

Targeting Dissent: FBI Spying on the National Lawyers Guild

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In 1937, the American Bar Association refused to allow people of color to join its ranks. With the blessing of President Franklin D. Roosevelt, the National Lawyers Guild was founded as a multi-racial alternative to the ABA. The Guild's founding members included the attorney general, several judges, some congressmen, and the head of the National Labor Relations Board.

Three years after the creation of the National Lawyers Guild, the FBI began to conduct secret surveillance of the Guild. From 1940 to 1975, the FBI wiretapped Guild phones, burglarized Guild offices, and sent informers into Guild meetings. The June 25, 2007 New York Times report on the FBI's program of spying on the Guild omits FBI Director J. Edgar Hoover's primary rationale for undertaking this surveillance: "to blunt the Guild's criticism of the FBI and, if possible, to destroy the organization," in the words of Michael Krinsky, one of the lawyers who filed the 1977 lawsuit against the FBI.

The Guild, which provided legal support for the people, was a thorn in Hoover's side. In 1950, the Guild was about to release a big exposé on the FBI, prepared by Yale law professor and ex-Guild president Thomas Emerson. No other organization was undertaking such a comprehensive criticism of the FBI. Through illegal wiretaps and informants the FBI learned of the Guild's impending report. In advance of the report's release, the FBI launched a pre-emptive strike at the Guild by causing people in the press and the Senate to denounce the report. "So the story became the Lawyers Guild, not the FBI," Krinsky said.

The FBI asked Richard M. Nixon, a member of the House Un-American Activities Committee (HUAC), to call for an investigation of the Guild, on the eve of the release of the Guild report. The investigation led to the 1950 HUAC report titled, "National Lawyers Guild: Legal Bulwark of the Communist Party." It concluded with a call to the attorney general to designate the National Lawyers Guild a "subversive organization." The AG complied in 1953, but when no evidence to support the designation was forthcoming, he dropped it in 1958.

From the 1950s through the early 1970s, the FBI continued to focus on the National Lawyers Guild. The FBI had a list called The Security Index, which identified people, including Guild leaders, to be rounded up in the event of a national emergency.

Hoover's COINTELPRO (Counter-Intelligence Program) engaged in illegal surveillance of other organizations and individuals as well as the Guild. For example, in a program called Racial Matters, the FBI wiretapped Dr. Martin Luther King Jr.'s hotel rooms and tried to drive him to divorce and suicide. Dr. King's voter registration campaign and especially his vocal opposition to the Vietnam War incurred the wrath of J. Edgar Hoover, who went after Dr.

King with a vengeance. Groups such as the Committee in Solidarity with the People of El Salvador (CISPES) were also on Hoover 's surveillance list.

The revelation of President Richard Nixon's illegal surveillance of groups opposed to his policies as well as hearings by a select Senate committee chaired by Senator Frank Church led to the enactment of the Foreign Intelligence Surveillance Act (FISA) and other curbs on the power of the FBI and the CIA. Today we are faced with President George W. Bush's secret domestic spying program, which, as I explain in my book, *Cowboy Republic: Six Ways the Bush Gang Has Defied the Law*, violates not only FISA, but the Fourth Amendment as well.

Bush's predecessors illegally targeted those who criticized their policies, under the guise of fighting communism. Bush's rationale for bending the Constitution is fighting terrorism, but his attacks are leveled at dissidents.

The HUAC report and the AG's designation of the Guild not only violated the Constitution; they nearly succeeded in destroying the organization. Membership in the Guild fell to about 300 members. But the Guild survived and today it boasts nearly 6,000 members.

Members of the National Lawyers Guild continue to work beside those who struggle for economic, racial and sexual equality, and against imperial wars and occupations. I'm proud to have been a Guild member for more than half of its 70-year life.

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