q1 Please rank the type of NLG-NYC events from the one you like  
most (#1) to the type you like least (#4)**

Answered: 90 Skipped: 0



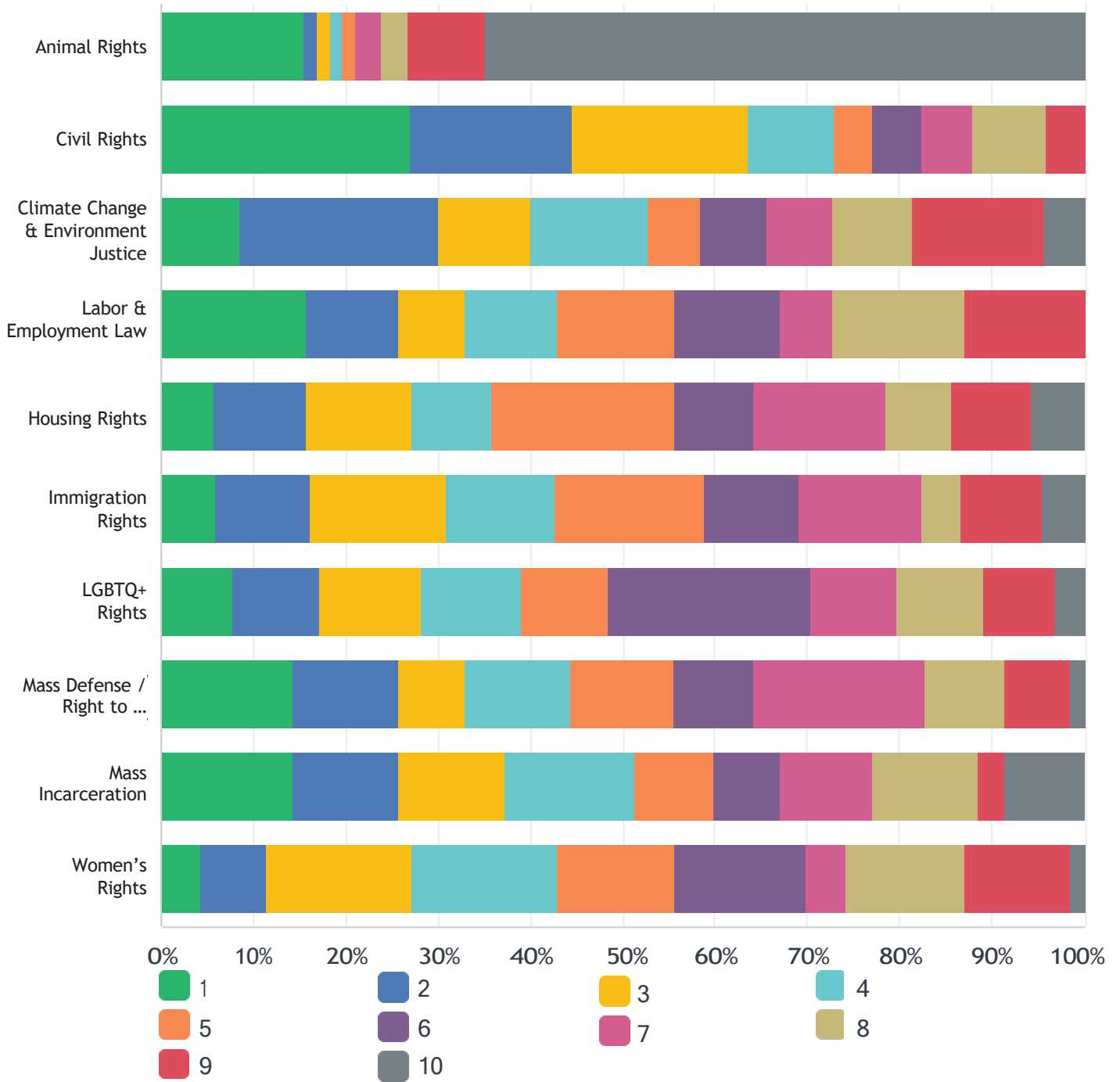
	1	2	3	4	TOTAL	WEIGHTED AVERAGE
Social get-togethers like Spring Fling/Fall Ball	34.62% 27	20.51% 16	16.67% 13	28.21% 22	78	2.38
Informative webinars	21.62% 16	18.92% 14	31.08% 23	28.38% 21	74	2.66
Live conferences	18.67% 14	37.33% 28	22.67% 17	21.33% 16	75	2.47
CLEs	32.53% 27	26.51% 22	20.48% 17	20.48% 17	83	2.29

#	OTHER (PLEASE SPECIFY)	DATE
1	Social activities	7/26/2023 5:50 PM
2	Town Halls on guild issues	7/26/2023 5:38 PM
3	all the above	7/21/2023 9:07 AM
4	I also enjoy the annual meeting	7/20/2023 4:15 PM
5	free food and drinks are good and more speakers from marginalized groups would help me go.	7/20/2023 3:14 PM
6	I like them all	7/18/2023 1:39 PM
7	Mass defense	7/18/2023 7:37 AM
8	Live Conference s	7/17/2023 10:34 PM
9	Smaller social get-togethers, like Happy Hours.	7/17/2023 4:53 PM

continued on page 3

Q2 Please rank these social justice issues in order of importance to you, from most important (#1) to the least important (#10)

Answered: 86 Skipped: 4



continued on page 4

	1	2	3	4	5	6	7	8	9	10	
Animal Rights	15.49% 11	1.41% 1	1.41% 1	1.41% 1	1.41% 1	0.00% 0	2.82% 2	2.82% 2	8.45% 6	64.79% 46 71	71
Civil Rights	27.03% 20	17.57% 13	18.92% 14	9.46% 7	4.05% 3	5.41% 4	5.41% 4	8.11% 6	4.05% 3	0.00% 0 74	74
Climate Change & Environmental Justice	8.57% 6	21.43% 15	10.00% 7	12.86% 9	5.71% 4	7.14% 5	7.14% 5	8.57% 6	14.29% 10	4.29% 3 70	70
Labor & Employment Law	15.71% 11	10.00% 7	7.14% 5	10.00% 7	12.86% 9	11.43% 8	5.71% 4	14.29% 10	12.86% 9	0.00% 0 70	70
Housing Rights	5.71% 4	10.00% 7	11.43% 8	8.57% 6	20.00% 14	8.57% 6	14.29% 10	7.14% 5	8.57% 6	5.71% 4 70	70
Immigration Rights	5.88% 4	10.29% 7	14.71% 10	11.76% 8	16.18% 11	10.29% 7	13.24% 9	4.41% 3	8.82% 6	4.41% 3 68	68
LGBTQ+ Rights	7.81% 5	9.38% 6	10.94% 7	10.94% 7	9.38% 6	21.88% 14	9.38% 6	9.38% 6	7.81% 5	3.13% 2 64	64
Mass Defense / Right to Protest	14.29% 10	11.43% 8	7.14% 5	11.43% 8	11.43% 8	8.57% 6	18.57% 13	8.57% 6	7.14% 5	1.43% 1 70	70
Mass Incarceration	14.29% 10	11.43% 8	11.43% 8	14.29% 10	8.57% 6	7.14% 5	10.00% 7	11.43% 8	2.86% 2	8.57% 6 70	70
Women's Rights	4.29% 3	7.14% 5	15.71% 11	15.71% 11	12.86% 9	14.29% 10	4.29% 3	12.86% 9	11.43% 8	1.43% 1	70

#	OTHER (PLEASE SPECIFY)	DATE
1	Voting rights	7/26/2023 5:50 PM
2	I took into consideration whether some of these topics are part of civil rights	7/25/2023 1:08 PM
3	My votes keep disappearing from screen eg protest is a	7/25/2023 12:35 PM
4	These issues are all important and interconnected as we resist capitalism. I can't rank them.	7/21/2023 1:57 PM
5	All the above	7/21/2023 9:07 AM
6	This grid is excessively hierarchical. ALL or some of these issues are equally important	7/20/2023 3:30 PM
7	Education related issues and all race related issues	7/20/2023 3:22 PM
8	I do not support all the categories of rights listed	7/20/2023 3:21 PM
9	3. Police Brutality-Racial Profiling-Know your rights	7/20/2023 3:18 PM
10	I appreciate intersectional programming like lgbt rights with racial justice.	7/20/2023 3:14 PM
11	This feels like an odd thing to rank this way. No offense, but I can't do it. As the saying goes "All our grievances are connected."	7/20/2023 2:05 PM
12	They're all important	7/18/2023 1:39 PM
13	All are important	7/18/2023 10:44 AM
14	Environmental Justice Civil Prisoner Rights	7/17/2023 10:34 PM
15	US wars and militarism	7/17/2023 5:22 PM

### Q3 What New York specific issues would you be interested in the NLG- NYC chapter focusing on?

Answered: 48 Skipped: 42

#	RESPONSES	DATE
1	Judicial advocacy and vetting	7/26/2023 5:50 PM
2	Re-engaging members through CLE's and/or get togethers that occur monthly or every other month	7/26/2023 5:38 PM
3	Civil rights issues involving the police and corrections. also, you ignore the large body of "senior" lawyers who have been long time members of the NLG, some for over 50 years, who feel the NLG has absolutely no relevance to any issues they feel are important.	7/25/2023 2:24 PM
4	NYC related issues: housing issues; racial profiling and institutionalized racist, sexist and anti- immigrant practices in policing, healthcare, education and mental healthcare; restore funding with proven track record for detention and post detention programming; rights of new migrants;	7/25/2023 1:08 PM
5	Reproductive law. Housing Health. Election law Judicial independence	7/25/2023 12:35 PM

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#	RESPONSES	DATE
6	Please either include or help people who haven't passed the bar and can't due to the extreme financial costs of taking the exam. The bar exam is inequitable by its very nature, and I wish you and other organizations with the power to do something actually DID something to abolish or at least reform the bar exam.	7/25/2023 12:17 PM
7	New York Labor Law and NYCHRL	7/25/2023 12:13 PM
8	Palestinian liberation	7/25/2023 12:10 PM
9	Puerto Rican independence. Continuing their 125 year fight.	7/22/2023 9:38 PM
10	Housing and climate change	7/21/2023 1:57 PM
11	Housing Policy	7/21/2023 9:07 AM
12	Policing	7/21/2023 7:08 AM
13	Animal rights and environmental justice issues	7/20/2023 7:05 PM
14	Labor organizing, transportation i.e. raising MTA price, police accountability, housing rights	7/20/2023 6:46 PM
15	Mass incarceration, including Immigration detention	7/20/2023 6:07 PM
16	Antiracism, antisexism, anti-imperialism	7/20/2023 3:53 PM
17	Climate, housing, immigration, LGBTQ+, Mass incarceration,	7/20/2023 3:30 PM
18	Radical ecology	7/20/2023 3:21 PM
19	NY employment law changes - non-competes, confidentiality, right to work, etc.	7/20/2023 3:20 PM
20	Surveillance, police presence, right to privacy	7/20/2023 3:20 PM
21	Mass incarceration/Mass defense/Police brutality	7/20/2023 3:18 PM
22	NY-specific civil rights laws	7/20/2023 3:17 PM
23	Affirmative Action/Diversity	7/20/2023 3:16 PM
24	(1) Housing Crisis, is there a way to de-commodify housing? (2) City/State responses to climate change. (3) Rewriting/Amending NYC Charter and NY Constitution for more progressive causes and using law to enforce it.	7/19/2023 1:40 PM
25	The Justice Gap (see the 2022 LSC Report)	7/18/2023 2:46 PM
26	Housing Law, proposing additional legislation to close the loopholes, especially Bill Leavitt's proposal, but also, that changes the way DHCR compiles rent history from landlords, and also a push to get more HP judges in Housing Court. I'd like to see a webinar on the state of Right to Counsel, as I am hearing horror stories since the pandemic about tenants not being able to get attorneys. I also think the NLG-NYC needs to issue a statement acknowledging the struggle of the Assigned Counsel Association to win a pay increase for 18-B attorneys after almost 20 years frozen at the same rate.	7/18/2023 1:38 PM
27	Antiracism and labor	7/18/2023 8:49 AM
28	Can't we choose more than one?	7/18/2023 7:37 AM
29	Source of income housing discrimination, perhaps the greatest civil rights issue facing indigent and low-income New Yorkers.	7/18/2023 6:43 AM
30	Ending Mass Incarceration (Close Rikers Campaign, etc.), Housing, Housing, Immigration Issues.	7/18/2023 4:28 AM
31	Not exactly New York City focus but I wonder if they'd be interested in a sort of public sector caucus	7/18/2023 4:09 AM
32	Civil rights	7/17/2023 10:34 PM
33	Racial profiling affirmative action housing rights	7/17/2023 8:24 PM
34	Tenant Unionism	7/17/2023 7:38 PM
35	Police reform, reform of the political process / voting (and the "Democratic" party), housing, safe streets and alternative transportation equity	7/17/2023 7:30 PM
36	Immigration	7/17/2023 7:23 PM
37	Immigration & resettlement	7/17/2023 5:22 PM
38	Closing Rikers, homelessness	7/17/2023 5:21 PM
39	Racism in police department and in housing.	7/17/2023 5:15 PM
40	Welcoming migrants	7/17/2023 5:11 PM
41	Eric Adams' migrant fail	7/17/2023 5:08 PM
42	Houselessness	7/17/2023 5:00 PM
43	Voting rights, education law, disability law, health law.	7/17/2023 5:00 PM
44	Practice skills.	7/17/2023 4:52 PM
45	The increasing obstruction of civil rights in every setting. It's all important. There is massive bullying out there right now.	7/17/2023 4:51 PM
46	Police brutality	7/17/2023 4:51 PM
47	Right to shelter, Rikers conditions	7/17/2023 4:51 PM

# NLG Rejects IHRA Definition of Antisemitism

BY LEIGHA GILLESPIE

The International Holocaust Remembrance Alliance (IHRA)'s working definition of antisemitism (quoted in full below) was put forward in May 2016. The National Lawyers Guild has categorically rejected this definition and has drafted and signed onto letters and statements encouraging other organizations and government bodies to do the same. In January of this

year, the NLG joined forces with others and [submitted a letter](#) to the American Bar Association, encouraging them to reject adoption of the working definition; subsequently the ABA declined to adopt it. The [Department of Education](#) has also declined to adopt of the definition as well, as evidenced by a fact sheet published in January this year in which reference to the definition was conspicuously absent. The United Nations is currently engaged in a debate about adoption of the definition, which has caused it to [postpone an event](#) about antisemitism in Spain in June. UN Special Rapporteur to Palestine, Francesca Albanese, [has been vocal](#) about the obligation the UN has to reject the IHRA definition. More than [60 human rights organizations have called on the UN](#) to refuse to adopt the definition. Disappointingly, in June the [European Union](#) did adopt the definition, which has been met with protest.

## As stated in the NLG's letter to the ABA, "The IHRA definition falsely conflates political criticism of Israel with antisemitism...."

The IHRA definition itself is not what has spurned debate, but rather the examples about how the definition applies. The definition states: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities." However, the very first example given regarding the application of the definition is: "Manifestations might include the targeting of the State of Israel, conceived as a Jewish collectivity", and later "Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor", "Drawing comparisons of contemporary Israeli policy

to that of the Nazis", and "Holding Jews collectively responsible for actions of the State of Israel". As stated in the NLG's letter to the ABA, "The IHRA definition falsely conflates political criticism of Israel with antisemitism. Ironically, this characterization aims to suppress anti-racist speech and major international human rights groups like [Human Rights Watch](#) and [Amnesty International](#), as well as Israeli groups like [B'Tselem](#) and [Yesh Din](#), have all condemned Israel for practicing apartheid based on its anti-Palestinian racist policies."

These examples are clear in their intent to chill speech that is critical of Israel, and more specifically speech in support of Palestinian solidarity and liberation. We are watching the most right-wing government Israel has ever elected increase violence in the West Bank and Gaza, supporting [pogroms perpetuated by settlers](#) with the

## CUNY Law finds itself at the center of this issue, after faculty and students successfully passed a BDS resolution in 2022 resulting in the targeting of the school by Councilwomen Inna Vernikov who pulled funding from the school's legal aid programming.

backing of the state, and such a definition would substantially limit speech regarding these atrocities. The definition with its examples is in and of itself racist and a tool to perpetuate further violence and dispossession on Palestinians in Palestine, and on people who support liberation globally.

Specifically in New York City, the IHRA definition is creating dangerous conditions for people who are active in the Palestinian liberation movement, and infiltrating the legal space in the city. One such example is the City University system (CUNY), where an aggressive campaign to pass the definition in the student senate in 2021, [was unsuccessful](#) as was the attempt to adopt an [alternative definition](#) drafted by the CUNY Jewish Law Student Association (JLSA). Even though the definition has not been successfully adopted, it is still dictating the response by the University system and the administration to speech that is critical of

Israel.

CUNY Law finds itself at the center of this issue, after faculty and students successfully passed a BDS resolution in 2022 resulting in the targeting of the school by Councilwomen Inna Vernikov who [pulled funding from the school's legal aid programming](#). That same year, Nerdeen Kiswani, Chair of Within our Lifetime and Co-chair of the NLG Palestine Sub-Committee, was nominated by her fellow graduates as the commencement speaker, and [targeted for the content of her speech](#) that was critical of Israel and its practice of ethnic cleansing Palestinians, as well as of the CUNY Chancellor for taking a trip to Occupied Palestine. More recently, CUNY Law 2023 graduates nominated Fatima Mousa Mohammed as commencement speaker, and she has been publicly shamed for [her speech](#), and targeted across the country by major media outlets such as the New York Post, New York Times, the Nation among others; politicians such as Ted Cruz, Ritchie Torres, and several New York city councilmembers among others. The CUNY Board

of Trustees and Chancellor Felix V. Matos Rodriguez, accused Mousa of hate speech in an [official statement](#). The attacks against Mousa have been vicious, and she is dealing with calls from Councilwoman Vernikov and a petition from the Lawfare Project to disallow her from admission to the New York State Bar, as well as threats to her safety and life.

In May of this year, the New York City Bar Association hosted an event titled ["Rising Anti-Semitism in NYC and What is Being Done Legally and Legislatively to Combat the Trend"](#) platforming Zionists such as Michael Cohen from the Simon Weisenthal Center and Eric Denowitz, NYC Councilmember among others. This event was sponsored by the Office of Diversity, Equity, Inclusion and Belonging and co-sponsored by the Civil Rights Committee. At this event, Cohen explicitly hailed the

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The Attica Brothers Foundation held the **52nd Annual Attica Memorial** event at Trinity Church Wall Street on September 9. Speakers included **Tyrell Muhammed** from the **Alliance of Families for Justice**, and author and historian **Heather Thompson** who won the Pulitzer and Bancroft Prizes for her book ***Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy***. Among the participants was **Daniel Meyers**, one of the five lawyers who litigated for 26 years seeking justice for the 1291 Attica Brothers who rebelled in September 1971 against the racist and oppressive conditions at Attica Prison. The other Chapter lawyers on the case were **Dennis Cunningham**, **Michael Deutsch**, **Elizabeth Fink**, and **Joseph Heath**.



**Bella Abzug** (1920–1998) was a legendary feminist, racial justice lawyer, and member of the United States Congress from 1971 to 1977. She was also a leading member of the NLG-NYC Chapter (see the year 1947 on this [timeline](#)). She is the subject of a **new documentary film, “Bella,”** which was broadcast on the PBS “American Masters” series on September 8, and which will stream without charge for six months thereafter.

On August 28 NLG-NYC Chapter Mass Defense Co-Chair and Executive Committee member **Erica Johnson** was appointed **interim Vice President of the NLG Northeast Region**. Erica, who is employed as a legal worker, is a regular NLG legal observer and a standup comedian.

**AFTER SFFA V. HARVARD/UNC:**  
SECURING THE 14TH AMENDMENT'S PROMISE OF  
**RECOURSE AS A FOUNDATION**  
**OF EQUALITY AND JUSTICE**

National thought leaders Bill Adams (ABA), Professor Vinay Harpalani (UNM), Professor Deborah Archer (ACLU) and Jarrius Adams (NBSA) will discuss the aftermath of SFFA v. Harvard/UNC, and explore what can be done to defend diversity in the classroom. Moderated by Professor Ruben Garcia (UNLV).

Tuesday, July 18, 2023  
3 p.m. to 4 p.m. EST  
More information at [saltlaw.org](http://saltlaw.org)  
Sponsored by the  
Society of American Law Teachers

CUNY Law's **Franklin Siegel** was one of the organizers of the **Society of American Law Teachers** July 18 free webinar which examined ***Students for Fair Admissions, Inc. v. Harvard College***, the US Supreme Court's recent anti-affirmative action decision.

***75 Years Later: The Role of the United Nations @ Grassroots Movements in Support of the Palestinian People***. This webinar on May 11 was organized by the **National Lawyers Guild Palestine Subcommittee** with speakers **Francesca Albanese**, UN Special Rapporteur on the occupied Palestinian territories; **Audrey Bomse**, co-chair, NLG Mass Incarceration Committee; and **Dylan Saba**, Palestine Legal. It was moderated by **Leigha Gillespie**, co-chair, of the **NLG Palestine Subcommittee**.

On May 9, **Arthur Z. Schwartz** [announced](#) that Antonietta Zappier, a former Project Veritas employee, had reached an “amicable settlement” of sexual harassment and labor law claims in a **federal lawsuit that alleged underpayment of employees and a “highly sexualized” work atmosphere**. The settlement was approved by a judge in White Plains. Project Veritas agreed to pay \$270,000 to resolve the claim, with \$15,000 to be paid by a human resources and payroll company that worked with the organization. Just over \$213,000 will be divided among six former employees and the remainder will go to legal fees. According to Wikipedia, Project Verita is a far-right activist group founded by James O’Keefe in 2010 known for using covert recordings to embarrass its political opponents. The group produces deceptively edited videos of its undercover operations, which use secret recordings to discredit mainstream media organizations and progressive groups.

### Memoriam

**Sarah Wunsch** was a member of the NYC Chapter when she lived in New York. She got her start in movement law as a student in Marty Stolar and Dan Alterman’s collective, then known as Stolar, Alterman and Gulielmetti (both Marty and Danny are former chapter presidents). At the time their office played a leading role in the defense of the Attica Brothers. Sarah was a student at Rutgers Law School. After law school she was a labor lawyer at the fabled United Electrical Workers (UE) which was then in NYC, and she was a staff attorney at the Center for Constitutional Rights before moving to Boston. ***Sarah Wunsch, Dogged Defender of Civil Liberties, Dies at 75.***

The NLG-NYC chapter participated in its **first post-COVID in-person career fair!** It was at Fordham Law School on September 7. Executive Director **Susan Howard** and Vice President **Milad Momeni** represented the chapter and greeted the students. **Milad:** “There was a lot of positive energy at the fair. We had a lot of students stop by who had heard of the Guild b/c of the George Floyd litigation task force. Many students, especially 1Ls, were interested in joining NLG NYC committees and perhaps learning from more established Guild attorneys in various fields, namely mass incarceration/criminal defense, and environmental justice. Super exciting event - I’m sure there are ways we can harness this energy into further building the chapter!” **Susan:** “To add to Milad’s great report back, lots of interest from students interested in Human Rights Law, Immigration, Public Defense et al. and as we are not an employer and are the only bar association at the fair, we do more than just inform students about our org., we ask about their interests and plans and let them know how the Guild can help support them in their pursuits.”

On October 12-15, the NLG will hold its first **leadership summit** in Atlanta, limited to chapter representatives and invited students. **JML Santiago**, NLG National Office Interim Executive Director: “The NLG Political Leadership Summit is an opportunity for us to gather with comrades in order to create a strategic and unified vision for the future of the Guild. We are facing many challenges that contribute to the disruption of important work. It is critical now, more than ever, that we hold on to the values that bring us together and be willing to engage in principled struggle regarding the issues that divide us. Let’s come together. Let’s talk. Let’s plan how we can continue to align with the movements that rely on our support. We hope to see representatives from each Guild entity at the Summit in October!!” The chapter will be represented by Vice President **Milad Momeni**, and Executive Committee members **Erica Johnson** and Pace Law student **Michael O’Hora**.

The chapter’s **Queer Caucus** (also known as H.O.M.O.S. or “**Highly Overdue Movement on Sexuality**”) met via Zoom on August 7 and September 11. The Queer Caucus is a gathering and organizing space for members of the chapter who are part of queer or trans communities. “The Caucus is a space for us to connect, care for each other, support each other’s work and ideas, and build solidarity with other marginalized

members of the chapter. If you’re wondering if the Queer Caucus is the right place for you, it probably is!” If you are interested or have questions, **contact former chapter president Andy Izenzon** ([Andy.izenzon@gmail.com](mailto:Andy.izenzon@gmail.com)).



New York City — the most densely populated city in America — has suffered FOUR outbreaks of **H5N1 bird flu** — three in Queens, one in Brooklyn. All four H5N1 outbreaks began in our “live poultry” markets. On June 28, the **Animal Rights Committee’s** webinar explored **H5N1 Bird Flu: How It Effects Poultry, And Whether It Can Mutate to Pigs and People**. The panelists who discussed the danger of

Bird Flu (aka Highly Pathogenic Avian Influenza) were: U.S. Representative **Pramila Jayapal**; Professor **Jim Reynolds** DVM, MPVM, DACAW, Large Animal Medicine & Welfare, Western University of Health Sciences; **Crystal Heath**, DVM, co-Founder of Our Honor; Matt Johnson, Investigator and Press Coordinator, Direct Action Everywhere; **Will Lowrey, Esq.**, founder of Animal Partisan; and NYS Assembly Member **Linda Rosenthal**. You can meet the panelists and get additional context via the committee’s [Facebook](#), [Twitter](#) and [Instagram](#) posts.

On June 22, the **Labor & Employment Committee** held its annual intern reception. The event attracted about twenty law students who were spending their summer in New York City at law firms, government agencies, and unions supporting workplace justice. Students chatted with Guild members at the Times Square offices of labor-side firm **Friedman & Anspach**, while enjoying snacks and drinks provided by **Cohen, Weiss and Simon LLP**, also a labor-side firm.



L to R: NLG legal observers Amelia Mullaney, Rachel Margolis, Zack Struver, Ben Meyers, Jamila Beesley, Penny Gold, Amy Biegelsen, Three Merians

On June 25 thousands of attendees gathered in Lower Manhattan’s Foley Square and marched to Washington Square Park for the **Queer Liberation March (QLM)**, an explicitly political celebration of the LGBTQ+ community. It began in 2019 on the 50th anniversary of the **Stonewall Uprising** that launched the modern gay rights movement. The event had neither corporate floats nor police barricades to separate marchers from onlookers. QLM was started to celebrate queerness, but also to approach pride as a protest rather than as a parade. Eight legal observers from the chapter are pictured above.



On June 21, via Zoom, the Chapter presented [\*Civic Marginalization: How a Felony Criminal History Can Disqualify Citizens from Jury Participation\*](#). The speakers were:

- **James Binnall**, professor of criminology and criminal justice at California State University Long Beach, and Executive Director of Project Rebound, an organization that works to ensure the success of formerly incarcerated students. He is also the co-founder of the California System-Involved Bar Association, which is comprised of formerly incarcerated or system-involved lawyers.
- **Mary Rose**, professor of sociology at the University of Texas at Austin, her research examines perceptions of justice and lay participation in the legal system, the effects of jury selection practices on jury representativeness and citizens' views of justice, jury trial innovations, death penalty decision-making, civil damage awards, and public views of court practices. She was also an investigator on a landmark study of decision-making by fifty juries from Pima County, Arizona.
- **William Snowden**, who began as a public defender in New Orleans and is the founder of the Juror Project which seeks to change the makeup of juries to better represent the American population and the communities most commonly accused.

The moderator was **Michael O'Hora**, a 2L at Pace University School of Law, who is an **NLG Haywood Burns Fellow** for Summer 2023.

On June 16 **NLG National Office** presented a webinar *Understanding the Escalating Repression of the #StopCopCity Movement*, a moderated discussion on the government's legal attacks against the **#StopCopCity** movement, which includes the use of domestic terrorism charges, criminalization of legal support, and potential RICO

charges against political activists. Panelists included movement attorneys and organizers **Kamau Franklin**, **Moirá Meltzer-Cohen**, and **Don Samuel**. The panel was moderated by Atlanta-based journalist **Hannah Riley**. [More about each of the participants.](#)

On June 9 the **NYC Municipal Archives** announced [NYC Undercover](#) and [Unlikely Historians: Materials Collected by NYPD Surveillance Teams, 1960-1975](#), two new programs arising from NYPD political surveillance. Beginning in 1904 with the "Italian Squad's" focus on anarchists and continuing to the present day, the New York City Police Department (NYPD) has conducted surveillance of individuals and infiltrated organizations perceived as enemies of the status quo. The items selected for the exhibit are drawn from the NYPD Photo Unit and NYPD Inspectional Services Bureau collections. The Municipal Archives acquired the records as one result of the **Handschu v. Special Services Division** class action settlement of 1985. The resolution of the lawsuit included guidelines for surveillance and investigations, and a provision for the Municipal Archives to review and retain all records created by the unit deemed to have administrative, legal, or historical importance, 605 F.Supp 1413, 1418. **Marty Stolar** and **Jed Eisenstein** (then presidents of the chapter) [filed](#) the Handschu case in May 1971.



On May 27, Garrett Kaske, current Executive Committee member and Labor & Employment Committee co-chair, pitched a **know-your-rights** doubleheader. In the morning, he and a paralegal from **Kessler Matura P.C.**, were on the streets of Jackson Heights, courtesy of Voces Latinas, presenting to day laborers — many of whom are suffering from workplace harassment, unsafe working conditions, and wage theft. In the afternoon, he spoke at the Industrial Workers of the World's Northeast Organizing Summit, focusing his talk on employment laws that can be leveraged by workers in struggle and labor law issues that direct-action-oriented workers are often curious about.

## MAY DAY HANGOUT!



Above, L to R: Chapter Treasurer Miles Ashton & President Andrew Sawtelle. Right: *The Comedy Stylings* of Joan Reinmuth.



# Up Against the Same Old Wall: New Book on Radical Lawyers Marginalizes Revolutionary Movements and Their Attorneys

BY BOB BOYLE

*Up Against the Law: Radical Lawyers and Social Movements, 1960s-1970s* by Luca Falciola tells how, in the 1960s and 1970s, lawyers advocated for and sometimes joined with radical social movements in the United States. In working with and for such movements as the Black Panther Party and the Weather Underground these attorneys devel-

New York and elsewhere, claimed by the Black Liberation Army. There were also instances of BPP members shot and killed in the street by the police. Many were arrested and charged with some of the police shootings. Among the scores arrested during the FBI's "Newkill" and "Chesrob" operations<sup>2</sup> were Dhoruba Bin-Wahad, Jamal Joseph, Mark Holder, Albert

case.<sup>3</sup> Following that acquittal, Bloom agreed to represent Dhoruba Bin-Wahad, who was arrested on June 5, 1971, and charged with a police shooting that occurred on May 19, 1971. Bloom later represented other Panther defendants charged with a police shooting that occurred by May 21, 1971. Over the next several years (approximately from 1971 to 1977), Bloom represented BPP/BLA defendants in at least seven trials. He received little or no compensation and little, if any, help from the organized Bar. Other attorneys who represented BPP/BLA defendants included Martin Stolar, Jesse Berman, Evelyn Williams, William Kunstler, Danny Meyers, Heywood Burns and others. But despite their lawyers' best efforts many of these former BPP members and BLA members were convicted and given life sentences.

Falciola discusses none of this. Rather, he skips from the 1971 Panther 21 acquittal to the October 1981 arrests of former Weather Underground and BLA members in Nyack, NY. Cases of BPP members convicted in the early-to mid-1970's, as well as the courageous lawyers who represented them, are omitted

**There is much in the book that is invaluable. The work of lawyers in social movements is detailed and well-documented. But the book's description of radical lawyering after 1970 is woefully incomplete. Totally omitted are the stories of those lawyers who defended Black Panther Party (BPP) and Black Liberation Army (BLA) members who became the brunt of the repressive machinery of the state.**

oped a whole new way of practicing law. One common thread among such lawyers and legal workers was, according to the author, their membership in the National Lawyers Guild.

There is much in the book that is invaluable. The work of lawyers in social movements is detailed and well-documented. But the book's description of radical lawyering after 1970 is woefully incomplete. Totally omitted are the stories of those lawyers who defended Black Panther Party (BPP) and Black Liberation Army (BLA) members who became the brunt of the repressive machinery of the state. This included defending against false criminal prosecutions, exposing targeted assassinations of BPP/BLA members by the police and working to free BPP/BLA political prisoners.

By early 1971, the FBI's counterintelligence program, known by its acronym COINTELPRO, was successful in dividing the BPP into two violently opposed factions.<sup>1</sup> Many BPP members went "underground" and others fled the country. Then, in the spring of 1971 and continuing until about 1973, there was a series of street-shootings of police in

Washington, Safiya Bukhari, and Assata Shakur. Among those killed on the street by police bullets were Zayd Malik Shakur, Twyman Meyers, Anthony Kimu White, and Harold Russell.

Many lawyers — NLG lawyers and non-NLG lawyers who had earlier represented BPP

**In the past several years, with the coming to power of a new generation of leadership, the NLG has recognized and participated in new efforts to free BPP/BLA political prisoners. Indeed, at its last live convention in Portland, the NLG presented the Arthur Kinoy award to Herman Bell, a BPP political prisoner freed in 2019 after nearly 40 years in prison.**

members shunned those BLA cases. They succumbed to law enforcement's and the media's demonization of these activists as simple criminals or terrorists unworthy of support.

Thankfully, several lawyers did come forward. One of them was Robert Bloom, one of the lawyers in the Panther 21 conspiracy

from Falciola's narrative.

Eventual disclosure of government misconduct against the BPP and BLA came at a snail's pace. However, it did not take place within the  
continued on page 11

1 For an excellent description of COINTELPRO and its role in neutralizing the BPP and other organizations, read *Agents of Repression*, by Ward Churchill.

2 "Newkill" and "Chesrob" are the FBI acronyms for its participation in the police shootings. Scores of former BPP members were hunted down and arrested. Others were shot.

3 On April 2, 1969 21 members of the New York City chapter of the Black Panther Party were indicted and arrested on conspiracy charges. On May 13, 1971 after the longest (at the time) trial in New York City history, they were acquitted of all charges,

# Book Review

continued from page 10

NLG's "orbit," as Falciola puts it. In 1975, at the urging of Dhoruba Bin-Wahad, Bloom and former NLG President Michael Ratner filed a civil lawsuit on Bin-Wahad's behalf, charging that Bin-Wahad was a target of COINTELPRO and that his life sentence was the culmination of that program. In 1977, I was hired by Ratner as a law-student assistant and was instructed by Ratner to focus on the Bin-Wahad case. Elizabeth Fink joined the case in 1980. Over the next fifteen years and mountains of litigation, we were able to show that Bin-Wahad was not only a COINTELPRO target but was also, in fact, verifiably framed. His release in 1990 made him the first BPP member to walk free pursuant to COINTELPRO disclosures.<sup>4</sup> The civil lawsuit also resulted in the disclosure of over 300,000 pages of FBI files evidencing its clandestine campaign against the BPP. Falciola does not discuss this lawsuit, he discusses only *NLG v. FBI* and the *Handschu* litigations.

The lawyers mentioned above and others — notably Michael Tarif Warren, Susan Tipograph, Chokwe Lumumba, Soffiyah Elijah, Lynne Stewart and myself — worked tirelessly to free the Black Panther political prisoners

<sup>4</sup> For a discussion of the facts and complicated procedural history, see *People v. Bin Wahad*, 154 Misc. 2d 405, 593 N.Y.S.2d 939 (Sup. Ct. N.Y. Cnty. 1993).

and BLA members arrested and convicted in the 1970's.<sup>5</sup> In the past several years, with the coming to power of a new generation of leadership, the NLG has recognized and participated in new efforts to free BPP/BLA political prisoners. Indeed, at its last live convention in Portland, the NLG presented the Arthur Kinoy award to Herman Bell, a BPP political prisoner freed in 2019 after nearly 40 years in prison. In 2013 the NLG issued a statement demanding

<sup>5</sup> This article focuses on the Black Liberation Movement. Efforts to free political prisoners from other movements, notably the Puerto Rican Independence Movement and the efforts to free Leonard Peltier are also omitted from Falciola's book.

that the United States recognize the political asylum accorded to Assata Shakur by the government of Cuba.

It is disheartening that Falciola's otherwise well researched book neglects to mention any of this work to defend and free BPP/BLA political prisoners. Representing revolutionaries, particularly Black revolutionaries targeted by the state, is what the NLG is all about. Falciola should have recognized this.

*Up Against the Law: Radical Lawyers and Social Movements, 1960s–1970s*

Luca Falciola

978-1-4696-7029-4 PBK, 412 pp

University of North Carolina Press, 2022

<https://uncpress.org/book/9781469670294/up-against-the-law/>

## IHRA Definition of Antisemitism

continued from page 6

IHRA definition as a beacon and a litmus test for appropriate critical speech of Israel. Denowitz referred to CUNY Law students and faculty who passed the BDS resolution as having "bad perspectives" and a position that they "don't understand", visibly rolling his eyes about stifling criticism about the occupation being a violation of free speech. It is of particular concern that the sponsoring and co-sponsoring committees of the New York City Bar Association, which most

certainly has members that are Palestinian as well as those working towards Palestinian liberation, are hosting an event that so clearly targets and disenfranchises those members.

The IHRA definition, and the activities and positions being perpetuated by New York City's elected officials, university system, and legal associations should be of primary concern to the NYC chapter of the Guild.

# KEEP THE CHAPTER ROLLING OVER THE FALL

Make a commitment to renew your dues and get active in the Guild!

You can renew online or make a contribution by going to [nlgny.org/join/renew](http://nlgny.org/join/renew) or by sending in your payment to

NLG-NYC  
14 East 4th St., Ste. 601  
New York, NY 10012



The NLG-NYC Chapter Foundation Inc. is a tax-exempt charitable-educational organization under section 501(c)(3) was created through the transformative bequest of chapter member and major donor Allan Botshon (stewarded by his friend and Chapter Director Susan Howard). Allan had a storefront law practice on Manhattan's Lower East Side. (Learn more about Allan's life on page 4 of the Spring-Summer 2015 chapter newsletter, <http://nlgnyc.org/wp-content/uploads/2015/08/NYC-News-summer2015.pdf>).

The Chapter Foundation's policy is to preserve Allan's one-time bequest for the long-term benefit of the Chapter and its programs, and it makes allocations from income generated on the principal for Chapter program grants. Past grants include support for chapter educational activities and support for chapter operations throughout the pandemic, start-up support for the Parole Preparation Project (PPP) of the Mass Incarceration Committee which enabled PPP grow and cultivate a substantial external funding stream; support for mass defense operations throughout the summer of 2020 related to the racial justice protests following the late May killing of George Floyd; and substantial grant to the chapter, which the chapter allocated to a chapter Affirmative Litigation Committee formally known as the George Floyd/BLM Affirmative Litigation Committee. In addition to funding Chapter projects and operations, the Chapter Foundation was also responsible for the purchase of the office condominium, the first permanent home for the Chapter and the Chapter Foundation.

The Chapter Foundation is currently raising funds to support the renovation of the Chapter and Foundation offices, to allow for events, trainings, and gatherings in our new home.

## HOW TO SUPPORT CHAPTER WORK THROUGH THE FOUNDATION

Tax exempt gifts for educational and public service activities of the NLG-NYC may be made to The NLG- NYC Chapter Foundation Inc., and will be granted to the Chapter, including for donor advised Chapter activities. Donations by check may be mailed to The NLG-NYC Chapter Foundation, Inc., 14 East 4th Street, Ste. 601, New York, NY 10012. Online one-time or recurring donations can be made at <https://nlgnyc.org/nlg-nyc-foundation/>.

Bequests for general support or educational and public service activities of the New York City Chapter of the National Lawyers Guild can be made by making the NLG-NYC Chapter Foundation Inc. the recipient of the gift.

Charitable Gift Annuities are available through the Chapter Foundation, and, for members 70½ or older, you can make tax-free charitable gifts of up to \$100,000 per year directly from your IRA to the NLG-NYC Chapter Foundation.

The Foundation's annual reports, tax returns and organizational documents are available on the Charities Registry website of the New York State Attorney General's Charities Bureau: [www.charitiesnys.com](http://www.charitiesnys.com).

BY SUSAN HOWARD

The NYU Tamiment Labor Archives houses much of the archives of the NLG, including over [400,000 pages of reverse discovery attained in the case NLG v. FBI](#), which was filed in 1977 and settled in 1989. The archives is also the repository for the papers of many prominent Guild members, including Martin Popper, Victor Rabinowitz, and Abraham Unger, among many others.

Abraham Unger was instrumental in founding the National Lawyers Guild, and helped organize the founding convention, held in Washington DC, February 20 - 22, of 1937.

The NYC Chapter was established in December of 1936 and met over many months to draft purpose and resolutions to be presented at the founding convention. Below are a few of the meeting reports, proposed resolutions. Full Report on Resolutions available here: [Link to Dropbox here: https://www.dropbox.com/scl/fo/v4wzz4y4ac64hx2y4lzp0/h?rlkey=tn8130pl3a5iafovqbhbc219&dl=0](https://www.dropbox.com/scl/fo/v4wzz4y4ac64hx2y4lzp0/h?rlkey=tn8130pl3a5iafovqbhbc219&dl=0)

NATIONAL LAWYERS GUILD  
NEW YORK CITY CHAPTER COMMITTEE ON GUILD PERSPECTIVES

\*\*\*\*\*

NEXT MEETING OF COMMITTEE: TUESDAY, OCTOBER 28

7:15 P.M. at the GUILD OFFICE

\*\*\*\*\*

INTRODUCTION

The Committee has met twice, and has discussed the following on an exploratory basis. No final decisions have as yet been reached by this Committee, or by the Subcommittee of the national Program and Administration Committee, which is considering these problems for the national organization.

At the next meeting, definitive formulations for the Chapter Board of Directors should be made; the Chapter Board must consider its recommendations to New York delegates for the Convention.

SUMMARY OF COMMITTEE'S WORK TO DATE

I. Goals: To do work as a bar association which makes a significant contribution to the bar and the public in areas in which Guild principles can be expressed.

X To improve our public relations by obtaining prominent attorneys and judges as speakers, committee chairmen, etc. *Our public relations are the lawyers who are interested in the "area" mentioned and will become the members below mentioned. To attract many new members through our work and the calibre of the attorneys (acting as committee chairmen and as speakers at our functions), who do that work and who show New York respect for us by associating with us as speakers etc.*

II. Proposed areas of work: The National Program and Administration sub-Committee has suggested the following areas of Guild work in the coming period:

- |   |                        |
|---|------------------------|
| 1. Civil Liberties                            | <i>Civil Liberties</i> |
| 2. Independence of the Bar                    | <i>adm. of justice</i> |
| 3. Integration (all aspects)                  |                        |
| 4. Social Welfare Legislation                 | <i>Public Welfare</i>  |
| 5. Taxation                                   | <i>Foreign Affairs</i> |
| 6. Labor Law                                  | <i>Labor Relations</i> |
| 7. Law Reform (Negligence, Matrimonial, etc.) |                        |

Members of our Committee have also suggested

- |                       |                      |
|-----------------------|----------------------|
| 8. Administrative Law | <i>(Govt Reform)</i> |
|-----------------------|----------------------|

Program and Administration Sub-Committee recommended no Committee on International Law at this time, but possible consideration of problems in this area through forums, articles in Guild publications, etc.

III. Proposed method of work: The Committee has considered two problems:

- A. The best number of national and chapter committees
- B. Whether any project committees should be continued, or whether all work should be done through establishing standing committees

Two proposals were made:

A. That a small number (3 or 4) of standing national committees be established in certain limited fields (Labor Law, Taxation, Civil Liberties, Integration), and all other national activities be handled on the basis of ad hoc committees. That chapter committees be established in other or areas of interest, as determined by each chapter locally.

B. That Chapter committees be established in each field with the Chairman and Secretary of one chapter committee serving as Chairman and Secretary of the national committee, with minutes exchanged and joint work on national projects whenever necessary or desirable.

A problem to be resolved is whether to leave a limited number of local committees in the special fields of endeavor (similar to those in II above), or whether there should be committees of the type maintained by other bar associations (i.e., judiciary, courts, negligence, professional economics, taxation, criminal law, etc.).

It will be helpful to prepare for next meeting, list of specific committees for NYC Chapter (and national) and work they would undertake. Already suggested: NYC Chapter Committees on Taxation: NYC fiscal problems, NY State Unemployment Insurance, NY Court calendar congestion.

[Feb 20 1937]

SUPPLEMENTARY REPORT OF RESOLUTIONS  
COMMITTEE

Osmond K. Fraenkel, Chairman,  
Isadore Polier, Secretary.

Max Delson  
Edward Ennis  
Sol L. Firstenberg  
Walter Frank  
David Freedman  
Victor Gettner  
Charles Gordon  
Herman A. Gray

Nathan Greene  
Dorothy Kenyon  
Isidor Lazarus  
Harriet Pilpel  
Myles A. Paige \*  
Harry Sacher  
Arthur Silverman  
Anthony Wayne Smith  
C. D. Williams \*\*

(\*Unable to attend any of the meetings of the Committee because of illness)

(\*\*Did not attend the meeting of the Committee on February 3, 1937)

At the meeting of the members of the National Lawyers Guild Assembled in New York City on January 26, 1937, the following general resolutions submitted by the Committee were adopted:

RESOLVED: That the delegates to be chosen for the convention to be held in Washington on February 20, 1937, be instructed to submit to that convention each of the resolutions now adopted, as representing the views of the members of the National Lawyers Guild, assembled in New York.

The Committee has formulated and submits for consideration specific resolutions dealing with social legislation, certain problems in the administration of justice and the illegal practice of the law. It has concluded to recommend no action on the subject of constitutional amendments other than those dealing with the Child Labor amendment (approved at the last meeting) and overcoming the power of judicial review of legislation (submitted herewith). The Committee accordingly reports the following:

- I-A Resolution on need to overcome power of judicial review of legislation.
- I-B Report of the Committee on method.
- I-C Minority Report on method.
- II. Minority report with regard to social welfare amendment to the Constitution.
- III. Resolution relating to legislation for social security.
- IV. Resolution relating to selection of judges.
- V. Resolution relating to power of courts to punish attorneys for contempt.
- VI. Resolution relating to public defenders.
- VII. Resolution relating to unlawful practice of the law.
- VIII. Resolution relating to civil liberties.



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NATIONAL LAWYERS GUILD

# ***New York City News***

FALL 2023