

# PUBLIC DEFENDERS GET RESTRAINING ORDER TO BLOCK THEIR OWN UNION FROM VOTING ON GAZA STATEMENT

In a leaked tape of an all-staff meeting, the head of New York’s Legal Aid Society also said four law firms had threatened to pull funding over the statement.

Ake’la Lacy

November 17 2023, 9:22 p.m.

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**FIVE GROUPS PROVIDING** public defender services in New York City are cracking down on speech about Palestine. Leadership at the groups are pushing back on statements or internal communications that reference the siege on Gaza, and at least one staffer has been forced to resign.

Two of the organizations sent cease-and-desist letters to union shops considering resolutions calling for a ceasefire. Another group called staffers into meetings with human resources for using work channels to share links about Palestine and proposing to do fundraising for the Palestine Children's Relief Fund in lieu of an annual holiday party.

Management at several of the offices said statements on Gaza under consideration by their unions were jeopardizing funding. Pro-Israel activists launched a petition to [defund](#) the Bronx Defenders after its union issued a statement opposing Israel's "genocidal intent in Gaza." Public defender offices across the country are already severely [underfunded](#). While most rely heavily on public funding, many also receive support from private institutions, including major law firms. Several firms have responded to criticism of Israel's war in Gaza by [rescinding job offers](#) and threatening to [curb recruiting efforts](#) at law schools.

On Thursday, ahead of the unionwide vote on a statement, the Legal Aid Society called a staff meeting. According to a partial recording of the meeting obtained by The Intercept, Chief Executive Officer Twyla Carter said the resolution's language was antisemitic. Staff could vote how they wanted, she said, but she had an obligation to warn them about the impact on the organization's work.

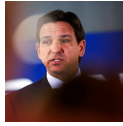
Four law firms had already threatened to pull funding from the office over the resolution, Carter said. In discouraging union members to vote for the statement, she said, “I’m not trying to lose a dime.”

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A vote on the union resolution was halted by a court on Friday after members of the organizations, including union membership, sued. The union received the restraining order before it was over and could not tally the results.

The suppression of speech at publicly funded legal defense agencies comes as governments and workplaces around the world have [disciplined](#) and [fired](#) staffers for criticizing Israel’s nonstop bombing of Gaza. Suppression of speech about Palestine has come in the form of [bans on rallies and vigils](#), [suspensions of student groups](#), [doxxing](#) and [death threats](#), and the [cancellation](#) of television interviews with Palestinian commentators.

**“Unions must act where the U.S. government will not. I proudly support**

The fight brewing in public defender offices escalated after recent union efforts to issue statements condemning the killing of Palestinian civilians. Since Hamas killed 1,200 Israelis

# **Palestinian liberation and self-determination.”**

last month, mostly civilians, Israel has killed more than 11,000 Palestinians in the Gaza Strip, [one out of every 200 people](#).

“Unions must act where the U.S. government will not,” said Sophia Gurulé, a staff attorney in the immigration practice at the Bronx Defenders and a member of the Bronx Defenders Union – UAW Local 2325. “I proudly support Palestinian liberation and self-determination.”

## **Stop the Count**

The legal fight revolved around a statement from the Association of Legal Aid Attorneys – UAW Local 2325, which covers more than 25 organizations, including the Bronx Defenders, Brooklyn Defender Services, Neighborhood Defender Service, and the Legal Aid Society of New York City. Staffers across the four offices, as well as the New York County Defender Services, which is not represented by the union, have been [retaliated against](#), reprimanded, surveilled, and encouraged to oppose the union resolution.

The staffers spoke to The Intercept on the condition of anonymity for fear of professional retaliation. In total, the five agencies provide legal and social services to more than 360,000 people each year.

The [resolution](#) expresses solidarity with Palestinians, calls for a ceasefire in Gaza, and demands an end to Israel’s occupation, decrying apartheid, ethnic cleansing, and genocide. With a “yes” vote, the union would also oppose future military aid to Israel and endorse the [Boycott, Divestment, and Sanctions movement](#) against Israel.



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At the Legal Aid all-staff meeting on Thursday, Carter, the CEO, said the resolution was antisemitic. “These statements call for the elimination of the state of Israel and the annihilation of the Jewish people,” Carter said. “You don’t have to agree, but that’s how some of our colleagues feel, and some of our supporters.”

“Accusing Israel of being an apartheid state and of genocide are all dog whistles for antisemitism,” she said. She suggested Jewish readers of the statement might see it the same way Black people would see pro-police sloganeering: “And, again, as a Black woman, my closest analogy is hearing how people talk about ‘blue lives matter’ or other things that land on me differently.”

In a statement to The Intercept, the Legal Aid Society said it has a long-standing policy against taking positions on international political events and that it was focused on its mission to provide legal services to low-income New Yorkers. The organization said it rejected the union’s resolution, found it antisemitic, and hoped

**“Accusing Israel of being an apartheid state and of genocide are all dog whistles for antisemitism.”**

union members would vote against it: “The resolution is laden with coded antisemitic language and thinly veiled calls for the destruction of the State of Israel. At a time when our attorneys and staff should be united in support of the people we serve, the resolution does not advance the legal interests of our clients, does not comport with our mission and values, and is divisive and hurtful.”

Several hours after the meeting on Thursday, attorneys at the Legal Aid Society of Nassau County [sued](#) in New York State Supreme Court to stop the vote, saying it posed an ethical dilemma for attorneys that would make it “impossible for them to properly do their job as Public Defenders.”

On Friday, the court granted a temporary restraining order [enjoining](#) the vote. Voting had gotten underway at 9 a.m. and only 15 minutes were left on the clock when the injunction was issued. The tally never got underway.

## **Cease-and-Desist Letters**

On October 18, two days before the union at Bronx Defenders issued a [statement](#) opposing Israel’s occupation, ethnic cleansing, and “genocidal intent in Gaza,” management at the group sent a cease-and-desist letter warning that it would enforce trademark rights against any use of the organization’s name in the forthcoming statement.

On Wednesday, the Bronx Defenders issued its own [statement](#) distancing itself from the union. The group said its union’s statement did not recognize the humanity of Israelis and was not consistent with the values or mission of the Bronx Defenders.



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Bronx Defenders staffers also reported to the union that human resources informed them that their draft emails were in violation of policies on internal communications. Management later apologized and said they hadn't intended to look at staffers' drafts. (Asked for comment, the Bronx Defenders referred The Intercept to its Wednesday statement.)

As staff at the Neighborhood Defender Services, a public defense group covering Harlem, considered putting out a union statement on Gaza in early November, they also received a cease-and-desist letter. The letter came attached to an email from managing director Alice Fontier, who said a public statement on Israel and Gaza fell outside the scope of the organization's work. The attached letter, from an outside law firm, urged the union not to use Neighborhood Defender Services or any other trademarked nomenclature.



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“We have seen the impact of a similar statement issued by Union members at the Bronx Defenders,” said the attached cease-and-desist letter. The letter noted that the petition to defund the Bronx Defenders had already gathered more than 1,500 signatures and was picked up by the New York Post, “which, unfortunately, is read widely by those in

power in New York City government.” The city, the letter said, would soon be considering two major funding proposals for Neighborhood Defender Services.

Neighborhood Defender Services’s Helmis Ortega Santana, who helped write the union’s draft statement, resigned on November 6 as union president after receiving the cease-and-desist letter. In his resignation letter, Santana said he was concerned that the statement would jeopardize the organization’s funding and its ability to serve clients, as well as ongoing contract negotiations.

Policies against international political speech in work channels weren’t previously enforced around discussion of the war in Ukraine, participation with pro-Israel groups, or international migration issues, according to public defense staffers who spoke to The Intercept. Now, these policies are being enforced for the first time in the case of speech related to Palestine, staffers said. Several of the public defense group have a record of putting out statements on major political events, including police brutality such as the murder of [George Floyd](#), the movement to [abolish U.S. Immigration and Customs Enforcement](#), and former President Donald Trump’s [“Muslim ban.”](#)

In the Legal Aid staff meeting Thursday ahead of the union vote, Carter referred to an organizational policy to “not talk about sociopolitical views or anything outside of our mission and our clients.”

**Correction: November 17, 2023, 11:32 p.m. ET**

*This article previously stated that Lisa Ohta, who is the president of the Association of Legal Aid Attorneys, was a plaintiff in a suit brought against the union. Ohta was named as a defendant.*