

CONGRESSIONAL SUBPOENA OVER PRO-PALESTINIAN SPEECH VIOLATES FREE SPEECH, ALLEGES ATTORNEYS' AND LEGAL WORKERS' UNION IN ITS RESPONSE

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NEW YORK, NY – In response to a subpoena from the U.S. House Committee on Education and the Workforce into the Association of Legal Aid Attorneys’ (ALAA UAW Local 2325) adoption of a Pro-Palestinian resolution, the New York Civil Liberties Union (NYCLU) and Levy Ratner sent a [legal response \(https://www.nyclu.org/sites/default/files/final_legal_response_to_alaa_subpoena_with_nyclu\)](https://www.nyclu.org/sites/default/files/final_legal_response_to_alaa_subpoena_with_nyclu) to the Committee, on behalf of the union, defending the right to free speech and association. The ALAA also sent a [letter \(https://www.alaa.org/uaw-local-2325-ac-letter-to-us-hcew\)](https://www.alaa.org/uaw-local-2325-ac-letter-to-us-hcew) to the Committee lambasting it for its targeted persecution.

“ALAA stands behind our resolution and the democratic processes that led to its overwhelming passage,” **said Leah Duncan, ALAA**

UAW Local 2325 Financial Secretary-Treasurer. “We are proud to be part of the growing movement of unions calling for a ceasefire in Gaza and an end to the Israeli occupation of Palestine. We continue to condemn all forms of antisemitism and Islamophobia, and reject the harmful rhetoric that conflates anti-zionism with antisemitism. Our membership will not be intimidated into abandoning our core principles, including advancing the interests of working people worldwide, by this blatant attack on organized labor.”

“This inquiry is a McCarthyite silencing tactic meant to chastise lawyers and legal services workers for their protected political speech and intimidate other unions from speaking out,” **said Lupe Aguirre, Senior Staff Attorney at the NYCLU.** “The Committee’s attempt to stifle workers’ speech because it doesn’t agree with their viewpoints is a clear government overreach. Union members have the constitutional right to take political stances and express themselves through voting.”

“The ALAA has a history of speaking out in support of human rights and workers’ rights,” **said Allyson Belovin, Partner at Levy Ratner.** “I am proud to represent this Union which does not shy away from difficult discussions and, instead, creates space for its members to make democratic decisions about matters that affect them, their clients, and their communities. The Committee’s subpoena is not only an attack on the ALAA’s Pro-Palestinian position, but on the fundamental right of unions and working people to engage in collective action to challenge discrimination, marginalization, and oppression.”

“Buoyed by its successful attacks on higher education, the Standing Committee has turned its attention to labor unions, with deeply offensive and completely untruthful claims of antisemitism. They are abusing their Legislative power to conduct an intrusive and chilling investigation into a democratically-run union, relying on the statements of the minority who opposed the resolution calling for a

ceasefire in Palestine,” **said Ronald Kuby, special counsel to Lisa Ohta, President, ALAA UAW Local 2325.** “The resolution passed by a vote of 65% to 35%; something that the House of Representatives cannot even achieve to keep the Government running. The ALAA has long stood with workers and unions around the world, going back to the South African anti-apartheid struggles, and will continue to stand with the people of Palestine as they face daily slaughter, the use of hunger and thirst as weapons, and the destruction of civilian infrastructure, without an end in sight, except to make Gaza uninhabitable.”

“The UAW International’s call for a ceasefire is part of a growing movement for peace within labor,” **said Brandon Mancilla, UAW Region 9A Director.** “Union members across the country are demanding an end to the slaughter and pushing back against the United States’ role in supporting and funding Israel’s brutal war on Gaza. ALAA members have the right to discuss and make political decisions free of government interference and intimidation.”

In November, as the union considered a “[Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine, and Support for Workers’ Political Speech \(https://www.alaa.org/media-releases/resolution-calling-for-a-ceasefire-in-gaza-an-end-to-the-israeli-occupation-of-palestine-and-support-for-workers-political-speech\)](https://www.alaa.org/media-releases/resolution-calling-for-a-ceasefire-in-gaza-an-end-to-the-israeli-occupation-of-palestine-and-support-for-workers-political-speech),” four union members filed a lawsuit in state court to prevent a full membership vote. This resulted in an unlawful court order that temporarily suspended the union’s ability to hold a membership vote and infringed on its members’ First Amendment rights. In December, a federal judge overturned the unlawful court order, allowing membership to conclude the democratic vote. The resolution passed by a nearly 2:1 margin.

U.S. Representative Virginia Foxx, chair of the U.S. House Committee on Education and the Workforce, sent a letter to ALAA UAW Local 2325 in January mischaracterizing the content of the resolution, attacking the union’s democratic processes, and requesting documents

related to the vote. After ALAA rejected the committee's baseless intrusion into their protected activity, Foxx followed that request with a subpoena.

The NYCLU and Levy Ratner argue that Rep. Foxx's original letter, as well as the letter that accompanied the Committee's subpoena, made clear that the committee's actions were taken because it disagreed with the union's pro-Palestine speech. As such, the Committee was acting outside of its scope of authority – making the subpoena both invalid and a clear violation of the union's First Amendment rights. Given this, ALAA UAW Local 2325 and its counsel will respond to the subpoena only with already publicly available documents.

While the NYCLU does not take positions on overseas affairs, the NYCLU strongly opposes efforts to stifle political speech, free association, and academic freedom in New York.