

U.S. House of Representatives

Committee on Education and the Workforce Subcommittee on Health, Employment, Labor and Pensions

Confronting Union Antisemitism: Protecting Workers From Big Labor Abuses

July 9, 2024

Written Testimony

My name is Ilana Kopmar. I have spent my entire legal career of 32 years as a criminal defense attorney for the Legal Aid Society of Nassau County. I also served as President of our office's prior Union for five years before we joined our present Union.

My job is very rewarding, primarily because of the relationships that I develop with my clients. Every day, my colleagues and I appear in court to zealously defend our clients and protect their rights. Pursuant to the Sixth Amendment right to counsel, we're assigned to clients of every race, national origin, and religion, including Jewish clients.

Our clients do not choose their attorneys, and we have an ethical obligation to represent every client free from even the perception of bias and discrimination. When we walk into a courtroom, it's crucial that our clients trust us to protect and defend them.

Just as our job is to protect and defend our clients, our Union has a job to protect and defend its members. Our job can be very difficult. We're paid low salary wages and have high caseloads and low retention rates. As prior President of our office Union, I know that we need a strong Union to protect and advance our interests. Over 10 years ago, our office joined UAW Local 2325, the Association of Legal Aid Attorneys, also known as the ALAA. We believed that through the camaraderie and the support of more than 3000 members of the ALAA, spread over 30 non-profit agencies, we would have the Union's support to help us bargain for higher wages, increased state and county funding, improved benefits, and a better work environment. We thought a supportive

Union would make us a stronger, more effective Union.

Recently, instead of focusing on collective bargaining and fostering a united membership, the ALAA and its leadership created an antisemitic, hostile work environment for its Jewish members for whom Zionism is an integral part of their Jewish identity, as it is for the vast majority of American Jews, and their non-Jewish allies. After the attack by the terrorist organization Hamas on October 7 - the worst attack against the Jewish people since the Holocaust – the ALAA communication channel, Gaggle (an email listserv for Union members and Joint Council meetings) became a hotbed of antisemitism and blatant discrimination directed against us.

Shortly after October 7, my office colleagues and I learned that ALAA colleagues of ours working at the NYC Legal Aid Society were subject to inter-office emails from their fellow ALAA members denying the atrocities that happened on October 7. One email questioned whether Jewish Legal Aid lawyers who have “an allegiance to Israel” can zealously represent clients who are Palestinian or Muslim and questioned whether such lawyers were colluding with prosecutors. In late October, the Bronx Defender Chapter of the ALAA adopted a blatantly antisemitic resolution which questioned the veracity of reports of Hamas’ brutality, killing, mutilation and rape of Israeli victims, and falsely accused Israel of genocide. Most shockingly, the resolution proclaimed the ALAA Chapter’s support of Hamas’ “resistance under occupation,” which is a call for continued violence by Hamas against the Israeli and Jewish people. Shortly thereafter, the CAMBA Chapter of the ALAA, located in Brooklyn, New York, put out a similar antisemitic resolution. These resolutions caused a public outcry and calls to defund the organizations employing ALAA members.

I and others recognize these resolutions as supporting violence and discrimination against us, our families, friends and other Jewish Zionist and allied Union members. Unions should not engage in discriminatory speech against its own members or show bias against our clients. My Union has the right to criticize Israel and its government, just as it may any other government. However, denying Jews the right to self-determination in their ancestral homeland and condoning violence and discrimination against Jews crosses a clear line into antisemitism. Pursuant to the International Holocaust Remembrance Alliance (“IHRA”) definition of antisemitism, such denial of the Jewish people’s right to self-determination, and the demonization of Jews who support Israel,

constitutes antisemitism. This esteemed body recognized this by passing H.R. 6090, the “Antisemitism Awareness Act of 2023,” and H.R. 894, affirming unequivocally that anti-Zionism is antisemitism.

To me, an integral part of my faith and identity as a practicing Jew is the recognition of Jewish people’s right to self-determination in their indigenous homeland in Israel. My connection to and support of Israel is as important to me as is my commitment to keep kosher and observe the Sabbath. In other words, it is an integral part of my sincerely held religious belief system.

On November 14, 2024, the ALAA gave just three days' notice of a resolution to be voted on by its entire membership, entitled “Resolution Calling for a Ceasefire in Gaza, and End to the Israeli occupation of Palestine.” This resolution is an antisemitic screed against the Jewish state and its supporters including myself and other Union members. Despite its title, the resolution was not a call for a ceasefire, but for Israel's defeat. Nowhere in the 1,147-word screed is the terrorist organization Hamas even mentioned, let alone called upon to stand down. Nowhere does the resolution acknowledge that Hamas massacred, mutilated, raped, maimed, burned, killed over 1,000 Jews and Israelis, including many American citizens. Nowhere does the resolution mention that Hamas violently abducted men, women, children and babies and are holding them hostage. There was no demand that Hamas release its hostages. Instead, the resolution was a one-sided vitriolic attack against Israel. It uses antisemitic tropes and language widely understood as a call for the destruction of Israel.

The ALAA resolution was so shocking in its antisemitism that the Legal Aid Society of New York City, The Bronx Defenders Organization and the President of the New York Legal Assistance Group issued statements rejecting the ALAA resolution as antisemitic. The Board and management of the Legal Aid Society of Nassau County, my employer, led by our Chief Attorney, N. Scott Banks, issued a statement rejecting the resolution for its “antisemitic language and thinly veiled call for the destruction of the State of Israel.” The statement concluded that “this resolution does not represent the values or mission of our office and is divisive and hurtful to so many members of our staff and clients.”

My colleagues and I were immediately concerned about the negative effect this resolution

would have on our office and our clients. We reasonably believe that the resolution constituted a discriminatory statement and created a hostile work environment. People questioned why our Union was getting involved in a conflict thousands of miles away that has nothing to do with defending our clients' constitutional rights. More importantly, we were concerned that the antisemitic resolution showed bias against our Jewish, Israeli and non-Jewish Zionist clients and fellow Union members, making them lose trust in us. Four of us obtained a temporary restraining order under New York law from a Nassau County Supreme Court Judge, in *Clarke, et al. v. The Association of Legal Aid Attorneys, et al., Index No. 618764/2023 (Sup. Ct., Nassau Cnty.)*, to halt the membership vote from concluding on November 17. The following week, after listening to extensive oral arguments, the Judge extended the TRO. Eventually the case was transferred to federal court in the Eastern District of New York, where the TRO was dissolved. The vote proceeded, and the resolution was passed by a vote of 1067 to 570 – almost half of ALAA members did not vote at all, and a third who did voted “no.”

After the resolution was presented, the Union turned on anyone who expressed their support for Israel as a means of retaliating against us to dissuade us from engaging in protected activities such as testifying before this body or making or supporting a charge of discrimination. We were subjected to a barrage of vitriolic hate speech through Gaggle and during Joint Council meetings. We were called fascists, genociders, genocide deniers, snitches and Zionist ghouls. We were told to go kill ourselves. The slogan “from the river to the sea” was routinely used. But, more than that, Union members were very vocal in outrightly calling for the elimination of Israel. One member wrote “we have a duty to stand up and call for a Free Palestine, which means an end to Isreal [sic]. . .” and signed off with “goosestepping [sic] outside.”

Contrary to the very nature of a Union requiring unity and camaraderie with fellow members, one member wrote that they “will never have camaraderie with zionists.” Another email stated “y'all are assuming and conflating that somehow our vote was unconstitutional or antisemitic simply because y'all are Zionists and will defend israel's [sic] settler colonial project until you cannot any longer. until [sic] the liberation of palestine [sic]—from the river to the sea.” One member wrote that “If the majority decides that LAS should not have Zionists in its ranks, then it will be the majority.” The emails were a continuous barrage of antisemitic and anti-Israel

rhetoric. There was no thoughtful discussion and respectful dialogue. Instead, Gaggle was replete with insults, denigration, divisiveness and antisemitism that wouldn't be tolerated in any other workplace space. For what was intended to be a safe space for people to express themselves, Gaggle was not a safe space for Jews and Zionists, and, most alarmingly, the Union leadership did nothing to tamp-down this behavior.

Immediately after the TRO was filed, four members from the ALAA filed discriminatory retaliatory charges, pursuant to Article 31 of the UAW Constitution, to expel me and the other three members who exercised our legal right to oppose the Union's antisemitism by securing the TRO. They accused us of "conduct unbecoming of a union member" for engaging in protected activities in filing the TRO to stop the Union from voting on the resolution and for calling out antisemitism espoused by Union members in Gaggle. On January 2, 2024, the ALAA Amalgamated Council ratified the discriminatory Article 31 charges and sent the retaliatory complaint to the Joint Council to hold a trial and render a verdict. A guilty verdict results in our expulsion from the Union.

With the assistance of the Louis D. Brandeis Center for Human Rights Under Law, we appealed the ALAA's ratification of the expulsion charges proceeding to the UAW International Executive Board. We argued that the proceeding violates the Labor-Management Reporting and Disclosure Act, Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the New York City Human Rights Law. After waiting months for a decision without hearing anything, we filed charges against the ALAA with the Equal Employment Opportunity Commission. Within days of the ALAA being notified of the EEOC charges, we received a decision from the UAW International Executive Board denying our appeal without even considering our arguments that the expulsion violates Federal and New York laws. Shortly thereafter, we received notice that the Union intended to commence the expulsion trial on July 9, 2024. We immediately appealed to the UAW Public Review Board, staying the expulsion proceedings.

This vitriol continued even after the Union began expulsion proceedings against us, in both

Joint Council meetings and Gaggle. Jewish Zionist members and their allies were demonized as “scabs, snitches and genocide-deniers.” One recent meeting was particularly difficult. At that meeting, three Israel-related resolutions were proposed to be voted on by Union delegates. The first resolution demanded that in support of the student pro-Palestinian protesters, all public defense agencies should issue public statements opposing Israeli genocide. The second resolution condemned UAW President Shawn Fain and other IEB members for voting against divesting from Israel Bonds and continuing the “UAW’s complicity in genocide.”

Two of my colleagues (Jewish ALAA members) offered a third resolution as an alternative. This resolution condemned Hamas for abducting hostages and called for the release of hostages. When the resolution supporting the release of the hostages was first introduced on Gaggle, the immediate response was “lmao.” Another member wrote that the resolution confirms that “in act and thought, y’all not like us. Y’all aren’t comrades, but fascist colonizers – mere prosecutors in defender’s clothes.”

The meeting proceeded along similar hostile lines. In the Zoom chat when one Jewish Zionist member expressed her opposition to the divestiture resolution, one member responded that she was expressing “typical Zionist lies,” and another responded, “sorry but no settler colony like Isra*1 [sic] has the right to exist.” Another commented that she should “please get out of here with this despicable shit,” and someone else on the chat requested that she be removed from the chat because she is a Zionist. During the presentation by two Union members in support of the Release the Hostages Resolution, people called for an end to the presenter’s “rant” and to mute her. Others commented that their presentation was “disgusting” and “fucked up.” The chat was then flooded with “Free Palestine” and “all eyes on Rafah” statements.

These attacks were done in the presence of ALAA President Lisa Ohta and the ALAA Sergeant at Arms. Not once did they or anyone else from Union leadership tell the membership to stop their antisemitic vitriol, to act with decency and respect, and to stop their attacks. They did nothing to stop the antisemitic bullying. The resolution condemning Hamas for the taking of Hostages was a simple one, meant to call upon the Union to show compassion towards innocent Jews, including five American citizens, and non-Jews who were violently abducted and are still being held hostage by Hamas. That night, the Union revealed its animus and discrimination

against Jewish Zionist members. The Union delegates overwhelmingly rejected the resolution calling for the release of hostages by a vote of 18 in favor and 124 against. The other two resolutions were overwhelmingly affirmed.

The next day, a paid ALAA staff member sent an email to the entire membership stating that “a small Zionist minority has repeatedly, but unsuccessfully, attempted to distract from and disrupt UAW 2325 ALAA members’ support of Palestinian Liberation.” The staff member then blamed the Zionists within the ALAA for collaborating with this Congressional Committee, allegedly attempting to weaken the Union. To be clear, the Union’s paid staff member associated being a Zionist with weakening the Union.

I am not here to weaken the Union, but to strengthen it. This Union is tearing itself apart. Union leadership has a duty to protect all members from bias and discriminatory attacks. Instead, they are allowing and fostering attacks against its Jewish and non-Jewish Zionist members who fight against antisemitism and discrimination. This is not how a Union should act, and its members should not be forced to support such discriminatory actions.

– end –