

Book Review

## The People's Lawyer

by Albert Ruben. New York: Monthly Review Press, 2011. \$17.95 US paper. ISBN: 978-1-58367-237-2. Pages: 1-200.

*Reviewed by Rania Tfaily<sup>1</sup>*

"My job is to defend the Constitution from its enemies. Its main enemies right now are the Justice Department and the White House." (Bill Goodman, Legal Director of the Center for Constitutional Rights, 2001)

For about five decades, the Center for Constitutional rights (CCR) has waged significant legal, educational and public awareness battles to defend marginalized communities and to uphold rights guaranteed by the U.S. Constitution and the Universal Declaration of Human Rights. Since its inception, it was dedicated to progressive politics, social justice and social change. It branded itself as being in the service of the people's movements whether it is civil rights, women's rights, war against Vietnam, and more recently campaigns against torture, renditions and indefinite detention. The CCR cases often set legal precedents. However, the impact of the CCR varied with times. During the 1990s, it suffered from a financial crunch that intensified tensions between the board and staff. These tensions which have been brewing for a number of years culminated in the staff's seven weeks long strike. After a period of decline, the CCR saw its fortunes and profile increase following 9/11 and the war on terror which resulted in human rights violations of thousands of Arabs and Muslims.

The Center's decision to defend the right to *habeas corpus* of Guantanamo detainees was a turning point given that the CRC often focused on civil cases, and it tended to represent people with whom it usually shared a common (leftist) political vision. The CCR's decision to take on the government of the U.S. during a time of high patriotic fever was not without its risks, and a number of individuals and organizations withdrew their financial support. After a definite defeat in two lower courts, the Center's legal effort culminated in a surprising and significant win in

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*Rasul vs. Bush* in which the U.S. Supreme Court ruled 6 to 3 that Guantanamo detainees have the right to access the Federal Courts. The CCR's budget rose from \$1.2 million in 2001 to \$5.5 million following this crucial victory.

Albert Ruben takes us through a condensed history of the CCR, from its humble beginnings to help lawyers in the South who were challenging racial segregation and the disenfranchisement of the voting rights of African Americans, to its involvement in women's rights movement, antiwar activism and more recently its defense of victims of the war on terror. Ruben shows how the CCR pioneered the creative use of the law by adopting novel and often untested arguments to launch legal battles along with educational campaigns with the purpose of facilitating social change. The CCR defined success not only in terms of winning cases and setting legal precedents but also in terms of its ability to raise public awareness and galvanize social movements.

Ruben provides us with detailed synopsis of the lives of the Center's four founding fathers – Arthur Kinoy, Morton Stavis, William Kunstler, and Benjamin Smith. He shows the significant impact that a handful of hardworking, motivated and committed professionals and activists can make. Ruben's book includes a detailed chapter about the CCR's most significant cases classified under "international human rights and solidarity", "government misconduct", and "attacks on dissent". It is obvious that Ruben highly values the CCR and the fighting spirits, motivation and dedication of its founding fathers and staff. Nevertheless, he exposes the struggles and the difficulties encountered in running the CCR. He does not shy away from including unflattering characteristics of the founding fathers.

"The People's Lawyer" is a valuable contribution detailing the history of one of the most progressive American organizations. It also depicts work-related challenges that face progressive organizations that do not wish to conform to the capitalist/ corporatist work model. These include monetary compensation, decision-making process, board-staff relations, and gender and generational tensions. The book raises the important question of how best to facilitate social change and whether channeling the struggle through the courts and its lengthy litigation defuses and sets back social movements. On this point, however, it fails to provide a clear assessment and position.

The book is written in a lively and engaging manner. It is definitely an interesting read for lawyers, activists and social scientists. However, the narrative of the book goes back and forth between different time

periods and different issues. In addition, it does not adequately address the social, political and legal context that prevailed in the United States at various periods. I would have appreciated a more chronological history coupled with an analysis of whether the CCR's successes in the 1960s, 1970s and 1980s were byproduct of the social and political turmoil engulfing the United States at that time. This is relevant as one ponders the future of the CCR and the ability to challenge oppressive laws through the courts given the changing social and political environment.

The dramatic (and negative) changes in the U.S. justice system have included draconian sentencing, expansion of state surveillance, increased prosecutorial power and particularly diminished judicial authority and oversight. The increase in the power of prosecutors (often at the expense of judges) coupled with draconian sentencing means that the accused (often poor and marginalized) are almost always compelled to accept plea bargains even if they were innocent since the consequences of convictions are severe. About 90% of criminal cases end in plea bargains without trials. Recent journalistic articles in the New York Times and the Washington Post paint a very dim picture of the U.S. justice system which is characterized by concealing exculpatory evidence, framing and entrapment, evidence manipulation, incompetent and flawed forensic analysis, and prosecutorial misconduct. As we contemplate the future of progressive organizations such as the CCR, it is important to take into account that the U.S. Justice system is becoming increasingly repressive and that it is becoming harder to achieve significant social change through the courts.