

# JEWISH LAWYERS AND THE LABOR MOVEMENT

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## INTRODUCTION

Children of Eastern European Jewish immigrants predominated in the first generation of union lawyers—those who built the field of labor law and forged a national network of lawyers committed to class and race equality. They shared much in common. None actively practiced their religion or

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spoke Yiddish in adulthood, but neither did they turn their back on the Jewish culture in which they had been raised. They said little about the connection between being Jewish and being committed to labor but much about growing up as working-class immigrants and about antisemitism, economic justice, civil rights, and civil liberties. They thought it was obvious why they were attracted to union-side labor law: it offered a rare opportunity open to Jews to satisfy their intellectual and professional ambitions while building the better world their parents had sought when they fled repression in Europe.

With few exceptions, these lawyers came from the 2.5 million Jews who fled the Pale of Settlement (the “Pale”) between 1880 and 1922. The Pale, which encompassed modern Belarus, Poland, Ukraine, Latvia, Lithuania, and Moldova, was the only region of the Russian Empire where Jews were permitted to live between 1780 and 1917. Even there, the Russian government forbade Jews from owning land, attending most schools and universities, and practicing many occupations, so most who emigrated had neither money nor education. By the time the Immigration Act of 1924<sup>1</sup> closed the doors from Eastern Europe to America, Jews were only about 3 percent of the American population, yet their children predominated among lawyers for the labor movement, as in many other fields.<sup>2</sup>

There are many hypotheses about the overrepresentation of Jews in twentieth-century American law and left-wing radicalism. Jewish culture values education and disputation. Jewish law is a major part of the religion.<sup>3</sup> Jews were overrepresented among lawyers in Europe before the Holocaust because it was one of few professions open to them.<sup>4</sup> Jewish quotas at elite universities and exclusion from elite law firms heightened their awareness of discrimination and channeled them to civil rights and civil liberties practice.<sup>5</sup> Judaism’s emphasis on justice and healing the world motivated some to pursue public interest careers.<sup>6</sup> The federal government and union leaders would hire Jewish lawyers at a time when most law firms would not. All of this may be true, but it does not quite capture what pulled and pushed them to legal representation of labor unions. Although I am skeptical about generalizations about ethnic, religious, racial, or other identities, I am interested in a specific question: why Jewish lawyers were overrepresented

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1. Pub. L. No. 68-139, 43 Stat. 153.

2. See *From Haven to Home: 350 Years of Jewish Life in America*, LIBR. CONG., <https://www.loc.gov/exhibits/haventohome/haven-century.html> [https://perma.cc/GY2D-BD7W] (last visited Feb. 14, 2025). Throughout this Essay, I follow the standard approach in historical writing of attaching one citation that includes all relevant sources at the end of each paragraph.

3. See generally JEROLD S. AUERBACH, *RABBIS AND LAWYERS: THE JOURNEY FROM TORAH TO CONSTITUTION* (1990).

4. See YURI SLEZKINE, *THE JEWISH CENTURY* 50 (2004).

5. See Eli Wald, *The Rise and Fall of the WASP and Jewish Law Firms*, 60 *STAN. L. REV.* 1803, 1836–38 (2008); JEROLD S. AUERBACH, *UNEQUAL JUSTICE: LAWYERS AND SOCIAL CHANGE IN MODERN AMERICA* 218 (1976).

6. See Donna E. Arzt, *The People’s Lawyers: The Predominance of Jews in Public Interest Law*, 35 *JUDAISM* 47, 48, 50 (1986).

among those who represented radical labor unions in the mid-twentieth century.

This Essay seeks to understand what drew them to radical labor practice and what pushed them away from other career paths. Part I explains that they were drawn toward labor work because of their political commitments, the excitement of building a new field of law, and the opportunity to play a major role on the national stage. But, as Part II shows, they were also pushed toward it by antisemitism in the profession and the lack of comparably exciting opportunities for Jewish lawyers in that era. Moreover, having chosen to represent radicals, they were ostracized by other clients and sectors of the bar. Although caution is important in generalizing, the professional biographies of the founding generation of union lawyers reveal the significance of ethnicity, at that moment in time, in pulling young lawyers toward some types of work and away from others.

## I. THE ATTRACTIONS OF LABOR RADICALISM

### A. *Strangers in America Became Social Critics and Then Socialists*

Thorstein Veblen's 1919 essay, "The Intellectual Pre-Eminence of Jews in Modern Europe" attributes the overrepresentation of Jews among intellectuals, scientists, and social critics to their alienation from traditional Judaism and their exclusion from gentile society.<sup>7</sup> Being outsiders, Veblen argued, encouraged the cultivation of an intellectual style that challenged orthodoxies. Veblen focused on economics and science, but the point applies more broadly, including to the founding generation of Jewish union lawyers.

Having grown up in impoverished immigrant households, the dozen lawyers described below would, understandably, think critically about the distribution of wealth and power in America and be attracted to socialism and unionism. They were only one generation removed from the Socialist movement that arose during the Russian Revolution of 1905 to advocate for civil rights for Jews and for structural solutions to the laws that kept Jews in poverty in Europe and elsewhere.<sup>8</sup> Inspired by the Socialist theory and Karl Marx they read in college, they wanted to put Socialist ideals to work, and the labor movement was engaged in that very project.

Maurice Sugar, who became the dean of Detroit labor lawyers and served as general counsel of the United Automobile Workers of America (UAW) from 1937 to 1947, is illustrative. Sugar was born to Jewish immigrant shopkeepers, the only Jews in their rural northern Michigan town. Their store failed when the town's factory closed. At the University of Michigan, Sugar

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7. Veblen framed it as intellectual wayfaring and escape; a later scholar said "alienation." Thorstein Veblen, *The Intellectual Pre-eminence of Jews in Modern Europe*, 34 POL. SCI. Q. 33, 38–39 (1919); David A. Hollinger, *Why Are Jews Preeminent in Science and Scholarship?: The Veblen Thesis Reconsidered*, 2 ALEPH 145, 146 (2002).

8. See PAUL BUHLE, MARXISM IN THE UNITED STATES: A HISTORY OF THE AMERICAN LEFT 46–48 (Verso rev. ed. 2013) (1987).

chose law because it was a three-year degree, and his family could not afford more. Although he joined the law review and graduated with honors, he ranked his education in socialism ahead of his education in law. It helped that his classmate and future wife, Jane Mayer, the daughter of Socialist intellectuals from Grand Rapids, introduced him to the university's lively Socialist reading and debating society.<sup>9</sup>

Upon graduating in 1913, Sugar declined what he deemed a dull and meaningless job with an insurance company, instead choosing to write briefs for another lawyer. He launched himself into labor organizing and Detroit politics, contributing his talents as a songwriter, essayist, soapbox speaker, and tireless organizer to the Detroit left.<sup>10</sup> He served a year in prison for distributing leaflets opposing the World War I draft. Before, during, and after his incarceration, Sugar represented labor activists prosecuted for syndicalism and Black people seeking desegregation. He worked with Detroit's Unemployed Councils during the Great Depression. His instinct for using both law and publicity to support movement activism led to his doing significant legal work to support the Flint sit-down strike of 1937 that forced General Motors to recognize the UAW, and to his appointment as the UAW's general counsel.<sup>11</sup>

Sugar's law partner, Ernest Goodman, was, like Sugar, the child of Jewish shopkeepers who emigrated from the Pale. But Goodman's path to political leftism was more meandering than Sugar's. Goodman's parents kept a traditional Orthodox household, spoke only Yiddish, and lived in an entirely Jewish neighborhood in Detroit. Tired of both poverty and the antisemitic bullying he endured in high school, Goodman decided to assimilate by excelling at tennis and earning a good living as a lawyer. Unable to afford to full-time study at the University of Michigan, Goodman studied law at Detroit College of Law at night while he worked days. Disappointed that the college fraternities admitted only gentiles, Goodman and some friends started a Jewish fraternity, even as he drifted away from religion.<sup>12</sup>

The Depression changed Goodman's plans and radicalized his politics. In 1932, when the banks failed and the law firm he had founded began to fail, he experienced a financial, professional, and personal crisis. He hated doing debt collection. He hated being a lawyer. He read leftist publications and connected his economic plight to a critique of capitalism. Having worked on reforms of the state workers' compensation law, he wrote an article explaining the new law to the ordinary person and pitched his article to the

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9. See CHRISTOPHER H. JOHNSON, MAURICE SUGAR: LAW, LABOR, AND THE LEFT IN DETROIT, 1912-1950, at 33-77 (1988).

10. See *id.* On the origins and influence of Yiddish Socialist and Bundist movements in the United States, see DANIEL KATZ, ALL TOGETHER DIFFERENT: YIDDISH SOCIALISTS, GARMENT WORKERS, AND THE LABOR ROOTS OF MULTICULTURALISM 36-39 (2011).

11. See *generally* MAURICE SUGAR, THE FORD HUNGER MARCH (1980); SIDNEY FINE, SIT-DOWN: THE GENERAL MOTORS STRIKE OF 1936-1937 (new ed. 2020) (1969).

12. See Walter Reuther Library, Wayne State Univ., Ernest Goodman Oral History 2-76 (on file with author). See *generally* STEVE BABSON, DAVE RIDDLE & DAVID ELSILA, THE COLOR OF LAW: ERNIE GOODMAN, DETROIT, AND THE STRUGGLE FOR LABOR AND CIVIL RIGHTS (2010).

UAW newspaper. The article generated clients and the invitation to write more articles. As he saw systemic racial bias in the ways courts and employers handled the claims of injured Black workers, he began to volunteer for the Civil Rights Federation in Detroit. Getting involved with the labor and civil rights struggles of the mid-1930s was, in Goodman's telling, like a religious conversion. He thought, "I have to make up for all these lost years, these wasted years . . . I owed that, not only to myself, but to the people whom I could have helped."<sup>13</sup>

Neither Goodman's meandering path to socialism, nor Sugar's straight line are unusual. In an essay, "The Strangeness of Jewish Leftism," Michael Walzer noted the belief of many American Jewish intellectuals of his generation that "Judaism and socialism are pretty much the same thing," but argued, correctly judging from the lives of the lawyers in my study, that "there is no straight line from Judaism to left politics."<sup>14</sup> As Walzer observed, the tenets of Jewish religion or practice—the liberation stories of Passover and Hanukkah, the injunctions to charity (tzedakah) or to heal the world (tikkun olam), and the lives of the prophets—are as susceptible to the conservative messianism of ultra-Orthodox religion as they are to leftism.<sup>15</sup> In Goodman's parents' home, Judaism and socialism were not equivalents. Moreover, to the extent some spoke about Judaism or Jewishness at all, they spoke (like Goodman) about leaving the Orthodoxy of their parents' or grandparents' generation.

Some early union lawyers were Socialists born and bred. One of these was Victor Rabinowitz, who was general counsel of the American Communications Association before turning to full-time civil liberties practice in the 1950s. Victor's father, the son of an Orthodox rabbi in Lithuania, abandoned his religion as soon as he fled Europe, embraced atheism and anarchism with gusto, and read widely (having taught himself to read in English at The Cooper Union Library). Rabinowitz's maternal grandfather was Jacob Netter, an anarchist writer and friend of Jewish anarchists Emma Goldman and Alexander Berkman, whom Attorney General Alexander Mitchell Palmer and his assistant, the young J. Edgar Hoover, deported in 1919. The Rabinowitz's Jewishness was ethnic, not religious. The family went to the theater on Friday nights when their Brooklyn neighbors went to synagogue. But antisemitism affected him too. He was kept away from East Coast colleges and law schools by the Jewish quota, not by lack of money. So he, like many Jews of his generation, attended the University of Michigan for college and law school.<sup>16</sup>

Those who joined the Communist Party (as Rabinowitz and several in the group did) were attracted by its commitment to leftist economic principles and to racial justice. In the lawyers' formative years, the Party embraced

13. Walter Reuther Library, *supra* note 12, at 69–75.

14. Michael Walzer, *The Strangeness of Jewish Leftism*, in *JEWS AND LEFTIST POLITICS: JUDAISM, ISRAEL, ANTISEMITISM, AND GENDER* 30 (Jack Jacobs ed., 2017).

15. *See id.*

16. *See* VICTOR RABINOWITZ, *UNREPENTANT LEFTIST: A LAWYER'S MEMOIR* 9–11 (1996).

positions they admired: in 1925, the Party founded the American Negro Labor Congress; in 1928, the Comintern declared that American Blacks were subjugated and their liberation should be encouraged; in 1931 the Party's lawyer group, the International Labor Defense, sprang to the defense of the nine boys accused of raping two women on a train near Scottsboro, Alabama, at a time when the NAACP was equivocating about whether to embrace their cause. For young lawyers whose lives had been shaped by discrimination—where they could live, which universities they could attend, and which clubs they could join—the Party inspired admiration, especially as compared to what they deemed dithering by mainstream Jewish organizations dominated by the more assimilated German Jewish elite.<sup>17</sup>

Allan Brotsky, who later represented the radical International Longshore and Warehouse Union (ILWU), found socialism attractive because he thought it opposed antisemitism. Brotsky was born in Detroit in 1920 to recent immigrants from Lithuania. His mother had joined the Socialist Bund before emigrating and remained committed to progressive causes. But Allan really discovered socialism when he was a freshman at the University of Colorado. He lived in a rooming house with the son of the owner of the Socialist bookstore in Denver. He sold Brotsky on socialism when he told him that the Soviet Union had outlawed antisemitism. When his mother moved to Los Angeles to join her sister, Allan transferred to Los Angeles City College and then to University of California, Los Angeles (UCLA). Immediately after law school, he joined the San Francisco law firm that served as the ILWU's general counsel and spent the rest of his career representing people and causes on the left, eventually becoming a law professor.<sup>18</sup>

These young lawyers found a sense of belonging in the labor movement. To them, as to many Eastern European immigrants of the 1930s, joining leftist organizations was “a route to Americanization” that connected idealistic immigrant youth “to the larger American culture.”<sup>19</sup> Norman Leonard, who represented the ILWU his entire career, was one of these. His parents, immigrants from shtetls near Warsaw, lacked education beyond the eighth grade and worked in the garment industry. They were not religiously observant and allowed Leonard to spend Saturdays in high school and college earning money in a series of menial jobs. Leonard's father wanted to be “a good American,” which meant being a Republican, and, although Leonard teased him that he must have once been a Socialist, his father refused to discuss it.<sup>20</sup> Leonard discovered politics in college at UCLA, when he joined

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17. On the left-right and class splits among Jewish organizations dedicated to fighting antisemitism, see STUART SVONKIN, *JEWS AGAINST PREJUDICE: AMERICAN JEWS AND THE FIGHT FOR CIVIL LIBERTIES* (1997).

18. See Interview by Harvey Schwartz with Allan Brotsky, in San Francisco, Cal. (Nov. 4, 9, and 22, 2005) (on file with author).

19. Harvey Klehr, *Jews and American Communism*, in *JEWS AND LEFTIST POLITICS: JUDAISM, ISRAEL, ANTISEMITISM, AND GENDER* 169, 171 (Jack Jacobs ed., 2017).

20. Interview by Estolv Ethan Ward with Norman Leonard, *transcribed in REG'L ORAL HIST. OFF., THE BANCROFT LIBR., LIFE OF A LEFTIST LABOR LAWYER* 1–19 (1985).

the Social Problems Club to read and discuss the failures of capitalism. He went to Columbia Law School, where he began working with New York labor and immigration lawyer Carol Weiss King writing analyses of labor and civil liberties cases. Weiss King built a nationwide community of lawyers through her relentless efforts to get them to write analyses of the developing labor, immigration, and civil rights–civil liberties law for publication in her journal.<sup>21</sup> Leonard benefited from her community, as it was through her that he found a job working for the San Francisco law firm that represented the ILWU. Other members of Weiss King’s community included Columbia Law School students, including Leonard’s classmate, Marjorie Friedman, a Barnard College graduate, who became Leonard’s wife. Unlike Leonard, Marjorie came from an educated, middle-class family; her father was a lawyer and her mother was involved in labor and women’s organizations.<sup>22</sup>

For Leonard, the overlapping circles of family and work for an exciting left-wing organization became a new community and the path to what he and Marjorie considered a good life. He found meaning and community in representing the rising and courageous group of West Coast port workers who were committed to multiracial unionization. Their union was facing massive government repression, including repeated efforts to deport its president, Harry Bridges. It was the right side to be on, and the government repression and creative organizing produced an enormous amount of legal work.<sup>23</sup> The labor movement was winning. Especially in the 1930s, there was fun to be had in joining a vibrant movement. As Rabinowitz said, the exuberant picket lines, the marches, and singing songs (some written by Maurice Sugar) were “more romantic and exciting” than commercial law practice.<sup>24</sup>

### *B. Radicalized by Events*

Although Goodman and Leonard were radicalized by the Depression, others were radicalized by governmental repression of labor-leftist activism. This was true of Sugar, the oldest lawyer in my study, who went to jail in 1919 for advocating Socialist pacifism.<sup>25</sup> It was also true of the youngest lawyer in my study, the United Farm Workers’ (UFW) general counsel Jerry Cohen, who saw classmates hauled off to jail in 1964 for protesting the

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21. See ANN FAGAN GINGER, *CAROL WEISS KING: HUMAN RIGHTS LAWYER, 1895-1952*, at 147–69 (1993).

22. See Interview by Estolv Ethan Ward, *supra* note 20, at 23–24, 32.

23. See *id.*

24. RABINOWITZ, *supra* note 16, at 18.

25. See MICHAEL WILLRICH, *AMERICAN ANARCHY: THE EPIC STRUGGLE BETWEEN IMMIGRANT RADICALS AND THE US GOVERNMENT AT THE DAWN OF THE TWENTIETH CENTURY* 159–82 (2023) (Chapter five discusses the career path of Harry Weinberger, the lawyer who represented Emma Goldman and Alexander Berkman.).

University of California's policy prohibiting political speech on campus.<sup>26</sup> For others, the standout event was the prosecution and execution of Italian immigrant anarchists Nicola Sacco and Bartolomeo Vanzetti in 1927. Future New York union lawyer Nathan Witt was one who identified the Sacco-Vanzetti case as a turning point in his life. Born in 1903 on New York City's Lower East Side to impoverished Jewish immigrants from Poland, Witt graduated from New York University (NYU) in 1927, and shortly thereafter was arrested in Boston while picketing against the execution of Sacco and Vanzetti. His arrest prompted him to go to law school, and he set his sights on Harvard Law School because he wanted to study with Professor Felix Frankfurter, who had published an *Atlantic* magazine essay on the injustice and judicial bungling of the Sacco-Vanzetti case.<sup>27</sup>

Joseph L. Rauh Jr., who later became Washington counsel to the UAW, was also outraged by the legal system's mistreatment of Sacco and Vanzetti. Rauh had grown up in an assimilated, middle-class, German Jewish family in Cincinnati, and so his attraction to labor work was not by way of privation. He was also terrified during a 1932 summer trip to Europe, when he and friends on a lark decided to attend one of Adolf Hitler's huge rallies.<sup>28</sup> Similarly, Victor Rabinowitz chose his vocation as a labor and civil rights lawyer after watching the growth of fascism in Germany and Spain. Whereas Rauh became an anticommunist liberal, Rabinowitz became a communist. He quickly grew bored at conventional law practice and, after doing some volunteer work for the communist-organized network of lawyers, the International Labor Defense, he jumped at the chance to join the firm headed by labor activist and Socialist Leonard B. Boudin.<sup>29</sup>

### C. Attractions of Law

Professor Marc Galanter observed that it is "hard to avoid the view that Jewish flourishing in American law somehow represents a continuation of a specifically Jewish legality or manifests a specifically Jewish vocation for law. But it is even harder to specify just how the Jewish legal connection works."<sup>30</sup> Surveying the literature, he explored various ideas about the connection, ranging from the importance of religious law in Judaism, to Torah study, to the justice-seeking Biblical prophets.<sup>31</sup> Whatever the

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26. See Jerry Cohen, *Gringo Justice: The United Farm Workers Union, 1967-1981* (Feb. 2008) (unpublished manuscript), <https://libraries.ucsd.edu/farmworker/movement/essays/essays/Gringojustice.pdf> [<https://perma.cc/YM7U-ZXXP>].

27. See Interview by Alice Hoffman with Nathan Witt, in N.Y.C., N.Y. (July 11, 1974) (on file with author); Felix Frankfurter, *The Case of Sacco and Vanzetti*, *ATLANTIC* (Mar. 1927), <https://www.theatlantic.com/magazine/archive/1927/03/the-case-of-sacco-and-vanzetti/306625/> [<https://perma.cc/YN3A-V7ZZ>].

28. See MICHAEL E. PARRISH, *CITIZEN RAUH: AN AMERICAN LIBERAL'S LIFE IN LAW AND POLITICS* 12-13, 16-17 (2010).

29. RABINOWITZ, *supra* note 16, at 18.

30. Marc Galanter, *A Vocation for Law?: American Jewish Lawyers and Their Antecedents*, 26 *FORDHAM URBAN L.J.* 1125, 1126 (1999).

31. See *id. passim*.

connection was for others, I find no evidence in the lives of these union lawyers.

Rather, these lawyers gave more pragmatic social and economic explanations for their attraction to law. Rauh said that when he graduated from Harvard College in 1932, the family shirt manufacturing company could no longer afford to have both him and his older brother on the payroll. Rauh's father thought the business could use a lawyer, and so Rauh reluctantly agreed to study law.<sup>32</sup>

Carol Weiss King, like Rauh, was the child of a German Jewish lawyer who encouraged her to study law.<sup>33</sup> After attending Barnard for college, going to law school seemed a logical path if she wanted a life beyond the home. She graduated from NYU in 1920. Unlike Rauh, she was thrilled to have the chance to study law. Even the union lawyers whose parents were struggling garment workers or shopkeepers may have considered law a feasible path because Jews were overrepresented among lawyers in the countries from which their parents emigrated.<sup>34</sup>

Whether being a lawyer started out as a safe path or as an aspiration, for all the lawyers in my study, what made it a lifelong passion was the excitement of building the new field of labor law. It was not just the romance and excitement of activism, said Ernie Goodman, it was also the feeling of making a difference and building a new area of law from the ground up.<sup>35</sup> They were also drawn to the feeling of community among the left. And they relished the opportunity to work closely with smart union leaders who were outwitting reactionary employers and government officials at every turn, and to use their skills as lawyers to help people who were fighting for a better world.

#### D. A National Stage

For some of the lawyers, being the general counsel of a major national union or federation of unions satisfied their ambition to do something truly significant at the national level. The first two general counsel of the Congress of Industrial Organizations (CIO), Lee Pressman and Arthur J. Goldberg, wound up as bitter enemies. But what they both had in common, besides impoverished immigrant origins, intelligence, and the capacity for hard work, was ambition to play a major role on a national stage.

32. See PARRISH, *supra* note 28, at 21–22.

33. See GINGER, *supra* note 21, at 11–15.

34. Jews were nearly a quarter of the German bar, though less than 1 percent of the German population. They were 52 percent of the Polish bar and 64 percent of law students but less than 10 percent of the Polish population, and 55 percent of the Hungarian legal profession but 5 percent of the Hungarian population. See Galanter, *supra* note 30, at 1126 n.5 (citing Udo Reifner, *The Bar in the Third Reich: Anti-Semitism and the Decline of Liberal Advocacy*, 32 MCGILL L.J. 97, 104 (1986) (Germany)); STEVEN BELLER, VIENNA AND THE JEWS 1867-1938: A CULTURAL HISTORY 37 (1989) (Vienna); Raphael Mahler, *Jews in Public Service and the Liberal Professions in Poland, 1918-1939*, 6 JEWISH SOC. STUD. 291, 316 (1944) (Poland); NATHANIEL KATZBURG, HUNGARY AND THE JEWS: POLICY AND LEGISLATION 1920-1943, at 25, 30 (1981) (Hungary); SLEZKINE, *supra* note 4, at 222–24 (Russia).

35. See Walter Reuther Library, *supra* note 12, at 156–57.

Lee Pressman was born in 1906 to immigrants from Minsk who had worked their way up in New York's garment industry from machine operators to proprietors of a shop. He took up athletics to hide a limp from childhood polio, and excelled at Stuyvesant High School, NYU, and Harvard Law School, where he made the *Harvard Law Review*. Jerome N. Frank hired him to work for the Agricultural Adjustment Administration.<sup>36</sup> Pressman later claimed (unpersuasively) to have been apolitical in college and law school (and denied he had read Marx),<sup>37</sup> but the excitement of labor organizing and the New Deal indisputably drew him to labor law.

When United Mine Workers of America president John L. Lewis broke with the relatively quiescent American Federation of Labor (AFL) and launched the CIO, Pressman convinced Lewis that the industrial union movement needed a good lawyer. In June 1936, Lewis sent Pressman to work for the new Steel Workers Organizing Committee. He proved his usefulness to Lewis and the industrial union movement and became the first general counsel of the CIO in 1938. He worked closely with law school and left-wing friends at the La Follette Civil Liberties Committee, which was investigating corporate abuses of labor rights, and at the National Labor Relations Board (NLRB) (including fellow leftist Nathan Witt). He loved being closely connected to the people at the top of the labor movement, not merely as a legal craftsman, but as a strategic adviser and negotiator. He loved working closely with friends at high levels in Congress and in the Executive branch.<sup>38</sup> But when the CIO embraced anticommunism in 1947, Pressman's close ties in the Communist Party and to the Progressive Party's third-party challenge to President Harry S. Truman were a liability. Pressman resigned as general counsel in 1948 and joined the left-wing union firm of Nathan Witt and Harold I. Cammer.<sup>39</sup> He was replaced by Arthur J. Goldberg.

Arthur J. Goldberg was born in 1908, the youngest of seven children of Ukrainian Jewish immigrants who lived in a working-class neighborhood on the west side of Chicago. His father, a peddler, died when Goldberg was eight. Because his older siblings quit school to support the family, Goldberg was able to continue his education. He excelled, graduating first in his class from Northwestern School of Law, where he was also editor-in-chief of the law review. Notwithstanding his spectacular academic record, none of the major law firms would hire him because he was Jewish.<sup>40</sup>

Seeking work more interesting than the usual fare of the small Jewish firm where Goldberg found a job, he became involved with the Chicago Civil Liberties Committee. Through that, he befriended the leader of the Chicago

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36. See GILBERT J. GALL, *PURSuing JUSTICE: LEE PRESSMAN, THE NEW DEAL, AND THE CIO* 5, 6, 9–14, 21–22 (1999).

37. See *id.* at 43; Interview by Donald F. Shaughnessy with Lee Pressman, in N.Y.C., N.Y., *transcribed in* ORAL HIST. RSCH. OFF., COLUMBIA UNIV., *THE REMINISCENCES OF LEE PRESSMAN* (1958).

38. GALL, *supra* note 36, at 47–59.

39. *Id.* at 229, 237.

40. DAVID L. STEBENNE, *ARTHUR J. GOLDBERG: NEW DEAL LIBERAL* 3–6 (1996).

Amalgamated Clothing Workers of America (the “Amalgamated”), and eventually Sidney Hillman, who had started the Amalgamated but had risen to be one of President Franklin D. Roosevelt’s advisors. When the Newspaper Guild (the “Guild”) in Chicago was enjoined from picketing and distributing handbills during a bitter strike against the Hearst Newspapers, Goldberg in late 1939 agreed to represent the Guild and its activists in contempt proceedings. This, Goldberg said, was the beginning of his long career working for the CIO. He consolidated policymaking power within the United Steelworkers and the CIO in the legal department. He relished working with the White House and Congress, convinced that his skills as a negotiator and his moderate politics could bridge ideological divides (he was often wrong.) He worked closely with brothers, Robert F. Kennedy and John F. Kennedy, on the Labor Management Reporting and Disclosure Act,<sup>41</sup> certain that he could moderate the most anti-union provisions. (He could not.) But his connections with the Kennedys led to his nomination to be Secretary of Labor in the Kennedy Administration in 1961, and from there he became an Associate Justice of the U.S. Supreme Court in 1963.<sup>42</sup>

#### *E. Rebellion Against Family and Conventionality*

Whereas Rauh, Pressman, and Goldberg saw labor law as a path to political influence and power, others came to the labor movement as a rebellion. Carol Weiss King was one of the rebels. Having embraced socialism in college, she refused to follow in her father’s footsteps of representing business corporations (assuming they would hire a woman), and sought a job with a small firm of lawyers known for their civil liberties work on behalf of labor activists, Socialists, and radicals. The firm had no money to hire her, but they encouraged her to rent office space in their suite and start her own practice, which she did. She began going to Ellis Island regularly to represent radicals who were detained there awaiting deportation, and from that she built a practice representing activists in immigration matters.<sup>43</sup>

No lawyer was more drawn to labor work by a spirit of rebelliousness than United Farm Workers general counsel Jerry Cohen. Cohen’s father was a doctor in the Navy, so Cohen had moved frequently as a child, and because he was both Jewish and frequently the new kid in school, he got used to being an outsider. He was enough of an outsider to challenge hazing in high school, but he was insider enough to become student council president and a varsity basketball player. While at Amherst College between 1959 and 1963, he organized freshmen to boycott fraternities because they discriminated against Jewish and Black students. He arrived at University of California, Berkeley for law school in 1963, just in time to join the student protests roiling the campus. When the students picketed the law school, Cohen recalled, some law faculty were furious, warning that law students, “should *never* participate

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41. Pub. L. No. 86-257, 73 Stat. 519 (codified as amended in scattered sections of 29 U.S.C.).

42. *Id.* at 8–19, 65, 79–80, 127, 165, 191, 233, 316.

43. GINGER, *supra* note 21, at 7, 13, 147–50.

in the systematic . . . disruption of an institution.”<sup>44</sup> That, Cohen thought, was nonsense.<sup>45</sup>

At graduation, he moved to Central California to work for California Rural Legal Assistance, Inc., which had funding from President Lyndon B. Johnson’s administration’s War on Poverty. Cohen quickly became frustrated with the federal funding restrictions on labor organizing because he believed the best method to fight poverty was unionizing. He impressed the UFW’s brilliant and creative leader, Cesar Chavez, with his tales of fighting the frats at Amherst, and the Berkeley administration in the Free Speech Movement, as well as with his complete lack of preconceived notions about how labor law restricted union activism. Chavez hired Cohen to be the UFW’s general counsel in 1967.<sup>46</sup> Cohen stayed in the position until 1980, when internal struggles within the union made the work impossible.<sup>47</sup>

## II. WHAT PUSHED LAWYERS INTO UNION WORK?

### A. *Racism and Antisemitism*

Every lawyer in my study recounted incidents of anti-Black racism and antisemitism that awakened in them a desire to fight for racial justice as an inextricable part of their fight for class justice. The Eastern European Jewish immigrants of the 1920s and 1930s were seen and saw themselves as a racial “Other” at a time when race, ethnicity, religion, language, community, and national origin were overlapping categories.<sup>48</sup> Many recalled being bullied in school. Even if their family could afford to rent or buy a home or apartment in a non-Jewish neighborhood, racially restrictive covenants prevented it. All knew of the Jewish quotas. Even those, like Rauh, who were not denied admission to Harvard because of the quotas, experienced antisemitism.

Henry Epstein, who became the general counsel of the Brotherhood of Sleeping Car Porters (BSCP) in the 1940s, attributed his beliefs in racial equality and civil rights to growing up in South Carolina. His immigrant father was a peddler who did business in and with the Black community. White people refused to buy from his father because, said Epstein, he was a Jew, “a damn foreigner, and Yankee besides.” After Epstein’s father posted bail for some of his Black customers, White vigilantes threatened him, and the Epstein family lost everything and fled to New York. Epstein graduated from Harvard College and Harvard Law School, and although he had many opportunities—he was New York’s Solicitor General under Governor

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44. Interview by Jennifer Gordon with Jerome Cohen, Former Gen. Couns., United Farm Workers, in Carmel, Cal., at 46 (July 22, 1999) (on file with author).

45. *See id.*

46. Cohen, *supra* note 26, at 2.

47. *Id.* at 29–30.

48. KATZ, *supra* note 10, at 12.

Herbert H. Lehman in the late 1930s—he said his decision to represent the BSCP was a product of his life experience.<sup>49</sup>

To some degree, all of the CIO unions and their lawyers combined a commitment to unionism with a commitment to advancing the civil rights of non-White and (sometimes) female workers. But no union did more on Black civil rights than the BSCP. Because of the racial segregation of the Pullman Company, which owned and operated the sleeping cars on all train lines, and the racial exclusion practiced by the unions (known as “brotherhoods”) that represented all types of railroad workers, the BSCP was entirely Black. Yet, it too had Jews as principal lawyers for some time, along with the pioneering Black civil rights lawyers such as Charles Hamilton Houston and Cornelius Francis Stradford.<sup>50</sup> BSCP President A. Philip Randolph had connections to Jewish Socialist movement dating back to his studies at City College of New York beginning in 1911, his joining of the Socialist Party, and his 1917 founding of *The Messenger*, a magazine of Black Socialist thought.<sup>51</sup> With the founding of the radical Popular Front National Negro Congress in 1936, of which Randolph was president,<sup>52</sup> the BSCP turned to National Lawyers Guild (NLG) affiliated lawyers for representation. In the 1940s, Epstein served as the BSCP’s general counsel, and another Jewish lawyer, the liberal anti-Communist Rauh, handled much of the union’s litigation against racial discrimination by railroad brotherhoods.

Having grown up in comfort in the sizeable Jewish community of Cincinnati, Rauh did not find his way to the labor and civil rights issues that would dominate his career through privation. Rather, he dated his racial justice commitment to his boyhood outrage that great Black baseball players were segregated in the Negro Leagues and to an incident during his undergraduate days at Harvard College. As the lone Jew on the Harvard basketball team, he often shared a hotel room with the team’s only Black player, William Baskerville. When the team was in New York City to play Columbia University, the hotel refused to honor Baskerville’s room reservation when the desk clerk realized he was Black. The entire team found another hotel. After his graduation in the summer of 1935, he clerked for Justice Benjamin N. Cardozo, and then worked for the brand-new Wage and Hour Division of the U.S. Department of Labor (DOL), enforcing the Fair Labor Standards Act<sup>53</sup> (FLSA). The Interstate Commerce Commission had recently held that railway station porters, whom railroads insisted were not employees and were paid only in tips, were employees covered by the

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49. Henry Epstein, Remarks at the Proceedings of National Conference of BSCP’s Provisional Committee of Organize Colored Locomotive Firemen, BSCP-PQHV (Dec. 2–3, 1947); *Henry Epstein Named Bennett’s Chief Aide*, N.Y. TIMES, Jan. 6, 1931, at 29.

50. KENNETH W. MACK, REPRESENTING THE RACE: THE CREATION OF THE CIVIL RIGHTS LAWYER 38, 47, 159, 204 (2012); WILLIAM H. HARRIS, KEEPING THE FAITH: A. PHILIP RANDOLPH, MILTON P. WEBSTER, AND THE BROTHERHOOD OF SLEEPING CAR PORTERS, 1925–37, at 177 (1977).

51. HARRIS, *supra* note 50, at 28–34.

52. Eric Arnesen, *The Making and Breaking of a Popular Front: The Case of the National Negro Congress*, LABOR: STUDIES IN WORKING-CLASS HISTORY, Feb. 2023, at 5–6.

53. Ch. 676, 52 Stat. 1060 (1938) (current version at 29 U.S.C. §§ 201–219, 557).

Railway Labor Act<sup>54</sup> (RLA). The DOL, therefore, said they were employees under FLSA too and entitled to the minimum wage in addition to their tips. Although the DOL's position did not prevail in the U.S. Supreme Court, Rauh's insistence on the labor rights of the Black porters earned him Randolph's trust.<sup>55</sup> Three years later, when President Roosevelt failed to keep his 1940 promise to desegregate the armed forces and Randolph organized the March on Washington Movement in protest, Rauh was tasked with drafting the plan for the Fair Employment Practices Committee (FEPC) and an executive order to prohibit race discrimination in defense contracting.<sup>56</sup>

Rauh's major work for the BSCP began in 1946, when Randolph asked him to litigate a theory pioneered in the 1930s by Charles Hamilton Houston that unions had a duty to refrain from discriminating against Black workers. Rauh and Epstein, who had become BSCP's general counsel in 1945, handled the follow-on litigation, which dragged on for decades.<sup>57</sup>

After Epstein left the FEPC in 1943, the BSCP retained him to work on various projects. As Randolph traveled, he met with Black rail workers and reported the legal issues they identified to Epstein or Rauh for solutions if Randolph's negotiations with the railroads failed. Rauh advised Randolph on using his and the union's political influence to advance the cause of civil rights in Congress, the Executive branch, the Democratic Party, and the upper reaches of the AFL-CIO governing body. In turn, Rauh sought to use Randolph's longstanding reputation for non-communist civil rights agitation to build the influence of his pet project, the liberal, anti-Communist group Americans for Democratic Action.<sup>58</sup>

As BSCP general counsel from 1945 to 1953, Epstein's work for the BSCP extended far beyond civil rights. Like the other union general counsels of that era, he served in the role while maintaining his law firm in Manhattan. But Epstein's role as general counsel was quite different from those who held that role in the UAW or the ILWU, as he was more of a technician and supervisor of lawyers than an all-purpose counselor. Unlike Maurice Sugar

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54. Ch. 347, 44 Stat. 577 (1926) (current version at 45 U.S.C. §§ 151–165, 181–188).

55. *Williams v. Jacksonville Terminal Co.*, 315 U.S. 386, 407–10 (1942); PARRISH, *supra* note 28, at 51.

56. WILLIAM P. JONES, *THE MARCH ON WASHINGTON: JOBS, FREEDOM, AND THE FORGOTTEN HISTORY OF CIVIL RIGHTS* 38 (2013); Interview by Neil M. Johnson with Joseph L. Rauh, D.C. (June 21, 1989); PARRISH, *supra* note 28, at 63, 66.

57. Brief for the Brotherhood of Sleeping Car Porters at 13, *In re Representation of Employees of the Pullman Co. Storeroom Non-Clerical Employees*, No. R-2137 (N.M.B. June 7, 1949) (filed by Joseph L. Rauh, Irving J. Levy, of Rauh & Levy, and Henry Epstein regarding Pullman Company's refusal to recognize BSCP as representative of storeroom nonclerical employees); Letter from Joseph L. Rauh to A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters (Oct. 1, 1949) (on file with author) (discussing the National Mediation Board's adverse ruling in storeroom nonclerical employees case).

58. Letter from Joseph L. Rauh to A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters (Dec. 19, 1961) (on file with author); Letter from Joseph L. Rauh to Benjamin F. McLaurin, E. Zone Supervisor, Bhd. of Sleeping Car Porters (Mar. 31, 1961) (on file with author); Letter from Benjamin F. McLaurin to Joseph L. Rauh (Mar. 30, 1961) (on file with author).

of the UAW, and Richard Gladstein of the ILWU, Epstein did not attend all the BSCP conventions during the years when he was general counsel. But, like other union general counsel, Epstein often assisted BSCP leaders in finding lawyers to handle matters around the country. When he felt that local lawyers who handled matters for the BSCP had failed to provide high-quality representation, he urged Randolph to fire them.<sup>59</sup> And Epstein himself worked on major litigation and administrative matters, such as a proceeding in the DOL challenging the exclusion of the BSCP from participation in the selection of labor members of the National Railroad Adjustment Board, which arbitrates disputes arising under collective agreements governed by the RLA.<sup>60</sup>

### B. Repression

The most decisive event in the lives of many of these lawyers was when they were forced to choose sides by political repression directed at them and their clients. Lawyers who were willing to represent accused communists after 1946 were scarce because of the fear that the lawyers themselves would be prosecuted for sedition or disbarred simply because of their affiliation with communists. Those who stepped up for the defense were radicalized by the experience and by the fact that they lost most of their other clients. The CIO

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59. Letter from Henry Epstein to A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters (May 5, 1947) (on file with author); Letter from Henry Epstein to A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters (Sept. 26, 1951) (on file with author) (regarding New Orleans lawyer Isaac Heller handling tax matters for BSCP members on tips); Letter from A. Philip Randolph to Henry Epstein (May 26, 1952) (on file with author) (saying the international organization of the BSCP would pay Heller fees already incurred but would not pay further for tax advice to porters); Letter from A. Philip Randolph to Henry Epstein (Jan. 8, 1954) (on file with author) (enclosing a check for Epstein's 1953 retainer for service as general counsel to the Brotherhood of Sleeping Car Porters, and thanking him for his excellent legal work and his "fine and broad spiritual philosophy and outlook"); Letter from Henry Epstein to A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters (Dec. 16, 1953) (on file with author) (notifying A. Philip Randolph that Henry Epstein will become Deputy Mayor of New York City effective Jan. 1, 1954).

60. Transcript of Investigative Hearing at 1, *In re* Bhd. of Sleeping Car Porters, No. R-2137 (U.S. Dep't. of Lab. May 13, 1948) (on file with author); Letter from A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters, to Henry Epstein (May 1, 1947) (on file with author); Letter from Henry Epstein to A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters (Apr. 1, 1947) (on file with author); Letter from Oliver E. Sweet to Henry Epstein (Mar. 31, 1947) (on file with author); Letter from A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters, to Henry Epstein (Dec. 31, 1946) (on file with author); Letter from Henry Epstein to A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters (Dec. 30, 1946) (on file with author); Letter from Milton P. Webster, Chairman, Int'l Exec. Bd. of the Bhd. of Sleeping Car Porters, to Henry Epstein (Dec. 28, 1946) (on file with author); Letter from A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters, to Henry Epstein (Dec. 6, 1945) (on file with author); Letter from Henry Epstein to A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters (Sept. 21, 1945) (on file with author); Draft Letter from A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters, to William R. Daley, President of Otis & Co. (Sept. 1945) (on file with author); Letter from Henry Epstein to Milton P. Webster, Chairman, Int'l Exec. Bd. of the Bhd. of Sleeping Car Porters (July 12, 1945) (on file with author); Letter from A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters, to Henry Epstein (July 2, 1945) (on file with author); Letter from Henry Epstein to A. Philip Randolph, Int'l President, Bhd. of Sleeping Car Porters (June 7, 1945) (on file with author).

leadership hoped to survive government repression of communists by expelling its most left-wing union affiliates, which it did in 1949 through 1950. Witt's major client, the International Union of Mine, Mill, and Smelter Workers ("Mine, Mill"), was one of those expelled. He was forced to choose sides, and he chose his client, remaining the general counsel of Mine, Mill from 1947 until it merged into the Steelworkers in 1967. The purge of left-wing unions from the CIO barred some from labor work entirely. After firing Sugar, Goodman, and the other lawyers in their office in late 1947, UAW president Walter Reuther made sure they could find no union clients in Detroit or in the CIO. Sugar retired, and Goodman and his partner, George Crockett, spent the rest of their careers doing civil rights work (their law firm was the first in the country to have both black and white partners). Similarly, Victor Rabinowitz, who had been the general counsel of the American Communications Association, did little union work after the 1950s, and switched to civil rights and liberties work.<sup>61</sup>

Ben Margolis had a similar experience. Born on New York City's Lower East Side to parents who fled the Pale in 1905, Margolis spoke only Yiddish until he began school. His father was a house painter, a Socialist, a union member, and an activist. Both parents were atheists. In 1917, on account of Margolis's asthma, they moved to a small town near Los Angeles, and then to Santa Barbara in 1919.<sup>62</sup> He began his career at the San Francisco law firm that represented the ILWU, working with Norman Leonard on the deportation defense of Harry Bridges. When he moved his law practice to Los Angeles, he began representing Hollywood unions. That led to him representing the ten Hollywood writers (the "Hollywood Ten") who were among the first to be subpoenaed to testify before the House Un-American Activities Committee (HUAC) and who caused an uproar by, on Margolis' advice, invoking their First Amendment freedom of speech and conscience by refusing to answer the only two questions HUAC cared about: (1) Were they or had they been communists? (2) Were they members of the Screen Writers Guild? The Hollywood Ten served a year in prison for contempt of Congress for insisting on their freedom of conscience, and Margolis lost much of his labor law practice but became a stalwart of the civil liberties left for his devotion to his clients and to principle.<sup>63</sup>

### *C. What Pushed Them to Union Practice Was Also What Pulled Them*

The most obvious reason why young Jewish lawyers in the 1920s and 1930s would gravitate toward government work and union practice was the

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61. See Interview by Alice Hoffman, *supra* note 27; BABSON, RIDDLE & ELSILA, *supra* note 12, at 164–68.

62. Interview by Michael S. Balter with Ben Margolis (May 14, 1984), *transcribed in* DEP'T SPECIAL COLLECTIONS, UCLA, LAW AND SOCIAL CONSCIENCE: BEN MARGOLIS 1–39 (1985), [https://oac.cdlib.org/view?docId=hb6c6010vb&brand=oac4&doc.view=entire\\_text](https://oac.cdlib.org/view?docId=hb6c6010vb&brand=oac4&doc.view=entire_text) [<https://perma.cc/5MMP-UAUG>].

63. *Id.*

lack of other comparably interesting or secure opportunities. Elite law firms refused to hire Jews or hired very few. Jews were overrepresented among solo practitioners and underrepresented as employees or associates of law firms of any size, and their clients tended to pay less than the banks and large corporations represented by the law firms run by gentiles.<sup>64</sup> As Professor Laura Weinrib showed in her study of American Civil Liberties Union's lawyer Morris Ernst, antisemitic attacks on outspoken Jewish lawyers were endemic, and with the rise of global fascism and the America First movement of the 1930s, the threats became more credible and linked Jewishness to disloyalty to America.<sup>65</sup> For some of the radical union lawyers who entered practice in the late 1930s, there were both good reasons to gravitate to representing labor unions and no comparably appealing options.

But New Deal agencies did hire Jews, and Harvard's Jewish professor Felix Frankfurter and a handful of law professors at other elite schools were the pipeline to those exciting jobs. Among the many talented Jewish students whom Professor Frankfurter sent to the New Deal were Rauh and Witt. In Witt's case, Professor Frankfurter first sent him to a Catholic law firm in New York, which, unlike most New York firms, would hire Jews. Witt soon accepted the invitation of Jerome N. Frank, whom he had met through Professor Frankfurter, to join the legal staff at the Agricultural Adjustment Administration in the summer of 1933. Shortly thereafter, Witt transferred to the NLRB, where he became the first assistant general counsel in 1935, and then secretary in November 1937. When the leadership of the NLRB changed in 1940, Witt returned to New York City and joined the union-side firm where Lee Pressman had practiced before becoming the general counsel of the CIO. Witt spent the rest of his career practicing labor law, with occasional civil liberties or civil rights cases. Likewise, Robert Treuhaft, child of Hungarian Jewish immigrants, a graduate of Harvard College in 1934 and Harvard Law School in 1937, also found his way into labor practice via the New Deal and a job at the National War Labor Board in San Francisco. He was a stalwart member of the left-wing Bay Area labor and civil liberties bar for four decades.<sup>66</sup>

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64. Melvin M. Fagen, *The Status of Jewish Lawyers in New York City: A Preliminary Report on a Study Made by the Conference on Jewish Relations*, 1 JEWISH SOC. STUD. 73, 100–101, 103–04 (1939).

65. Laura Weinrib, *Law, History and the Interwar ACLU's Jewish Lawyers*, in *BETWEEN AND ACROSS: LEGAL HISTORY WITHOUT BOUNDARIES* 269 (Kenneth W. Mack & Jacob Katz Cogan eds., 2024).

66. PETER H. IRONS, *THE NEW DEAL LAWYERS* 9, 237 (1982) (noting Professor Frankfurter placed “scores of former students in New Deal posts” and quoting an early NLRB member saying that the agency was a haven for “young men who had made excellent records in law school but who, on account of their race, a great many of them being Jewish, did not have good opportunities” in private practice); Interview by Alice Hoffman, *supra* note 27, at 3. *See generally Guide to the Robert E. Treuhaft Papers*, N.Y.U. Libr., [https://findingaids.library.nyu.edu/tamwag/tam\\_664/](https://findingaids.library.nyu.edu/tamwag/tam_664/) [<https://perma.cc/SP47-NBL7>] (last visited Feb. 14, 2025) (The author viewed the biographical information on Robert Treuhaft at the the Robert E. Treuhaft Papers Collection at Tamiment Library, New York University, box 1, especially folders 6 and 7.).

## CONCLUSION

Among the first generation of Jewish union lawyers (of whom there were far more than discussed here), the relationship between their careers and Jewish immigrant origins was varied. But there were striking commonalities that shed light on why so many of the founding generation of labor lawyers were Jewish. Impoverished immigrant origins drew many to the fight for worker rights. The universal experience of pervasive antisemitism inspired their commitment to fight for civil rights and it pushed them to labor work because other paths were not open to them. The repression of labor activists and ostracism during anticommunist repression led many to their commitment to civil liberties. Above all was the excitement of building a new field of law that, they believed, was the foundation on which a just society might be built.