

# In chilling attack on free speech, court issues injunction against public defenders' union resolution opposing Gaza genocide

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A New York state court has issued a restraining order blocking a vote by members of the New York City public defenders' union opposing Israel's genocide in Gaza. The order was granted after their employers filed suit to prevent the resolution from being passed.

The move is a major legal attack on the right to free speech. Through this ruling, employers and the capitalist courts are attempting to arrogate to themselves the "right" to determine whether public expression of opposition to genocide is legally permissible.

It comes amid a growing campaign of censorship and retaliation, as the ruling class struggles to contain the massive global protests against the assault on Gaza. This includes the outright banning of pro-Palestinian student groups, harassment and media smear campaigns of opponents of Zionism and even proposals to ban pro-Palestinian demonstrations outright.

In addition to providing political cover for the assault itself, which Israeli politicians have admitted is deliberately aimed at the death or expulsion of Gaza's 2.2 million inhabitants, the propaganda campaign has also served to incite racial hatred against Palestinians in general. In Vermont over the weekend, three Palestinian-American teenagers were shot.

The public defenders are members of the Association of Legal Aid Attorneys, United Auto Workers Local 2325. The text of their proposed resolution endorses the call by the Palestinian trade unions for industrial action to halt the supply of weapons to the Israeli military, calls for an immediate ceasefire and end to military aid to Israel, demands an end to Israel's apartheid regime against Palestinians, and supports the right of Palestinian refugees expelled since Israel's creation in 1948 to return to their homeland.

It also rejects "all attempts to intimidate workers for their political speech" and resolves to "organize against any attempts by our employers to procure funds denied to other legal services providers due to their union's political activism in support of Palestinians and in opposition to the Israeli apartheid regime and occupation."

After four law firms that employ ALAA members filed suit to block the resolution, a court in Nassau County issued a temporary restraining order at the last second in the morning of November 16, shortly after voting had already begun. On November 21, the

court upheld the restraining order after a brief hearing.

The lawsuit is a legal travesty which slanders this resolution as antisemitic and tantamount to support for terrorism. The plaintiffs do not attempt to substantiate this claim with a single word from the resolution—nor could they—while regularly denouncing it with words such as "hateful," a "screed," "vile," etc.

They also reduce entirely Israel's systematic and targeted destruction of civilian infrastructure in Gaza, which has claimed the lives of close to 20,000 people, to merely the "events surrounding" Hamas' October 7 incursion into southern Israel, which it hypocritically characterizes as "unprecedented, brutal and historic terrorist attacks and crimes against humanity."

They claim that an injunction is not only "necessary" but "paramount" in order for the state of New York to continue to provide public defenders to indigent clients. The resolution would endanger the right to counsel, the law firms argue, by triggering inevitable retaliation by pro-Zionist groups. Already, a furious media campaign has been whipped up in New York City demanding the de-funding of the Bronx Defenders, after union members there earlier passed a similar pro-Palestinian resolution.

This turns reality on its head. As the ALAA resolution itself states, the real threat comes from the relentless campaign against public defenders—which includes not only demands for de-funding but doxxing, harassment and slanders in the media—for expressing their opposition to genocide. The suit explicitly lines up with this, even citing as precedent a previous scandal whipped up against attorney Victoria Ruiz, who was forced to resign after a campaign against her in the right-wing *New York Post*.

The suit claims that the resolution runs counter to attorneys' professional obligation to avoid the *appearance* of conflict of interest. Incredibly, they argue that whether or not the resolution is actually antisemitic is irrelevant: "The foregoing is true not only *in practice*, but also *in perception*, in that—regardless of whether any valid arguments could be made supporting the proposition that the Resolution is somehow not overtly antisemitic—it is *perceived* by members of the public at large as overtly antisemitic."

But the plaintiffs themselves, in filing the suit and baselessly slandering the resolution as antisemitic, have gone out of their way to help create this "perception." This sweeping and sinister argument could be used to justify virtually anything. For example, right-wing groups could launch a racist campaign against firms

which hire Arab-American attorneys for their “perceived” association with terrorism.

In reality, worldwide “perception” is overwhelmingly on the side of the Palestinians, as shown by the tens of millions who have taken part in demonstrations around the world. This includes countless Jewish people, including in Israel itself, who are outraged over the attempt to use the Holocaust to justify genocide against the Palestinians. There is also growing support in the working class for industrial action to halt the shipment of weapons to Israel. The “perception” with which the lawsuit is concerned is that which prevails in the isolated and hated political establishment and in the corporate media.

The suit also contains a chilling implicit threat of blacklisting against ALAA members. “The stench of extreme, rank antisemitism will attach to each and every attorney [in the union], and will follow and haunt them for all the remainder of their lives and careers.” Later on, it states, “as far as reputational damage is concerned, in very short order after such statements and Resolutions are made public, the tendency of the media and large social media accounts ... has been to not only publish the name of the relevant individuals and/or organizations ... but to list the names of each and every constitution member of those organizations ... meaning that even if a current employee of [Nassau County Legal Aid Society] were to pursue other employment opportunities some 10, 15, 20 years or more from now, their name will appear in search results as having been associated with the proposed Resolution.”

In fact, history shows that a “stench” will attach not to those who took a courageous and principled stand against genocide, but those who attempted to silence them.

Both the legal and political significance of this case is immense. If the argument of the plaintiffs is accepted, it would essentially provide court backing for witch-hunts against supporters of Palestine, while silencing those targeted and preventing them from speaking out or defending themselves. It would also effectively allow employers to censor the political speech of their workforce, even outside of work. Everything that a worker says in a union meeting could render them liable for causing “reputational damage” to their employer.

The move also recalls judicial attacks on anti-war figures during the First World War, including the jailing of socialist leader Eugene Debs for his famous speech in Canton, Ohio. The ruling class is laying the groundwork for similar measures today.

In response to the restraining order, the ALAA issued a statement calling it an “unprecedented free speech violation” which was “enabled by the rightwing *New York Post*.” It also revealed that one of its members had already been doxxed as a result of a post the person made in an internal union mailing list.

“In their actions, LAS [the Legal Aid Society] and NYLAG [New York Legal Assistance Group] resorted to fear-mongering in their attempt to silence critiques of Israel by mislabeling them as anti-Semitic ... in doing so, they reflected that their allegiance to corporate funders takes higher priority than the organizations’ stated missions of progressive public defense.”

In a Twitter/X thread on the November 21 hearing, one ALAA member called upon UAW President Shawn Fain and District 9A

Director Brandon Mancilla “to step up” against this “absurd attack on @UAW members and the union’s democratic process.” But the UAW has not issued a single word of support for ALAA members either on social media or on its website.

In reality, Fain gave his answer earlier this month in Illinois, when he appeared alongside President Biden, while thousands of demonstrators protested the administration’s backing for the genocide, to promote the sellout contracts for US autoworkers. As a member of the Executive Council of the AFL-CIO, Fain also supported a resolution last month which made clear the union federation’s support for Israel.

UAW officials have also ignored a statement by socialist autoworker Will Lehman, viewed nearly a million times, calling for industrial action to halt the production of weapons for Israel. It has also ignored an open letter by members calling for action to stop the assault on Gaza, to protect its members from retaliation and to not overturn resolutions passed in support of Palestine as the union has in the past.

The trade union bureaucracy has supported US imperialism for decades and has played a critical role historically in helping to suppress anti-war and left-wing sentiment among workers. The most infamous example of this was during the McCarthy period, when countless socialists who had earlier helped to build the unions during the Great Depression were thrown out of the unions.

The response to this attack on democratic rights must come from the rank and file. All workers must come to the support of the ALAA members and organize themselves to force this outrageous suit to be withdrawn. This must be connected with a strategy to organize the working class, the most powerful force in modern society, to stop the genocide in Gaza.



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