

Remembering Victor Rabinowitz: Legal Giant of the Left

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Theme: [Law and Justice](#)

Global Research, November 25, 2007

25 November 2007

On November 16, 2007, Victor Rabinowitz, one of the giants of the legal profession and a tireless fighter for social justice, died at the age of 96. One of the founders of the National Lawyers Guild 70 years ago, Victor defended unpopular clients when other lawyers were afraid to touch them. During the McCarthy period, he and his partner Leonard Boudin represented unions that were considered to be left-wing. The firm counted as clients Daniel Ellsberg, Paul Robeson, Julian Bond, Dashiell Hammett, Dr. Benjamin Spock, the Rev. Philip Berrigan, Alger Hiss, the Black Panthers, the Salvador Allende government in Chile, and the Cuban government.

Victor handled several landmark cases. In 1950, he challenged the provision of the Taft-Hartley Act that prevented unions from representing workers unless all union officers swore a loyalty oath that they were not members of or affiliated with the Communist Party. He lost the case 5 to 4 in the Supreme Court. His work in the Supreme Court case of *United States v. Yellin* was instrumental in the demise of the notorious House Un-American Activities Committee (HUAC). In 1964, in a 8 to 1 decision, the Supreme Court held in *Banco Nacional de Cuba v. Sabbatino* that U.S. courts cannot review the legality of the Cuban nationalizations of U.S.-owned property under international law. Victor represented the government of Cuba in that case.

John Mage, prominent radical lawyer and Officer and Director of the Monthly Review Foundation, wrote a review of Victor's book, *Unrepentant Leftist: A Lawyer's Memoir*, for Monthly Review. Mage recalled his favorite Victor story: "In the Cuban bank litigation, Victor (representing the Cubans) was served with a discovery demand that he forwarded to the Cuban Finance Ministry, at that time headed by Che. Shortly afterwards he was in Havana for an anniversary celebration and was invited to accompany Guevara. Che directed Victor's attention to the confetti being thrown from an office tower and said 'remember that discovery demand? . . . There it is.'"

The Rabinowitz Boudin partnership "constituted the defining invention of radical lawyering," said Northwestern law professor Bernardine Dohrn, a leader of the Weathermen who became the Guild student organizer when Victor was NLG president from 1967-1971. The firm "always represented the most controversial victims of oppressive state power: labor struggles, the Community Party cases, constitutional right to travel and political speech issues, defense of the Cuban revolution, support for the civil rights/Black Freedom Movement, defense of anti-Vietnam War activists, and legal defense of Palestinian political activists," Dohrn added.

In his book, Victor characterized McCarthyism as “the era of Great Fear.” In those days, it was the fear of Communism; today, it is the fear of Terrorism that the administration uses as an excuse to decimate civil liberties. Describing the government repression against Communists, leftists, and those suspected of being associated with them, Victor wrote, “It was the worst of times . . . It was a terrible and terrifying time.” Even the ACLU “succumbed to the red scare” in those days.

“It became dangerous to utter radical or even progressive thoughts in an audible tone of voice,” he added. The motion picture industry, teachers, progressive Congress members, progressive organizations, and those who read books considered “un-American” were targeted. “Thousands of people lost their jobs, with little prospect of finding new ones quickly. Families were destroyed and friendships were wrecked,” Victor reported.

Rabinowitz Boudin “probably represented more clients before McCarthy and HUAC than any other law firm in the country, mostly for little or no fee,” said Michael Krinsky, a partner in the firm.

Victor wrote, “I was under surveillance by the FBI from the early fifties until the late sixties. The earliest report on me I’ve found in my FBI files states that on June 23, 1943, I was believed to be a member of the Communist party, and it further described me as an ‘agile-minded labor attorney’ [Thanks].” Victor joined the Communist Party in 1942 after the Soviet Union and the United States became allies; he remained a member until the early 1960s.

During the Vietnam War, the Rabinowitz Boudin firm represented hundreds of men facing the draft or criminal charges for refusing induction due to their opposition to the war.

Lawyers pick and choose the cases they take for various reasons. Victor’s decisions were always based on principle. “I had always adhered to a few basic rules,” Victor observed. “I would not represent a landlord against a tenant; I would not represent a drug dealer; I would not represent an employer against a union; I would not represent a fascist or right-wing institution.”

Victor helped found the National Lawyers Guild, to, in his words, “counter the anti-New Deal corporation-controlled American Bar Association (ABA), which at that time did not admit black lawyers or Communists to membership.” As former Guild president and Yale law professor Thomas Emerson wrote, “The National Lawyers Guild was born in revolt – a revolt that embraced the entire intellectual life of the times.”

Victor’s efforts contributed mightily to the Guild’s survival after the McCarthy period. He counted his work with the Guild as perhaps his most significant accomplishment. “There are a few things I can point to with some pride,” Victor reflected. “The National Lawyers Guild is almost sixty years old, and I played some part in building it. I cannot think of more than a handful of national progressive organizations that have lived so long in this perilous world.”

Tributes to Victor are legion. Doris Brin Walker, the first woman president of the Guild and one of its leaders during the McCarthy period, said, “Victor was inspirational, witty, insightful, tolerant/intolerant, humane, didactic – one of the most important and beloved persons in my life. And he will remain so.” Ann Fagan Ginger, another Guild leader in this era, noted, “During the McCarthy/Truman repressive period, Victor played a particularly important role in meeting with other lawyers to figure out the best strategies to defend

against, and finally to attack, the Red Baiters. His principles were larger than his ego, and after the meetings, he went back to his office and saw to it that the tasks agreed on were actually carried out.” She called the Rabinowitz Boudin firm “a place of refuge and hope for many whose jobs, reputations, and family relationships were under attack.”

“In each decade, Victor managed to stay utterly committed to the revolutionary principles of his youth,” according to Dohrn, “to work with the highest intellectual and professional standards of the law, and to attract clients of the most urgent issues of the moment. His passionate love of books, his dedicated friendships, and his wry humor abide in our hearts.”

The National Lawyers Guild and all justice-loving people will miss Victor Rabinowitz. He was a giant of a man.

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