

'We Can't Even Order Pencils': Immigration Judges Counter DOJ's Claim They Don't Need a Union

The union pointed to a Department of Justice morning email briefing distributed to court employees earlier this year that included a blog post from a "white nationalist" website calling for the union to be decertified.

By [Ross Todd](#) September 27, 2019 at 02:37 PM



A. Ashley Tabaddor, a federal immigration judge in Los Angeles who serves as the president of the National Association of Immigration Judges, listens as she is introduced to speak at the National Press Club in Washington Sept. 21, 2018, on the pressures on judges and the federal immigration court system. (AP Photo/Susan Walsh)

The union that represents more than 400 of the nation's immigration judges is raising allegations of unfair labor practices by the Department of Justice's Executive Office of Immigration Review (EOIR).

The National Association of Immigration Judges, whose members fall under the EOIR's purview, on Friday filed [a pair of charges](#) with the Federal Labor Relations Authority, the federal agency that oversees labor disputes between the federal government and its employees. The complaints center on a "white nationalist" blog post distributed in a morning email dispatch by the DOJ to immigration court employees and the EOIR's failure to provide information the union says would be relevant to respond to the [DOJ's request to decertify the judges' union](#).

Judge A. Ashley Tabaddor, a California-based immigration judge who currently serves as the president of the union, said at an event at [the National Press Club](#) in Washington, D.C., Friday that the reason the DOJ stated for decertifying the immigration judges' union—that the judges are managers who help shape policy—is bogus.

"We don't even have the authority to order pencils," Tabaddor said.

"In the last three years and particularly in the last few weeks, the Department of Justice has taken big, dramatic and revolutionary steps to dismantle the court and strike, honestly, at the very core of the principles that we as judges and Americans hold dear," she said.

Friday's labor charges aren't the first time that the immigration judges' union has tussled with Justice Department officials. Last year Tabaddor [publicly aired concerns](#) that the immigration courts were under political pressure after then-U.S. Attorney General Jeff Sessions moved to implement tougher quotas and deadlines for her and her colleagues. Tabaddor previously said the independence of immigration judges [was "under siege"](#) after the DOJ last year

moved to replace one of her colleagues in Philadelphia.

One of charges filed Friday by the union stem from a blog post included in a morning email digest of immigration news sent by the DOJ to immigration court employees which included a post from the VDare website. The post included anti-Semitic attacks on judges, labeling them "Kritarchs," a reference to rule by judges in ancient Israel. The post further called to decertify the judges' union. DOJ officials blamed the blog post's inclusion on a vendor who aggregated immigration news for the email, and have since ceased sending the morning dispatch.

"The intentional publication of this blog post has the effect of interfering with, restraining, and coercing employees in the exercise of their rights, discouraging membership by discrimination in connection with their conditions of employment, and discrimination in connection with opposition to an Agency petition," wrote the union's lawyer, Richard Bialczak of Long Island City, New York.

Tabbador, who wrote a letter about the blog post to EOIR director James McHenry last month, said that the DOJ has still not apologized for or explained the VDare inclusion in the email. She said that she and another colleague mentioned in the post have received "vicious threatening messages and voice mails" since [the episode went public](#).

Read the NAIJ's disparagement charge: