

NLG-NYC Chapter and NLG-NYC Mass Defense Committee Statement of Clarification and Opposition to the Proposed Constitutional Revision on the Definition of Legal Worker

The NLG-NYC Chapter and NLG-NYC Mass Defense Committee regrets having to oppose a new proposal to change the definition of Legal Worker in the national NLG Constitution. This new proposed constitutional revision was drafted after the national membership rejected a similar proposal at the 2021 NLG Convention.

Although the current proposed revision is seemingly innocuous in language, its proponents have been clear that they interpret it as allowing anyone to join the NLG as a “Legal Worker” if that person seeks to volunteer with any NLG committee or chapter in any capacity, including as a legal observer.

We do not agree with this interpretation or with its purpose.

In an effort to change the makeup of the organization to allow anyone to join, proponents recently re-interpreted the definition of Legal Worker. In doing so they specifically cite the NYC Chapter’s Mass Defense Program, stating that only the NLG-NYC excludes “unpaid legal workers”. This could not be further from the truth. The NLG-NYC does not exclude unpaid legal workers.

Proponents have rejected offers to discuss this in person in an effort to resolve the issue, and clarify who could qualify for NLG membership. The Chapter also proposed a friendly amendment, which would allow chapters to create criteria for legal worker members. This was also rejected.

To be clear and unequivocal: The NLG-NYC has never excluded unpaid legal workers. But we do adhere to the national NLG Constitution. Article 2.1(c) defines Legal Workers any person in law offices, legal organizations, collectives or other institutions

“...which has as its primary function the provision of administration of legal services, information or education; or who, as an individual, provides or administers legal services, information or education as a major component of his or her work;”.

<https://www.nlg.org/wp-content/uploads/2022/03/UPDATED-CONSTITUTION-2022.pdf>

Until recently, the National organization also adhered to the Constitution. They no longer do.

The full participation and dignity of the role of legal workers has been a tenet of NLG values for more than a half-century. Legal Workers were originally admitted to NLG membership at the 1971 Convention. The original definition reads:

“Legal workers: any person who for at least six months of the twenty-four months immediately preceding his or her application for membership has been regularly working for:

- (1) Offices of the National Lawyers Guild**
- (2) Law offices, including legal collectives and communes**
- (3) Legal service organizations or projects, including community legal defense offices;**
- (4) Law schools.”**

(The definition was revised in 1980 to its current [text](#) which did not change the definition.)

The NLG-NYC founded the Mass Defense program in 1968. Many chapters followed suit and established local mass defense committees of their own, with their own practices and protocols. The NLG-NYC is the largest MDC program in the Guild, with over 2500 legal observers.

Chapter autonomy has always been essential to the function and growth of the NLG. Local practices are based on how best to serve the legal needs of the organizations and protesters they serve, specific to their local conditions and capacities. Members in other parts of the country should not be in a position to make decisions on how other chapters run their programs.

The NYC Chapter does not have the capacity to train the public to be legal workers. Nor can chapters require one class of member to go through a vetting process in a futile attempt to deter unfriendlies, provocateurs, undercover police and political ideologs from becoming members and legal observers.

The NYC Chapter, the Massachusetts Chapter, the NYC Mass Defense Committee and past national leaders opposed the proposed revision in 2021, for among other reasons that opening the organization up to anyone regardless of whether they did legal work would open the organization up to infiltration and cooptation. Reports of infiltration from members in NLG chapters include members of law enforcement and nationalists acting as legal observers. Recent reports include legal observers pointing out protesters for arrest, and [legal observers supporting white nationalists at protests](#).

The proponents of the revised proposal assert that a vetting process and a probationary period would safeguard against infiltration. This is both unrealistic and beyond the capacity of National office and chapters.

Currently, the National organization has no vetting process, and chapters that have member vetting processes rely on personal references and voluntary self-disclosure, none of which deter infiltrators, bad actors, or others seeking to disrupt and undermine the NLG.

Requiring a probationary period for “volunteers” would be discriminatory as to non-lawyers, and create a second class of membership, which is far from the ‘democracy’ the proponents

claim the revision would create. Even if the concept of operating like a detective agency was not inherently offensive, suggesting that the NLG should conduct background checks on a category of prospective members would be beyond the limited capacity, expertise and resources of a largely volunteer operated organization.

Lastly, proponents' assert that allowing anyone to volunteer would make the Guild more inclusive. As the lack of diversity in the Guild persists even in chapters that have no restrictions on their legal observer programs, this assertion is unfounded.

For these reasons, and the reasons we opposed the proposal the membership rejected last year, we strongly oppose the revision and the interpretations the proponents offer.

CONCLUSION

In conclusion, the NLG-NYC and the NLG-NYC Mass Defense Committee oppose the 2022 Legal Worker proposal. It will certainly diminish NLG Mass Defense services to social justice activists, and it invites those who oppose social justice to infiltrate, monitor, and disrupt the NLG from within.