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Legal Aid Union Fights Subpoena Over Palestine Resolution

By **Andrea Keckley**

Law360 (March 26, 2024, 3:55 PM EDT) -- The New York Civil Liberties Union on Monday backed the Association of Legal Aid Attorneys in its fight against a subpoena from the U.S. House Committee on Education and the Workforce following the union's adoption of a resolution in support of the Palestinian cause.

In a statement, the NYCLU called the subpoena "both invalid and a clear violation of the union's First Amendment rights."

The NYCLU says the ALAA United Auto Workers Local 2325 and its attorneys will only respond to the subpoena from Rep. Virginia Foxx, R-N.C., the committee's chair, with documents already available to the public.

The NYCLU and labor firm Levy Ratner PC, which is representing the ALAA, addressed the committee on the ALAA's behalf Monday, maintaining that Foxx's original letter and the letter attached to the subpoena demonstrate that the House committee was acting out of disagreement with the ALAA's speech and, therefore, went outside the scope of its authority and violated the U.S. Constitution.

"While we are in a unique circumstance in this interaction with Congress, we are not unique in our stance on Palestine, and the resolution was passed in support of a call from Palestinian trade unions," UAW Local 2325 financial Secretary-Treasurer Leah Duncan told Law360 Pulse on Tuesday. "So it is a matter of worker solidarity."

Foxx **issued the subpoena** earlier this month after the ALAA passed a resolution in December "calling for a ceasefire in Gaza, an end to the Israeli occupation of Palestine, and support for workers' political speech." She defended the subpoena's validity in a March 11 letter, citing House rules and the committee's jurisdiction over legislation that involves the National Labor Relations Act and the Labor Management Reporting and Disclosure Act.

"The Committee is investigating this matter to determine whether there is a need to make reforms to the NLRA or LMRDA to protect labor union members' rights, to ensure that labor unions act in a manner that advances members' interests, and to provide appropriate transparency to members — all 'subject[s] on which legislation 'could be had,'" she states.

Spokespersons for Foxx did not immediately respond to Law360 Pulse's request for comment.

In a statement, NYCLU senior staff attorney Lupe Aguirre called the inquiry "a McCarthyite silencing tactic meant to chastise lawyers and legal services workers for their protected political speech and intimidate other unions from speaking out."

"The Committee's attempt to stifle workers' speech because it doesn't agree with their viewpoints is a clear government overreach," he added.

The December resolution, which was passed by a 1,067–570 member vote, was the source of some internal dispute, with a group of attorneys who work at the Legal Aid Society of Nassau County suing to block it in November.

"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," Levy Ratner partner Allyson Belovin said in a statement. "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."

--Additional reporting by Emily Brill. Editing by Andrew Cohen.

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