

Dershowitz v. Good Pierogi: Does Alan Dershowitz Have a Discrimination Claim for “PierogiGate”?

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Alan Dershowitz, retired Harvard Law professor and former attorney for Jeffrey Epstein and President Trump, has made some headlines over the past week over his feud with a pierogi vendor on Martha’s Vineyard.

According to news reports and postings, Good Pierogi, the vendor at the center of the dispute, has twice refused to serve Dershowitz, citing disagreements with Dershowitz’s politics. The storied attorney has in turn threatened to sue the pierogi stand.

- As Mr. Dershowitz searches in vain for a pierogi, we looked at whether he has a claim?

Unfortunately for Dershowitz, the answer is NO. But, the final answer may turn on what Dershowitz alleges.

If he tried to claim that he was denied service based on his politics or the clients he has served, it would seem no. Neither Massachusetts state law nor federal law recognize a claim for discrimination on the basis of political beliefs, affiliations, or activities in public accommodations. In fact, almost all jurisdictions, including New York, do not protect political beliefs or political associations under the applicable public accommodation laws.

There are some places where he may succeed. Had the conduct occurred in Washington D.C., Dershowitz may be able to sue under D.C.’s public accommodations law ([D.C. Code § 2-1402.31](#)). Or possibly even under California’s broad public accommodations law ([CA Civ. Code § 51\(b\)](#)), which has been [interpreted](#) by the state’s Supreme Court to protect political affiliation. *Marina Point, Ltd. v. Wolfson*, 30 Cal. 3d 724 (1982).

But what if he claimed that this was religious discrimination, as in his latest encounter with Good Pierogi Dershowitz alleged anti-semitism? Putting aside the merits, there he may have a claim. Massachusetts does prohibit religious discrimination, and a refusal to serve a customer based on their religion is actionable ([M.G.L. Chap. 272, § 98](#)).

Employers will note, though, that if Dershowitz had been an *employee* of Good Pierogi and had instead experienced termination or other discriminatory action as a result of his political affiliations, Dershowitz may be able to seek relief under the laws of [Massachusetts](#) (and New York). A number of states have adopted labor codes prohibiting discrimination on the basis of political affiliation or political activities in the employment setting. New York’s Labor Code, for example, prohibits an employer from discriminating against an employee or applicant on the basis of the individual’s

political activities ([NYLL § 202-D\(2\)\(a\)](#)). “Political activities” as defined by the statute are running for office, campaigning for a candidate for public office, or participating in fund-raising activities for the benefit of a candidate, political party or political advocacy group. In this hypothetical, the lawyer-turned-pierogi-vendor’s longstanding political presence might provide him a case.

We profess no opinion on the merits of these claims but do wish Mr. Dershowitz the best of luck as he scours the Vineyard for a good pierogi.