

# The storming of Norman

**Heidi Kingstone** on the civil rights veteran who defended the Ku Klux Klan and suffered for it

**E**nshrined in every American's heart is the belief in the First Amendment, the right to free speech, as fundamental as the need to breathe. It was his commitment to this basic civil liberty that enabled Norman Siegel, a New York civil rights lawyer, to defend the Ku Klux Klan.

Siegel, the Jewish kid from Brooklyn, executive director of New York Civil Liberties Union, veteran of the civil rights battles in the South, had always championed the underdog: gays, lesbians, African Americans, Latinos. But he had had his fair share of repugnant clients, too: the anti-Semitic black nationalist Khalid Abdul Muhammed, and the Black Israelites, an anti-white pseudo-religious group.

His connection with the KKK was brought about by the actions of New York's Mayor Rudolph Giuliani, who had turned down the Klan's application to hold a rally last October. Siegel was worried that the Klan would ask the NYCLU to represent it, believing that, if the union took the case, it might alienate the bulk of its clients, despite all the excellent anti-discrimination work it had done. He had good cause to worry.

In 1978, the American Civil Liberties Union had represented a group of neo-Nazis who wanted to march through Skokie, Illinois. They lost an estimated 7,000 members as a result. For many reasons the Klan's case was one that 55-year-old Siegel felt he

could do without. The KKK's right to demonstrate was not something he wanted to get involved with. He told his staff that with any luck the Klan would never call. But of course it did. The Grand Imperial Wizard, the Reverend Jeffery Berry, wanted Siegel to defend it, "and I said I probably would. We set up the meeting and agreed to take the case."

A child of the 60s, Siegel was a law student at New York University as the Southern civil rights movement took hold. The South was, he states, where he learned the importance of free speech. To Siegel "silence is equated with approval".

And, he says, "It's harder to defend someone when you don't believe in what they stand for. It's a different dynamic. And the Klan is repugnant, wrong-minded, bigoted." Which is exactly why he told them he didn't believe in anything they stood for, and that their beliefs were offensive.

"It was also important to me that they understood that I believed in the first amendment, and that was why I would defend them. I don't think it came as a big surprise. They didn't make a big deal about it. I want to advance the issues of equality and justice, to defend the accused, the powerless and the controversial. This is what I want to use my skills as a lawyer for. I learned that the first amendment expects me to defend the expression of bigots, not their conduct."

He thinks America's love affair with

the right to free speech has historic links to England, but notes that the US has a long history of Big Mouths. "I don't agree with the Klan but I would defend to the death their right to free speech, to invoke Voltaire. I don't think of myself as a lawyer for the Klan but as a lawyer for the Constitution. Maybe that has a ring of Pollyanna about it. But it wasn't until I saw the headline in a local paper - 'Klan's Lawyer' - that it really hit me."

The core issue is the inherent right of anyone to hold a peaceful rally. Giuliani, invoking a never used anti-mask law, had turned down the Klan's application because they wanted to wear hoods and masks.

Siegel is adamant that the government cannot pick and choose who can have access to free speech. Government censorship scares him most. But he draws a firm line between speech and action. Speech is protected, conduct is not.

"It's easy to say you're for free speech when it's non controversial, but are you for free speech when the speaker is offensive? Some think our

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defence of the Klan was one of our finer moments. You don't allow government to coerce silence."

At the same time as he was defending the Klan, he was also advising counter-demonstrators. Siegel acknowledges that the Klan could have complained about a conflict of interest and asked him to stop but they didn't. On the day the Klan held the rally, with no hoods and no masks, only about 17 members turned up. They had expected about 80. But 7,000 to 8,000 counter-demonstrators (some masked) took over the streets of Manhattan.

Even the black leader Al Sharpton and New York's leading black newspaper, the *Amsterdam News*, supported the Klan's right to free speech. "That helped enormously," said Siegel. "Leaders in the black community thought: if Giuliani could turn the Klan down, who else could he turn down?" In the six years of the Giuliani administration, the NYCLU has challenged the mayor 25 times in first amendment cases, prevailing wholly or partly in 19. Two are still pending.

"I was proud when I was walking in Harlem and I got a better reception than usual. People went out of their way to say that I had done the right thing." Riding the subway with the KKK on the way to court, Siegel thought that New Yorkers, known for their confrontational style, might create some uncomfortable moments. But nothing happened.

For him the experience was emotionally wearing. He received harassing phone calls, and the militant Jewish Defense Organisation picketed the Manhattan apartment block where he lives with his partner. In the past, whenever Mordechai Levy, leader of the Jewish Defense Organisation, was barred from speaking or picketing, he would call Siegel, who would represent him. Now the tables were turned and he was outside Siegel's home.

"He was very angry that as a Jew I was representing the Klan. They distributed fliers in my neighbourhood saying that I was a traitor. That was not fun. I am proud to be Jewish, but I had to do what I had to do."

He advised the Upper West Side building's management where to allow the protesters to gather, and asked them not to call the police, in order not to catapult the demonstrators into the limelight. Hate calls echoed in the middle of the night, some threatening to kill his family. "That's very difficult to get through. It's pretty scary."

Sometimes he would try to talk to the callers; one even ended up calling him a "mensch", Yiddish for decent person. "I like talking to people, and as I get older I'm better at listening to them. It helps defuse the anger."

Soon he will be back in court for another round. He has filed papers so the Klan can gather in the spring, this time wearing their hoods and masks.