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AN INTERVIEW WITH GARA LAMARCHE

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Shaun Illingworth: This begins an interview with Gara LaMarche on May 11, 2015 in New York, New York as part of the ACLU Oral History Project for the Rutgers Oral History Archives. Thank you very much for having me back.

Gara LaMarche: Thank you.

SI: To begin, I wanted to ask a little bit more about the period when you were working under Ira Glasser. Your job had been created out of what had been, I think you said, seven jobs staffing the committees. Then the committee system was going away and you said you split your time between special projects for Ira Glasser and staffing the committees. Do you remember any examples of what those special projects would be? What he would have you do? It was a short time. You said it was maybe six months.

GL: Yes. It would have been from January '78 to--is that right? No. It would've been from October of '78 when he came on, or a little after that, to August of the following year. It might be eight months at the most. Well, first thing, the committees weren't going away yet. I think it probably took another twenty years probably for the committees to go away. I was actually a co-chair, I think, with Susan Herman, who's now the ACLU President. I think it was called the Committee on Committees to review the status of the standing committees in the '90s when I was on the board of the ACLU. So the committees persisted for quite a long time after that. I don't remember exactly what the evolution of the committees over the ACLU's history was, but the Academic Freedom Committee, dating from 1926, was the first. By the time I came in the picture, there were seven standing New York-based subject matter committees that met monthly during the academic year--academic freedom, church-state, free speech association--which in some years later I became the chair of--equality, communications, media, and due process. I think I got them all. Each of them had a chair, and they met monthly, and they considered policy questions that we either referred to them by the ACLU board or--and this was a little controversial--that they generated, that they thought were worthy attention or that the staff assigned to them. So there would, at any given moment, be a couple of policy issues percolating through that process and the usual result of it was a report to the ACLU Board to adopt a position on X issue, so that--I don't know--cameras in the court room or due process--or sometimes you'd have joint committee reviews. That was the other thing--because there'd be jurisdictional issues. So the communications, media committee would look at cameras in the courtroom, whether you violated due process to have a recording of judicial proceedings. The due process committee would look at it and they would sometimes come to different views because one had a bias towards free speech and the other had a bias toward fair trial. Or the equality and due process committees would look at rape and domestic violence laws. Whatever it is--thirty-five years ago, almost forty years ago, the ACLU was grappling with these issues. Traditionally, rape prosecutions had a very high evidentiary standard and then with the women's rights movement and the notion that these crimes were crimes and not domestic matters began to try to--corroboration requirements in rape cases or spousal rape--whether it should be an exception to the rape laws for spousal rape. Now, when you think of all the debates over sexual violence issues, it seems crazy, but there was a substantial number of people in the ACLU who felt that any relaxation of due process requirements, which would be bad for defendants, was bad. So these were the kinds of issues that the committee grappled with and every once in a while, the issue were somewhat esoteric, but very often they were the (meatiest?) issues of conflicts

between rights. That's what I did--staffing all those committees for whatever it was, a year and a half. It's funny; when you're beginning to ask me about the Ira Glasser part of it, I have to say that I don't remember too much about those special projects. I didn't know Ira very well. He had been the Director of the ACLU in New York. I had met him, but I didn't really know him. I wasn't one of his kind of people. I was working for Alan Reitman in the National ACLU, of whom, some people considered me a protégé. [Editor's Note: Alan Reitman worked for the ACLU for over forty years. He had reached the position of Associate Executive Director. He died in 2012.] Alan had his fans and his critics in the ACLU, and Ira had always been somewhat skeptical about Alan and skeptical about the whole apparatus of the subject matter committees, which he thought was sucking up a lot of resources and not really sufficiently--I don't know--controlled by the staff. His decision to appropriate half my time, I don't know to what extent it was motivated by anything he knew about me or thought that I might be good at. He must have taken some trouble to talk to people and determine that I could be useful to him, but we really had no relationship to speak of. I know that it was, at least in part, motivated by desire in a fiscal crisis to get more help and to take it from something that he thought was less deserving of staff resources. For me, of course, I had to do the same job in half the time, but if you ask me though, what did I--it was some writing projects. I know that. It might have been some research projects. I might wake up in the middle of the night tonight and recall one of them, but I don't really recall that much about it. I'm pretty sure that I staffed a couple of task force type things like the ACLU was beginning to look at LGBT rights. I remember there was a survey about what the affiliates did on LGBT stuff. Again, it's hard for people now to appreciate it, but very, very few of the ACLU affiliates--thirty-five or forty years ago, dealt with LGBT rights at all. Many did not see it as within the particular scope of the ACLU. They just didn't see it that way. This is four or five years after Stonewall. [Editor's Note: On June 28, 1969 police raided the Stonewall Inn, a popular gay bar in Greenwich Village in New York City. After the raid, riots by LGBT individuals occurred for six days. The event helped spark the movement for LGBT civil rights in the United States.] I remember staffing a committee that was looking at survey results and making some recommendations on that, but honestly, for the half of my time, for the eight months, I don't really remember that much about it.

SI: Do any other issues come to mind that these committees you were staffing dealt with?

GL: Oh, yes. A lot of issues. The various permutations of affirmative action the equality committee was grappling with, because there was a significant debate within the ACLU about whether--again, now there's a broad consensus on it, but there was a significant number of people--a minority, I suppose, of people--in the ACLU in the '70s who felt that race conscious policies in admission or hiring were themselves discriminatory--the kind of argument that's made mostly on the right these days about affirmative action. There were a lot of people in the ACLU who thought that that was unfair. The ACLU was not that racially diverse in those days. There were two or three African American members of committees. Every committee might have one or two African American members. They didn't all line up on one side or the other of the issue necessarily, but that was one debate about affirmative action. The communications media committee would deal with a lot of policy. The ACLU actually was a big leader in those days and less so now, around the regulation of broadcast media. Again, the source of some debate because the ACLU had taken the view--had been kind of captured at a certain point by media policy experts who felt that because of the scarcity of the airwaves--this is a long time

before cable and the digital revolution and all that--but a broadcast license had a public service obligation. So one of the things we debated was the Fairness Doctrine. The Fairness Doctrine, which has long since bit the dust--or Equal Time Provision. So if you had a broadcast license and you aired a public issue ... the other side of it, and there were always people who felt that that was an intrusion on First Amendment rights, kind of forced speech. There was a counterview that it was different than a newspaper or a pamphlet because you couldn't get a broadcast license except to serve the public interest and you had an obligation to be fair and all that kind of stuff. [Ronald] Reagan eventually cut the legs out from all of that, but in those days there was a pro-regulation majority in the ACLU, but always a substantial minority of people who took a more libertarian position. So those kinds of issues were debated. I have a less clearer recollection of what the church-state committee did. I think most of those policy questions revolved around either clashes or perceived clashes of religion with other civil liberties interests. So that, for instance--and this might be anachronistic; it could've come years later--but the kind of issues about, does a Muslim prisoner have the right to wear a beard or a Native American to use peyote? Those kinds of religious liberty type issues. If a priest is a lawyer and he's in the courtroom, is wearing a Roman collar prejudicial? That kind of thing, where there was some argument on both sides--religious liberty versus, let's say, fair trial rights. Or the kind of issue that I don't think is much open for debate at the ACLU at the moment, but the kind of issue posed by these religious liberty statutes--does the Christian baker have to serve a gay wedding? Those kinds of issues were the kinds of things that--and the other was usually permutations of public aid to religion. So the ACLU always took a pretty staunch absolutist position on public funds for ... but there's so many permutations of that. One thing to say no way to parochial schools, but could release time laws where public school students would be let out early to go to religious exercises or could you hold--if space considerations in some small town required a public school to lease space from a parochial school and could the crucifix stay on the wall? Was that a promotion of religion? They sound like heads-of-a-pin kind of thing, but those were the kinds of things that the committees debated. So they were all--most of them--intellectually interesting. I think the critique that was made, with some validity, of the subject matter committees is that they kind of generated their own agenda. Well, they [were] never really huge resource drains on the ACLU because after all, half a person making eighteen thousand dollars was staffing them, so it was not like they were huge opportunity costs, but I think over time there was a feeling that the balance was a little out of whack, that you needed committees. It was always an argument that an ad hoc committee would be a good vehicle. If you had a policy question then you'd refer it to an ad hoc committee. The counterview was that these committees had built up a lot of expertise and they were ready to take whatever came with them. The other point of view, which I had some sympathy toward, was that the committees were--although there's a big caveat to this. The committees were a leadership pipeline for the ACLU. The National Board, while big, was one way of service, but if you had seven committees and each of them had twenty five members--there was some hundreds of people who would have a role in the ACLU. In fact, the last three presidents of the ACLU--Norman Dorsen, Nadine Strossen, and Susan Herman--first role in the ACLU was as member and then chair, in each case, of the due process committee. So it was kind of a little bit like in politics. There are stepping stones. They were all New Yorkers and the caveat I was going to say was that in a nationalizing organization, it tended to perpetuate an East Coast/New York domination because--well, there were some members who lived in the--it was pre-video. Today, it would all be different. You

have a committee and you can have somebody sitting in California, or Texas, or whatever, but in those days, because they met physically, what it meant was the policy was being made entirely by New York law professors and lawyers. It eventually became one of the things that made the system unsustainable.

SI: Now you had mentioned in the last interview about how the biennial conferences were also places where people would bring up new policy issues and try to discuss them? Were they similar issues to the kind of policies that were being debated in the standing committees? Was there any relation between what people had proposed in one and proposed in another?

GL: Well, the biennial conference policy mechanism--the biennial conference served a variety of purposes--community building, and skills sharing, and all the things that happen when you have a bunch of people coming together from around the country, but the policy part of that was generally a mechanism to force the National Board to deal with certain issues. The history of the governance of the ACLU was that until the '60s the board was--as I said, the committees ... mostly New York focused and dominated. The growing expansion of the ACLU geographically, particularly California but not only, caused people out in the rest of the country to feel that the New York board was not as responsive to their concerns, whether those were institutional issues, having to do with the way membership contributions were shared, things like that, or policy questions. So the convention was meant to be kind of a check on the National Board. It didn't have the power, I think--if I remember the rules correctly, and I'm not sure that I do, the convention could pass something to require the board to take up an issue. Then if the board took it up they might refer it to a committee, but usually the board had eighteen months, I think it was, to deal with an issue referred by the biennial conference, and if it didn't vote it down, it would automatically become law--that kind of thing. That wasn't used a million times, but it was used sometimes. So the biennial conference policy role was designed to force the board to take up certain issues. The leadership of the ACLU on the board and on the staff, I think, came to feel over time, that that was an outdated device because the board itself became national and was primarily composed of affiliate representatives. So the idea that the board, which had eighty-three people on it, including fifty-three from the affiliates, would need the biennial conference, which was barely more representative, in fact, arguably less representative, to force--it became a little unsustainable, which is why I believe--I don't know--there have been ... powers of the biennial conference have been substantially diminished over years. It really is more just a convention. Now you ask what kinds of questions would it take up? My recollection--and again, it's not perfect--but it became the forum where certain issues were played out in the ACLU that were most contested. So in a period of time when the ACLU had a fairly broad consensus on most aspects of its agenda--and in the issues that the ACLU had debated, reasonable people could differ on. So cameras in the courtroom or whatever was not exactly some life and death struggle. Some people had strong views on it; a lot of people were trying to figure it out, but there was always a set of issues that were more contested and ideological in the ACLU. In the period of time that I was doing this, which is to say the early '70s, to the--well, I mean it was in the organization for twenty years--but in the time when I was on the staff. There mostly were poverty or what I would call economic rights issues. So there was a minority in the ACLU, mostly centered in the California affiliates and even more so in the Southern California affiliate, who wanted the ACLU to broaden the view of what constituted rights to what you call economic rights--a guaranteed minimal income or right to a job or something like that. They often used the

biennial conferences to have caucuses on those. I think you could petition to get something on the program. I don't remember exactly, but it was staff generated. There was a committee, a biennial conference committee. I staffed two of those in '76 and '79. I chaired the 1990--can that possibly be? Fiftieth anniversary conference. Anyway, I think that's right. Along time ago. Twenty-five years ago. No--seventy-fifth conference. I'm sorry. 1995. Yes, because 1970 would be--1995, I chaired the biennial conference. People reelected to the biennial conference committee and the board chair would appoint some of them. It was itself a very democratic thing. Then the committee planned the agenda, but there was some complicated mechanism where you have to send the program around and the affiliates could weigh in. If five affiliates petitioned or twenty five--I don't know--you could get something on the agenda. Usually, the staff would try to preempt anything like that by putting on a panel. It was complicated politics. The economic rights thing came up a number of times over the '70s and the '80s, and sometimes a resolution would be approved by the conference and then go into the whole policy process and be defeated by the board. Sometimes it wouldn't make it out of the conference. Then there were battles over parliamentary things, like what would be the level of the vote. The conference, it's all coming back to me. I haven't thought about this in twenty years, but you'd set the rules of the conference. It's like any other deliberative body. So the conference committee would propose you had to have a two-thirds vote to change the agenda, something like that. Then there'd be a vote about that, because the people who wanted to force X issue would want a lower bar. So there would be a debate, just like Congress. It would be about procedure, but was really about the larger substance of it. I think that's mostly ancient history in the ACLU, but in those days, even though I would say that the ACLU was not really--if you look at the ACLU and the extent to which the organization is united or divided around a substantive agenda, the '20s, and '30s, and '40s, and '50s, when you had the kind of communist, socialist, anti-communist liberal debates that manifested themselves in the 1940 Resolution or the expulsion of Elizabeth Gurley Flynn or those kinds of things, or what position to take on the Smith Act, or the Japanese American internment, those kinds of things, those were real splits. [Editor's Note: In 1940, the ACLU Board voted and passed the 1940 Resolution, which barred any supporter of totalitarianism from the ACLU. In the same year, the board removed ACLU co-founder, communist party leader, and supporter of Stalin, Elizabeth Gurley Flynn from the board. The resolution was rescinded in 1968 and Flynn was reinstated posthumously in 1976. The Smith Act of 1940, or the Alien Registration Act of 1940, outlawed any group that advocates the overthrow of the American government. This law outlawed communists and anarchists.] Those were really serious splits about civil liberties policy. In the '60s, there was some of that too, but a little before my time around the expansion of the civil liberties agenda, direct representation, the draft, the legality of the war in Vietnam. But really, by the '70s, there was no significant split on any core civil liberties issue, except the question about whether the ACLU would go with what some people thought of as the next level to poverty rights. The arguments against that were usually what you might call a kind of strict constructionist thing or what would the remedies be. ... "Well, let's not just be hortatory." What does it mean to say you have a right to a job? How is that going to be enforceable? What's the body of law that is going to advance that? Right now I think--but I'm not in the organization that much anymore--those issues are very much muted, partly because the ACLU has found various ways of being involved in economic rights issues without having changed its actual policies that much. I have no impression that those are the kind of hotly contested issues that they were in the '70s. The other

thing, I guess to be said, and I want to be careful about how I say this because I was actually in the pro-economic rights camp. Although, I worked for--both Aryeh Neier and Ira Glasser were resistant to that, and certainly Alan Reitman was. But I came to be more in the so-called Southern California camp, but to some extent, those issues were proxies for the historic issues of the past, so that if you looked at the way people lined up on the anti-communist stuff, it was the kind of more left of the ACLU, which had its antecedents in the Elizabeth Gurley Flynn wing, who were the economic rights people. I'm not saying they were all ex-communists. I'm just saying the fault lines were quite similar. The larger world would look at that and they wouldn't be able to see a lot of distinction among the ACLU board members. They would see them all as kind of liberal or left, but within the kind of micro-politics of the ACLU, this was the kind of right-left split, the last big right-left split. Then that also manifests itself to some extent on internal governance issues about organizational democracy and then eventually around organizational diversity issues--more about the ACLU and taking steps to do affirmative action within the ACLU, to have a more racially and gender diverse national board and that kind of thing.

SI: Was it in 1978 when you joined the New York Civil Liberties Union?

GL: No. The job of seven jobs that became one was started in the beginning of January '78. Then in October, Ira came on and before the end of the year, somehow struck a deal with Alan Reitman and got half of my time. What it did do was develop a relationship with Ira that then persisted over many, many years, even though I don't remember what I did for him, but that was a bonding experience. I did that until the summer of 1979. Dorothy Samuels who just retired last week from the *New York Times* Editorial Board had been hired in early '79 by the New York Civil Liberties Union to be Ira Glasser's successor. She was twenty seven years old and she had been the director of a small group called the Committee for Public Justice. I knew her because we were both--the ACLU in those days was at 22 East 40th Street, and we had the tenth and eleventh floor, which was the headquarters of the old Johns Manville Corporation. So Aryeh Neier, who was also an officer of the Committee for Public Justice, offered office space to them in our floor, maybe because we laid off people. I don't know. Dorothy's office was a couple doors down from me and over a period of some months in '78, '79, we became close. She then gets this NYCLU job, which was a stretch. A very, very young person that obviously hadn't had a long public reputation, but they were taking a gamble on new leaders, at a time when there were relatively few women running ACLU affiliates. She then approaches me in the spring or summer of '79 and says, "I need a deputy. I'd like you to come, be initially Assistant Director and then Associate Director." I don't know what she--I was going to run the policy part and the board and I was going to have to [deal] with fundraising and communications and all these kinds of things. Because even though I myself was only twenty four and you would've thought, a little green, I oddly enough was enough of an ACLU veteran that she felt I kind of knew the politics and stuff. Anyway, she offered me this job and then her board slowed that down because she mentioned she was going to hire me. In those days, the New York Civil Liberties Union was on the staff level, an all-white and mostly male organization, and the board was barely better, but it had a couple black people on it. People I later became friendly with--Michael Meyers--I don't know if that's a name you've heard, but a guy who was very active on the ACLU board and committees years ago. [Editor's Note: Michael Meyers is the President and Executive Director of the New York Civil Rights Coalition. He co-founded the organization in 1986. He was a

member of the NYCLU Board from 1976 to 2001. He was also a member of the ACLU's National Board from 1981 to 2005.] Michael Meyers said, "Why are you hiring another white man without doing a search?" which was exactly [an] appropriate position to take, but it was a little novel at the time, because people were used to doing things that way. So they retracted the offer to me and conducted a search over a couple of months in which I was free to be a candidate and then I got the job anyway. It was actually an interesting--it was the very beginning of a lot of the appropriate concern with diversity in the ACLU. So even though I ultimately got it, I had to go through a process to get it. So, I came on in August of '79, and then I was [there] five, five and a half years, until I went to Texas. I was the number two person at the New York Civil Liberties Union.

SI: When you got into the job, what did Samuels set up as your immediate goals?

GL: Remember, this is a time when nobody ever--I never heard the word "management." Nobody talked about management or strategic planning. It was just a very different time, but she wanted me to--I think she felt that the management of the board, which was in New York, as well as nationally, highly kind of political enterprise--preparation for board meetings and policy and all of that, she wanted me to deal with. She wanted me to deal with the chapters. So the New York Civil Liberties Union, [and] a lot of the bigger ACLU affiliates, have struggled with their own geographic diversity issues. So New York--I don't remember the precise numbers but--was hugely dominant downstate. I mean, if we had thirty thousand members or whatever we had, the vast majority of them were in New York City. Then if you took Westchester County and the Long Island suburbs, it would be eighty percent of the membership. Yet, we had chapters in Rochester and Syracuse and Buffalo, which I'll get back to, and the Ithaca area, and Jamestown, and Mid-Hudson. There were probably ten chapters, some of them staffed. We had a Brooklyn chapter too, which was a weird anomaly. My job was to deal with the chapters and to beef up the field operation and to strengthen it where it needed to be strengthened. Eventually, we created a second office in Buffalo and hired a staff there and had a local board. That was part of my responsibility. Then because I had, for some reason--I don't exactly know why, because I didn't have much--this was not part of my responsibility at ACLU. I was also over the fundraising part of it. Our membership development--in those days, the big affiliates did a lot of their own membership recruitment and raised money for their own members and through some complicated sharing formula with the national office. So I oversaw the direct mail operation and those kinds of things--fundraising, volunteers. I wasn't a lawyer.

SI: Would you do major donor solicitations or just regular donors?

GL: Well, most of the solicitation was done by her or by--well, in those days, not even the main board members. If you remember, the ACLU was a much more primitive organization financially in those days. Basically, the engine of fundraising was the national, which still is. Most of our revenue, any affiliates' revenue, came from our share of the national because we were in New York and we were the biggest affiliate at that time. I'm not sure that's true anymore. Between what the national did and what we did, it was a little bit like, social security payments or something. Most of what we raised was by opening an envelope, in terms of what our share was. We supplemented that with foundation and some major gifts. It's a lot easier to focus on that when seventy percent of your money is coming in just by somebody else doing something. Some affiliates were lazy about it and they just subsisted off the national. New York

Civil Liberties Union had always had its own donor community because, many parts of the country where the most significant civil liberties problems are, is not where the money is, which is why the ACLU, over the last thirty years or so, has consistently moved toward a kind of a redistribution system. That wasn't happening much when I was at the New York Civil Liberties Union staff, but once I got on the National Board, I was on either one or both of what they call the financial structures committee, which changed the formulas so that more money was taken from the rich affiliates and given to the poor affiliates. By the time that I was involved in that process, I was no longer on the staff. I was living in New York doing whatever I was doing, working at PEN [American Center] or Human Rights Watch or whatever. I was on the NYCLU Board and Executive Committee. I was on the National Committee that was taking money away from the NYCLU. I took the view that that was the right and appropriate thing to do, but the NYCLU Board did not. So I found myself on an opposite position from my own board. So yes, the fundraising was some major gifts, some events--a dinner periodically or we had a series of--I remember Dorothy was very good at this. We had these--what did we call them?--patrons dinners, where it would be four or five dinners in Manhattan over the course of a season and each would have a celebrity guest. I remember Barbara Walters. At one, we had Bobby Short, the pianist, entertain. You'd be at some donor's home. It'd be a nice home. People would pay five thousand dollars for this privilege--I don't think per dinner because that would've been pretty a high amount of money for 1980, let's say. But I think for five thousand dollars you could go to four or five of these dinners. It was one of these elite experience type things. She was very good at that kind of fundraising and I backed her up on it, she was the principle driver of it.

SI: Tell me more about the relationship with the board. I have heard a lot about national board relations with the staff, but I would like to know more about how the local boards operate and what that is like

GL: Well, I don't know how typical the NYCLU was. The NYCLU had a board of about--I want to say fifty one people, divided into classes of seventeen with three year terms. They were elected by the membership. There was a nominating committee that proposed a slate--usually would propose a slate of more people than there were slots. Yet, there was also a route where people could run by petition. So if somebody didn't get on or we dropped them or the chapters felt they wanted more representation, they'd run a petition campaign. I think a chapter could nominate by itself. Then you'd have to have twenty five members or something like that. Usually, they were contested elections and yet unlike the national ACLU elections where the electorate was the members of affiliate boards--so a relatively engaged electorate and you can campaign directly with them by sending out mail. You get the mailing list and you'd mail to the board members in either every state or selected states. I did this when I ran two or three times. The New York Civil Liberties election was conducted by mail ballot through the newsletter. So there'd be an issue of the newsletter where the centerfold would be given over to little biographies and there'd be a ballot that you would cut out. I still get those newsletters and I see they have that ballot, although it seems to me there must be a better way in 2015 than cutting something, a coupon out of a newsletter, but that's the way people voted and they would check their vote. The thing is that--and then there was an annual meeting where somebody could show up and vote in person. So the annual meeting usually got three people drifting in. For thirty thousand members or thirty-five-thousand member affiliate, the number of people who voted in a

board election was--I'm not going to remember these precise figures but--an infinitesimal speck of that--hundreds maybe. There's no question about exactly how democratic it was, but that's what it was. So that's how the board got selected. It was kind of a miniature version of the ACLU board policy questions. We didn't have standing committees, but we had ad hoc committees on various things that were more locally generated. We prided ourselves, as did the California affiliates, on being so big that we felt we kind of set the pace for the national. In fact, this is worth talking about a little bit. The New York affiliate was where two executive directors, over a period of thirty years, emerged--not thirty years. Aryeh was the director from '65 to '70 and Ira from '70 to '78, so thirteen years, but they both went on to be national directors. I don't know what it would be like--the cardinal of X place is more likely to become pope. That was a breeding ground. Ira and Aryeh had worked together because Aryeh hired Ira as his deputy in '67 or so and then Ira succeeded him. The NYCLU had thought of itself as kind of pushing the ACLU in a certain direction. I would argue--and sometimes have thought about writing about this, but the trail is pretty cold in terms of the people who were around at the time, except for Ira and Aryeh--that the NYCLU was a pioneer in certain respects, although a lot of the battles about the direction of the ACLU were fought out in microcosm within the NYCLU over economic rights, over direct representation of clients, over issues of more hands-on engagement. If the ACLU was pre-the '60s an organization that mostly filed amicus briefs and didn't do direct representation, that was not very closely connected to the social movements of the day. In the early years, the ACLU would [deal with] labor and anti-lynching, and that kind of stuff. The ACLU was fairly closely connected, but by the '50s, that was really not the case anymore. A lot of that was pioneered by the NYCLU and it was fought out within the NYCLU, so there was kind of an old guard within the NYCLU that was against these changes. The big focal point for this, the biggest flash point for it, was in 1967, '68 I think it was, in New York City over a school decentralization--community control in Ocean Hill-Brownsville. [Editor's Note: For several months in 1968, teachers went on strike in the Ocean Hill-Brownsville, Brooklyn when control of the school board was given to community parents and many of the teachers were dismissed. The community was mostly African American and Puerto Rican while the teachers were mostly Jewish, so it increased tensions between the groups.] So the NYCLU, and this is before my time, but when I came on the scene ten years later, the fault lines were still present and the kind of more activist group, and more resistant group--so the NYCLU actually had, in the late '60s, a proxy fight. There was an alternative--going back to the mechanisms I was mentioning earlier about petition candidates and so on, a rival slate was filed, that wanted to reverse the direction in which Ira and Aryeh had taken the organization and it was pretty intense. It was a battle for the control and direction of the ACLU. The leadership of Aryeh and Ira prevailed and some of the people who had been the critics went away and some of them stayed, but eventually consigned themselves to things. I often think that the future of the ACLU was written in the struggles within the NYCLU in the middle and late 1960s. Because if Aryeh and Ira and what they represented had been successfully ousted--well, the rest is a little bit like suppose Bush hadn't been elected; you wouldn't have the Iraq War. So one flashpoint for that was the leadership decisions of the NYCLU in the '60s but then in 1970, the then-director of the national ACLU--again, I have no direct knowledge of this because I didn't come in the scene until two years later--Jack Pemberton stepped down after eight years and there was a search to succeed him and Aryeh Neier was the director of the NYCLU and not originally a candidate. He was only thirty-two or thirty-three years old. What I would call the reformist forces in the ACLU propelled him

into the race. Because the ACLU executive director is elected by the board, it's a competitive thing and so at the end of the day in 1970--in October I think of 1970--the two candidates in that race were Aryeh Neier and Larry Speiser--Larry Speiser being an attorney in Washington. [He] was a good guy. I think he's dead now--was a good guy, but he was more of the traditionalist wing of the ACLU. Have you interviewed Aryeh in this process? It must have been ... by somebody I guess. Aryeh who is now seventy-eight--I just had lunch with him last week--and retired from Open Society and Human Rights Watch. Aryeh, though a very conservative man in his temperament, was the reformer, rebel candidate. He won that election by a few votes, like thirty four to thirty two or something like that. There's all kinds of stories of chicanery. Speiser's close friend who really wanted Aryeh, but didn't want to vote against Speiser, managed to be absent from the meeting. Somebody who was known to be a supporter of Speiser, but who had a big ego--someone arranged for the *New York Times* to interview him in some other city during the week. It was like a Cook County kind of thing. Anyway, Aryeh prevailed by a couple of votes. I think the ACLU would be a very different creature today had that not happened, because Aryeh then over eight years proceeded to establish a lot of the aspects of the ACLU that persist to this day--a focus on women's rights, and mental patients' rights, and gay rights, and all that kind of stuff. Now, maybe it would've happened eventually under different leadership, but it was accelerated and that was really as much as anything else a battle for the direction of the ACLU and had its roots in the New York Civil Liberties Union a couple of years earlier. But again, this is all second hand. I've been around long enough, so I know all the people involved, and I know the stories pretty well because I've talked endlessly to people like Ira and Aryeh about them, but my events that I witnessed don't happen until '72.

SI: So from '79 to '84, you were on top of the board, you dealt with fundraising. Were there other areas that Dorothy Samuels...?

GL: Chapters, as I say. Communications, newsletter, things like that. Again, it was like a pre-fax machine time. I remember when we were the attorneys of record in the *Pico v. Island Trees School Board* decision of whatever year that was. Let's say it was 1981 or two, which was--if I can recall it correctly--a school district in Long Island had removed some books from the library on the grounds that they weren't suitable for young people. [Editor's Note: *Board of Education, Island Trees Union Free School District No. 26 v. Pico* was a 1982 Supreme Court case where the court ruled that books could only be banned on vulgarity or deemed non-educative. They could not be banned if it was intended to shelter students from certain views such as religious or political reasons. In the Island Trees School District, eleven books had been removed but were then reinstated after the case.] It was a censorship lawsuit. We were the people representing the complainants. It went to Supreme Court in June of whatever year it was. We were waiting for the decision to come down. So then, as now, you didn't know what day a Supreme Court decision was going to come down, but we had to be ready to react to the thing and hold a press conference. So we had somebody stationed at the Supreme Court whose job it was, the day the decision came down, to get the thing, read as much as possible of it to our attorneys in New York, and then hop on a plane with the decision. We did have photocopying machines, but not always. I distinctly remember that when we would send out a mailing to our chapters about something, I would type the memo because I was a pretty good typist--I had an IBM Selectric [typewriter]. Then I would mark it up, put it in the outbox, my assistant would then retype it with a carbon, and it might go back and forth once or twice. Then when the thing went out, it

was a carbon that went to the chapters. [laughter] It was unbelievably primitive when you think about it. It makes me feel very ancient. So communications around--the big issues we had at that time in the New York Civil Liberties Union, were around policing issues. There was still the residue of police spying in the '70s, the Handschu Case. [Editor's Note: *Handschu v. Special Services Division* was 1985 consent decree between the NYCLU and the New York Police Department that challenged police surveillance of political groups without specific cause.] We had a lot of police brutality stuff. We were also very much involved in democratic reform issues in the city, so we brought a lawsuit that challenged what was then called the Board of Estimate in New York City, which was a governance structure in New York where all the real decisions in the city were made by what was called the Board of Estimate, where the mayor had two votes and the other citywide officials. The City Council President and the Comptroller had one vote each I think. Each of the Borough Presidents had a vote. These seven or nine--or whatever it was--people made all the critical decisions in New York City. We brought a lawsuit--and there was a City Council, but it was kind of a meaningless body. So we wrote a lawsuit that argued that it violated one man, one vote principles, because the Staten Island Borough President had the same weight as the Brooklyn Borough President, even though they were a tenth of the population of Brooklyn. So we won that voting rights case and then the city charter commission reorganized New York City government in the way that it now exists. We did a lot of political reform type things. Then all the kinds of ... the fact is, in New York State, once you get beyond the metropolitan area, is no more progressive than any other part of the country. So we had a lot of basic civil liberties issues to deal with in the more rural parts of the state--church-state issues, stuff like that.

SI: What about LGBT rights at that time? I guess it was before AIDS was known as AIDS.

GL: The AIDS crisis didn't come about until I was in Texas, where it was actually quite a big deal in the early days because all the initial responses to it by lawmakers were often very punitive and draconian. But no, there was no AIDS that we knew of or talked about in the years that I was at the NYCLU. No. We had not much--Tom Stoddard was my colleague who was first, the legislative counsel of the New York Civil Liberties Union and then, either while I was there or shortly after I left, became the Legislative Director. He was openly gay--one of the relatively few openly gay staffers in those days. [Editor's Note: Thomas Stoddard became the Legislative Director of the NYCLU in 1982. He died in 1997 from AIDS.] We had no openly gay board member in the early '80s. [We had] one board member it seems--I don't know--was semi-closeted [and] never discussed [his sexuality], but we didn't have any--there were really very few out people. Tom did not focus on LGBT issues. In the legislature, he focused on criminal justice and reproductive rights and free speech. I mention this because it's just an interesting artifact of time. When Dorothy left in '84, for reasons we could go into, there was a search again for the Director and I was all of twenty-nine [years old]. So I applied and thought--and I think other people thought--that I had a strong shot at it, but for a variety of reasons there was, by that time, a real strong push toward diversity. They did a search, quite appropriately, and they ended up--there were several people in the search who were ACLU white men who had been ACLU leaders over the years. I don't remember all their names but David Fishlow, who used to be the head of the ACLU in Northern California, and Tom Stoddard, who I just mentioned, and Norman Siegel, who had been at the ACLU a few years before and who eventually did get the job, but not that time, and Jack Novik, who was a Staff Counsel at the

national office focusing on privacy--so all these people running. There may have been women. I don't remember. I wasn't privy to the inside details of the search. The person who got the job was a guy named Salvador Tio, who was [of] Puerto Rican ancestry, who was a legal services lawyer in Manhattan, who I had never heard of and I don't think many people had heard of. Very nice guy. He gets the job. I pledged my support and had developed in the remaining--whatever it was--six or eight months that we worked together, a pretty good relationship, but when I didn't get the job I thought, "Okay. I have to move on and do something else." Because I had been up for a couple of ACLU state directorships that either I hadn't gone after or I hadn't gotten. So, in the spring of '84, I got hired as the ACLU Texas Director and I left. But I had a very good relationship with this guy they called Tito while I was there. So, I go off to Texas. Then--I don't know--six months later, he got fired. [laughter] He had a very brief tenure. Then in '85, I'm in Texas and I'm not about to leave. So I'm kind of stuck there. I liked that job very much, but I wasn't about to go back. So they had the race again. Some of the same people ran and it came down at the end to a choice between Tom Stoddard, who was the Legislative Director, and Norman Siegel, who had--I don't remember what he was doing at that time, but had been on the staff years ago. Again, I wasn't there. This is all second hand, but as I've heard it from people, that came down also to a very close vote. Stoddard lost to Siegel and what I heard was that the discussion in the board room in closed doors without them there, revolved to a great extent around whether Tom would be a single issue person. He was an openly gay person--one of the few around at the time--and even though his whole professional career had been focused on other issues--he was gay, but he had never been a gay rights advocate. There were enough people who raised this issue about, in effect, his loyalties--whether he would tilt the Civil Liberties Union more in a "gay" direction that he lost by a couple of votes to Siegel, who I think was kind of a mediocre director for the next fifteen years. Tom then kind of smarting a bit from that experience had a decision to make about his career, and decided, in effect, to become a professional gay person. In other words, he had never worked on LGBT issues, but then he became the head of Lambda Legal Defense. He headed up the Service Members Network to try to push for gays in the military. He was one of the early advocates of freedom to marry. He became one of the really early heroes of the more organized gay rights movement. Then, he eventually got elected to the National Board, where he and I were colleagues together. Then he had AIDs and he died--I don't know--fifteen, maybe even twenty years ago, at a time when it was more invariably a death sentence than obviously now it's become. So that's another situation where the course of history could be changed, but in a way, his not getting it changed in a good way because it liberated him to go and be one of the early thinkers and activists in the gay movement. Eventually, the ACLU came around in a big way to LGBT issues but not then.

SI: In the last part of our interview today, tell me about how you became interested in the Texas job and what the process was like.

GL: Well, because I was active nationally in the ACLU, where I retained a lot of National Board relationships and stuff, I knew a lot of people around the country. Because I'd staffed the biennial conference committee, I had a large network of national contacts. A guy named John Duncan, who'd been the Director for twenty-some years, was stepping down from the TCLU [Texas Civil Liberties Union, now ACLUTx, American Civil Liberties Union of Texas] as it was then called in early '84. A woman named Joan Glantz, who was a National Board member, and who I knew, approached me when she was in New York one time, and wanted to go out to coffee

with me and said that they were looking for a new Director and did I want to apply? They'd really like to have me apply. I had been up for the ACLU of Pennsylvania job within the year before that. There were two jobs that I'd gone after that I didn't get because I was kind of ambitious to run an ACLU affiliate and one of them was the ACLU in Jersey, where--this is kind of funny. The ACLU New Jersey is headquartered in Newark. Historically, they get a hard time getting people to actually live in Newark and several of their directors had lived elsewhere, including New York. So when that job came up I applied because it was a reasonably sized ACLU affiliate and I had no intention of moving, but I lived in Chelsea, a few PATH stops away from Newark. So I thought, "I could do that job." It's no different than commuting to another part of New York. So I went into the whole interview process and though I was young, I was a strong candidate for it. There was another guy named David Fishlow who had headed another ACLU affiliate and he was the other finalist. The both of us--we knew each other pretty well and we both said, "Well, if we don't get it, you'll get it, or whatever." May the best man win kind of thing. Neither of us would agree--when they asked us about living in New Jersey, we both said, "Well, look, we have homes in Manhattan. We're nearby. We'd get a New Jersey telephone number or referral service. We can be in the office in ten minutes." It turned out that that the New Jersey affiliate was just tired of being disrespected by people who wouldn't live in New Jersey--all respect to Rutgers--who wouldn't live in New Jersey. They picked a guy named Jeff Fogel, who was a legal services lawyer, who pledged to live in New Jersey. I never heard of him before, but I came to know him. Then one day I'm walking my dog in Chelsea, and I bumped into this guy walking his dog around the corner. I'm like, "I thought you lived in New Jersey?" He said, "No, no. I live on 20th Street. I just told them I was going to move to New Jersey." So I thought, "Well, okay. So much for that." So I didn't get that job. Then the Pennsylvania job I would've taken because it was based in Philadelphia, but my wife of the time, who had grown up in Philadelphia, just could not abide going back to Philadelphia, so we turned that down. So that's all relevant only in that you would think that somebody who didn't want to move to Philadelphia wouldn't want to move to Texas, but my wife saw it as more of an exotic living experience. It was like a new frontier. Austin was an interesting and nice place. So I had never been to Texas in my whole life until I went for the interview Memorial Day weekend in 1984. She came down with our four-year-old daughter at the time. It was ninety-five degrees on Memorial Day. It was really hot, but I don't know, we were all kind of charmed. I don't even know that they interviewed another serious candidate, but I met with the board that weekend and then the Director and his wife took us around and kind of sold us on Austin. By the time we were in the plane back, I had accepted the job. I remember when we were flying back over to New York that Monday, whatever it was, the pilot said, "We're now flying over, if you look out the window, Philadelphia is on your left," or whatever. I said to my wife, "You upped the ante; now we're in Texas." I think that they hired me because I had, by that time, over ten years of experience in the ACLU and I was though young--I was thirty--a kind of a national figure of sorts and I thought that, obviously I didn't have the local experience, but I think that they thought that I could compensate for it and put them more on the map or whatever, and I thought that. So, I don't know. We went back a couple times over the summer. I found a house. My wife and daughter moved down a little bit later. In those days, the office of the ACLU in Texas was in--do you know Austin at all? Have you ever been there?

SI: A little bit. Very little.

GL: Yes. The office was at Seventh and Nueces and one of these old beautiful Victorian houses--two story house with a wraparound porch and it'd been the law offices of a guy named Dave Richards, who was the ex-husband of Ann Richards, who later became governor, and Sam Houston Clinton, who was a lawyer who had then been elected to the state criminal court of appeals. Richards was working for the attorney general so they leased their building to two institutions, liberal institutions, the Texas Civil Liberties Union and the *Texas Observer*, the liberal magazine. We shared office space. In those days Molly Ivins was still alive and Ann Richards, and all these people have since gone--all great liberal figures in Texas. It was a great job. That job had all the aspects of the job that I had just done, plus obviously being the leader of a relatively small organization. So we had six or seven thousand members. We had some bequest money and I invested a lot in growing membership because I was very competitive about it. I had seven or eight staff people, a Legal Director, and a bunch of others. Then we had a staffed chapter in Houston and a bunch of chapters elsewhere, and we had an office in the Rio Grande Valley that dealt with migrant farmworkers. The other big aspect of the job was that it was small enough, so that my predecessors--there were two things about the job that were very different, one of which I embraced and one of which I sought to change. The executive director was the chief, which is to say, sole lobbyist for the organization. There [were] no lobbyists. So my predecessor, every other year, when the Texas legislature was in session for 140 days, would live over at the capitol. That was what he mostly did. He was a lobbyist. I, a Yankee, who not only never lived in Texas, but never been a lobbyist, had throw myself into that. I kind of took on that as a challenge. Obviously, I couldn't pretend to be a good old boy. So I basically tried to pivot off my novelty. I really liked that. Actually, it was one of the most fun things I've ever done. I loved the lobbying part of it, but it meant that you had to put everything else on hold for four or five months a year, every other year. The other thing is that Texas in--let's see now--in 1976, the Supreme Court reversed itself on the death penalty and opened up the floodgates to executions again, but you didn't begin to have executions until '79 when--what's his name in Utah--Gary Gilmore was the first person to be executed in the United States in, I don't know, fifteen years whatever it was. The early executions, once capital punishment had been resumed, were "volunteers." There were people who waived their appeals. So [John] Spenkelink and Gilmore, and a couple other people, but then they got to people who didn't want to be executed. Texas had, I think, the biggest backlog of people on death row of any place. I don't know whatever it was at the time, a couple hundred of people on death row, who had been sitting there since the '60s, who had never had any contact with a lawyer for a long time and they all had to deal with appeals and stuff. So there was no center for that at all. My predecessor and his deputy had spent seventy five percent of their time dialing around the country to get lawyers for these inmates once executions had resumed. That's what they did. The Legal Defense Fund in New York kept a death row census around the country and tried to help, and every once in a while, lawyers from LDF would come to Texas and we'd meet. One of them was Deval Patrick, who later became the Governor of Massachusetts. I didn't want to spend seventy five percent of my time finding lawyers, calling firms in Boston and San Francisco. It just seemed like it was important to get them lawyers, but as a division of labor, it seemed like you could hardly do anything else. Anyway, there's a longer story there, but we started to agitate around the issue and got the State Bar to set up a special committee, on which I served and the State Bar managed to set up a capital representation bureau. I also worked with the National ACLU to have a Fifth Circuit and Eleventh Circuit legal backup center. So we created these structures to deal with the

representation crisis, successfully I might add. Then, I left the state. In years subsequent to that--since it's gone back around because we've had a lot of success and ... things like that, but the problem was they were so successful that the kind of prosecutors pushed back onto them and they eventually gutted these representation centers. Not just me, but one of the things I considered a big achievement in my time in Texas was that we had a systemic solution to a representation crisis that wasn't two people spending half their day on the telephone to get some firm in one of the big cities to take it on. So I would say that the chief role of my predecessor was every other year to lobby for five months and then the rest of the time, spend most of his time getting lawyers for death row inmates. I wanted to change that mix a bit, and I did. I still think this is--I've had a lot of great jobs since, but I still think that the best time in many ways was the TCLU, because it wasn't so small that I had to lick my own envelopes, but it wasn't so large that all I did was supervise other people doing interesting things. So I got to be in a state with a lot civil liberties issues, but also a lot of progressive--Texas has gotten worse, but in those days, it had a much stronger progressive streak. Democrats ran everything actually--somewhat conservative democrats, but some progressive democrats, and a lesbian [Annise Parker] had just been elected the mayor Houston and an Hispanic, the mayor of San Antonio. It wasn't, by any means, completely our territory. It had a lot of things that Oklahoma or Arkansas would have, but it had a lot of countervailing forces as well. It was a great job. I love Texas and I liked that job. I would've stayed much longer, but my wife had exacted a promise from me that if she wanted to come back after a couple of years we would. After four years, she was eager to get back to New York and I respected that, so we came back. I had a shorter tenure than I would have liked to have had, but I really enjoyed it. While there were financial stresses and various things to deal with, it was, in many ways, the most satisfying job I've ever had.

SI: Let me pause for a second.

[Tape Paused]

GL: We'll do another one of these whenever it's convenient for you and me.

SI: Thank you very much. I appreciate it.

GL: Yes.

-----END OF INTERVIEW-----

Reviewed by Molly Graham 8/12/15  
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