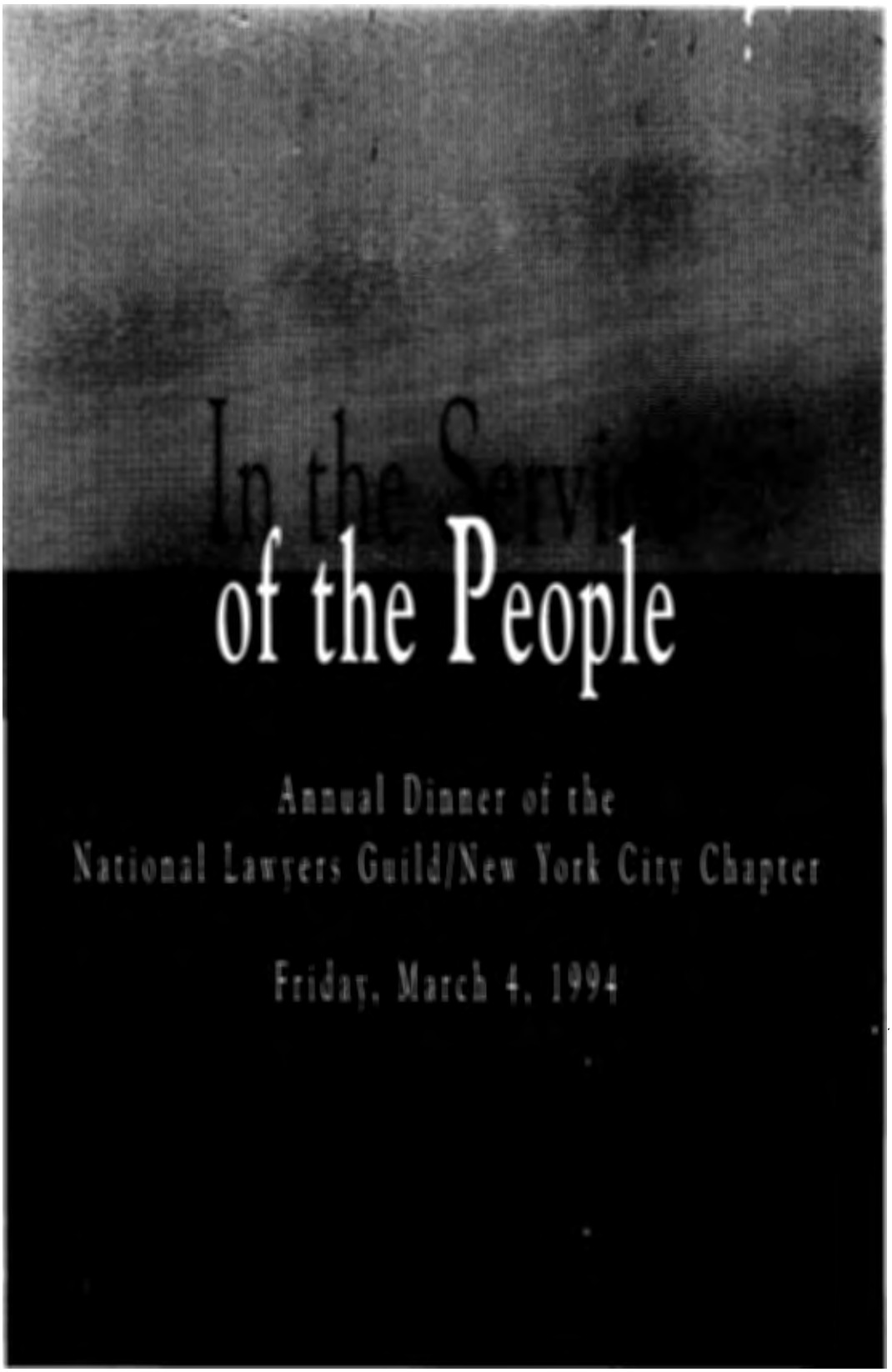
3-4-1994

57th Anniversary of the National Lawyers Guild (New York City Chapter) Annual Dinner honoring Lewis Steel

National Lawyers Guild


In the Service
of the People
Annual Dinner of the
National Lawyers Guild/New York City Chapter
Friday, March 4, 1994

Statement of Purpose

The National Lawyers Guild is an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests

From the Preamble to the Constitution of the National Lawyers Guild, originally adopted on February 22, 1937 at Washington, D.C. and most recently amended in July of 1971 at Boulder, Colorado.

In the Service of the People

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National Lawyers Guild/New York City Chapter
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Acknowledgements

The following people made an exceptional commitment of time, talent and energy to make this a successful event:

Richard Bellman
Rosa Borenstein
Miriam Clark
John D.B. Lewis
Carlin Meyer
Susan Ritz
Ellen Sacks
Ralph Shapiro
Marcia Sikowitz
Larry Vogelman

We especially want to thank those members and friends who shared their experiences, photos and clippings of the private practice of public interest law.

The entire Chapter expresses its gratitude to its unnamed members who this year and every year work so hard to make our Annual Dinner a success. Through these Guild members, hundreds of friends of the Guild support us through their Journal ads.

DINNER STAFF

Dorothy Shtob
Judith Pasternak

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57th Anniversary of the National Lawyers Guild

ANNUAL DINNER OF THE NEW YORK CITY CHAPTER

HONORING LEWIS STEEL

SPEAKERS

Carlin Meyer
Professor, New York Law School

Haywood Burns
Dean, CUNY Law School at Queens College
The City University of New York

Lewis M. Steel

Friday, March 4, 1994
Sheraton Centre Hotel
52nd Street and Seventh Avenue
New York City

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RUTH W. MESSINGER
BOROUGH PRESIDENT

March 4, 1994

Dear Friends:

I am delighted to join you in saluting the exemplary achievements and career of Lewis Steel. His dedication to the principles of equality and social justice, and his brilliant and tireless legal advocacy to advance those principles, embody the finest traditions of the National Lawyers Guild.

For more than 50 years, the National Lawyers Guild has provided invaluable counsel and advocacy to those who seek a more just and humane society. This annual banquet offers an important opportunity to celebrate your accomplishments, and to rededicate ourselves to the unfinished tasks we face.

Sincerely,

Ruth W. Messinger

PUBLIC ADVOCATE OF THE CITY OF NEW YORK

MARK GREEN
Public Advocate

March 4, 1994

National Lawyers Guild
New York City Chapter
55 Avenue of the Americas
New York, N.Y. 10013

Dear Friends:

It is with great pleasure that, as the first elected Public Advocate of the City of New York, I congratulate the National Lawyers Guild on their 57th Anniversary. The Public Advocate is mandated to oversee and make suggestions for the improvement of city services. The National Lawyers Guild has been successful in improving lives and our institutions for decades. In these hard economic times, I will attempt to follow the lead of many individuals and groups, such as the Guild, who have taken the initiative and have not been afraid of adversity.

I hold in highest esteem Lewis M. Steel who is being honored at your dinner. He is a vital and long-time member of the civil rights community. As we face difficult questions regarding cutting, eliminating or improving institutions that preserve civil rights, his voice will be important.

On behalf of all New Yorkers, please accept my best wishes for many more years of continued commitment to our communities.

Sincerely,

Mark Green

Mark Green

1 CENTRE STREET NEW YORK, NY 10007 212/669-7200

A tribute to LEWIS STEEL

By Robert L. Carter

It gives me more than ordinary pleasure to participate in this tribute to Lewis Steel, in this expression of appreciation for his lifelong dedication and contributions to the cause of decency, equality, human rights and racial tolerance.

Lewis is a unique American. From a background of wealth and privilege, he has committed his talents and energy to fighting against discrimination in all of its manifestations in this country (racial, religious, gender-based), to securing equality and equal treatment for all of our citizens without regard to economic circumstance, gender or race and to reforming the criminal justice system so that equal protection and due process have meaning to the poor as well as the rich, blacks as well as whites.

Lewis joined the staff of the NAACP just out of law school pursuant to a grant which allowed us to take him on in a law clerk capacity. His intellectual gifts, uncompromising acceptance of what we were about, unyielding commitment and dedication to our aims to use the court process to achieve a race and class free society made it impossible for us to even consider letting him go when the grant funds ran out. He remained on the staff for about five years, leaving the organization in 1968.

When Lewis takes on a cause or issue, he immerses himself in it completely, mentally and physically. He has total empathy with the hurts and distress of the individuals whose cause he seeks to serve. He does not approach a case of racial discrimination, for example, solely as a test of his legal skills and the efficacy of the law. He internalizes the cause and works with a fierce commitment to producing a just result. Unlike Lewis, most "cause" lawyers operate at a remove from the causes and issues they are handling because allowing oneself to become as immersed and engaged as Lewis does is just too debilitating. As he commits himself totally to each of the issues, causes and cases he deems important, I suppose what saves Lewis from suffering from early burnout is his keen sense of humor and ability to constantly find things around him to laugh about, to tease others about, to enjoy. Indeed, if nothing is readily at hand, Lewis will invent something from which he can extract humor.

Lewis is one of the most decent and civilized individuals I know. His basic aim is to leave America a better place than he found it. Those of us in Lewis' family of friends feel privileged to have close ties to this extraordinary man.

Robert L. Carter, a Judge of the U.S. District Court in the Southern District of New York, was one of the chief legal architects of Brown vs. Board of Education.

(Top) At a June 1967 press conference, (left to right) NAACP Labor Secretary Herbert Hill, Executive Director Roy Wilkins, Legal Counsel Robert Carter and Steel announce the new NAACP offensive against discrimination in the building trades.
(Bottom) In October 1968, the organization fired Steel for his outspokenness in the pages of *The New York Times* (see page 11).

The year I met LEWIS STEEL

By Richard F. Bellman

I began practicing law with Lewis Steel in the fall of 1967 at the national office of the NAACP in New York City. The year that followed was one of the most exciting in our legal careers. The country was in turmoil, with the civil rights movement at its height and the effort to force the United States to withdraw from Vietnam escalating daily. The small group of lawyers at the NAACP was enmeshed in hundreds of difficult and controversial cases pending throughout the country.

On my first day of work with the NAACP, Robert Carter, who was then General Counsel, told me to pack a bag and go to South Bend, Indiana to assist Lewis in a trial that was to begin in a few days involving claims of racial discrimination and segregation in the public schools. I met Lewis for the first time in a South Bend hotel room on the weekend before the trial was to begin. He was ensconced in the room with a group of about 15 public school teachers, all of whom were angry with the school board and raring to do battle with their employers.

I quickly learned that Lewis had been hopping from city to city in the north where it appeared he had been on a one person mission attempting to establish, albeit without much success, that northern *de facto* school segregation was unconstitutional. Over a several year period before our South Bend meeting, Lewis had handled and tried school desegregation cases in Cincinnati and Akron, Ohio, and Kokomo, Indiana, and statewide desegregation cases in New Jersey and New York.

A few months before I met Lewis, he had attempted to close down a school in a South Bend African-American neighborhood where on three separate occasions a ceiling had collapsed. Lewis had argued in a preliminary injunction motion that the school was in such a deteriorated condition it had to be closed and that the children should be transferred to elementary schools with vacant seats in adjacent (white) communities. Faced with the threat of racial integration, the school board had rushed repair crews to the school and had done some patch-up repair work. The district court had denied Lewis' motion for an injunction and an appeal to the Court of Appeals had proved unsuccessful.

Preparing for the South Bend trial was difficult because the Seventh Circuit, where South Bend is located, had already ruled that a school board violates the Fourteenth Amendment only where it has intentionally segregated the school. The schools in the African-American neighborhood might be falling down, but there was no proof that South Bend's school board was intentionally involved in discriminatory assignment practices.

In the face of this difficult legal situation, Lewis decided that the best course was to find the craziest of the maverick teachers, put them on the stand, and make the loudest possible splash about conditions in "ghetto" schools. The first day of trial involved painting a most devastating picture of the horrors of the schools in the African-American community. By the end of the day, the school board attorney asked Lewis how many more witnesses we had with this kind of testimony. Lewis responded that he intended to continue to call teachers and students for the next several weeks and that the Board of Education had yet to hear the worst.

The next morning, we settled the case. The school board agreed to build new, integrated schools in the white neighborhoods and to close the school with the dilapidated ceilings.

Lewis and I returned to New York and within a few days were off to Hartford, Connecticut. The Hartford police had just arrested almost every civil

rights leader in the city following a series of protest marches that began in the black section of Hartford and were supposed to end in a white neighborhood. One of the chief grounds for grievance in these marches was housing discrimination. The civil rights protesters were outnumbered three to one by large groups of whites who confronted the marchers and tried to block them from reaching the white areas of town.

The city officials were afraid that Hartford was about to experience its own form of an urban uprising—1967 was the year that disturbances broke out in many cities across the country, including Los Angeles. The Hartford officials decided that the way to prevent trouble was to put the civil rights marchers in jail on such charges as inciting injury to persons or property and breach of the peace. We immediately filed a federal lawsuit on behalf of the civil rights protesters and the organizations they represented against the Mayor, Chief of Police, Chief Prosecutor and other luminaries. We charged that the city was engaged in a well-orchestrated plan to deprive our clients of their constitutional rights. A motion for a preliminary injunction proved unsuccessful, but once we started to take the deposition of the Chief of Police, Hartford's attorneys asked to settle with us. Under the terms of the settlement, Hartford agreed to drop all charges against the civil rights activists.

For Lewis, the Hartford case was a replay of his involvement in a similar situation in Springfield, Massachusetts, earlier in 1967, where hundreds of civil rights protesters had been arrested for attempting to engage in peaceful protests. In Springfield, Lewis had also defended the civil rights activists and had filed an affirmative action to stop police interference with lawful protests.

Toward the end of 1967, a major focus of Lewis' and my work turned toward representing students. During that time, African-American students were holding massive protest meetings and marches in colleges across the country. In many of the Black colleges, the campus officials were interested in catering to the desires and wishes of the white state administrators and decided that the best course of action was to expel the student civil rights leaders. The students looked to our office for legal representation. We quickly found ourselves challenging expulsions of students from South Carolina State College, Tennessee State University, Bluefield College in West Virginia, the University of Texas, Texas Southern University and Columbia University. These challenges mostly involved claims of denial of due process and invasion of First Amendment rights.

By the Spring of 1968, Lewis' desire to be where the action was led him to take a leave of absence from the NAACP to work on Eugene McCarthy's presidential campaign. Lewis worked on the campaign in New York, Indiana, New Jersey and California. During that spring and summer, the country was rocked by the murders of Martin Luther King, Jr. and Robert Kennedy. In August, I saw Lewis again in Chicago at the Democratic National Convention, where we all were exposed to Mayor Daley's tear gas.

Lewis returned to the NAACP in the fall of 1968 and immediately took on one of the office's most significant cases. The Akron, Ohio City Charter had been amended in order to suspend the City's fair housing ordinance and to bar enactment of any future fair housing ordinances except on the direct vote of the people. The amendment had been unsuccessfully challenged on constitutional grounds. Lewis appealed to the United States Supreme Court, which eventually struck down the charter amendment.

That Fall Lewis also threw himself into the volatile New York City public school "community control" fight. The controversy arose when the State Legislature gave special powers on an experimental basis to several local school boards in African-American neighborhoods, including Ocean Hill-Brownsville in Brooklyn. Endowed with added authority, these boards began to transfer out to other districts selected white teachers who, it was claimed, were not meeting the educational needs of the mostly minority students.

These teacher transfers provoked an extremely divisive city-wide strike by the United Federation of Teachers, which prevented the opening of the schools that September. The strike was resolved when the central board decided to return the transferred teachers to their old positions. Demonstrations in opposition to the central board's action occurred, and the central board went into state court to enjoin the demonstrations and to bar parents from entering the schools in the community-controlled districts. Parents and local community leaders appealed to the NAACP for help, and Lewis was assigned to challenge the central board's injunctions in state court. By this time, however, the issues were so controver-

A critic's view of the Warren Court—

Nine Men in Black Who Think White

By LEWIS M. STEEL

THE United States Supreme Court has begun a new term embroiled in a controversy, involving the President, Congress and the Court itself, over the appointment of a new Chief Justice. The battle has been portrayed as a contest between liberals and conservatives, civil rights supporters and racists.

Whatever the validity of these characterizations, the rhetoric employed by the Court's rightist critics has followed a time-worn script, evoking from the egalitarians simi-

tion in our public schools violated constitutional precepts. With resolute firmness, according to both detractors and supporters, the Court has continued to strike down segregation and discrimination on every occasion. And, according to the traditional viewpoint, both the executive and legislative branches of our Government have lagged behind the Warren Court.

BECAUSE I believe, along with the National Advisory Commission "our nation cieties, one te and un-

Though the liberals have been applauding it, the Court under Chief Justice Warren has "never committed itself to a society based upon principles of absolute equality."

To understand the Supreme Court's role in the civil rights movement and its peculiar obligation to insure equality for Negroes, it is imperative to understand the Court's role in establishing segregation in America. In the post-Civil War years, the Supreme Court led the nation away from the Reconstruction Congress's program for full citizenship for the freedmen. Congress passed five civil rights acts between 1866 and 1875. The 1875 act contained some strong public-accommodations sections that forbade racial discrimination in inns, public conveyances, theaters and other places of public amusement. When the act was first tested in the Supreme Court eight years later, the public-accommodations sections were struck down as unconstitutional; the opinion completely ignored the intent of Congress in passing the act and in proposing to the states the 13th and 14th

segregated society. Nor did they secure the vote to Negroes terrorized by white oppression. And, significantly, in 1950 the Court declined to review its own insidious creation, the separate-but-equal doctrine, when requested to do so in a case involving the right of a Negro student to attend the University of Texas Law School.

LONG before the Court undertook any serious review of its constitutional doctrines in the field of race relations, other American institutions were re-evaluating their stands. During World War II and shortly thereafter, various agencies created machinery to make it appear that racial equality had become a part of our public policy. Thus, Presidential executive orders forbade racial discrimination by the recipients of Government contracts, the armed forces ordered the integration of military units and certain states enacted a

sial and so highly politically charged that getting the courts to confront the central board was virtually impossible, and the NAACP's efforts were unsuccessful.

That very exciting period in Lewis' and my legal careers came to an abrupt end in October 1968. On October 13, *The New York Times Sunday Magazine* published an article Lewis had written about the U.S. Supreme Court entitled, "Nine Men in Black Who Think White."

As a result of his five years as a civil rights litigator with the NAACP, Lewis had come to the conclusion that the very mixed success of civil rights litigation could be traced directly to the holdings of the Warren Court. Lewis acknowledged that during the Warren years, the Court had eliminated from the law books some of the prior more "atrocious" decisions, "but never has [the Court] indicated that it is committed to a society based upon principles of absolute equality." In the article Lewis acknowledged the importance of the Court's 1954 *Brown* decision, but took the Court to task for its "with all deliberate speed" ruling in the school desegregation cases and its refusal to hear the northern *de facto* school desegregation challenges.

In the article, Lewis criticized Warren Court rulings that upheld convictions of Black demonstrators around the country and he worried that these decisions showed that the Court now had a negative attitude toward the civil rights protest movement. Finally, Lewis also criticized the Court's growing tendency to turn its back on appeals raising important civil rights issues by simply denying *certiorari*.

The day after the article was published, the Board of Directors of the NAACP fired Lewis. The Board members were deeply offended by the article's criticisms of the Warren Court. They also felt that the NAACP itself was implicated by the article because the article identified Lewis as working for the Association.

When the rest of the NAACP staff lawyers learned that Lewis had been fired, within a few days we all submitted our resignations in protest, including Robert Carter.

1968 was an unforgettable year for all of us simply as a result of the traumatic events that occurred in the country. For me, however, 1968 has even more special importance, because it was the period of my most intense involvement in civil rights litigation, and because it was the year I began practicing law with Lewis. ■

(Top) Steel with exuberant clients in *Grayson*, 1984: (left to right) plaintiff Alethia Futtrell, Suffolk Housing Services Executive Director Janet Hanson, plaintiff Jacqueline Grayson.
(Bottom) Six of the Sumitomo Thirteen exult over their 1987 victory.

2 Awarded $565,000 in Bias Suit

Jury finds Patchogue apartment owner refused to rent to blacks

By June Fritsch

Two black air traffic controllers who alleged they were "embarrassed and humiliated" when a Patchogue apartment owner refused to rent to them because of their race were awarded $565,000 in damages by a federal court jury yesterday.

The award is the largest ever assessed in a Suffolk County rental-housing discrimination case, according to Lewis M. Steel, attorney for the air traffic controllers. The attorney for the apartment owner left the courtroom quickly after the verdict and did not say whether he would appeal.

The jury deliberated for just over an hour before assessing the damages against S. Rotondi & Sons Realty Co., owner of the Watergate Garden Apartments in Patchogue. Alethia Futtrell, 34, and Jacqueline Grayson, 29, air traffic controllers at Long Island MacArthur Airport in Ronkonkoma, will share the money.

"I'm grateful that somebody heard what I had to say," Futtrell said after the award was announced. She said she was shocked beyond belief two years ago when she realized that she was turned away from Watergate Garden because she was black.

"This was something you read about in books. I couldn't believe it was happening in 1982," she said. She decided to sue "so this wouldn't happen to other people who come along behind me."

...er the verdict, from left, attorne...

The New York

WEDNESDAY, JUNE

U.S. Job Bias L...
Cover Japan ...

...ial to The New York Times

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A United Sta... that, because S... rated under the ... was not a "com... was not shielded ... compliance with ... ment law

"For me, he gave his all"
WHAT LEWIS' CLIENTS SAY

By Miriam F. Clark

Palma Incherchera, plaintiff in* Avagliano v. Sumitomo Shoji America Inc., *1981-1987.

(Avagliano was a class action sex discrimination suit against an American subsidiary of a Japanese corporation. Lewis successfully argued before the United States Supreme Court that the defendant was bound by Title VII of the Civil Rights Act of 1964. After many years of litigation, the case resulted in a broad consent decree that was to make many significant changes in the company's personnel practices.)

I went to Lewis out of pure frustration. He immediately calmed me down. I said "They can't do this to me!" He said, "You're absolutely right." That's what I loved about him—he would say "They can't do this to you." If it weren't for him, I couldn't have kept going. The years I stayed with the company after I filed the suit were five long years of torture. I would call Lewis sometimes three times a day and say "Lewis, they're doing this, they're doing that, do something!" And he would respond immediately, he was on the phone back and forth with the other lawyers all the time.

One thing that stands out in my mind was my deposition. On our side of the table it was just me and Lewis. On the other side there were six lawyers and they were all asking me questions at once. Then Lewis just got up and said, "This is over."

The words I would use to describe Lewis are persistence and confidence. I would go to his office a wreck, and once I left I'd always feel that I didn't have to worry, that Lewis knew what he was doing. If I were to recommend Lewis to someone else, I would say you should hire him if you want someone to definitely fight for you. For me, he gave his all. ■

Janet Hanson, Director of Suffolk Housing Services, September 1973-September 1987; Consultant, Suffolk Housing Services, Summer 1990 - December 1991.

I first met Lewis in 1972. I was a member of the League of Women Voters in Suffolk County and we, along with the Brookhaven Housing Coalition, were bringing a lawsuit against the federal General Services Administration and the Town of Brookhaven, challenging the federal government for locating the IRS Service Center in Brookhaven without making adequate provision for building low cost housing for the IRS employees who would be working there. Dick Bellman was representing the Brookhaven Housing Coalition and he brought Lewis into the case to prepare for trial.

We were just at the point where we had to prepare about six low income persons to be witnesses at the trial. It was a sensitive job because these people were basically doing us an enormous favor by testifying, since they had nothing personally to gain from the case. Lewis and I spent a very long day together driving around, interviewing these witnesses in our car, or in their houses, all over Brookhaven. I was immediately impressed with how well Lewis handled the situation. I could just see that the witnesses immediately relaxed with him, that he gained their trust. I would see that over and over when I met with clients and witnesses with Lewis and Dick—you could see that the clients sensed their authority and competence, and visibly relaxed.

Later, when I was working with Suffolk Housing Services, Lewis represented us in three fair housing cases involving individuals who had been denied housing because of their race. The first one, *Grayson v. Rotondi*, took place in 1984.

I remember the night before the summation in that case, Lewis and I went out to dinner. We were talking about getting old, and we both said we felt we believed less strongly in things than we had when we were younger. Lewis said he wished he had the passion he'd had when he was younger.

The next day he did the summation in *Grayson*. He was so intense and passionate that the courtroom was electrified. The jury came back with the largest verdict ever awarded in a fair housing case anywhere in the country.

■

Marty Needelman, Esq., Project Director, Brooklyn Legal Services, Corporation A; co-counsel in Southside Fair Housing Comm. v. City of New York, 1991.

(Southside *involved a 64-acre Urban Renewal project in South Williamsburg. Over the years, the city had allowed every single parcel of that project to be sold to Hasidim, to the exclusion of the area's large Latino community. The case unsuccessfully challenged the land transfers on First and Fourteenth Amendment grounds.*)

I've known Lewis since 1967, when I was a first-year law student, working for Hank diSuvero at the New Jersey Civil Liberties Union. After I came to work for Brooklyn Legal Services in Williamsburg, I sought Lewis' help for a couple of people with individual employment and criminal matters.

We worked most intensively together on the case of *Southside Fair Housing Comm. v. City of New York*, in 1991. We sought Lewis's firm's help on the case. They divided the work, so that Richard Bellman handled one aspect of the case and Lewis and Susan Ritz the other. Dick's part of the case challenged the way that housing units were being allocated in a new housing project that was being built in Williamsburg, and it eventually settled. Lewis' part of the case was a very difficult, broad-based constitutional challenge to the transfers of the land by the City to the Hasidic groups. It went to trial before Judge Nickerson in the Eastern District.

Lewis is a brilliant oral advocate, in a very persisrent and aggressive way, but he is also very simpatico with people of all backgrounds. Sometimes people who are very good oral advocates have this "superstar" mentality, but Lewis is very caring on a personal level. He is also driven by a deep sense of injustice. The best example of this is the fact that after we lost before Judge Nickerson and at the Second Circuit, Lewis wanted to go on with the case to the Supreme Court. We (at Brooklyn Legal Services) were the ones who decided not to. But the fact that he wanted to go on, even though it clearly was not economically justified to continue, says a lot about Lewis, that he cares about the right things.

■

John Artis, State v. Carter and Artis, 1975-1987.

(Rubin "Hurricane" Carter and John Artis were charged with, and convicted of, a triple murder in a Paterson, New Jersey, bar in 1966. The prosecution's theory in the 1976 retrial was that Carter and Artis, who were both African-Americans, committed the murders to seek revenge for an unrelated killing of an African-American by a white person the night before. New Jersey federal district judge H. Lee Sarokin later branded this theory as racist. Lewis and his co-counsel successfully brought federal habeas corpus petitions on behalf of Carter and Artis, and they were cleared in 1987.)

I was extremely leery of attorneys because I had been promised a lot of things by a lot of people and they hadn't delivered. It was a classic "wait and see" situation. But in my relationship with Lewis there came a transition. His intensity and dedication transcended the attorney-client relationship and we became friends. I began to really trust him. He showed a lot of concern and it was genuine.

I was impressed by the way he fearlessly went after the prosecution, he left no stone unturned, he didn't bite his tongue. He was willing to put himself in jeopardy of being charged with contempt of court. He showed himself to be a stalwart warrior.

His argument for getting me bail really stands out. I remember how thorough he was and how inadequate the opposition was—he kept swatting away at all their explanations. He was determined to see me outside and he told me so. He promised me I would be outside and I was. Lewis always kept his word. ■

Rubin Carter Wins Release; Prosecutors Plan an Appeal

By SELWYN RAAB

NEWARK, Nov. 8 — After al... years in prison for a triple-... viction, Rubin (Hurr... walked out of a Fed... day a free man. ... Judge H. ... trict C... turn...

...er of two children, was divorced by ...ife after his second conviction. ...e Sarokin rejected arguments ...ecutors that Mr. Carter should ...n prison until a full review of ...ound could be presented, or ... outcome of the appeal of ... convictions. ...id, "I cannot, in the face ...ons reached in my opin... ...ustices found, permit ...end another day in ...rison, particularly ... has already spent ...nfinement based ...on which I have ...ously flawed." ...has reversed ...aic County ... It loses the ...r and Mr. ...urges. ...lived a ...ex to ...rial ...in ...e

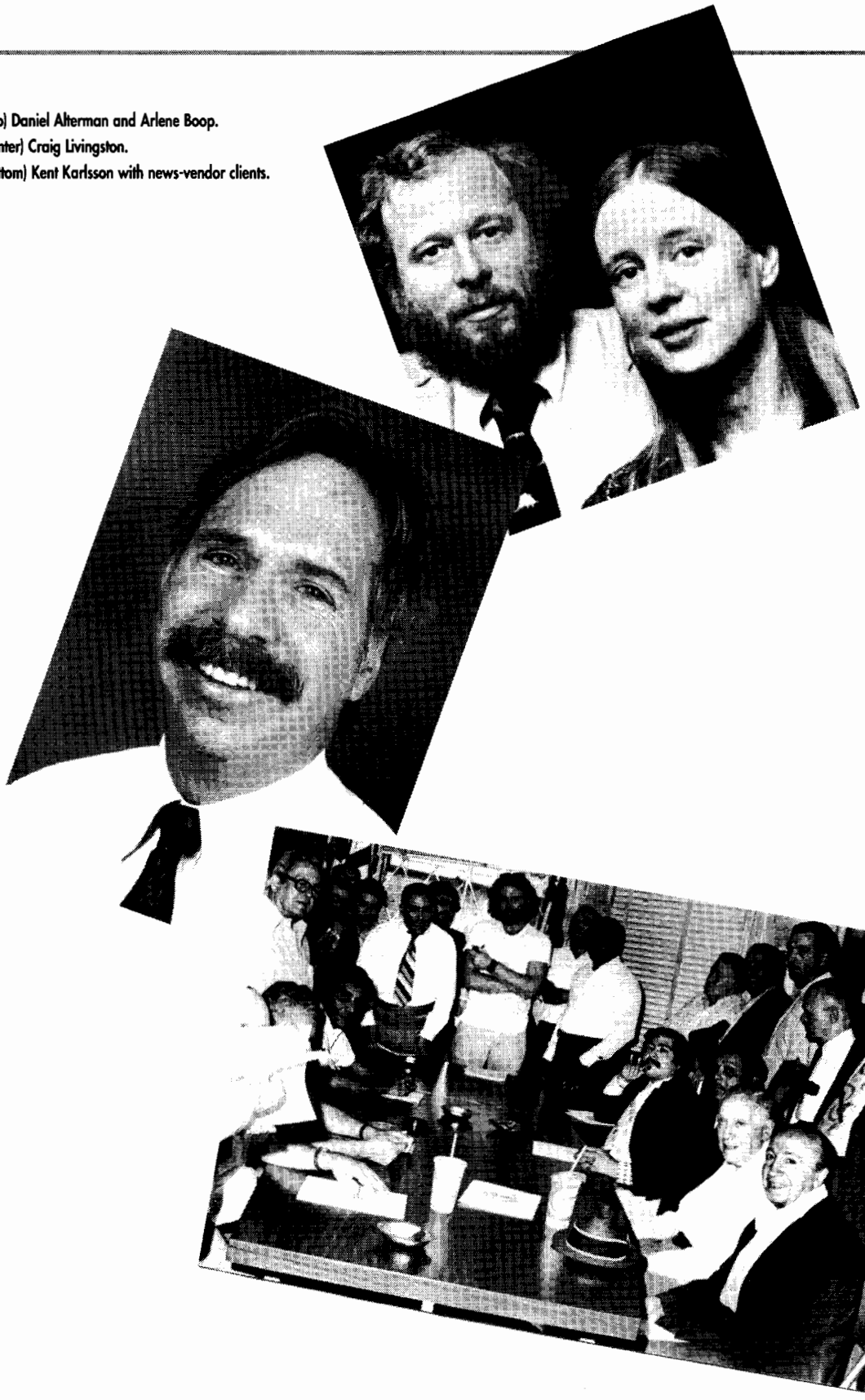
...ho had murdered three white peo... until a hearing could be held at which

John Artis, left, who was convicted of murder with Rubin Carter in a 1976 re-trial and released on parole in 1981, talking to reporters yesterday outside Newark courthouse. With him is his chief counsel, Lewis M. Steel.

The New York Times/Edward Hausner

(Top) "Storm Over Hurricane": Lewis and his wife Kitty outside the Passaic County, N.J. courthouse after he was cited for contempt in the Hurricane Carter-John Artis case.
(Center) Steel with client John Artis.
(Bottom) Steel's co-counsel Marty Needelman in *Southside Fair Housing Comm. v. City of New York.*

(Top) Daniel Alterman and Arlene Boop.
(Center) Craig Livingston.
(Bottom) Kent Karlsson with news-vendor clients.



Profiles:
THE PRIVATE PRACTICE OF PUBLIC INTEREST LAW

By Ralph Shapiro

Honoring Lewis Steel tonight, the New York City Chapter of the National Lawyers Guild also honors the scores of Guild members who, like Lewis, have made public interest law an essential and integral part of their private practices.

For public interest law—law practiced "in the service of the people," for the sake of human rights rather than property rights—is not, as it is often thought to be, the exclusive provenance of such agencies as Legal Aid and Legal Services and the various civil rights and civil liberties organizations. Lew Steel, the other members of his firm and the lawyers profiled here have all succeeded in creating private practices that sustain them and at the same time allow them to venture into the largely unexplored territories where the agencies and organizations don't—or can't—go and helping clients those groups can't.

In an attempt to determine how other Guild members have been able to achieve the same synthesis of private practice and public interest, I interviewed a dozen or so Guild lawyers practicing in small firms or as single practitioners. I thank those who gave me the time for the interviews. I plead time constraints and human frailty to the many public interest practitioners whom I did not interview.

■

DANIEL ALTERMAN of the general practice firm Alterman and Boop came to public interest law early in his career. Graduating from NYU Law School in 1969, he was a VISTA volunteer from 1969 to 1970 and a Reginald Heber Smith Fellow from 1970 to 1972. After the 1971 Attica prison revolt, he volunteered with the Guild defense team for the Attica prisoners (some of whom he and other Guild lawyers defended several years later against charges arising out of the revolt). Then, starting in 1972, Dan and a group of lawyers from the Center for Constitutional Rights represented prisoners in the Brooklyn House of Detention who were striking against intolerable prison conditions. Dan's experiences in that litigation led him to write a Manual for Pre-Trial Detainees which the Center for Constitutional Rights published in 1977. It was later reprinted in the Columbia Human Rights Journal.

In 1974, along with Guild members Marty Stolar and Paul Gulielmetti, Dan established a law collective in which all personnel, legal and support staff alike, received the same compensation. All the partners had been heavily influenced by, and had participated in, the stirring events of the '60s. They saw the practice of law as a means toward social change, albeit modest, and focussed their practice on minorities, tenants, prisoners, victims of discrimination and other disadvantaged people.

To finance the public interest aspect of their practice, the firm accepted criminal defense matters, matrimonial and child custody cases and assignments under Article 18-B of the New York State County Law (which provides for the selection and compensation of lawyers for indigent criminal defendants). It also took on police brutality law suits under 42 U.S.C. Section 1983 that, when successful, yielded mandated fees. Dan said his approach to a Section 1983 case is to seek, if at all possible, an appropriate settlement at the earliest opportunity, before, as he put it, the opposing sides get too far apart.

Arlene Boop joined the firm in 1980. She had been a welfare case worker after graduating from college, until she wearied of the palliative, Band-aid nature of that profession and decided to become a lawyer and possibly effect some changes. After graduating from NYU Law School in 1975, she worked for Legal Services Corporation in Westchester County and then in Pennsylvania, finally becoming the managing attorney of her office. She specialized in representing tenants and persons denied social security disability benefits.

As the firm matured, all the members began to specialize. One became proficient in securing federal tax exemption for non-profit organizations. Another became expert in stopping commercial loft landlords from evicting artists from their Soho lofts. Not only did the firm succeed in preventing many evictions, but it devised the idea of having loft tenants buy their buildings as cooperatives, and even persuaded New York City to sell at affordable prices buildings it had foreclosed on for nonpayment of taxes to cooperatives represented by the firm. The firm financed the loft cases by getting small fees from each tenant, which together partly financed the proceedings, the balance coming from the firm's resources.

Dan and Arlene established Alterman and Boop in 1988. Their current public interest work includes police brutality cases and employee discrimination and sexual harassment matters, some of them under Section 1983 and other fee-shifting statutes. Dan and Arlene carefully screen those cases for the likelihood of success and the credibility of the client. Dan stresses that the latter factor is especially important in harassment cases. In all such cases, the firm insists on a consultation fee from the client to insure continued interest and responsibility.

Alterman and Boop also continues to practice housing law and accepts referrals from the Housing Committee of the New York City Bar Association, of which Dan is a member. They do not represent landlords, drug dealers or corporate interests.

In contrast to all the other public interest practitioners interviewed for this article, Dan believes that the small firm or solo practitioner that wants to maintain a private practice must be, in his words, a "general practitioner." If a client originally retains the firm in a housing case, he explained, the firm must also be able to draw the client's will, represent the client in the purchase of a home, provide counsel if the client's child gets into trouble, and so forth. That is one way for the practice to expand to permit acceptance of public interest law cases.

But all the lawyers I talked to agreed with Dan's belief that a lawyer who intends to make a career that incorporates substantial public interest work must begin to do so at the outset—and must be ready to work long hours and accept the reality of a modest life style.

HOUSING ATTORNEY KENT KARLSSON of the firm of Karlsson & Ng has little doubt about his reason for becoming a lawyer. His family's left political background pointed him in the direction of a career in public interest law.

Admitted to practice in 1969, Kent worked variously for Legal Services and Legal Aid until 1972, becoming proficient in landlord-tenant and housing law and eventually writing a tenant lawyer's manual on Housing Court practice.

In 1972 he established a practice in Brooklyn with other former Legal Aid lawyers to practice general civil law with an emphasis on representing tenants. When that firm dissolved in 1976, he says, he became the only lawyer in Brooklyn exclusively representing tenants. As a result, his housing practice was augmented by referrals from Manhattan-based lawyers who were unwilling to hazard the perils of being "foreign" lawyers in Brooklyn Housing Court on behalf of their Brooklyn-based clients.

His partner David Ng joined him in 1977, and they formed Karlsson and Ng and moved to Manhattan in 1981. As tenant practitioners with a modest overhead, they were able to charge low hourly rates for their tenant representation.

But they became dissatisfied with the traditional role of tenant's counsel in Housing Court. It was not enough, they felt, merely to prevent the eviction of tenants who withheld rent because of housing violations. When the violations were corrected the landlord received the withheld rent, and the process did little to remedy the underlying situation or to create incentives for the owner to conform to the warranty of habitability that requires maintenance of rental property in liveable condition.

To remedy the situation, Kent and David creatively enlarged the scope of the warranty of habitability to force landlords to pay damages for breach of the warranty of habitability, handling such cases on a contingency basis. When they were successful, the owner of the property, in effect, paid their fee. Moreover, the violations cases usually involved more than one tenant and, often, a tenants' association representing an entire building, so that the firm could handle the litigation at little (sometimes zero) cost to individual tenants.

Karlsson and Ng continued their housing practice during the booming real-estate market of the '80s, but the nature of the practice—and their fees—escalated dramatically. They particularly sought cases that might actually change the law. They challenged the rights of landlords to pass along increased labor costs to tenants in rent-controlled apartments and to evict tenants from rent-stabilized apartments that

were not the tenants' primary residences. The firm prospered, often representing tenants in up-scale buildings undergoing conversion to cooperatives or condominiums, with appropriately up-scale fees. Another side of the practice involved representing tenants of landlords who wanted to demolish their buildings in order to "improve" the property. Delays in the demolition process would subject the owners to additional financing fees and interest charges, motivating them to buy the tenants out in deals that were frequently lucrative for both the tenants and the firm.

But at the end of the '80s, when the coop/condominium conversion mania and the real estate boom ended, Karlsson and Ng—which had expanded to 11 lawyers during the decade—was forced to reorganize and reduce its staff, primarily by attrition, to the present complement of five lawyers. The firm has shifted its practice to general civil law matters, although they still will not represent landlords.

They continue, as in the past, to represent tenants in public interest cases. Sometimes, the issues lend themselves to a contingent fee arrangement; otherwise the matter is accepted on a pro bono basis. Because of the firm's extensive and intensive experience in housing law, the costs of a public interest case can be reliably estimated. Each partner may decide to handle a public interest case without consultation with the others; members of the firm meet monthly to review the calendar of cases, including public interest matters and their costs.

■

Born in Argentina and fluent in English and Spanish, **CLAUDIA SLOVINSKY** is a solo practitioner specializing in immigration and nationality law. Growing up in the turbulent '60s, she always saw the practice of law as a means to effect, however modestly, some social change.

She worked for a Legal Services program in Queens from 1975 to 1979, concentrating in housing and immigration law. At the same time, she made a point of reaching out to community groups, churches, housing organizations and the like as a volunteer counsel.

As a result, she had a modest base when she started her private practice in 1979, with some institutional support. As a solo practitioner, with Diane George as her associate, she feels she must limit her public interest work. Acceptance or rejection of a public interest matter is on an ad hoc basis and involves consideration of the issue involved, the nature of the client and the time which may be expended. She is a member of the Guild's Immigration Project, which takes on political asylum cases that yield no fees. Therefore, she and her colleagues in the Project divide the cases, as they did during the Gulf War, when non-citizens in the armed services jeopardized their legal resident status by applying for CO status. In most non-Immigration Project public interest cases, she requires her clients to pay some fee, reducing her hourly fee in some situations as a form of public interest representation. She limits her practice to immigration and nationality law and does not handle matters out of her specialty, referring them to other lawyers.

Like Dan Alterman, Claudia believes that a lawyer who wants to practice public interest law must determine to do so at the outset of practice, a course of action requiring hard work, long hours and the acceptance of a modest life style. It is a delusion, she says, to think that one can establish a corporate-type practice—and lifestyle—and then turn to public interest and live in the same manner.

■

Half a generation younger than the other lawyers profiled here, **CRAIG GURIAN** and his anti-discrimination firm, Gurian Hough and Bikson, represent only clients who have been subjected to discriminatory practices in the areas of housing, employment, public accommodation or sexual harassment. They wholeheartedly support affirmative action and reject absolutely the often-heard accusation it is fundamentally discriminatory. On the contrary, Craig says, affirmative action programs are designed to overcome the heritage of racism in this country and are, in his words, "long overdue and still not adequately in place." Craig sees his firm's practice as public interest law because the elimination of a discriminatory practice does more than redress the grievance of a client, it also has a salutary effect on the social fabric and tends to improve the moral and political tone of the body politic.

After graduating from Columbia Law School in 1983, Craig worked in the Criminal Appeals Division of Legal Aid until 1985 (along with his future wife and partner, Lori Bikson), when he opened his own office to represent tenants. He never practiced criminal law after his stint with Legal Aid.

In 1988, Craig became the Legal Director of the Law Enforcement Bureau of the New York City

Commission on Human Rights, which, with its staff of 50 investigators and 20 lawyers, is the investigative and prosecutorial arm of the commission. When he was subsequently promoted to Chief Counsel, he tried to move the commission from its bureaucratic inertia to civil rights activism and fought successfully for the enactment of a comprehensive revision of the city's Human Rights Law. He says that law is now stronger than any other human rights law in the United States, including the New York State and federal laws. It was during his tenure at the HRC that he met Elizabeth Hough, later to become his other partner.

Lori, a 1981 graduate of the American University Law School, has only recently returned to the practice of law after a hiatus to be with her children.

In 1992, Craig, Elizabeth and Lori decided to establish their own law firm for the exclusive practice of anti-discrimination law. Craig's work with the HRC is well-known in the field, and discrimination complaints come to them from several sources, including the referral lists of the New York City Bar Association and the National Employment Lawyers Association, of which they are members.

The firm has one criterion for accepting a case: "Do we believe the client's case is meritorious?" If so, the firm accepts it. A significant number of these cases are handled on a contingency basis, others on an hourly fee basis. In all cases, however, the firm moves for attorneys' fees, which, when awarded, mean the litigation ultimately costs the client nothing.

They try to be creative in representing their clients. Currently, the firm is seeking to expand the reach of Title IX of the Civil Rights Act to allow a private party to collect punitive damages for sexual harassment. (Title IX forbids any entity that receives federal funds to discriminate—including many schools that purport to teach trades or professions—and sexual harassment is now defined as discrimination.) Their client, a single mother on public assistance, was enrolled in such a school and asked its manager for a schedule change. He proposed to make the change only if she would have sex with him; if she refused, he threatened, he would see to it that she received poor grades and would demand more money for her enrollment. The case, which Gurian Hough and Bikson is handling on a contingency basis, is now in discovery. The firm intends to demand an award of attorneys' fees.

Another action that could be described as impact litigation is being brought by a housing group that is suing a real-estate broker for illegally "steering" minority housing applicants away from all-white neighborhoods and buildings. The novel part of this action is that the plaintiff organization alleges that the broker's illegal actions constitute a tortious interference with the organization's mission, which is to expand New York City's stock of unsegregated housing.

Craig believes that, over time, the firm's approach to litigation will not only result in a substantial docket of active cases, but will enable the partners to sustain a modest lifestyle.

■

The firm of **GLADSTEIN, REIF AND MEGINNIS** is one of three firms profiled here with a substantially labor-based practice.

Amy Gladstein, whose identification with labor flowed naturally from her progressive family background, got a job with the National Labor Relations Board after graduating from law school with the avowed purpose of learning how "the other side" thwarted the purposes of the National Labor Relations Act—and then using that knowledge as an entree to the practice of law in the interest of workers.

Jim Reif was in Chicago on vacation from law school during the 1968 Democratic Convention. Witnessing the police atrocities against the demonstrators committed Jim to public interest law as a major component of his future practice. After law school, he was a VISTA lawyer in Georgia (where, he says, his efforts met with little local acclaim) and then, from 1970 to 1973, a staff attorney with the Center for Constitutional Rights.

In 1976, Amy, Jim and three other lawyers formed what they hoped would be a community-based law firm in downtown Brooklyn, which they called the Brooklyn Community Law Office. But within five years the partnership had become instead a labor law firm.

The transition began when some members of the Transport Workers Union, dissatisfied with the union's contract-ratifying procedures, asked Amy and Jim to represent them against the union. The ensuing successful lawsuit under the Landrum Griffin Act generated not only a lot of publicity but also a statutory fee.

Politicized in part by the anti-Vietnam War movement, Terry Meginnis was in law school while Amy and Jim were developing their labor practice.

Working his way through college engendered a dislike for bosses. On a construction job in Florida, he learned that the contractor for whom he worked had not paid a Black co-worker for several weeks, for the baseless reason that the worker could not produce a social security card. Terry fomented a job action that got the worker paid—and helped convince Terry that labor law was his field. After graduating from NYU Law School in 1978, he litigated Title VII class actions at the National Employment Law Project, a Legal Services back-up group. Knowing Amy and Jim through the Guild and sharing their view of the practice of law, he joined the firm in 1982, when it assumed its present name.

Since then, the firm has developed a union-based practice. The predictable retainer income from their union clients, together with the income from representing workers in contingency-fee cases and under fee-shifting statutes in which the prevailing party is awarded attorneys' fees (such as employment discrimination cases and civil-rights actions under 42 U.S.C. Section 1983), enables them to handle public interest matters. They are currently defending an Asian-American community organizer against a Strategic Lawsuit Against Public Purposes (SLAPP) suit a large employer filed to stop him from organizing.

Their representation of union dissidents has not been without repercussions from the unions to which they are counsel—it's the price, Jim says, of their kind of practice—but the firm has managed to survive. Although they get labor-law referrals from other lawyers, they see limitations on their future growth in the area of union representation because so little organizing is occurring in New York. The tight economy has created a double bind: workers have more problems, and there is less money available to fight the problems.

Amy, Jim, Terry and their three other partners, Beth Margolis, Kent Hirozawa and Ellen Dichner, have formulated clear criteria for the firm's public interest cases and do not need a partners' meeting to decide whether or not to take such a case. The criteria include the political importance of the case and its importance to the client, its likelihood of success, the potential fee, the expected costs and hours, their impression of the client's "stability" and the significance of the legal issues. When the firm successfully represented an employee discharged for "whistle blowing," for example, the partners knew that the financial return—for the client and for themselves—would be minimal in relation to the time and effort, but they felt that the issues were important and deserved their attention. There are clients and cases they will not handle, including drug dealers, "unsavory characters," so-called reverse discrimination cases and matters outside of their expertise. They refer most personal injury work to other attorneys.

Clients in public interest cases are asked to contribute toward disbursements to assure their continued interest, with the amounts varying with the circumstances. Beyond those contributions, the firm finances the cases out of its own resources.

The expansion of the firm to six partners was largely self-generated. All the partners understand that while the work will be challenging and interesting, they will have to maintain modest lifestyles; they will make a living but will not get rich.

■

CRAIG LIVINGSTON of the Newark, New Jersey firm of Ball, Livingston and Tykulsker describes the firm's primarily labor-based practice as "progressive lawyering." Craig was drafted into the Army while in law school during the Vietnam War. The civil-rights struggle and his war experiences crystallized into the conclusion that representing employees in their workplace problems was the way to become a progressive lawyer.

Acting on that conclusion, he got a job with the law firm in Newark that eventually became Ball Livingston and Tykulsker. (Earlier, it had included Leonard Weinglass, who was of counsel in the Chicago Eight trial, and Jeff Fogel.) The firm now specializes in workplace-related and employee-related matters and will not accept cases, either by retainer or in a public interest matter, which are not within the areas of its expertise. All of its lawyers have developed sub-specialties to which they confine their respective practices. They do not represent employers, landlords, or men accused of sexual harassment, or take so-called reverse discrimination cases, even when workplace-related. Ball Livingston and Tykulsker has represented both unions and dissident groups suing their own unions. I asked whether that kind of representation had carried repercussions from the firm's union clients, and Craig answered that it was difficult to judge. There was no way, he said, to determine which, if any, unions were deterred from retaining the firm because of its dissident clientele. One local had discharged the firm because Craig had gotten involved in intra-union politics, but had re-

(Top) Paul Schachter with Puerto Rican trade unionists at Puerto Rico Dept. of Labor, 1991.
(Center) Claudia Slovinsky.
(Bottom) Carolyn Kubitschek and David Lansner.

retained it after a few years, subject to a commitment to refrain from such interference.

The firm's public interest work is limited to cases that will have a broad impact on workers and will empower them. It is currently representing several gay couples in an action to compel Rutgers University to allow them to qualify as married couples and thereby become eligible for medical coverage under the Rutgers medical plan.

The firm will not undertake a public interest case unless the client takes some financial responsibility, but the amounts involved are subject to the client's ability. For example, the gay rights clients, all academics, have contributed more than is expected from a police brutality victim. Craig stressed, however, that no one gets a "free ride;" a financial investment, no matter how small, is essential to secure and maintain client responsibility. The firm bears the balance of the costs, with the hope of a recovery if the suit is successful.

■

DENISE REINHARDT AND PAUL SCHACHTER are a married couple who practice law in Newark, New Jersey as Reinhardt and Schachter. They established the firm in 1982 in order to engage in a "progressive people's law practice," believing that if they could not infuse their practice with a humanistic content, they would not want to be lawyers.

It was the ferment of the '60s that spoke to Denise and convinced her that it is possible, through the creative application of the law, to "manipulate" the system—at least in some degree—to aid those in need of help. She first worked for the National Labor Relations Board to learn the intricacies of federal labor law and then at the Rutgers Law School labor law clinic, where some of her cases included civil rights actions under Section 1983.

Paul came to the same beliefs by a different route. Paul is proud that his father was one of the Lincoln Brigade volunteers who went to Spain to fight fascism. Raised in that kind of politically left family, with, as he says, working-class values and roots, Paul felt that it was only through representing labor that he could live those values. After a stint as an SDS organizer, he graduated from Rutgers Law School, where he enlisted the aid of Arthur Kinoy to get a labor-related job. Referred to David Scribner, a founding Guild member, then retired as General Counsel for the United Electrical Workers and ostensibly writing his memoirs, Paul soon found himself assisting Scribner in union-related matters, including the efforts of some Puerto Rican unions to secede from ineffectual international unions. Paul describes Scribner as a mentor *par excellence*, constantly pushing him forward into greater responsibility in handling those cases and thereby fostering his development as a lawyer.

Thus, both Denise and Paul had substantial labor law experience when they went into private practice in 1982. Reinhardt and Schachter has built its labor-law practice in two ways: on the one hand, the Puerto Rican unions still retain them; on the other, many of the dissident or minority union groups the firm represented have won control of their unions and have retained the firm as counsel. Or, as Paul puts it, the "outs" they represented are now the "ins." (Of course, if, as has happened, their "out" clients continue to be "out" their efforts and costs are for naught.)

Their public interest cases are all labor- or workplace- related and include employee discrimination, improper discharges, invidious refusal to promote, sex discrimination and the like. Their criteria for public interest cases are simple, foremost among them the merits of the case, the likelihood of success and the question of whether the issue presented will have an impact wider than the interest of the client alone. Since fees are awarded in Section 1983 only to the prevailing party, the likelihood of success is critical. Decisions respecting public interest cases are reached on a collegial basis.

As with the other lawyers interviewed, the firm requires some money "up front" from the client, the amount varying according to circumstances, to assure continued interest and responsibility. They finance the balance of the costs of a Section 1983 case out of the firm's resources.

Denise and Paul echoed a recurring refrain among those interviewed: a lawyer who wants to do public interest work within the framework of a private practice must reach out to community and similar organizations in order to build a potential clientele, to gain experience in some area of the law; and that process must start at the outset of the lawyer's career. Also the lawyer must be prepared to work long hours in return for a modest life style and to run an efficient office. With respect to the last point, Denise vouchsafed that Paul had had the foresight to organize a "technologically advanced" office when they first established the firm, and that it was at least in part, technology that has enabled them to function

with maximum effectiveness and with the lowest possible overhead.

Denise and Paul suggested that a newly minted lawyer who wants to do labor related work should consider volunteering, possibly at subsistence wages, to a union law firm for both the experience and the possibility of future employment, even if on a part-time, ad hoc basis. They both felt that where the commitment to a progressive people's practice exists, a way can found to reach that goal, although they recognize the difference between present employment conditions and those of the '70s.

■

Family law and Social Security experts **DAVID LANSNER AND CAROLYN KUBITSCHEK** had been married for 15 years when they formed the firm of Lansner and Kubitschek in January 1991.

David had previously worked for the Legal Services Corporation concentrating on family law. He was the first treasurer of the Legal Services Staff Association, the union of Legal Services employees, and its president from 1973 to 1975. He went into private practice in 1979, relying on his skills in family law to be the foundation of his practice.

Carolyn had also worked for a Legal Services organization and had spent several years in a legal clinic program at Hofstra, where she became expert in social security law.

Not surprisingly, the dual focus of their partnership is the two fields in which they are experienced: family law, including civil rights cases under Section 1983, and the administrative and litigation areas of social security law. Their creative use of Section 1983 in the field of family law is both interesting and instructive.

The foster care situation in New York City is rife with abuses. When child welfare authorities remove children illegally from their parents, Lansner and Kubitschek use the Fourth Amendment protection against unreasonable seizure to sue the city on the parents' behalf. When a child is abused in foster care, they claim violation of the Fifth and Fourteenth Amendment due-process guarantees to sue on the child's behalf.

In most of these cases the client cannot afford to pay them. They have therefore established criteria including assessment of the merits and the likelihood of success, the time that may be expended and the potential liability. They stress the likelihood of success and will not undertake patently meritless cases, because only the prevailing party can be awarded legal fees under Section 1983. They accept one out of every three cases that come to their attention.

But they do not refrain from litigating what appear to be losing cases where a principle is involved. They recently instituted an action to bar the continued use by New York City of a blacklist it maintains of persons ineligible for employment by any child-care-related organization. No one knows who is on the list, why the people listed are on it or how they can remove their names. All the people on the list know is that they are denied employment, usually without learning the reason. The Lansner-Kubitschek suit against the use of the list was dismissed in the District Court. The appeal was argued in the Second Circuit last September and is awaiting decision.

Also under the rubric of family law is the matrimonial practice to which the firm looks to finance the office and carry the non-fee producing cases. This is especially true because a Section 1983 case may take anywhere from three to five years and success is never guaranteed.

Their other area of work is representing persons improperly denied social security benefits. Unlike the mandated fees in Section 1983 cases, fee awards in social security cases are discretionary with the judge and may only be a percentage of a retroactive award. (The fee does not come out of the award to the client.) Much of their social security work entails low overhead costs, but the fees received are commensurately low, and if a proceeding is resolved at the administrative level there may be no fee at all.

Lansner and Kubitschek is on the list of firms that accept assignments from Family Court and on the Family Court referral list of the Association of the Bar of the City of New York. The firm is also registered with the Clerk of the Eastern District for pro bono assignments in family law and social security cases. Since few lawyers volunteer in those areas, David and Carolyn often get assignments that result in shifting fees to the government and sometimes find that investigation of the underlying facts justifies a Section 1983 action that meets their standards.

Like Gladstein Reif and Meginnis, David and Carolyn try to assure clients' continuing interest in, and responsibility to, public interest cases the firm is financing by getting some money "up front." They also send clients copies of pleadings, invite them to depositions and maintain periodic contact during the litigation. The amount they ask varies with the cir-

cumstances, but is never enough to finance the action; the firm carries the case with the hope of a fee at its conclusion.

By and large, David and Carolyn stick to their areas of expertise in their public interest litigation, since they cannot afford to finance their own education in a new area in a non-fee case. Although they accept commercial work, they do not seek it. When asked why they undertake the risks of public interest law, they said they became lawyers based on the commitment to this kind of work—and that they have accepted a lifestyle that does not require a six-figure income. But they believe that, with their matrimonial and fee-producing work, and as their Section 1983 actions mature and result in fees, the firm will be on a sound financial basis by 1996, within the five-year period they gave themselves when they established it in 1991.

Summarizing the principles and experiences of those interviewed may be useful to those who, having endured law school and the bar examination—or about to endure them—want to do more than spend their professional lives seeking to enrich one person at the expense of another.

All of those interviewed stressed several points. A lawyer who wants to practice public interest law in the framework of a private practice must do so at the beginning of her or his career and must be prepared to work long, hard hours and to live modestly. Many agreed that the kind of on-the-job training they got in Legal Aid and similar groups is much less available now. Suggestions to overcome this handicap included working as volunteer counsel to a community organization that, if it cannot afford a fee now, may be able to do so in the future; volunteering one's services to a more established lawyer who may need help on a public interest matter, gaining invaluable experience that may later bear tangible fruit; and affiliating with a Guild committee or project like Immigration, Mass Defense or Labor, both for the experience and for the chance to meet lawyers practicing in those fields.

Finally, virtually all the interviewees thought the Guild should bring its private practitioners of public interest law together more often. Many stressed the economics of small-firm, public interest practice and wished they could discuss their mutual problems and possible solutions in a structured setting. In strikingly similar language, they urged that the Guild sponsor a conference on those topics that could become a catalyst for bringing together a more cohesive and supportive community of lawyers practicing in the public interest.

CODA

Justice Felix Frankfurter wrote, "History has its demands."

This "history" demands recognition of the pioneering work of Carol Arber, Veronica Kraft and Carol Lefcourt in synthesizing private practice with public interest law.

(Top) A Japanese newspaper reports the settlement in the *Sumitomo* case.
(Middle, left to right) Janine, Lewis, Kitty, Patrick and Brian Steel.
(Bottom) Cynthia and Eugene Carroll (left), who tried to sublet a Long Island apartment from Loraine and John Poholorec (right) but were "steered" away from the all-white neighborhood by the real-estate broker handling the apartment. Steel sued and won.

Contending WITH RACE

By John D. B. Lewis

Lewis Steel has been preoccupied with issues of race for most of his life. Twenty-five years ago—just one day after The New York Times published his provocative essay, "Nine Men in Black Who Think White - A Critic's View of the Warren Court"—he was fired from his position as Associate Counsel to the National Association for the Advancement of Colored People. At that time, as he pondered both the loss of the work to which he had been totally committed for nearly five years, as well as the future shock of private practice, Lewis resolved to expand his article into a book-length discussion of the problem of race in the United States. But he came to realize that his anger at the federal judiciary's increasing unreceptiveness to the movement for racial equality was making the writing unbearable for him. He put the manuscript aside.

Today, Lewis is again working on a book. Its subject matter—the many facets of race in the legal process—is reminiscent of his earlier effort. In addition to dealing with how judges and juries react to race cases and how racial considerations often skew the resolution of these cases, however, the new manuscript also focuses on Lewis's own struggle to relate to that work. As Lewis put it in a recent interview for this article, "I want to try to understand my own sense of not understanding what my clients are feeling."

■

Born in 1937—the same year as the National Lawyers Guild—Lewis spent part of his early childhood in the South. He went to pre-school and first grade in North Carolina and Florida, respectively, before his family settled in New York City. At the time, his wealthy grandparents owned a sprawling property, called Crail Farm, in the foothills of the Blue Ridge Mountains near Hendersonville. In all likelihood, it was there, in the segregated environment of North Carolina, that Lewis was first exposed to what he often calls "the insanity of racism."

Crail Farm was large enough to sustain, after a fashion, a number of tenant families. Although Lewis was no more than five or six, and had no real appreciation of the marginal conditions in which those families lived, the stark difference between their circumstances and his own made a deep impression on him. Of even greater significance, however, was Lewis's father's hiring of a black man named Bill Rutherford. From the very beginning, Lewis, a small child frequently ill with asthma, felt protected by this powerful man. Although soon drafted into military service during World War II, Rutherford returned from the South Pacific to resume working for Lewis's family, by then living in New York. He remained for over twenty years. Even though Rutherford's wife's young son and daughter occasionally visited with them, they were mostly raised by her family back in North Carolina. Still only a child himself, Lewis often wondered about the black couple's taking care of him while their own children were far away.

When he was thirteen, Lewis followed his older brother to Culver Military Academy, in Indiana, where being one of half a dozen or so boys of Jewish descent in a school of more than 600 doubtless contributed to his growing awareness of race and ethnicity. But it was, after all, only 1954 when he graduated from Culver, and neither racial justice nor poverty was yet a significant part of the national consciousness. Nor was there much change in this regard during the next four years, which Lewis spent at Harvard, where his chief extra-curricular concerns were the college newspaper and the Harvard Opera Guild. (He co-founded the latter with Peter Davis, now music critic for New York magazine.)

Clearly drawn to the theater—he had been involved in many student productions at Harvard—Lewis began working after graduation in a variety of behind-the-scenes jobs on Broadway shows. The theatrical world's greatest contribution to Lewis, however, was that it afforded him the opportunity to meet Kitty Muldoon, then a budding actress, now a psychotherapist, and throughout, his companion. It was May 1959, and Kitty had the ingenue lead in a road-show production of "Babes in Arms," a Rodgers and Hart musical for which Lewis was stage manager. In the course of their relationship, Lewis realized that his avocational interest in the arts was insufficient to sustain a career and decided, after much reflection, to become a lawyer, an ambition that his father once had for himself. He began New York Law School in the January 1961 term, just as Kitty, having ended a run as Jimmy Durante's lead singer at the Copacabana, one of New York's most storied night spots, was beginning college classes at New York University as a 28-year-old. They were married two months later, in March.

As it turned out, Lewis, who became editor-in-chief of the Law Forum (as the school's law review was then called), got his degree in two-and-a-half years, and graduated first in his class. Despite this record, however, he still had no specific professional ambition, as his final series of interviews indicated (i.e., a big negligence firm, the United States Attorney's office, the legal department of a television network). Given such impressive credentials, perhaps it was this lack of a specific direction, or goal, that came across most strongly during those meetings with his prospective employers. Whatever the explanation, none of the interviews led to an offer. And so, finding himself at loose ends as he awaited the bar exam results, Lewis called the NAACP to see if its legal staff might need a volunteer.

■

Prior to volunteering his time with the Association, Lewis had no previous involvement with "the movement," a phrase then coming into vogue. Toward the end of the summer, and while still volunteering at the NAACP, Lewis received word that he had passed the bar exam. He decided to try a stint with Pomerantz Levy Haudek and Block, a law firm headed by Abe Pomerantz, a Guild member and highly successful shareholders' derivative practitioner. Although many firms were paying first-year graduates an annual salary of $7,000 in 1963, Pomerantz told Lewis he would pay him $6,000. In what may have been his first hondling coup, Lewis agreed—after negotiating the right to continue working half a day a week for the NAACP.

Lewis stayed with the Pomerantz firm for nine months, but found himself less and less committed to big-firm law. Since most of his time was spent doing research for the partners, it was perhaps inevitable that the half a day's library research given over to the Association soon crept towards a full day, if not more. The sudden availability of an Eleanor Roosevelt Foundation grant for a one-year NAACP internship helped to clarify Lewis's thoughts: he wanted to work for the Association.

Kitty, who had given up a blossoming musical-comedy career to raise children—Janine was 14 fourteen months old, Brian a gleam in his parents' eyes—was also strongly committed to racial equality issues; she fully shared Lewis's enthusiasm about working at the Association even though he would have to travel a great deal. In May of 1964, Lewis left Abe Pomerantz and his partners and became a full-time civil rights lawyer.

Before the one-year grant had run its course, Lewis was asked to join the NAACP's legal staff, an invitation he immediately accepted. During the next several years, he would hopscotch all over the country trying cases. In the 1960's, Association lawyers were in courtrooms throughout the nation arguing legal issues concerning segregation and community control of schools, the First Amendment rights of demonstrators and students, and discrimination in employment and housing. Lewis was prominently involved in all these issues. In seemingly every state, it was a time of extraordinary, unprecedented ferment.

Appropriately enough, it was also the time that Lewis first became aware of the National Lawyers Guild. As he recalls it, it was Bob Van Lierop, a black lawyer at the Association with whom he had become friendly, who introduced him to the Guild. The Guild, which had, in part, been created because the American Bar Association barred black lawyers from its rolls, soon became Lewis's spiritual home-in-the-law.

■

Among the highlights of Lewis's NAACP career was *Ethridge v. Rhodes*, 268 F.Supp 83 (S.D. Ohio 1967), a suit brought in federal district court in Columbus, Ohio by two black men who had been

denied membership in two building trade unions on account of their race. At trial, the evidence went in smoothly enough, but Lewis must have experienced trial-lawyer heaven when a union official, in response to the question, "How many Negroes are there in the union?," asked Lewis, "What's a Negro?" Sensing a serendipitous moment, Lewis repeated his question. The witness, who was smiling broadly as he played to a gallery composed largely of other members from his lily-white union, then said he didn't know how many Negroes were in the union because he didn't know what Negroes looked like. At that point, District Judge Joseph P. Kinneary broke in and pointed to a small cluster of blacks in the courtroom. With unmistakable anger in his voice, he said: "Do you see those people? They are Negroes. How many people who look like them are in your union?"

The *Ethridge* ruling halted construction of a $12.8 million dollar medical science building at Ohio State University based on the building trades unions' exclusion of African-American workers. In granting a permanent injunction, Judge Kinneary ruled that the state had primary responsibility for ensuring that black workers would have equal job opportunities on all public works contracts. His ruling effectively barred state construction everywhere in Ohio unless state officials acted to ensure that black construction workers could work on state construction sites. Moreover, a key aspect of the ruling transcended mere "on-the-site" discrimination; Kinneary had held that unless discrimination "at-the-source" (i.e., in the union itself) was done away with, the construction would remain enjoined.

The NAACP exulted. Interviewed for *The New York Times* of May 18, 1967, Lewis termed the decision a "breakthrough" and said that civil rights lawyers would attempt "to extend it to every state." Six weeks later, as the *Times* reported on June 28, NAACP Executive Director Roy M. Wilkins announced a nationwide program that would halt "all Federal and state-sponsored construction, estimated at $76.5 billion dollars in the next fiscal year, unless Negroes were taken into building trades unions."

In actuality, *Ethridge*'s impact upon the discriminatory practices of unions and contractors within the construction industry fell short of that hoped for by the civil rights community. (In hindsight, the case's greatest importance, Lewis thinks, has been its role as a building block for affirmative action, insofar as the ruling emphasized the duty of public officials to ensure that considerations of race not preclude people of color from working on public construction projects.) One reason for that lesser impact was that Judge Kinneary's ruling was not appealed, and a district judge's opinion simply lacked the requisite clout. More important, though, was the baneful role played by Governor Rhodes, who seized headlines by promptly calling a news conference to praise the decision, rushed to issue an executive order banning bias in state hiring, and then refused to enforce his order.

But perhaps the main factor that prevented Ethridge from living up to its advance billing was that the Association's lawyers, who were leading the charge for racial equality, were hopelessly overextended. Even counting the extraordinary efforts of the cooperating attorneys—local volunteers, most of whom were black, and none of whom was compensated—there could be no doubt that Association cases were suffering.

As for Lewis, he was swamped: in 1968, the *Times* described him as carrying perhaps the heaviest and most important caseload on the NAACP staff. He was on the road so much—trying cases all week, flying back to New York late Friday night, flying out again on Sunday night—that he was often only a weekend husband and father who, with the arrivals of Brian and Patrick, born in 1965 and 1967, had three children under six years of age. Lewis frequently felt pulled apart, and it was, certainly, no easier for Kitty, who had meanwhile obtained her Bachelor's degree (Hunter College, 1968) and begun working toward a Master's in American Studies (N.Y.U., 1971). Although committed to his cases, Lewis was not sure how much longer he could continue to work at such a pace. Completely unbeknownst to him, however, that issue was soon to be decided for him by the NAACP's Board of Directors.

■

If the relentless pace of the work led to an almost intolerable level of stress and strain, the hostility (if not outright viciousness) of many of the judges before whom civil rights lawyers practiced frequently pushed it beyond that level. It is extraordinarily difficult to maintain your perspective, not to mention peace of mind, when the playing-field is perpetually tilted against you. Briefly put, Lewis was fed up with losing winning cases. And his anger at "the system" did not stop with the trial-level courts.

On Sunday, October 13, 1968, *The New York*

Times Magazine published Lewis's critique of the United States Supreme Court. Entitled "Nine Men in Black Who Think White - A Critic's View of the Warren Court," the article led to his being fired the following day. As the *Times* quoted him on October 15, "I came back from lunch and was informed that I was dismissed." Although no specific reason was given, evidently the article had deeply offended, and perhaps even frightened, Mr. Wilkins, who regarded the Court as the civil rights movement's principal bulwark.

In his article, Lewis had written that a "hard" look at the Court's record showed that it had never "departed from the American tradition of treating Negroes as second-class citizens," nor committed itself "to a society based upon principles of absolute equality." Instead, the Court had taken "the position that racial equality should be subordinated—at least balanced against—white America's fear of rapid change, which would threaten its time-honored prerogatives." Pointing to the famous phrase in *Brown v. Board of Education*, 347 U.S. 483 (1954), that the desegregation of the southern school systems in issue should be implemented "with all deliberate speed," Lewis blasted the Court for not "serv[ing] notice on the American people that equality was an absolute right of all citizens, that this right came before all other rights and that its further subversion could not be tolerated." By its resort to such language, Lewis contended, the Court "made clear it was a white court which would protect the interests of white America in the maintenance of stable institutions." Dismissing the argument that the traditional balance between the states and the federal government must be preserved lest the liberties of all Americans be somehow diminished, Lewis wrote: "[b]ut what is this argument really worth? If basic civil rights can be denied on a systematic basis to any definable segment of the population, that segment is living in a police state. [Such a] justification of the Court's record presumes that constitutionally guaranteed freedoms should be analyzed from the point of view of the white American majority."

Lewis had not written his article in a vacuum. Although he had been on leave working for Sen. Eugene McCarthy in the "Dump Johnson" campaign, Lewis had talked about the piece with a number of his Association colleagues, among others, and there was broad agreement with its thrust. His boss and mentor, NAACP General Counsel Robert L. Carter, now a Senior Judge in the Southern District of New York, had read drafts and offered suggestions.

Carter himself was furious over the Board's dismissal of his associate counsel. A considerable portion of the NAACP docket concerned free-speech and demonstration cases; and other cases involved due-process issues. Lewis's firing, Carter told the *Times* of October 16, implicated much of the core of the NAACP's caseload, and he was going to fight it.

The National Lawyers Guild, with whose New York City Chapter Lewis had by then been long associated, also protested. The Guild's letter to Roy Wilkins stated that "instead of crash [sic; as in the *Times*, October 21] retaliation, appreciation should have been expressed to Mr. Steel for presenting a critical consideration of the progress of the law in regard to freedom and equality of black people in the United States."

On October 27, a *New York Times* article reported that "the entire legal staff of the National Association for the Advancement of Colored People said yesterday that it would resign if the organization's national board did not say by tomorrow that it would reconsider the dismissal of Lewis M. Steel." Two days later, a follow-up article advised that all the lawyers, together with the seven law clerks who, with those lawyers, made up the legal department of the NAACP, had resigned on the previous day in protest of Lewis's firing. The *Times* reported that in addition to Carter, who had won 25 of the Association's 26 Supreme Court cases during his 24 years as NAACP General Counsel, staff lawyers Richard F. Bellman, Joan Franklin, Barbara Morris, Robert F. Van Lierop, Thomas R. Ashley, Jesse J. Lehman, and Anne G. Feldman had resigned. The names of the law clerks were not listed.

Lewis was profoundly troubled at being at the center of such a firestorm. The most upsetting part of it, Lewis remembers, was "the thought that something involving me, a white person, would in any way act as a detriment to our office's work. That was just horrible."

■

Notwithstanding the mass resignations, a flurry of behind-the-scene activity by prominent individuals, not to mention the filing of a lawsuit by dissident board members contesting the propriety of the dismissal, kept alive the hope that Lewis might be restored to his job, and everyone and everything else to status quo ante. After heavy lobbying by Executive Director Wilkins, however—he wrote a

2,500-word rebuttal of "Nine Men," which argued that Lewis's article constituted nothing less than a total repudiation of the NAACP's long-term strategy in fighting segregation, and had it distributed to every member of the organization's Board of Directors—a majority of the Directors voted to reaffirm Lewis's dismissal on December 9. At the same time, any possibility that the lawsuit to overturn Lewis's firing might receive dispassionate judicial treatment evaporated upon its assignment to one of the most conservative and closed-minded members of the Bench. And, indeed, four days later, that suit was dismissed in an opinion that was, in the *Times* account of December 14, "sharply critical of [what] State Supreme Court Justice Irving R. Saypol...termed [Lewis's] 'frolic' (i.e., "Nine Men in Black Who Think White")."

Being suddenly separated from the work to which he had been so devoted was a tremendous blow to Lewis. To at least partially fill the gap, he set to work on the book about race that is mentioned at the beginning of this article. But, as he wanted to continue practicing law, Lewis also looked to the Guild, which offered a steady supply of cases involving demonstrations, anti-draft work, and related matters. As a result, his relationship with the Guild deepened considerably during this period. Through its Mass Defense Office, Lewis worked with Mary Kaufman, Dotty Shtob, Beth Bochnak, Elliott Wilk, and Dan Pochoda, among others; became active in the welfare rights movement; and got to know most of the Guild's active members. Taking into account the cases he had taken with him when he left the Association, and some new ones that had already found their way to his door, it seemed clear, as 1968 came to a close and the new year got under way, that he would have no dearth of legal work.

In 1970, Lewis, who had meanwhile concluded that solo practice was not suited to his personality, and three other lawyers (two Guild members, one ex-Legal Aid Society appellate attorney) decided to practice together. And so, in the dog days of August, the firm of (Hank) DiSuvero (Dan) Meyers (Gretchen White) Oberman & Steel opened its offices for the practice of progressive law. In less than a month, Lewis—who had never tried a criminal case—would be picking a jury in the trial of *People v. Maynard*, one of the most celebrated and important murder prosecutions of that period.

■

William Anthony Maynard, Jr., a sometime actor and businessman, and brother of Valerie Maynard, a talented black painter, had already been put on trial twice for the April 1967 shotgun killing of Marine Sgt. Michael E. Kroll on West 4th Street between Sixth Avenue and MacDougal Street. At the first trial, the jury, deadlocked 11-1 for conviction, had been discharged. At the second, Maynard, an articulate, charismatic, and extraordinarily handsome man, had represented himself but had become so emotionally distressed after jury selection that he was unable to continue. A mistrial had been declared.

Intense media coverage had fueled widespread public indignation over the slaying charged to Lewis's client. Mayor John V. Lindsay, whom the Patrolmen's Benevolent Association had labelled "soft-on-crime," apparently decided to counter the police union's campaign against him by speaking out, loudly, on the killing of Kroll, whom the media had virtually apotheosized as the "hero Marine who had just returned from Vietnam." There had been great pressure to make an arrest; three years after the arrest, there still remained great pressure, but now it was to obtain a conviction.

Maynard had been in jail for more than three years when the case came up for trial the third time in the late summer of 1970. His sister, making the rounds trying to find a lawyer, had wanted DiSuvero, an experienced criminal lawyer. But DiSuvero was busy trying the "Tombs" uprising case, so he recommended Lewis. After first passing muster with Ms. Maynard, Lewis went to Rikers to meet his prospective client. He was concerned that Maynard would regard his scant prior experience in criminal law — Lewis had once second-seated another lawyer in a felony trial — as a serious problem. When Lewis raised the issue with Maynard, however, he was taken aback to hear the client's calm reassurance: "don't worry; you'll do fine."

The trial was, in the time-worn phrase, a travesty of justice. Some of the indecencies perpetrated by the trial prosecutor and his comrade-in-arms, the trial judge, are set forth in the Appellate Division dissent (see 337 N.Y.S.2d at 646-651). The two which follow are not.

After Lewis was retained, he spoke with Bob Bloom, a Guild friend and a superb criminal lawyer with broad experience. Bob, who had just tried a case with Assistant District Attorney Stephen Sawyer, Lewis's adversary, had had a good relationship with

him and suggested that Lewis meet with Sawyer to tell him that he had just been retained and needed time to familiarize himself with the case and conduct an investigation. Bob said that Lewis should be candid about his own lack of criminal trial experience and ask Sawyer to pick a trial judge other than Irwin D. Davidson—in that era the prosecutors picked the trial judges—a notoriously anti-defendant judge. Needless to say, Sawyer didn't consent to Lewis's adjournment request, and Davidson became the trial judge.

As jury selection got underway in September, only weeks after Lewis had been retained, there was yet another uprising at the "Tombs." The subsequent security measures taken by the Department of Corrections included the confiscation of all the inmates' razors. Lewis asked Davidson to order that Maynard be allowed to keep his razor because he was, after all, on trial. Denied. Lewis asked that Maynard be permitted to shave in a bathroom adjacent to the courtroom with a razor that he, Lewis, would bring in, and take away, each day. Denied. So, Dan Meyers, Lewis's co-counsel, whose assignments included the critical investigatory work that should have been done before the trial got underway but hadn't been because Davidson had denied the adjournment, had to take time off to bring a writ in the Southern District. Although Maynard ultimately got his razor, he also got, upon his conviction for (the lesser included charge of) manslaughter, not less than 10, nor more than 20, years.

As the appellate process inched forward—another of Lewis's partners, the late Gretchen White Oberman, perfected Maynard's appeal to the Appellate Division, which affirmed in a terse per curiam opinion in November 1972—Lewis busied himself with filing a series of post-judgment motions to set aside the manslaughter conviction. All the motions were denied.

Then, in 1973, a combination of dogged investigation, post-conviction discovery, and plain luck led to the disclosure that the police, and two prosecutors (Sawyer and a predecessor named Gino Gallina), had apparently colluded in suppressing critical evidence. It seemed that the prosecution's main witness had both a criminal conviction and an extensive psychiatric history, and had, in fact, been discharged from Bellevue's Psychiatric Ward only days before the trial began. Despite discovery demands and a defense subpoena (quashed by the ever-vigilant Davidson), none of this information had been furnished to the defense. Lewis promptly filed two more motions to set aside Maynard's conviction. The motions alleged newly discovered evidence and that the conviction had been obtained in violation of Maynard's constitutional rights under *Brady v. Maryland*, 373 U.S. 83 (1963). At long last, in March 1974, even as Maynard's last state appeal was pending before the Court of Appeals, the late Irving Lang, in an elegant opinion that has become a landmark in the suppression area (80 Misc.2d 279), granted the motions and ordered a new trial.

A month later, Manhattan District Attorney Richard H. Kuh announced that he would not appeal Justice Lang's decision. Four months after that, D.A. Kuh declared that his office would not retry the case. After nearly seven years in jail, Tony Maynard was finally free.

■

Both stages of Lewis's representation of Maynard—the trial as well as the post-judgment motions—led him to additional involvements on behalf of prisoners, some of whom, like Maynard, had been unjustly convicted.

But the principal hallmark of this work was not, to be sure, that Lewis's clients had been wrongly imprisoned. It was, rather, that as a group comprised largely, if not exclusively, of poor and black people, they had suffered some of the worst treatment that America could dish out in the way of discrimination, marginalization, and oppression. Lewis, along with other Guild lawyers, believed that the fight to try to ensure that they received a measure of justice was a vitally important political responsibility. That belief plainly infused his work on behalf of both prison inmates and individual defendants.

In 1971, after an inmate uprising at Auburn Correctional Facility, a federal action was brought to protect the predominantly black inmate leaders from the prison guards, some of whom were Klu Klux Klansmen. Jeff Glen, from MFY Legal Services, Elizabeth Fisher, a prisoners' rights lawyer, and Lewis were representing the inmates, who had been placed in solitary confinement and subjected to brutalizing conditions as soon as the uprising ended. The law-

THE NEW YORK TIMES, FRIDAY, APRIL 4, 1975

Woman to Get Food Job After Battle Over Bias

By DEIRDRE CARMODY

A woman's place, the City Commission on Human Rights said yesterday, is in the kitchen.

At least it is in the kitchens of Restaurant Associates if the woman is as qualified a cook as Carol Jacobson of Brooklyn, who studied haute cuisine under James Beard. Miss Jacobson brought sex discrimination charges against the restaurant chain after she was unable to get a job in any of its 40 kitchens here.

The commission awa Miss Jacobson $6,000 repres ing back pay and compensa damages and ordered Res rant Associates to place he the next available opening volving food preparation. commission also found Restaurant Associates sho discriminatory patterns practices in the hiring placement of women in al its restaurants.

Despite her apparent vic Miss Jacobson denounced award and the commission, ing that it had cost her t nds of dollars by draggin oceedings for more than rs and thehn only awa only a single y pay. said that the $6,000 30 more than the had offered her two she would drop the the commission st ed." Miss Jaco just there to gi justice, but ot for women.' on's lawyer, tterness, sai d justified pay award rguing that not tried k as a s years she lly to f outrage is consum 37 years n hired ates in aration recruit the au who

laid off when business slowed down. She was then employed at the Bethesda Cafe, also run by Restaurant Associates, until it closed for the summer.

According to her lawyer, Lewis M. Steel, promises were given to Miss Jacobson at that time that she would be rehired by the restaurant chain. However, when more than a year went by and she could not find employment in any of the kit-

THE PROFESSOR VS. THE ASPCA

Bird Bust

Cuffed and jailed, prof sues ASPCA

By Emily Sachar

RUFFLED FEATHERS.

'I have nightmares ab and pigeons.'

Writers of the United States Go Forth to Unite

By EDWIN McDOWELL

"Everything about being published is disappointing," id the novelist Helen Yglesias. "It's just a very bitter ex nce today for almost everybody. And because there is h widespread disaffection among writers, I think that the first time in the history of publishing and book writ there is a strong possibility that a writers union will cceed."

During a three-day American Writers Congress in ew York this fall, speaker after speaker criticized an ray of publishing practices—from the perceived unwil gness of conglomerate publishers to publish noncom ercial books to the methods of reporting royalties. On the l evening, more than 1,000 delegates voted overwhelm ly to form a writers union.

"We knew there was interest in a union, but we were rwhelmed by the size of the vote," said Andrea Eagan, elance writer who is on the organizing committee for National Writers Union. At a meeting in Town Hall, dreds of delegates to the congress anted up $18 each to the organizational drive and agreed to help the or izing effort in their hometowns.

As a result, and buoyed by the apparent success of s representing screenwriters, journalists and phic artists, and by gains won by authors unions in a n foreign countries, an advance guard of writers throughout the country is choosing delegates for a National Writers Union they expect to launch next year. They are also preparing a list of grievances to tack on the door of Publishers' Row. But as Laurie Stone, writer and union organizer, said, "This can't be like conventional unions, because people work at home and deal with a variety of employers."

The fact that writers are considered independent contractors has been one of the major obstacles to organization. "The National Labor Relations Board does not provide for a mechanism for unions to represent such people," said Lewis M. Steel, a labor lawyer who is advising the writers' organizing effort. "To be certified for collective bargaining, you must be an employee of a particular employer." But he does not consider that an insurmountable problem. "There's a whole series of ways in which writers can organize even in the absence of certification," Mr. Steel said. "For example, the Graphic Artists Guild represents thousands of graphic artists across the country who would probably have trouble getting N. L. R. B certification, yet it represents its members in a meaningful way." His advice is to organize first, build a broad base, then worry about the details.

The national writers union has attracted few big names so far and organizers acknowledge that many aspiring writers care more about the psychic satisfaction of a byline than about the economic and professional issues that concern union supporters. "But these are the usual problems confronting union organizers," Mrs. Eagan said. "Writers aren't immune to arguments that having been successful, perhaps it would be the right thing for them to extend a hand to the less successful."

Whatever form it will take, the union will have a competitor in the Federation of Professional Writers of America, which was formed about a year ago and boasts about 150 published writers as members. The young organization recently affiliated with the National Production Workers Union of Chicago. "The N. L. R. B recently gave them the right to organize independent workers, the first time that's ever happened," said Julian Portman, a literary agent and the executive secretary of the federation. Headquartered in Hollywood, the Federation plans to open branch offices early next year in Dallas, Chicago, Kansas City and Pittsburgh.

Two Unions, One Constituency

Mr. Portman is critical of the organizing effort begun by the Writers Congress. He said his union has some of the same goals, but that, while the national writers union movement seems to regard publishers as total adversaries, the Federation will seek to cooperate where possible. For example, "Every year $1 million is written off by publishers for authors' advances that don't result in manuscripts," he said. "We would try to persuade the authors to return the money or produce the manuscript." Organizers for the writers union say their motivation is to help

Steel's clients have included (top) chef Carol Jacobson, who studied under master chef James Beard but couldn't get a cooking job with Restaurant Associates; (center) Columbia University Professor Renee Solomon, falsely arrested for killing sparrows by placing bird-repellent on her windowsill; and (bottom) the fledgling National Writers Union.

suit culminated in a settlement under which the inmate leaders were moved out of Auburn and dispersed throughout the New York State prison system. Lewis's role in that settlement led to his being asked to go to Attica Correctional Facility (where Maynard was serving his sentence) after the Guild received an "invitation" from the Attica Brothers to send an observer following the inmate takeover there. At the time, Lewis had just been elected Vice-President of the New York City Chapter.

When New York Times columnist Tom Wicker—also a member of the Observers' Committee, and with whom Lewis shared a motel room during the revolt at Attica, the deadliest uprising in United States history—asked Lewis, "are you a revolutionary?" Lewis had replied that American society was "riddled with racism, capitalistic greed, and class exploitation" and that "the law and the government were largely at the service of these forces rather than working in any conceptual way toward economic and political justice." (Quoted in Wicker, "A Time to Die," (Quadrangle/The New York Times Book Co., 1975, at page 255.) Revisiting that subject in January 1994, Lewis observed that conditions in American society had become even more inequitable in the intervening years. He pointed out that disparities in income had greatly increased during the period, and remarked that the country's elites seem to have "written off whole categories, whole classes of people—mostly inner-city people of color—and to be totally unwilling to engage in any kind of remedial action. Just look at the unrelenting attack on the public school system, a system that is in complete chaos; look at the deteriorated housing stock; look at the dismal level of medical care available to poor people."

In the autumn of 1971, Lewis undertook the defense of Wallace Baker of the "Harlem Four," young black men who had been arrested and twice tried in the wake of a notorious 1964 robbery-shooting in which a white Harlem shop-keeper's wife was killed. Along with Bill Kunstler, Conrad Lynn, a well-known black attorney, and Edward Leopold, a court-appointed lawyer, Lewis tried the third trial, which ended in early 1972 in a 7-5 deadlock in favor of acquittal. Two years later, at the conclusion of a history even more tangled and protracted than Maynard's—e.g., the "Four" had originally been the "Six," one of whom was convicted in trial Number 1, after which another one of the defendants entered a plea to a reduced charge; trial Number 2 also resulted in a deadlock; before trial Number 4 could begin, the prosecution's lead witness through all three trials recanted his identification testimony in a 38-page affidavit, declaring, "those boys [are] innocent," and thereafter retracted his recantation—Lewis and his co-counsel succeeded in obtaining a plea bargain with a promise of "time served." For the defendants, who had already spent 8 years in jail without bail, this disposition was widely considered the best they could hope for under all the circumstances, which included an intransigent District Attorney's office and hostile tabloid coverage.

By this time, DiSuvero Meyers Oberman & Steel had dissolved, and Lewis, with Guild lawyers Gene Eisner and Richard Levy, had formed a new firm, which was soon joined by Dick Bellman, one of Lewis's NAACP colleagues. During his years at Eisner Levy Steel & Bellman, Lewis, working with Gene and Richard, became heavily involved, for the first time, in labor law matters. The firm was counsel to District 65-UAW and its constituent units, the National Organization of Legal Services Workers (NOLSW) and the Association of Legal Aid Attorneys (ALAA).

In that same year—1974—the successful resolution of the final post-conviction motions in the Maynard case led inexorably (or so it now seems with the acuity characteristic of hindsight) to the cause celebre of Rubin (Hurricane) Carter, then the leading contender for the world's middleweight boxing championship, and John Artis, a top high school athlete with an unblemished record.

Carter and Artis had been arrested some three months after a triple shooting in Paterson, New Jersey, in June 1966. Tried and convicted of murder, Artis had been sentenced to one term of life imprisonment, and Carter to two, which were to be served consecutively. Their appeals had been unavailing. By the time Lewis, representing Artis, and Myron Beldock, representing Carter, entered the case in late 1974, the two men had already been in prison longer than either Maynard or the "Harlem 4."

During the following 14 years, other progressive lawyers joined Myron and Lewis in working on the Carter-Artis litigation. Principal among these were Leon Friedman, a private practitioner and law professor at Hofstra Law School, and James I. Meyerson, initially an NAACP assistant counsel and subsequently a private practitioner specializing in civil

rights law. The denouement of the case (by which time John Artis had already been paroled, having served nearly 15 years) was not foreseeable until 1985. It was in that year that habeas relief was granted on the grounds that the prosecution had unconstitutionally injected racially prejudicial evidence and arguments into the case and had suppressed evidence. (See *Carter v. Rafferty*, *Artis v. Deitz*, both decided at 621 F.Supp. 533 (D.C.N.J. 1985), *aff'd on suppression ground*, 826 F.2d 1299 (3rd Cir. 1987), *cert. denied*, 484 U.S. 1011 (1988). In total, Rubin Carter had been imprisoned for 20 years before this gargantuan litigation, a 20th-century criminal law analog to Dickens's *Jarndyce v. Jarndyce*, finally ended with the dismissal of all charges.

■

In 1983, Lewis began a two-year term as President of the Guild's New York City Chapter. During that period, Chapter officers regularly convened well-attended membership meetings on substantive topics; the Mass Defense and Labor committees, in particular, were resuscitated, and became actively involved in significant work; *Blind Justice*, under the editorship of Gretchen Flint, put out some of its best issues; and the Chapter, as a whole, invested considerable energy into various New York City and State electoral issues even as delegations continued to visit foreign countries, such as Nicaragua, where a major effort was mounted in support of that country's effort to develop a written constitution.

The accomplishments of Lewis's tenure as New York City Chapter President are especially noteworthy in that, in the very same year he took office, he and Dick formed the firm of Steel & Bellman. Susan Ritz, followed by Miriam Clark, were hired as associates. Both women have since become partners — refreshing developments in an industry where associates, particularly if they are women with young children, often wait years before being made partners. The firm is now known as Steel Bellman Ritz & Clark.

Meanwhile, in 1985 (as Lewis stepped down as Chapter President), Kitty, who, after obtaining her first Master's degree, had returned to the stage, began devoting her astonishing energy to resuming her education in furtherance of her desire to address the problems which confront the elderly and their families in our society. In barely seven years, she obtained another Master's (this time from Fordham, in the field of Social Work); became a certified social worker later the same year, 1988; completed a four-year program in psychoanalytic training at the Training Institute for Mental Health, leading to her certification as a psychotherapist in 1991; and passed oral and written examinations, following the completion of the required course work, for a Doctorate in Social Work, which she will receive upon the acceptance of her dissertation, in all likelihood in 1995.

The same period (from 1985 to the present) was no less productive for Lewis and Kitty's three children, now all young adults. Janine, having graduated from Vassar, worked at the Village Voice as a researcher and writer and then was an assistant editor at Viking Press before entering New York Law School, from which she will graduate next year. Brian, after graduating from Boston College, the Dukakis Campaign, and New York Law School, was appointed an Assistant District Attorney in the office of the New York County District Attorney. Patrick, who received a Bachelor's and a Master's degree from the University of Pennsylvania and the University of London, respectively, and then completed a stint at the Institute for Policy Studies in Washington, D.C., became Special Assistant in the Office of the Secretary of Education in the Clinton Administration.

Meanwhile, Lewis' youngest offspring — the ten-year-old joint venture of Steel Bellman Ritz & Clark — has compiled an enviable record in the fields of employment discrimination and harassment; housing and exclusionary zoning discrimination; negligence; writers' disputes with their publishers, a type of representation that grew out of Lewis's previous work as General Counsel to the National Writers' Union; and other kinds of civil litigation in which, "as a rule," as Lewis put it, "a little person is pitted against a much larger or more powerful adversary."

Certainly the biggest employment discrimination case the firm has yet handled is the class action litigation on behalf of American women employed by the subsidiary of a Japanese corporate giant. Actively litigated for twelve years, this case spawned a Supreme Court decision, *Avagliano v. Sumitomo Shoji America, Inc.*, 457 U.S. 176 (1982), unanimously holding that American civil rights law is enforceable against a Japanese subsidiary despite the Treaty of Friendship, Commerce and Navigation between the United States and Japan (which gives to Japanese companies the right to hire employees of their own choice in supervisory, managerial and executive positions in the host country). Following

class action certification, *Sumitomo* was finally settled in 1987 on terms that included the company's setting affirmative action goals for the hiring of women in various job categories; making payments to women who were discriminated against; developing and adopting objective job descriptions and titles; and allocating $1,000,000 for the training of women, to enable them to move up the corporate ladder.

SBRC's success with *Sumitomo* was followed by a similar action against C. Itoh & Co. (America), Inc. (the firm is now known as Itochu). Like *Sumitomo, C. Itoh* ended successfully with a monitoring phase, that is being carried out by SBRC, to ensure that women will, in fact, make progress within the company.

Lewis and his partners have also litigated major cases in the related fields of housing and exclusionary zoning. In 1984, in the Eastern District of New York, Lewis tried *Grayson v. S. Rotondi & Sons Realty Co.*, a housing discrimination case in federal court on behalf of two black women, in which a Long Island jury awarded $565,000 in damages, $500,000 of which was punitive damages. At the time, *Grayson* was the largest jury verdict ever returned in a fair housing case in the United States, and Judge Mishler's opinion, reported in 1 Fair Housing Fair Lending ¶ 15,516 (Prentice-Hall) (E.D.N.Y. 1984), upholding the entire amount, has been widely relied upon to defend other punitive damages verdicts.

Regrettably, the firm has not had comparable success in the litigation of either racial or economic exclusionary zoning cases. Except for Dick Bellman's great victories in the Supreme Court in the racial exclusionary zoning case of *Huntington Branch NAACP v. Town of Huntington*, 844 F.2d 926 (2d Cir.), *aff'd*, 109 S.Ct. 276 (1988), and in the New Jersey Supreme Court in the economic exclusionary zoning case of *Southern Burlington County NAACP v. Township of Mt. Laurel*, 456 A.2d 390 (N.J. 1983), SBRC's broad-based attacks on exclusionary zoning have fallen on deaf ears in both federal and New York state courts, a pattern which the firm's lawyers agree is largely attributable to the influx of conservative judges appointed by Presidents Reagan and Bush, and Governor Cuomo, and a climate of public opinion—plainly traceable back to the Nixon Administration—that has been indifferent, if not antagonistic, to the concerns of African-Americans, other people of color, and poor people in general.

In this regard, in accordance with Lewis's view that "criticism of both individual judicial decisions and the overall records of courts in the fields of civil rights and race relations [is] an essential function of progressive civil rights attorneys," he has not hesitated to publish his complaints about the judiciary. (See his op-ed article, "New York's Backward High Court," in *The New York Times*, May 12, 1990; and Steel and Clark, "The Second Circuit's Employment Discrimination Cases: an Uncertain Welcome," 65 St.John's L.Rev. 839 (1991)).

While SBRC's docket is heavily concentrated in the litigation of civil rights matters like those described in the preceding paragraphs, the firm has also had considerable experience in the area of negligence law. Dick obtained a $2.5 million dollar verdict in SBRC's biggest case in this area, but Lewis, Susan and Miriam have all litigated substantial negligence cases to verdict or settlement.

■

Beginning with the years at the NAACP, Lewis's legal philosophy and modus operandi as a lawyer have been in harmony: to aggressively invoke the Constitution and civil rights laws, and to employ the law generally, to attack racial barriers and to bring about a more egalitarian society. Although this work has always been extremely difficult, Lewis maintains that civil rights litigation has become even harder in recent years.

Commenting on his experience trying housing discrimination cases, for instance, Lewis points out that there has been only one punitive damages award like the one upheld in the *Grayson* case, now nearly a decade old. Moreover, Lewis believes that without the rare convergence of facts and circumstances that occurred in *Grayson*, its predominantly white jury would never have made that unprecedented award. The two black women plaintiffs in the case were, after all, articulate, intelligent, church-going members of the middle-class who were employed as air-traffic controllers, and Lewis could, therefore, ask that jury in summation, "When you are in the air, your lives are in the hands of Jacqueline Grayson and Alethia Futrell; do you mean to tell me, they can't live with you on the ground?"

However, in other, quite comparable situations—but where the clients were perhaps not as remarkable (at least to white jurors) as the *Grayson* plaintiffs—what has struck Lewis is the monumental effort required to just stay afloat throughout the case so that, at the end, he would have a shot at obtaining a favorable verdict. In one such case—also tried

Lewis and Kitty Steel, 1992

on Long Island—there had been "absolutely appalling treatment" of an interracial couple, an African-American businessman and his white wife. Despite the fact that liability was crystal-clear, Lewis felt a constant sense of foreboding. Seemingly only because his clients were "ordinary" people, not superstars working in an occupation with life-and-death responsibilities, as in *Grayson*, their case always appeared to Lewis to be just a step away from disaster. As far as he could tell, this "gut feeling" had nothing to do with the merits of their case. "When I started summing up," he remarked indignantly, thinking back to the trial, "three members of the jury were sitting way back in their seats, with their hands across their chests! And this case was so clear!" Despite overwhelming evidence of intentional discrimination, Lewis said he felt compelled, in summation, "to hold up every little detail of that history so that the jury wouldn't somehow 'forget' what had occurred. Lewis felt fortunate to have won just $35,000 in compensatory damages for his clients in this case.

And if one African-American plaintiff's, or one interracial couple's, housing discrimination case is that susceptible to being held hostage to racial concerns, Lewis remarked in conclusion, the exclusionary zoning cases, and the prisoner cases, and the employment discrimination cases—"the cases that threaten white people deep down"—are obviously vastly more so, because they "jeopardize white people's sense of belonging to a privileged class."

■

Asked to identify his most important work, Lewis demurred: "I see myself as part of a group of progressive people throughout the country who have tried—the word that comes to mind is desperately—tried desperately to engage the larger body politic in an attempt to move it away from the ingrained racism that is destroying it. I don't see any of my work as being outside the work that is being done by a whole bunch of people."

Asked what he would most like to be remembered for, Lewis answered, without hesitation: "For being somebody who participated in the struggle to help the country face its history of racism, and to work through it. It's why I became so strongly attached to the Guild and why the NAACP work meant so much to me."

Lewis's views about the future, and whether greater progress in matters of race can be expected, were also solicited. Drawing on *Smitherman v. New*

Jersey Department of Corrections, a major federal civil rights case recently filed by his firm, Lewis said that the discrimination and harassment complained of by the African-American plaintiffs, corrections officers working in penal institutions throughout the state, demonstrate that racial prejudice in very gross forms still exists at such workplaces. And plaintiffs' accounts indicate that these conditions are, moreover, widely condoned by upper-level bureaucrats and other officials. In sum, "we have made little progress in ridding the workplace of racial discrimination over the 30 years I have been active as a civil rights litigator."

But Lewis noted that he said "little," and not "no," progress. "At least now there are African-Americans working at the institutions that we are attacking in these lawsuits. In 1964, these institutions would have been lily-white. So, the door, at least in the field of employment, has been opened somewhat." Lewis then added, in ending his discussion on this subject, that it is indisputably clear that the amount of work still to be done to achieve meaningful equality between whites and blacks is "absolutely staggering."

Despite this sober appraisal of the state of racial affairs in the United States, Lewis acknowledges that American courts and legislatures are responsible for a measure of past progress. "You've got to look for progress through the branches of government by pressing them, sometimes by attacking them, and always by mobilizing people to bring pressure to bear on them. I don't think those branches, on their own, unless constantly pressured, will do anything." As far as the judicial branch is concerned, pressure should be exerted through attempting "to bring about the appointment of good judges (especially critical in the federal system, due to its heavy involvement in constitutional issues) and, of course, the election of presidents and senators (who play indispensable roles in the judicial appointment process) is also key. But, you must always keep in mind that the judicial branch—as does all government—reacts to the realities on the street. Maybe not as much as the executive and legislative branches, but it does definitely react. In the *Ethridge* case, Judge Kinneary knew that the continued exclusion of blacks from the unions was heading toward mass protests and demonstrations. Columbus was very tense. 1967 became the year of Watts and Newark. I don't think the prospect of militancy in the streets was ever far from Kinneary's consideration of the case."

"Progressive people have to become more organized if we're ever to move the larger society forward; we must get the word out, through constant agitation, education, etc. We must try much harder to develop a stronger movement. Because, until a much broader segment of the population has a better grasp of what we are and where we are, things will keep getting worse."

Almost as if to dispel that gloomy note, Lewis hastened to add that "there's another side to this whole situation." In recent years, we have seen "the emergence of the women's movement [and] a gay and lesbian movement; the Latino movement is coming, and Asians are beginning to be on the move, too. These things should give us hope." Still, as to the first constituency served by the civil rights movement—the cause of black people—Lewis observed that their "unique situation" (and here he drew attention to the harsh reality of color as well as the corrosive legacy of slavery) "has made it much more difficult for them to achieve forward momentum. What this tells me is that, for African-American people in this country, the need to build coalitions with other groups—be they the women, the gays, or whoever—is absolutely essential to overcome the profoundly ingrained racism that infects us all." ■

You done good, brother
BILL NUCHOW

By Jan Pierce

Bill Nuchow, a leader of the Teamsters Union and a long-time friend of the Guild died last December 28. What follows is an excerpt from the remarks delivered by Jan Pierce, Vice-president of the Communications Workers of America, at a memorial service for Bill.

I guess you can't be angry at a guy because he dies. But I hope it's okay to be upset.

Those of us who willingly admit to being unapologetic liberals are upset—perhaps a little angry. We *never* had to worry about being alone. Going for liberal candidates and radical causes was okay because Bill was always there. We never stood alone.

He was truly a fascinating guy. Integrated within him was the full range of human emotions and boundless talent. Often we hear references to someone who has the courage of their convictions. In most cases it doesn't really fit; it seldom rises above rhetorical value unless it is used to describe Nuchow. His commitment to the tenets of liberalism, his dedication to a fair, free and just society, took extraordinary courage. Think of it—an honest, intellectual, liberal Teamster leader under Beck, Hoffa, Fitzsimmons, Williams, Presser and McCarthy. He collected stamps from socialist countries. Now that's really what's meant by having the courage of your convictions.

I'm not surprised his badly abused body finally surrendered to a higher power. He sailed against the wind. He was kicked in the kidneys and pounded on the head—battered and bloodied—*but never beaten*. In the end, it was his heart that said, "Enough."

I listened as his heart spoke or produced some of his final words. We talked a few hours before he died. I called him. A soft voice answered the phone. I poked a little fun at him by asking if he had a new love. There was a pause, and then he said, "She's relatively new, and I love her deeply—that was my granddaughter."

The things that tugged at his heart eventually wore him down. He heart went our for the victims of war (soldiers and civilians), the hungry and homeless, the sick and poor, the oppressed at home and abroad, exploited workers. He was ripped apart by: racism, sexism, homophobia and bigotry. I saw this big, tough old Teamster cry too many times. Nobody understands injustice, but too many turn the other way. Not Nooch, he was always there.

But now it's time to say goodbye. And I found some lyrics that are so appropriate. They sum up his life, capture his essence. Please close your eyes; conjure up a vision of Bill. See him, perhaps that teasing grin—you know the one—that would warm you or warn you. Listen—see him. This is Bill:

May the work I have done speak for me.
May the work I have done speak for me.
If I fall short of my goal, someone else will take a hold.
May the work I have done speak for me.

Bill, the work you have done, the songs you have sung, the marches you have marched, the words you have written, the words you have spoken, the work you have done speaks for you. You done good, brother. You done real good.

Dear Lewis,

Whether we've known you a lifetime,
a decade or a year,
we've come to rely upon your
guidance, wisdom, compassion,
support and friendship.

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Lewis,
If Perseverance keeps Honor bright, your life's work and passionate commitment to social justice has created, for me, an awesome glow! I'm thankful for the special blessings that come from sharing a life with someone I admire greatly and love completely,

Kitty

If there is one piece of wisdom Dad tried to impart to his children it was this, "Life isn't fair." We all heard it more than once. And yet, he has spent his entire life seeking justice, never backing away from what has often seemed insurmountable opposition. Through his relentless battling for what he believes is right, he has taught us by example. And despite his constant struggles and not a few setbacks, he has never lost hope nor harbored any sign of bitterness with us. He has always found time for the essentials— warmth, humor, compassion and, yes, optimism.
We love you, Dad,

Janine
Brian
and Patrick

To our mentor, partner and friend:
When the going gets tough...
...we call on you

Thanks for always being there.
Susan and Miriam

We are proud to be a part of this night honoring you. Your intelligence, hard work, values and love come together and take expression in your very important work. And your many successes reflect your extraordinary lawyering talents. You embody the highest ideals and aspirations of the Guild.

With Love,
Susan Rosenthal & Larry Grosberg

Twinkle, twinkle, Lewis Steel,
Your sparkly laughter makes us feel
That high above the bench and bar,
You'll always be a shining star.

With love and respect,

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Advocate, Idealist, Comrade.

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Keep up the good fight.
You've been a dear friend
and patient teacher.
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Lewis: Thank you for
NINE MEN IN BLACK WHO THINK WHITE,
and for so much more.

Martin Garbus

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Your Dedication To The Cause Of Justice Is An Inspiration To Us All

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"A good man is hard to find."
—Mae West

Congratulations to Lewis...and Kitty.

Kris Glen

Lew Steel

A Great Lawyer & A Great Human Being

Leon Friedman

My memories of the
Mass Defense Office,
Mary Kaufman, Dan Meyers,
Lew Steel, and the others,
will forever remain inspirational.

Best Wishes, Good Luck...
to Lewis Steel

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"Trade unions are for today....They are the greatest agency that the wit of man has ever devised for uplifting the lowly and the weak, for defending the poor and the oppressed, for bringing about genuine democracy amongst men [and women]"

—Clarence Darrow
From his summation in the anthracite coal miners strike arbitration in 1903

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Let us fight today for a far better tomorrow

Loretta Rowe
Marshall Perlin

For opening many, many, many doors—
housing doors; prison doors; employment doors

ALICIA KAPLOW

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We are pleased to announce that

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In Loving Memory of

SAM POSNER

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To the 1994 Honoree
We extend our
appreciation and gratitude

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Congratulations
to Lew Steel

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Congratulations to honoree Lewis Steel
for his exemplary leadership in the
war against racism and protection of civil rights.

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In honor of a man of steel who fights for truth, justice, and the American way.

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Local 1199 is proud to add its voice in honor of Lewis Steel and The National Lawyers Guild

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In honor of
Lew Steel—

a good friend and
a wonderful lawyer.

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WE SALUTE
OUR LONG TIME FRIEND
AND COLLEAGUE
LEW STEEL

I am happy to join the Guild in honoring Lew Steel for his outstanding work, and from a runner's point of view, for his thousands of laps around Central Park.

I take great pleasure in announcing that Ward J. Oliver, formerly of the Legal Aid Society Criminal Defense Division, has joined my firm as an associate.

Frank Handelman
15 Maiden Lane
New York, NY 10038

Question & Answer

Durban, Birmingham,
Cape Town, Atlanta,
Johannesburg, Watts,
The earth around
Struggling, fighting,
Dying - for what?

A world to gain.

Groping, hoping,
Waiting - for what?

A world to gain.

Dreams kicked asunder,
Why not go under?

There's a world to gain.

But suppose I don't want it,
Why take it?

To remake it

— Langston Hughes

With Support and respect for our sisters and brothers in the Guild,

Your friends and colleagues at the

Center for Constitutional Rights

To a mentor and a hero to us all

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For the great work you have done throughout the years

—For working people
—For inmates
—For those unjustly accused
—For the Guild

We salute you on this day of recognition.

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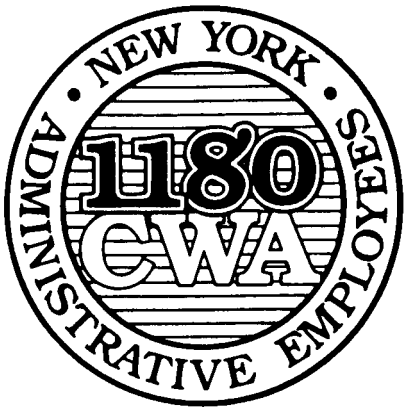

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—Mother Jones

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Heartiest congratulations to Lew Steel and to the National Lawyers Guild for choosing him to be honored this year.

We believe that Lew's work and the work of the National Lawyers Guild continues to be important and most effective.

Robert Boehm

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The National Lawyers Guild
and to
Lewis Steel, champion in defense of people's rights.

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Congratulations to Lewis Steel
and the Guild
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and a progressive people's agenda.

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