

## LETTER TO A YOUNG PUBLIC INTEREST ATTORNEY

---

*Jim Lafferty\**

You are entering into the practice of law at what I can only describe as one of the most politically repressive and regressive periods in U.S. history. As a consequence, both the challenges you face and the opportunities that will present themselves to you will be great. You will find yourself living in exciting times.

The United States empire is on the decline. And history informs us that it is when empires are declining that they are often most dangerous, most apt to act out of a desperate sense of the loss of their

---

\* James Lafferty is executive director of the National Lawyers Guild of Los Angeles, a human-rights bar association, and host of The Lawyers Guild, a weekly public affairs program on KPFK-FM. He has served as a national leader of various anti-war coalitions, including the National Peace Action Coalition, the anti-Vietnam War coalition that organized the largest protests during that war; the National Coalition for Peace in the Middle East; and the National Campaign to End U.S. Intervention in the Philippines. In the '60s, '70s, and '80s, his law firm, Lafferty, Reosti, Jabara, Papakhian & Smith, represented virtually all of the left political movements in and around Detroit, Michigan. In New York City, in the late '80s and early '90s, as associate director for the Center for Seafarer's Rights, he organized on behalf of the rights of merchant seafarers and also taught a course at the New School for Social Research entitled "Vietnam: The War at Home and Abroad." He serves on the steering committee of the anti-war coalition International A.N.S.W.E.R./L.A.

© 2011 James Lafferty. The copyright in each article is owned by the respective author. Except as otherwise provided, the author of each article grants permission for copies of that article to be made for classroom use, provided that each copy is distributed at or below cost, the author and the Journal are identified on each copy, proper notice of copyright is affixed to each copy, and the author and the Los Angeles Public Interest Law Journal, a Project of Community Partners, are notified of the use.

own power and with it the riches and spoils that its past power insured.

But what does the state of the empire have to do with you and how you will practice law? Well, if you are a corporate lawyer, defending the dying empire will no doubt keep you busy and financially flush. But I am writing this letter to those young lawyers who I hope will be lending their legal help to those seeking a change in direction for America; those intending to work as "peoples' lawyers," by which I mean lawyers who, as it says in the Pre-ambule to the National Lawyers Guild's constitution and By-laws, believe that, "human rights are more sacred than property interests." And for these lawyers and the people and interests they represent, the future promises hard times and tough legal challenges...along with highly rewarding work! More and more the empire will try to bail itself out financially on the backs of workers and the poor. More and more it will seek to defend its interests both at home and abroad with a cruel and heavy hand.

Therefore, the first obligation of a new lawyer hoping to represent people and not corporations, human rights and not property interests, is to understand that the U.S. legal system itself, and the laws it produces are, at their root, designed to serve the needs and desires of those who rule this nation. And that, of course, is the capitalist class. It serves the needs and desires of those who own the factories, not those who work in them; of those who loan the money, not those who borrow it; of those who make the laws for their own benefit, not for the benefit of those who must obey those laws.

There are, of course, concessions made by those who rule. It's not as though the rich in America pay no taxes at all (although many rich individuals do not, and many more rich corporations do not). But, in general, the tax laws, like the rent laws, or the mortgage laws, or the labor laws, or the laws governing how elections are conducted and which parties can be on the ballot and which cannot, or whether General Electric and General Motors are "persons" or not, are matters determined by what advances the interests of those who rule...the owner and not the worker, the landlord and not the renter, the corporation and not the individual voter, the rich tax payer and not the poor.

Now, why does this matter? Why must any peoples' lawyer understand the economic roots of the U.S. legal system and its laws?

Because only in understanding and applying this understanding can a peoples' lawyer fully understand the needs of her clients, what stands in the way of satisfying that need, and how best to get past those obstacles that stand in the way of her client receiving justice.

Well, with that understanding in hand, how, then, should a peoples' lawyer go about serving the human needs of the people in this Nation? Only with the clear understanding that while the law and the courts can sometimes be useful vehicles through which human rights and social, political and economic justice can be advanced, as often as not such advances are simply a by-product of the peoples' struggles in the streets.

Consider: when, in 1974, the US Supreme Court decided *Roe v. Wade*, thereby recognizing a woman's freedom to control her own body's functioning, it did not do so because on that day the nine all male Justices on the U.S. Supreme Court finally saw the light and realized that after so many decades they had been wrong. No, *Roe-v-Wade* was the happy by-product of years of struggle in the streets and in local legislatures; a by-product of endless marches and picket lines, sometimes containing hundreds of thousands of protesters.

When in 1954 the Court decided *Brown v. Board of Education*, the decision was, again, much more the by-product of years of struggle in the streets, and of sit-ins and arrests and deaths in the civil rights movement, than it was of any single court ruling. And the same could be said with Court rulings on labor law, or civil liberties law, or housing law, etc. That is, the high Court, like all courts in this Nation, is as political as any other American institution, as susceptible to political pressure from the body politic as is a president or governor or legislator.

If I am right about the continuing downward direction of this Country vis-a-vis civil rights and workers rights and economic rights and political rights, then you've surely got your work cut out for you. It might, as you start out, look unpromising and too daunting a journey to set out upon. But I urge you not to be daunted. I urge you to remember that this is not the first time this Nation has found itself in more or less the same political place. The early 1900's saw great repression against workers and immigrants and those with too revolutionary a political outlook. In the 1930's, the Great Depression drove millions to the brink of despair, or worse. 110,000 Japanese Americans were put in concentration camps at the start of World

War II. In the 50's there were vicious communist witch-hunts, and in the 60's civil rights battles both north and south, and then the struggle of those whose sexual orientation did not fit the traditional mold, and the movement to over-come the second class citizenship of women. All of this and more severely challenged the peoples' lawyers of yesterday. And yet, with more than mere limited success, the peoples' movements those peoples' lawyers defended were advanced. Victories were won. Progress was made.

Then, too, peoples' movements around the world are on the march today as never before. And in an ever-shrinking globe, we all advance when the people advance anywhere in the world. America can no longer rule the world, no longer determine the world's agenda, or way of living. And, in turn, what happens abroad does affect what happens here. Today hundreds- of- thousands are marching for justice in France and England, as well as in Egypt and Lybia. A weakened but not yet defeated labor movement in the United States is waking from a long sleep. By 2050, 85% of new entrants into the work force will be women or people of color.<sup>1</sup> The days are numbered when the few in this Nation, mainly white men, will be allowed to rule the many, when they will be able to own 90% of the Nation's wealth while so many others do not own the shirt on their back. As Arundhati Roy reminds us, when speaking of the power of the super-rich multi-national corporations, "we be many and they be few."<sup>2</sup>

And Roy is right. History teaches us that all empires, be they big or small, one day fall. The Greek, the Roman, the British, the Spanish, the German, all fell before the unstoppable march of enlightenment and the desire for universal justice and human decency.

So, my advice? Its simple. Be true to yourself and to the reasons why you wanted to be a lawyer in the first place. Cast your lot with those who have little, and deserve more. You won't get rich following this advice...but you will be true to yourself, you will be proud of yourself and of your labors. And you will be comforted and

---

<sup>1</sup> See e.g., Richard Daft, *Organization Theory and Design* 10 (Cengage Learning, 10th ed. 2009).

<sup>2</sup> Arundhati Roy, *We be many and they be few*, available at [http://www.odemagazine.com/doc/2/we\\_be\\_many\\_and\\_they\\_be\\_few/](http://www.odemagazine.com/doc/2/we_be_many_and_they_be_few/) (last visited June 11, 2011).

find great happiness and comradeship in being an integral and indispensable part of a great movement for social, political and economic justice; a movement that has history, itself, on its side! Be bold! Be creative! Be unafraid! Be a part of that great history!

Yours in Solidarity and Struggle,  
Jim Lafferty, Executive Director  
National Lawyers Guild, L.A. Chapter