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January 29, 2024

Ms. Lisa Ohta
President
Association of Legal Aid Attorneys
50 Broadway, Suite 1600
New York, New York 10004

Dear Ms. Ohta:

The Committee on Education and the Workforce is conducting investigations into antisemitism across its jurisdiction. As part of these investigations, the Committee requests information related to a contentious vote on a controversial resolution at the Association of Legal Aid Attorneys/UAW Local 2325 (Local 2325) that has alienated a sizable portion of your members. We write seeking information about this serious matter and to ensure that Local 2325 is meeting its duty of fair representation for its members.

On December 19, 2023, Local 2325 passed the “Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine, and Support for Workers’ Political Speech” (hereinafter “Resolution”) supporting what is effectively an economic boycott of Israel.¹ In this vote 570 voters opposed the Resolution.² In addition to the positions adopted in it, the Resolution is concerning for its characterization of the October 7 terrorist attack on Israel, venturing only to refer to it as a “violent tragedy.”³ It is deplorable that this Resolution fails to condemn or even acknowledge Hamas’ role in the attack in any way, shape, or form.

The Resolution’s words were so concerning that four of Local 2325’s members filed a lawsuit and obtained a temporary restraining order preventing the vote from taking place.⁴ These members argued that if the Resolution were adopted, it would create irreconcilable conflicts of

¹ ASS’N OF LEGAL AID ATT’YS, 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>.

² *Id.*

³ *Id.*

⁴ Press Release, Ass’n of Legal Aid Att’ys, Statement by ALAA in Response to the Dissolution of the Temporary Restraining Order (Dec. 18, 2023), <https://www.alaa.org/media-releases/statement-by-alaa-in-response-tonbspthe-dissolution-of-the-temporary-restraining-order>.

interest that would deprive them of the ability to do their jobs properly as public defenders.⁵ Litigation in this case is ongoing. One union member characterized the Resolution as an “implicit justification of the barbaric acts of terrorism committed by Hamas” that “appallingly condones the dehumanizing rapes, kidnapping, beheading, and murders that Hamas committed, and recorded themselves committing, on October 7.”⁶

The Legal Aid Society, whose employees are represented by Local 2325, took the strong position that “[t]he [R]esolution is laden with coded antisemitic language and thinly veiled calls for the destruction of the State of Israel.” It further stated, “the [R]esolution does not advance the legal interests of our clients, does not comport with our mission and values, and is divisive and hurtful.” Because of the actions of Local 2325, the Legal Aid Society has faced threats to its funding, with four law firms threatening to pull funding over the Resolution.⁷

Local private attorneys in the Bronx also have expressed outrage over the Resolution. The Bronx Independent Lawyers for Justice, a newly formed group of 45 private attorneys, chastised Local 2325 for its “bigoted and antithetical position on revisionist history” and called the union declaration “Hamas propaganda.”⁸ They expressed concern that the Resolution is creating the impression that all the attorneys in Bronx County are biased.⁹

Bronx Defenders, another nonprofit whose employees are represented by Local 2325, also has faced calls from the public to defund its organization. These calls came after its union, the Bronx Defenders Union, which is part of Local 2325, tweeted that the union “refuse[s] to decontextualize these atrocities committed by Israel” and that it “condemn[s] any attempts to create false equivalencies between the oppressed and the oppressor” just 13 days after the October 7 attack.¹⁰ As of January 22, a petition calling for New York City Mayor Eric Adams (D-NY) and Governor Kathy Hochul (D-NY) to defund the Bronx Defenders nonprofit had over two thousand signatures.¹¹

Unions are granted an effective monopoly under federal law, enabling them to act as the exclusive bargaining representative for the employees they represent.¹² When union bosses act in a way that is purposefully divisive and combative toward their membership, they challenge the

⁵ Verified Complaint Seeking Temporary Restraining Order, Injunctive Relief and Damages at 4, *Clarke v. UAW Amalgamated Local Union 2323*, No. 618764 (Sup. Ct. Nassau Cty. 2023), <https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=wcgPGwBTmImfN6gbswBDKg==>.

⁶ Carl Campanile, *Legal Aid Union Approves Pro-Hamas, Antisemitic Resolution calling for Boycott of ‘Apartheid’ Jewish State*, Critics Say, N.Y. POST, Dec. 19, 2023, <https://nypost.com/2023/12/19/metro/legal-aid-union-approves-pro-hamas-antisemitic-resolution-calling-for-boycott-of-apartheid-jewish-state-critics-say/>.

⁷ Akela Lacy, *Public Defenders Get Restraining Order to Block Their Own Union from Voting on Gaza Statement*, THE INTERCEPT, Nov. 17, 2023, <https://theintercept.com/2023/11/17/public-defender-gaza-legal-aid-bronx-defenders/>.

⁸ Jorge Fitz-Gibbon, *NYC Lawyers Group Blasts Legal Aid Union’s anti-Israel Stance*, N.Y. POST, Jan. 8, 2024, <https://nypost.com/2024/01/08/metro/meet-the-nyc-lawyers-blasting-legal-aid-unions-anti-israel-stance/>.

⁹ *Id.*

¹⁰ @BxDUnion, TWITTER, (Oct. 20, 2023, 11:59PM), <https://twitter.com/BxDUnion/status/1715578630707851353>.

¹¹ *De-Fund the Bronx Defenders*, CHANGE.ORG (Oct. 29, 2023), <https://www.change.org/p/de-fund-the-bronx-defenders>.

¹² 29 U.S.C. § 159(a).

validity of their monopoly. Union members at Local 2325 have been put in a difficult position. This Resolution has forced Jewish members of Local 2325 to take a critical position on their faith, Israel, and Israel's sovereignty. Several attorneys represented by Local 2325 are now forced to be associated with a union that has taken a stance they believe creates a conflict of interest and an ethical dilemma in their practice of law.

The Committee has jurisdiction over labor-management relations as set forth in House Rule X. To help the Committee obtain a full understanding of the circumstances surrounding the vote on the Resolution, please provide the Committee with responses to the following by no later than February 12, 2024:

1. Provide any union meeting minutes or equivalent record for meetings in which the Resolution was discussed.
2. Did Local 2325's leadership take a position on the adoption of the Resolution or endorse the adoption of the Resolution? If yes, provide a copy of any statement or endorsement of the Resolution made by any of Local 2325's leadership.
3. Did Local 2325's leadership take into consideration the potential ethics concerns related to the practice of law of its members during the process of considering or adopting the Resolution? If yes, how so?
4. Did Local 2325's leadership take into account its members' roles as public defenders in the consideration and adoption of the Resolution? If yes, how so?
5. Did Local 2325's leadership consider the potential constitutional concerns that could be created for its members given their duties under the Fifth and Sixth Amendments? If yes, how did Local 2325 do so?
6. Did Local 2325's leadership take precautions to ensure that in considering and adopting the Resolution it did not breach any of its obligations to provide fair representation to its members? Please describe any precautions taken.
7. Have any employees filed any grievances related to the consideration or adoption of the Resolution? If so, please provide copies of these grievances.
8. Did Local 2325 take any action against any members who opposed the consideration or adoption of the Resolution? Please describe any retaliation that occurred.
9. Has Local 2325 notified the employees and members within the bargaining unit of their *Beck*¹³ rights? Please provide the notification provided to these employees. When was the last time Local 2325 notified its employees and members of these rights and in what context?

¹³ *Communication Workers of America v. Beck*, 487 U.S. 735 (1988).

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This request and any documents created as a result of this request will be deemed congressional documents and property of the Committee on Education and the Workforce. An attachment to this letter provides additional information about responding to the Committee's request.

Sincerely,

A handwritten signature in blue ink that reads "Virginia Foxx". The signature is written in a cursive, flowing style.

Virginia Foxx
Chairwoman

Enclosure

Responding to Committee Document Requests

1. UAW Local 2325's response to questions and request(s) should be answered or provided in a separate document and not included inside a narrative response.
2. In complying with this request, you should produce all responsive documents that are in UAW Local 2325's possession, custody, or control, whether held by you or other past or present employees of UAW Local 2325, or a representative acting on your behalf. Your response should also produce documents that you have a legal right to obtain, that UAW Local 2325 has a right to copy or to which you have access, or that you have placed in the temporary possession, custody, or control of any third party.
3. Records, documents, data, or information that have been requested and/or are related to underlying requests should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee on Education and the Workforce (the "Committee").
4. If any entity, organization, or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
5. The Committee's preference is to receive documents in electronic form (i.e., email, CD, memory stick, or thumb drive) in lieu of paper productions. To the extent responses are provided in paper form, any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to a request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued.
6. Regardless of format, documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Indicate the office or division and person from whose files each document was produced.
7. Regardless of format, documents produced to the Committee should include an index describing the contents of the production and a total page count for the entire production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents. Documents produced in electronic format should also be identified and indexed electronically.
8. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

- (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
9. All documents shall be Bates-stamped sequentially and produced sequentially.
 10. When you produce documents, you should individually identify the paragraph, question number or request number in the Committee's request to which the documents respond.
 11. It shall not be a basis for refusal to produce documents that any other person or entity—either inside or outside of UAW Local 2325—also possesses non-identical or identical copies of the same documents.
 12. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), UAW Local 2325's staff should consult with the Committee staff to determine the appropriate format in which to produce the information.
 13. If compliance with any request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
 14. If UAW Local 2325 does not expect to produce all documents responsive to a request by the date requested, UAW Local 2325's staff shall consult with the Committee as soon as it is known UAW Local 2325 cannot meet the deadline, but no later than 24 hours before the due date to explain:
 - (a) what will be provided by the due date;
 - (b) why UAW Local 2325 believes certain materials cannot be produced by the due date; and
 - (c) the UAW Local 2325's proposed timeline for providing any omitted information.
 15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should:
 - (a) identify the document, including its date, author, subject, and recipients;
 - (b) explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party;
 - (c) state how the document was disposed of;

- (d) identify the name, current address, and telephone number of the person who currently has possession, custody or control over the document;
 - (e) state the date of disposition; and
 - (f) identify the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.
16. If any document responsive to this request cannot be located, identify the document and describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.
17. In the event that a document or portion of a document is withheld on the basis of alleged privilege, provide a privilege log containing the following information concerning any such document or redaction:
- (a) Bates number(s);
 - (b) the alleged privilege asserted and the grounds therefor;
 - (c) the type of document;
 - (d) the general subject matter;
 - (e) any other description necessary to identify the document;
 - (f) the date, author, and addressee; and
 - (g) the relationship of the author and addressee to each other.

If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced.

18. Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.
19. In complying with the request, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.

20. Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.
21. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or other UAW Local 2325 employees, or is otherwise apparent from the context of the request, you should produce all documents that would be responsive as if the date or other descriptive detail were correct.
22. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from January 1, 2023, to the present.
23. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery. Such submission shall include an explanation as to why the information was not produced originally.
24. If physical documents are to be delivered, documents should be delivered to the Majority Staff in Room 2176 of the Rayburn House Office Building during Committee office hours (9am-5pm, unless other arrangements are made) and signed by a member of the staff upon delivery.
25. Upon completion of the document production, UAW Local 2325's written response should include a written certification, signed by the President Lynne Fox or her designee, stating that:
 - (a) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
 - (b) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of

conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “documents in your possession, custody or control” means documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and/or documents that have been placed in the possession, custody, or control of any third party.
3. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email, regular mail, telexes, releases, or otherwise.
4. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
7. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflect s, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

8. The term “entity” includes any lawful association, corporation, partnership, proprietorship, trust, institution, or individual that has the legal capacity to: (1) enter into agreements and contracts; (2) assume obligations; (3) incur and pay debts; (4) sue and be sued in its own right; and (5) be accountable for illegal activities.
9. The term “privilege” includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.
10. The term “employee” means agent, borrowed employee, casual employee, consultant, de facto employee, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, contract employee, contractor, or any other type of service provider.
11. The term “UAW Local 2325” means UAW Local 2325, including (i) its predecessors, successors, wholly or partly owned direct or indirect subsidiaries, divisions, affiliates, boards, and joint ventures and any (ii) any current, past, or future partners, officers, directors, employees, representatives, or agents of any of the above entities.