

Statement in Opposition to the Proposed Legal Worker Amendment

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The proposed 2022 Legal Worker Amendment dispenses with a prudent precaution against foreseeable infiltration and disruption of the NLG.

If this Amendment passes, the NEC risks abrogating its legal responsibility for making decisions that the NYS Attorney General describes as “[crucial to the life and direction of the organization](#).” It is reckless to extend membership to any individual claiming Legal Worker status by virtue of “volunteer” work, or by having been trained as a Legal Observer with no prior legal work experience. That’s because the officers and directors are on notice that the Guild has been a target for infiltration and disruption since its inception. The more the external political climate tilts conservative, the more the NLG is in critics’ crosshairs.

As NLG National Office staff member, and Amendment supporter Tracy Yoder wrote in her 2014 report *Breach of Privilege* about spying on lawyers, “[T]he long history of government harassment of progressive legal organizations combined with the new revelations about the extent of surveillance leave the NLG unable to reassure the group’s members and associates that the organization and its communications are not being monitored.”

Ms. Yoder cites a case in point: As the discovery materials in 1977 case of *NLG v. Attorney General of the United States* showed, the NLG’s Military Law Office, later the MLTF were targets of extended monitoring and disruption by the FBI, CIA, and military intelligence agencies since the 1970s. “Members continue to operate under the assumption that their work and their communications with clients are not secure. According to MLTF Executive Director Kathleen Gilberd, **‘Folks in our area of work usually assume that there’s some surveillance and therefore take precautions,’**” (emphasis added).

The Amendment’s watered-down definition of Legal Worker run contrary to the original definition of Legal Worker, requiring paid work in legal services or administration. Permitting individuals *not* employed by organizations with legal services provision or administration welcomes members of the far right and law enforcement’s white nationalist sympathizers into the Guild’s ranks. Anyone can claim to be a volunteer, with great latitude in time commitment. Volunteers are typically less accountable than paid staff. It is difficult, without contacting volunteer supervisors, to gauge volunteers’ level of participation and exposure to legal services or administration.

With surveillance, infiltration, and leveling violence against progressive organizations on the uptick, the proposedd Amendment renders the Guild vulnerable. As damaging to organizational life as infiltration is, leadership’s support for the Legal Worker Amendment might imperil the 501 (c) (4) status of the National Lawyers Guild by aggravating, rather than mitigating, a foreseeable risk.

For these reasons, I oppose the 2022 Legal Worker Amendment.