



COMMITTEE ON
EDUCATION &
THE WORKFORCE

UNION MISREPRESENTATION

How Unions Put Politics Over Members While
Pursuing Pro-Palestine Activism

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Workforce
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I. INTRODUCTION

Unions should represent the interests of their membership. Yet too many unions are wading into contentious political issues that have nothing to do with labor-management relations and are ignoring their core mission of representing workers. In recent instances, the Committee on Education and the Workforce (the Committee) found, among other issues, examples of pervasive antisemitism and usurpation of members' rights in pursuit of political and activist ends.

The Committee has been examining these failures and how unions are unresponsive to their members, especially Jewish members, since the terrorist group Hamas attacked Israel on October 7, 2023. Specifically, the Committee has seen unions engaging in divisive, anti-Israel politics, expending significant resources pursuing non-representational issues, and, in some cases, has seen how antisemitic behavior is creating a hostile environment for Jewish members.

One such case involves the Association of Legal Aid Attorneys (ALAA), a union representing public defenders, public interest attorneys, and related support staff in New York. This union's actions surrounding the passage of a resolution supportive of Gaza in the wake of the October 7, 2023, terrorist attacks called the Committee's attention to the need to evaluate the legal protections of dissenting union members.

II. ALAA AND ITS DIVISIVE RESOLUTION

ALAA (also known as "UAW Local 2325") is a United Auto Workers (UAW) affiliate and the oldest union of attorneys and legal advocates in the United States. It represents more than 2,700 public interest attorneys and advocates in the New York City Metropolitan Area.¹ Its ranks include attorneys and administrative and support staff who work at more than 20 non-profit organizations. ALAA members represent low-income New Yorkers in housing court, civil court, welfare centers, unemployment offices, and administrative hearings.² In many circumstances the representation provided by ALAA members is constitutionally required.³ In other circumstances their representation is made available by local statute.⁴ The representation provided by ALAA members is often the only option available for an indigent client. ALAA has chapters of members who work at several employers throughout the greater New York City area.

On October 16, 2023, the Palestinian General Federation of Trade Unions (PGFTU), an organization based in Palestine, issued a "global call to action" titled "An Urgent Call from Palestinian Trade Unions: End all Complicity, Stop Arming Israel."⁵ The PGFTU called on trade unions to take several stances against military aid to Israel.

¹ ABOUT ALAA, <https://www.alaa.org/about-alaa>.

² *Id.*

³ *Gideon v. Wainwright*, 372 U.S. 335 (1963).

⁴ *See e.g.* N.Y.C. Admin. Code § 26-1302.

⁵ Workers in Palestine (@WorkersinPales1), X/TWITTER (Oct. 16, 2023, 9:25 AM), https://twitter.com/workersinpales1/status/1713908923848130880?t=E_0Syf7evT947IEXmC-ggA.

Some ALAA members decided to respond to PGFTU's call to action. Activity on resolutions began within two local ALAA chapters, each of which developed and passed resolutions against Israel. On October 20, 2023, ALAA's chapter representing employees at The Bronx Defenders (a taxpayer-funded nonprofit law firm) adopted a resolution that labeled Israel's defensive actions after the October 7, 2023, attacks "genocidal."⁶ It further took issue with Bronx Defenders management for their decision to settle a lawsuit related to antisemitic harassment because the settlement required all staff to undergo antisemitism education provided by the Brandeis Center.⁷ On October 25, 2023, another ALAA chapter representing employees at CAMBA Legal Services, another nonprofit law firm, adopted an anti-Israel resolution. This resolution took specific stances, including opposing all military aid to Israel, calling for Israel to cease military attacks in Gaza, and supporting the BDS (boycott, divestment, and sanctions) movement.⁸

Following these two resolutions at local chapters, on November 15, 2023, ALAA's Joint Council considered sending an ALAA-wide resolution to the ALAA membership for a vote.⁹ This resolution, the "Resolution Calling for a Ceasefire in Gaza, and End to the Israeli Occupation of Palestine, and Support for Workers' Political Speech" (ALAA Resolution), took the following positions: (1) calling on Israel and the United States to implement an immediate ceasefire; (2) calling for an end to Israeli apartheid and occupation; (3) opposing all existing and any future aid to Israel; (4) endorsing the BDS movement; (5) endorsing "Not On Our Dime" legislation; (6) stating ALAA's support for all Palestinian refugees to return to their homeland; and (7) stating that ALAA rejects all intimidation of workers for their political speech.¹⁰

Eventually, on December 19, 2023, ALAA members adopted the ALAA Resolution by a vote of 1067 to 570. With a total ALAA membership of approximately 3,000 members,¹¹ a significant number of members did not take part in the vote.

III. CLARKE V. ALAA

On November 16, 2023, as members began to vote on the ALAA Resolution, four ALAA members (Four Members) filed a lawsuit in state court seeking, among other things, a temporary restraining order (TRO) preventing a vote on the Resolution and a permanent injunction

⁶ THE BRONX DEFENDERS – UAW LOCAL 2325 STATEMENT IN SUPPORT OF PALESTINIANS, <https://alaa2325.wordpress.com/2023/10/20/the-bronx-defenders-union-uaw-local-2325-statement-in-support-of-palestinians/>.

⁷ *Id.*; see also Joshua Q. Nelson, *Lawyer called 'racist,' 'Karen' by Colleagues Wins \$170K in Discrimination Suit*, FOX NEWS (Mar. 14, 2024), <https://www.foxnews.com/media/lawyer-called-racist-karen-colleagues-wins-170k-discrimination-suit-cursed-badgered>.

⁸ CAMBA LEGAL SERVICES WORKERS UNITED RESOLUTION IN RESPONSE TO THE OCTOBER 16, 2023 PALESTINE TRADE UNIONS' CALL, <https://alaa2325.wordpress.com/2023/10/25/camba-legal-services-workers-united-resolution-in-response-to-the-october-16-2023-palestine-trade-unions-call/>.

⁹ ALAA's structure includes a "Joint Council" comprised of the constitutional officers and delegates and chapter chairs from ALAA chapters. The Joint Council is the highest authority in the union after membership. ALAA also has an "Amalgamated Council" comprised of the constitutional officers and representatives from ALAA chapters, which handles administrative functions and other tasks assigned by the Joint Council. See ALAA BYLAWS (on file).

¹⁰ 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>.

¹¹ ALAA, CHAPTERS, <https://www.alaa.org/chapters>.

preventing the vote.¹² The lawsuit alleged a breach of the ALAA's duty of fair representation, which requires labor unions to represent all employees in good faith and without discrimination, as well as a breach of contract of the UAW constitution and ALAA bylaws.¹³ The Four Members were concerned that ALAA's endorsement of the Resolution could create the appearance of a conflict of interest in the Four Members amongst potential Jewish clients, given that the four members are part of ALAA.¹⁴ On November 17, 2023, the state court issued a TRO.¹⁵ At a further hearing on November 21, the TRO was extended for 30 days.¹⁶ Shortly thereafter, ALAA removed the case to federal court, which cleared the path for a vote on the ALAA Resolution by members. When the ALAA Resolution passed, the Four Members voluntarily dismissed their case without prejudice.¹⁷

IV. ARTICLE 31 CHARGES AGAINST THE FOUR MEMBERS

After filing the lawsuit and seeking a TRO in state court, some fellow ALAA members filed "Article 31" charges against the Four Members. Article 31 of the UAW Constitution provides for a process to expel members for "Conduct Unbecoming of a Union Member."¹⁸ The Article 31 charges against the Four Members were in response to the Members seeking protection against the antisemitism that is inherent to the Resolution by filing a state court lawsuit. The charges claim the Four Members had an obligation to use internal union appeal procedures before seeking redress in court.¹⁹ ALAA leadership found the charges proper and ordered a trial.

The charging parties relied in part on the UAW Constitution, which states in Article 33, Section 5, that UAW members have an obligation to exhaust internal union remedies before seeking other redress.²⁰ However, The Louis D. Brandeis Center for Human Rights Under Law argued on behalf of the Four Members in an appeal of the Article 31 charges to the UAW International Board that the *Labor-Management Reporting and Disclosure Act of 1959* (LMRDA), a federal law, protects the right to sue,²¹ and the U.S. Supreme Court's interpretation of the LMRDA's exhaustion provision prevents ALAA from expelling these members for having filed their lawsuit.²² The appeal also argued that the LMRDA protects union members' freedom to criticize discriminatory expression, conduct, and policies within ALAA. The appeal further argued that Title VII of the *Civil Rights Act of 1964* (Title VII) and the New York State Human Rights Law

¹² Clarke v. ALAA, No. 618764/2023 (N.Y. App. Div. Nassau Dec. 1, 2023) (compl. at 14-15).

¹³ *Id.* at 9-10.

¹⁴ *See id.* at 6 ("As such, each of we attorneys have a professional and ethical duty to not only avoid representing clients when there exists an actual conflict of interest between the attorney and client, but when the mere appearance of a conflict and/or the mere appearance of impropriety is present.").

¹⁵ Clarke v. ALAA, No. 618764/2023 (N.Y. App. Div. Nassau Dec. 1, 2023) (suppl. affirmation in support of emergency order to show cause).

¹⁶ Letter from Rory Lancman, Brandeis Ctr., to the UAW Int'l Bd. (Jan. 22, 2024) (on file) [hereinafter Brandeis Appeal].

¹⁷ *Id.*

¹⁸ UAW Const. art. 31, <https://uaw.org/wp-content/uploads/2023/11/Updated-2022-Constitution-8.30.23.pdf>.

¹⁹ Memorandum from Danielle Welch et al. to ALAA 2325 Recording Secretary (Nov. 21, 2023) (charging Diane T. Clarke, Ilana Kopmar, Isaac Altman, and David Rosenfeld with conduct unbecoming of a union member) (on file).

²⁰ UAW Const. art. 33 § 5, <https://uaw.org/wp-content/uploads/2023/11/Updated-2022-Constitution-8.30.23.pdf>

²¹ The Four Members appealed ALAA's finding the Article 31 charges were proper.

²² Brandeis Appeal, *supra* note 16; NLRB v. Indus. Union of Marine & Shipbuilding Workers of Am., 391 U.S. 418, 426, 428 (1968); 29 U.S.C. § 411(a)(4).

prevent ALAA from retaliating against the Four Members for opposing discriminatory practices.²³ On July 26, 2024, the UAW International Executive Board denied this appeal,²⁴ clearing a hurdle to expel the Four Members from ALAA. The Four Members then sought review by the UAW Public Accountability Board on July 5, 2024. If this review is rejected, the ALAA will be cleared to proceed to enroll jurors for a trial jury.

V. HARASSMENT OF DISSENTING ALAA MEMBERS

Throughout the consideration of the ALAA Resolution and the aftermath, ALAA members who believe in the importance of a Jewish state as part of their Jewish identity, as well as those who have expressed views supportive of Israel, have been subject to significant harassment in internal communications. Typically, these communications occurred on the listserv platform used by ALAA, which is known as “Gaggle.” At the outset of the investigation, the Committee learned of the environment on Gaggle from posts leaked to news outlets. A November 16, 2023, article revealed that a union member posted the following to her colleagues on Gaggle:

Being a public defender should inherently mean you’re against f—ing genocide. But I guess legal aid is so desperate for attorneys the organization just lets anyone stay these days, oof. Ya dumbf—k genocide supporters. The united states and israel are both settler-colonial entities and both shouldn’t f—ing exist, ya dips—ts.²⁵

After the Committee initiated its inquiry, the Free Press published several Gaggle messages in an article on March 13, 2024.²⁶ The same union member posted another message taunting her colleagues over the prior leak and directing fascist imagery at her Jewish colleagues and others in the ALAA who support Israel as a Jewish state.

For those who claim to do so and still tell people to vote no on just passing a resolution in support of Palestinian workers who are dying AND in support of our clients who are dying because funds are being taken from our people to bomb others, you should reevaluate your mindset. This impacts our clients because the government is taking money from our client population to fund genocide. It is that fucking simple.

P.s. i dare someone to leak my email out again for using spooky swear words

goosestepping outside !

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Another instance identified in the Free Press article showed an ALAA member calling a fellow member “mentally disturbed” and suggesting that the fellow member was engaged in war crimes.²⁸

²³ Brandeis Appeal, *supra* note 16.

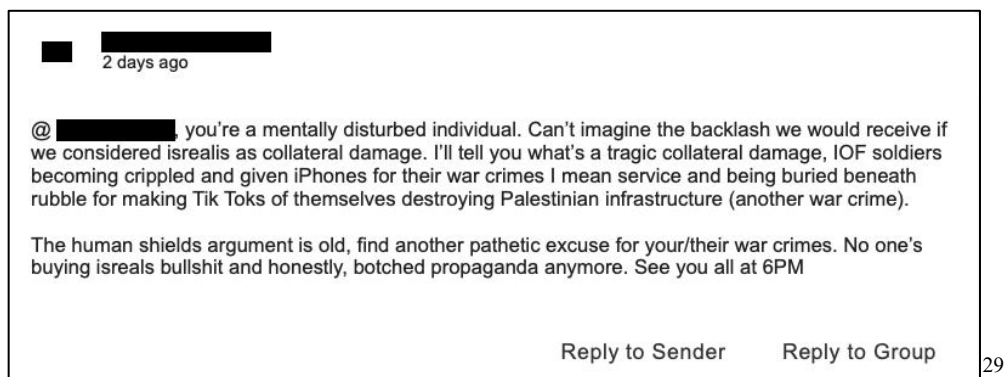
²⁴ Diane Clarke et. al. v. UAW Local 2325 (denying appeal of UAW Local 2325’s determination that the charges filed against Diane Clarke, et al., are proper) (on file).

²⁵ Jorge Fitz-Gibbon, *Legal Aid Society Denounces Union’s ‘Antisemitic’ Resolution Amid ‘Simmering’ Internal Turmoil*, N.Y. POST (Nov. 16, 2023), <https://nypost.com/2023/11/16/metro/legal-aid-society-denounces-unions-antisemitic-resolution/>.

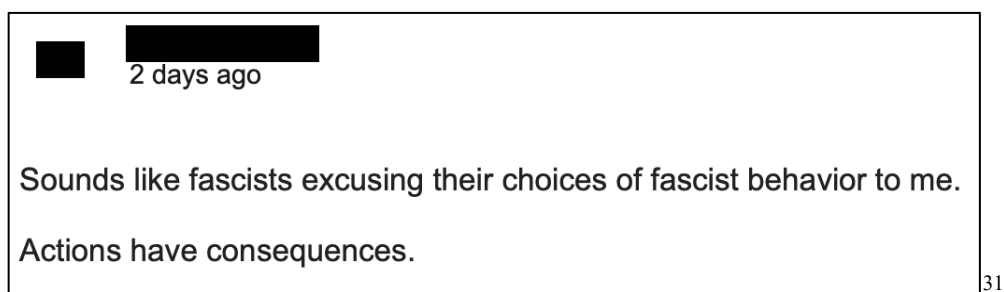
²⁶ Francesca Block & Eli Lake, *Union Lawyers Call Jewish Colleagues ‘Deranged’ and ‘Facist,’* FREE PRESS (Mar. 13, 2024), <https://www.thefp.com/p/alaa-legal-aid-attorneys-antisemitism-congress>.

²⁷ *Id.*

²⁸ *Id.*



A Gaggle post suggested that those who filed the lawsuit, three of whom are Jewish, were “fascists.”³⁰



The Four Members’ appeal of the Article 31 charges to the UAW International Board includes several other messages posted on Gaggle.³² Several ALAA members posted messages on Gaggle seemingly referring to the Four Members as snitches. One ALAA member wrote on Gaggle, “Even if someone agreed with them on the substantive, political issue. This is disgusting, anti-democratic, and anti comradarie [sic], snitching behavior. Sad!!!!”³³ Another member wrote, “Careful, snitches are in this thread, they might snitch on you and air strike your home with your family in it.”³⁴ An ALAA member also urged the Four Members kill themselves: “If you are a snitch please do us a favor and kill yourself.”³⁵

The Committee’s investigation led to conversations with several whistleblowers who wished to remain anonymous. These whistleblowers corroborated the toxic environment within the ALAA that was described in the news articles and in the appeal of the Four Members. In addition, the Committee obtained several tranches of communications and internal emails through a whistleblower who provided more evidence of the concerning environment at ALAA.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Brandeis Appeal, *supra* note 16.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

Exchanges provided to the Committee by whistleblowers demonstrate more vitriol directed at the Four Members. For example, an ALAA member suggested that the four were “genocidal cowards.”³⁶

These deaths and atrocities do not happen in a vacuum. They happen when people whose fucking tax dollars are funding genocide stay quiet or are silenced by those in power. I have no fucking words for how disgusting all of this is. To be abundantly clear, those of you who took this to a fucking court uphold the same systems that destroy the lives of our clients. You are pathetic, genocidal cowards.

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In another, the Four Members were referred to as “Zionist ghouls.”³⁸

Hey [REDACTED],
I actually agree with [REDACTED] stance of being as tight-lipped as possible, given that the Zionist ghouls who filed this case in the first place are on this listserv and are surely planning to use any information gleaned herein in service of their despicable assault on the first amendment and labor rights. In fact, I expect that those miserable creeps are reading these very words. Hello! And goodbye! Please never speak to me again.

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One ALAA member suggested that the Four Members were “losers.”⁴⁰

To all the losers who did this, just know this - you will always be a loser. And if you want to cry about being called a loser, I am sorry you do not like to exist in reality, because factually, you are a loser. You lost on Tuesday. I am sure you lost this vote. And Palestine will be free from this apartheid nation state that you all seem to love more deeply than your colleagues and your union.

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The Committee also acquired chat messages from a Zoom meeting. ALAA members at the meeting attacked those supportive of the lawsuit in the chat.⁴²

y'all can stop running up our union's legal bill when you stop filing frivolous lawsuits/complaints/appeals to silence opposition to genocide

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³⁶ Posting of ALAA member to Gagggle (Nov. 17, 2024) (on file).

³⁷ *Id.*

³⁸ Posting of ALAA member to Gagggle (Nov. 22, 2024) (on file).

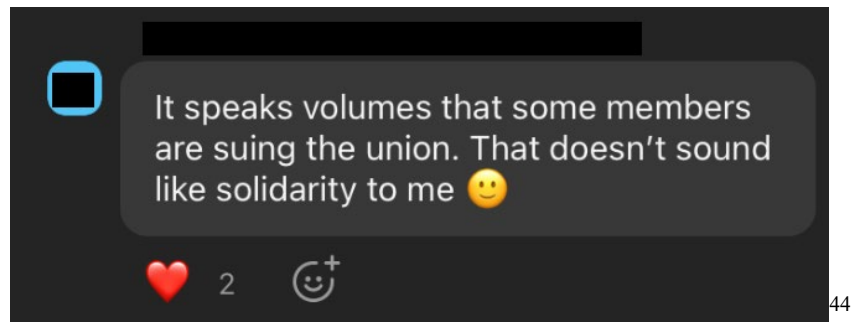
³⁹ *Id.*

⁴⁰ Posting of ALAA member to Gagggle (Nov. 17, 2024) (on file.)

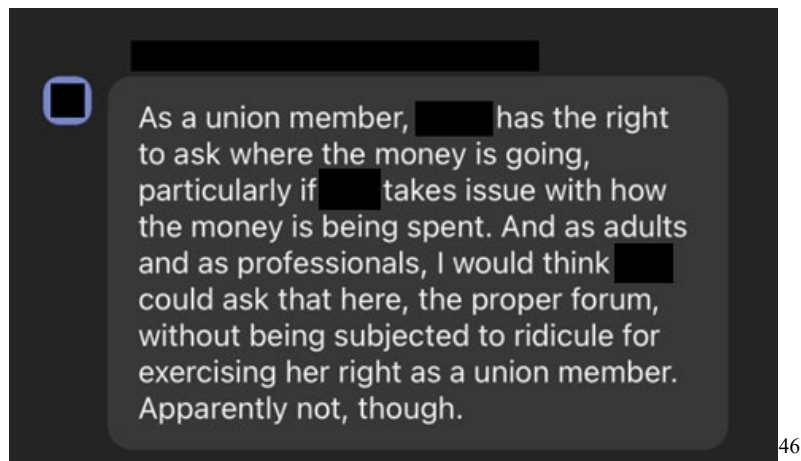
⁴¹ *Id.*

⁴² Zoom comments (July 9, 2024) (on file).

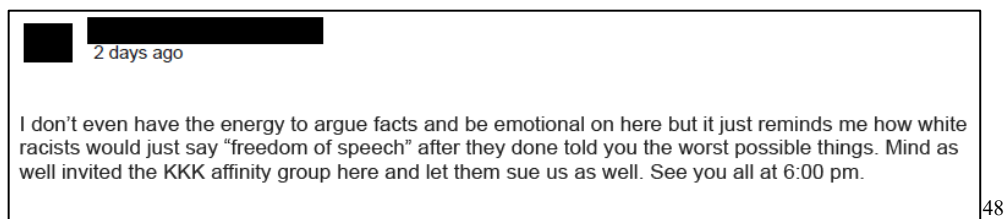
⁴³ *Id.*



Further, after members at the meeting apparently subjected a union member to significant ridicule for her attempt to ask union leadership for a clear accounting of how their funds were being spent on non-representational activity and to defend against the Four Members' lawsuit, another member reacted:⁴⁵



Other exchanges on the Gaggle platform were directed generally at those who opposed the ALAA Resolution. In one exchange, a union member compared her colleagues to the KKK.⁴⁷



⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Posting of ALAA member to Gaggle (Jan. 23, 2024) (on file).

⁴⁸ *Id.*

That same member went on to suggest that the union, through majority rule, could remove “Zionist” members from its ranks.⁴⁹

2 days ago

History has shown that the majority or whoever has control over the majority wins. The same way it was the majority opinion to have slaves, colonisation, concentration camps, women not having any rights ect... Minority groups who were trying to change things also had affinity groups and sued... At the end of the day, the majority wins. We are all entitled to our beliefs, and do whatever we believe is necessary to get our beliefs accepted by the majority. Do your due diligence (I know it's hard to read some facts, hear different opinions and watch some videos). and choose what you can sleep with at night with. It's not like back in the days where all the majority had to do was write biased history books and push it onto their youths. We share LIVE now; we SEE now: **If the majority decides that LAS should not have Zionists in its ranks, then it will be the majority.** I have way more to say but really have to work on other papers and meetings and also I apologize for taking so much space in your email notifications. I am not palestinian, and I do not want to overshadow their voices.

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When criticized for making that comment, the same member seemed to make a physical threat against his or her colleagues.⁵¹

2 days ago

Don't even try it. I can stand by EVERYTHING I said on here. Who wants to meet me in person so I can say it to their face? Gtfoh.

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As documented in the Free Press article, an ALAA member posted that a fellow member was “mentally disturbed” for suggesting that Hamas was using human shields and questioning the accuracy of the Gaza health ministry’s death toll numbers.⁵³ The whistleblower’s production to the Committee revealed that when criticized by another ALAA member for that comment, the same individual doubled down by suggesting that the person initially targeted “needs therapy.”⁵⁴

2 days ago

I thought it was incredibly offensive, racist, morbid, insensitive to justify the murder of children/civilians. I would never ever consider isreali children or civilians as collateral from “war” (this is not a war, just genocide).

needs therapy.. and to develop some sort of conscious.. because no sane person would justify CHILDREN AND CIVILIANS BEING KILLED! What kind of alternative reality are we living in?

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One individual suggested that those who were against the ALAA Resolution and the Four Members were racist.⁵⁶

⁴⁹ Posting of ALAA member to Gaggle (Jan. 23, 2024) (on file).

⁵⁰ *Id.*

⁵¹ Posting of ALAA member to Gaggle (Jan. 23, 2024) (on file).

⁵² *Id.*

⁵³ Block & Lake, *Union Lawyers Call Jewish Colleagues ‘Deranged’ and ‘Facist,’ supra*, note 26.

⁵⁴ Posting of ALAA member to Gaggle (Jan. 23, 2024) (on file).

⁵⁵ *Id.*

⁵⁶ Posting of ALAA member to Gaggle (Jan. 22, 2024) (on file).

2 days ago

It has nothing to do with anti- semitism. The people on Long Island are racist. They hate black and brown people. It appears that they got ONE black women to assist. If this was to support a Anglo Saxon nation....there would be no opposition. If this was to support the Ukraine....there would be no opposition. Call it what it is...Racism.

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In addition, the Committee also acquired an email sent from a manager of employees represented by the ALAA to ALAA leadership, which provides further evidence of retaliation.⁵⁸ In response to an inquiry about a union membership list, the manager declined to provide home addresses and personal emails for union members because several of his attorneys received online threats in response to their criticism of ALAA.⁵⁹

Good Afternoon

We have already provided the list of members to ALAA, including the 4 members ALAA seeks to expel. I sent [REDACTED] a list of all attorneys in office who are paying dues effective Jan. 2024. We will have a new attorney starting next week and will send [REDACTED] information. By the way, since several of my attorneys have received online threats because they expressed views antagonistic to ALAA I cannot provide home addresses and personal emails. I must protect their safety and privacy.

Thank you.

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VI. TIMELINE OF COMMITTEE OVERSIGHT

The Committee initiated its investigation to understand whether ALAA leaders fairly administered the proceedings surrounding the vote on the ALAA Resolution after learning that several union members had sought to stop the resolution from being considered, as well as concerns of antisemitism that arose from the resolution's consideration. Below is a history of the Committee's oversight efforts on ALAA.

- **January 29, 2024:** The Committee sent a letter to ALAA requesting information on the union's vote and adoption of the ALAA Resolution by February 12.⁶¹

⁵⁷ *Id.*

⁵⁸ Email from manager to ALAA (Mar. 1, 2024) (on file).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Letter from Rep. Virginia Foxx, Chairwoman, Comm. on Educ. & the Workforce (Chairwoman Foxx), to Lisa Ohta, President, ALAA (Jan. 29, 2024), https://edworkforce.house.gov/uploadedfiles/1.29.24_letter_to_uaw_local_2325.pdf.

- **February 8, 2024:** ALAA contacted the Committee requesting additional time to respond to the Committee’s inquiry,⁶² which the Committee granted, extending the deadline to produce materials to February 19.⁶³
- **February 19, 2024:** ALAA notified the Committee that ALAA would not be cooperating with the Committee’s inquiry “at this time.”⁶⁴
- **February 20, 2024:** The Committee offered ALAA an additional two days to reconsider and to produce materials by February 26.⁶⁵
- **March 11, 2024:** The Committee served a subpoena requiring ALAA to produce documents and communications related to the vote and adoption of the ALAA Resolution by March 25.⁶⁶
- **April 8, 2024:** Chairwoman Foxx sent a letter to ALAA after the union failed to comply in full with the Committee’s subpoena.⁶⁷ The letter set forth how the objections were inapplicable or lacked merit and therefore were rejected by the Committee. The letter also stated that additional enforcement actions would be taken if ALAA failed to produce the remaining subpoenaed documents.

After repeated attempts to secure the remaining subpoenaed documents, the Committee determined that it was necessary to compel the ALAA President to appear for a deposition. The Committee served ALAA President Lisa Ohta with a subpoena compelling her attendance to participate in a deposition on May 29.⁶⁸ As Ms. Ohta had a preexisting conflict on May 29, the Committee provided an accommodation to move the deposition to June 6.

VII. DEPOSITION OF LISA OHTA

On June 6, 2024, Lisa Ohta appeared for a sworn deposition before the Committee. Ms. Ohta was questioned about the procedures used to pass the Resolution. She also was asked questions to examine whether members faced significant harassment within ALAA for taking a position against the ALAA Resolution. Several of Ms. Ohta’s responses at the deposition demonstrate that procedural ambiguities in conducting union business and providing union services can have

⁶² Email from Allyson Belovin, Partner, Levy Ratner, to Joe Wheeler, Comm. staff (Feb. 8, 2024, 11:49 AM EST) (on file).

⁶³ Email from Joe Wheeler, Comm. staff, to Allyson Belovin, Partner, Levy Ratner (Feb. 8, 2024, 6:48 PM EST) (on file).

⁶⁴ Email from Allyson Belovin, Partner, Levy Ratner, to Joe Wheeler, Comm. staff (Feb. 19, 2024, 11:23 AM EST) (on file).

⁶⁵ Email from Joe Wheeler, Comm. staff, to Allyson Belovin, Partner, Levy Ratner (Feb. 20, 2024, 7:09 PM EST) (on file).

⁶⁶ Letter from Chairwoman Foxx to Lisa Ohta, President, ALAA (Mar. 11, 2024), <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=410256>.

⁶⁷ Letter from Chairwoman Foxx to Lisa Ohta, President, ALAA (Apr. 8, 2024), https://edworkforce.house.gov/uploadedfiles/edw_response_to_alaa_objections.pdf.

⁶⁸ Letter from Chairwoman Foxx to Lisa Ohta, President, ALAA (May 14, 2024), https://edworkforce.house.gov/uploadedfiles/alaa_deposition_subpoena_and_cover_letter.pdf.

significant consequences for rank-and-file union members—especially if members are not well informed of their statutory rights under the LMRDA and their union’s operating procedures.

ALAA Toxic Environment

To assess the existence of a toxic environment within the union, the Committee inquiry focused on how ALAA provides a forum for and monitors electronic communications. Ms. Ohta also was questioned regarding whether the union’s Gaggle platform is moderated.

Ms. Ohta testified that Gaggle is an unmonitored space and that “folks are welcome to engage in ways that they wish.”⁶⁹ In response to questions from the Committee Minority concerning what a union member can do if he or she feels harassed on Gaggle, Ms. Ohta attested, “I will remind them, first, that Gaggle is a voluntary platform. They can choose to engage; they can choose to remove themselves from Gaggle.”⁷⁰ She further testified that filing Article 31 charges would be an avenue for aggrieved union members to seek redress if harassed.⁷¹

ALAA has taken the position that it “does not monitor or censor any viewpoints expressed on this voluntary communication system.”⁷² Further, ALAA explicitly provides that union members have “no legal expectation of confidentiality” in Gaggle and that Gaggle is an “extension of the workspace”:

While Gaggle is a union-specific forum, members can have no legal expectation of confidentiality in that space. Under current case law, an online union-specific forum such as Gaggle would be considered an “extension of the workplace.” This has implications for our members, because if Management were to receive a compliant about a member’s conduct on Gaggle, they could discipline the employee on the basis that Gaggle is an extension of the workplace. If an HR complaint is brought against a member based on their conduct on Gaggle, Management may discipline a member for violating workplace policies such as the Respectful Workplace policy or the Workplace Bullying policy.⁷³

Despite this explicit official dissemination, when internal ALAA communications from Gaggle leaked to the press, Ms. Ohta admonished members about the leak:

Gaggle is meant to be a safe space for members to discuss issues that are important to us.... I am disgusted to learn that someone has leaked internal union communications to managers and the press. This behavior is completely unacceptable and violates our fundamental principles. Leaking union communications to outside parties only harms our strength and power. Moreover, it puts individual members at real risk of doxing which only lead to a silencing of debate and discussion which is so vital to our union.... Union democracy also

⁶⁹ Ohta Dep. at 29.

⁷⁰ *Id.* at 52.

⁷¹ *Id.*

⁷² Email from ALAA financial secretary to ALAA members (Nov. 17, 2023) (on file).

⁷³ *Id.*

requires everyone to stand in solidarity with the outcomes of democratic decisions. Solidarity is not only a feeling, it is also an action. It is finding ways in which we share common interests and goals and collaborate together to achieve them.⁷⁴

As the above demonstrates, despite Ms. Ohta's statements to the contrary, ALAA leadership does, in fact, regulate Gaggle as a general practice. Further, in this specific case, Ms. Ohta regulated Gaggle by expressing an opinion in her capacity as President on conduct related to Gaggle. Specifically, she opined that a union member's decision to share communications with members of the press and management was "unacceptable"⁷⁵ despite ALAA having explicitly stated that union members have no legal expectation of confidentiality on Gaggle.

Considering Ms. Ohta's continued testimony that Gaggle is unmonitored, the Committee sought to understand whether such an unmonitored space permits or even foments harassment. In response to an inquiry regarding whether the union would intervene if a member made a physical threat against another member,⁷⁶ Ms. Ohta replied, "We have not at this time."⁷⁷ When pressed for clarification on whether the union has the authority to act, Ms. Ohta responded that the union has not chosen to change how it uses Gaggle and that union leadership could have a conversation about that but had not.⁷⁸

Given the significant vitriol revealed through the Gaggle messages and in conversations with whistleblowers that had been directed at the Four Members, the Committee also asked Ms. Ohta whether she had witnessed any retaliation or harassment against those four union members. Ms. Ohta justified this vitriol, stating "people spoke very passionately" and she conceded that, as President, she did not know whether the statements rose to the level of retaliation or harassment.⁷⁹ When asked specifically about the messages on Gaggle, Ms. Ohta characterized them as "language consistent with the very passionate nature of our membership."⁸⁰

Continuing with this inquiry, the Committee presented Ms. Ohta with a copy of an appeal of ALAA's decision on the Article 31 charges made against the Four Members. Ms. Ohta's attention was directed to a screenshot within that appeal that displayed a message from Gaggle which stated, "If you are a snitch please do us a favor and kill yourself."⁸¹ She was asked if she, as president of ALAA, considered an instruction from one union member to another to kill himself or herself to be harassment. Ms. Ohta responded, "In my role as president, I did not believe it was appropriate for me to moderate this conversation."⁸² When asked whether this was intimidation, Ms. Ohta responded that she believed the quote was taken out of context and

⁷⁴ Clarke v. ALAA, No. 618764/2023 (N.Y. App. Div. Nassau Dec. 1, 2023) (suppl. affirmation in support of emergency order to show cause).

⁷⁵ *Id.*

⁷⁶ Ohta Dep. at 29.

⁷⁷ *Id.*

⁷⁸ *Id.* at 30.

⁷⁹ *Id.* at 37.

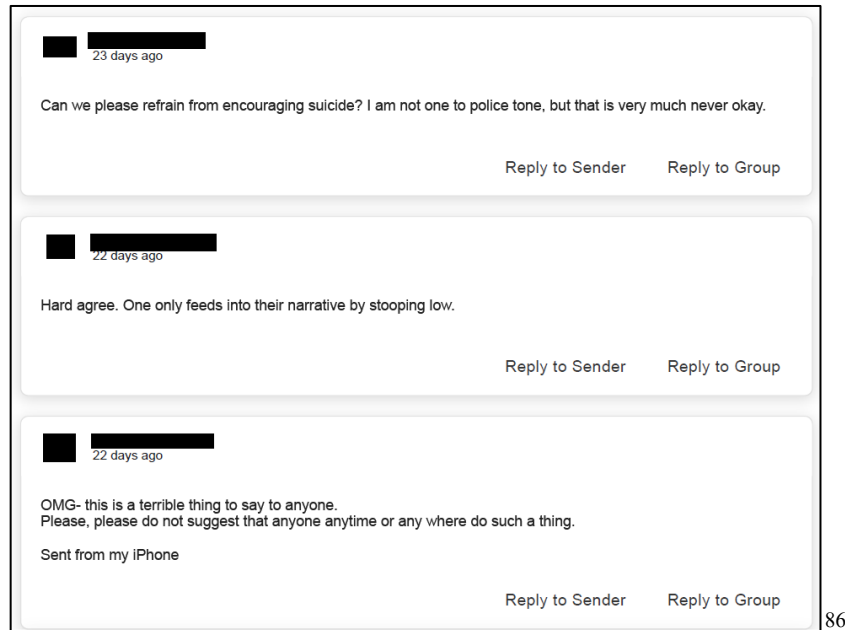
⁸⁰ *Id.*

⁸¹ *Id.* at 72.

⁸² *Id.*

that without additional context, it was difficult for her to evaluate.⁸³ She also testified this language was not a “serious threat.”⁸⁴

To evaluate the context to which Ms. Ohta referred, the Committee reviewed the message in question and several replies to it. Although Ms. Ohta refused to acknowledge that the message in question was harassment, several ALAA members felt otherwise—even one member who is ostensibly in favor of ALAA’s position on Gaza. Specifically, following the Gaggle post in question, several union members posted replies registering their concern over the suggestion that a member kill himself or herself.⁸⁵



These communications reveal a toxic environment within ALAA, as antisemitic communications and generalized harassment directed at ALAA members went unchecked. Conversely, communications regarding the release of internal messages were quickly condemned by ALAA leadership. It appears ALAA leadership values secrecy over reasonable rules of decorum that would prevent discrimination and harassment.

⁸³ *Id.*

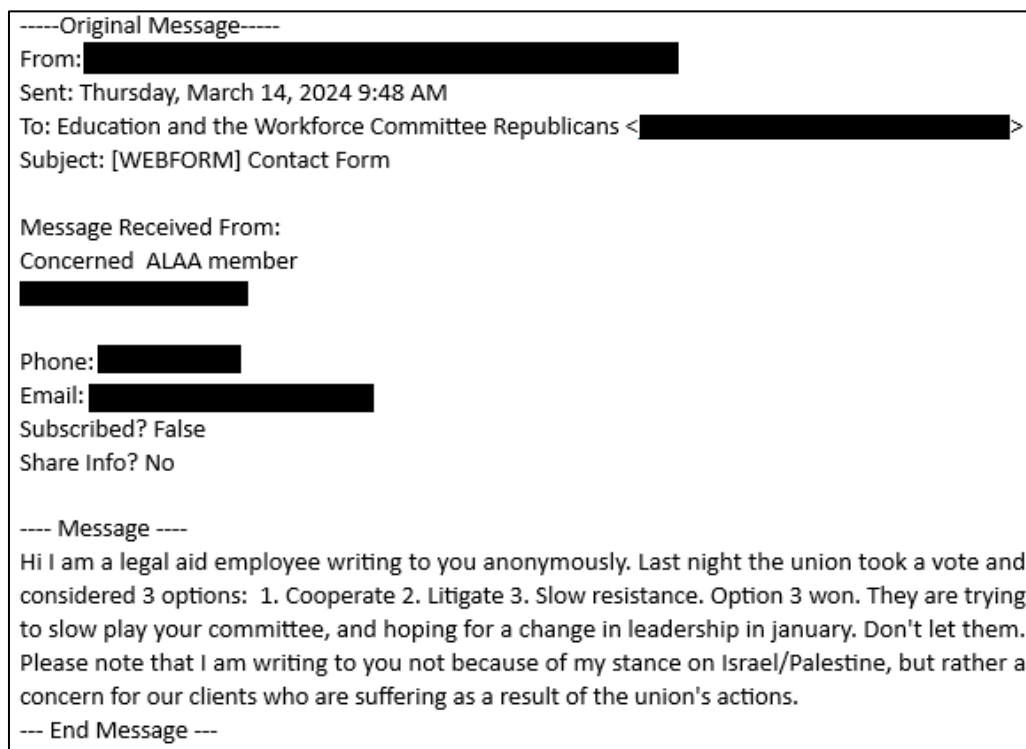
⁸⁴ *Id.*

⁸⁵ Posting of ALAA member to Gaggle (Nov. 17, 2024) (on file).

⁸⁶ *Id.*

ALAA Attempts to Conceal Its Toxic Environment from Congress⁸⁷

The Committee also questioned Ms. Ohta regarding ALAA's repeated failures to comply with Committee oversight. Shortly after the Committee subpoenaed documents from ALAA, the Committee received an anonymous tip from a whistleblower.⁸⁸ The whistleblower revealed that ALAA sought to "slow play" the Committee's investigation until a potential change in the Committee's leadership in January 2025:



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Through questioning, the Committee confirmed that ALAA's Amalgamated Council voted several times on how to comply with the Committee's oversight.⁹⁰ In other words, lawyer-members appear to have thumbd their noses at their professional obligation to not obstruct the administration of justice by *voting* whether to comply with a lawful order.⁹¹ Further, it appears

⁸⁷ The Committee notes that the lawyer-members of ALAA leadership may have a further reason to conceal the pervasive antisemitic harassment. Rule 8.4(g) of the NY Rules of Professional Conduct provides an obligation on ALAA's lawyer-members above and beyond the obligations imposed on unions generally under, for example, Title VII and other antidiscrimination laws. That Rule provides "A lawyer ... shall not: ... engage in conduct ... [that] constitutes: (1) unlawful discrimination; or (2) **harassment**, whether or not unlawful, on the basis of one or more of the following protected categories: ... **religion, national origin, ethnicity**.... (3) 'Harassment' for purposes of this Rule, means ... verbal conduct ... that is: a. directed at an individual or specific individuals; and b. derogatory or demeaning."

⁸⁸ Email from whistleblower to Committee staff (Mar. 14, 2024) (on file).

⁸⁹ *Id.*

⁹⁰ Ohta Dep. at 77.

⁹¹ See, e.g., NY Rules of Professional Conduct, rule 8.4(d) ("A lawyer ... shall not: ... engage in conduct that is prejudicial to the administration of justice....").

that Ms. Ohta may have appeared for her deposition pursuant to a lawful order for her to do so because the Amalgamated Council voted in support of her complying with the Committee's deposition subpoena.⁹² If true, "voting" to comply with a lawful order calls into question the professionalism of these lawyer-members' and their understanding of the seriousness of a lawful order.

Electronic Voting and Meetings

ALAA appears to have adopted electronic voting during the COVID-19 pandemic but never formalized its adoption. This method does not appear to have a sunset and is not codified into ALAA's bylaws.⁹³ The ALAA bylaws voting provision states that for elections other than for officers and delegates or votes related to striking, "membership may vote by mail, at an appropriate meeting, or in person at a designated office or polling place as determined by the Executive Board or Joint Council."⁹⁴

Despite this explicit provision, electronic voting was used for the ALAA Resolution and apparently is used for other votes. When questioned about electronic voting, Ms. Ohta testified: "[Voting remotely by email] is permitted. It is not excluded—it's not written out in our bylaws."⁹⁵ When asked if it was written down anywhere else, Ms. Ohta responded, "It's become our past practice."⁹⁶ Ms. Ohta repeatedly stressed that ALAA uses Robert's Rules of Order for meetings.⁹⁷ While the latest version of Robert's Rules of Order permits electronic voting,⁹⁸ ALAA bylaws state that Roberts Rules of Order only applies in situations not covered by the UAW Constitution or the ALAA bylaws,⁹⁹ the latter of which has specific provisions on voting that do not authorize electronic voting. If Ms. Ohta's attestations were accurate, it appears ALAA has been voting in an unauthorized format.

Further, electronic, virtual meetings have been occurring at ALAA since before Ms. Ohta was president and have continued despite there being no bylaw provision authorizing them. It is not clear what authority ALAA has to meet virtually. While the latest version of Robert's Rules of Order states that electronic meetings must be authorized by an organization's bylaws,¹⁰⁰ a review of the bylaws provided by ALAA to the Committee does not show any provision expressly permitting meetings to take place electronically. It therefore appears that ALAA's virtual meetings have been unauthorized for years.

⁹² *Id.*

⁹³ Ohta Dep. at 10-11.

⁹⁴ ALAA BYLAWS art. IX, § 7 (on file).

⁹⁵ Ohta Dep. at 10-11.

⁹⁶ *Id.*

⁹⁷ *Id.* at 16-17, 19, 53, 92.

⁹⁸ ROBERT'S RULES OF ORDER 45:42 (12th ed. 2020).

⁹⁹ ALAA BYLAWS, art. XII.

¹⁰⁰ ROBERT'S RULES OF ORDER 9:30 (12th ed. 2020) ("Except as authorized *in the bylaws*, the business of an organization or board can be validly transacted only at a regular or properly called *meeting*—that is, as defined in 8:2(1), a single official gathering in one room or area—of the assembly of its members at which a quorum is present.").

Another procedural concern arises from the use of the voting software itself. In response to questions concerning the use of the Election Runner software platform, Ms. Ohta stated: “[W]e are unable to see how any individual member voted. We can only see whether or not somebody has voted.”¹⁰¹ The potential for union leadership to ascertain easily who has voted and who has not raises a significant process concern. When a vote is held open for a significant time, if union leadership can see which individuals have voted, it could allow union leadership to whip votes in favor of a position they support. It stands to reason that ALAA leadership should be screened from election administration functions where leadership involvement could undermine the integrity of an election or create an appearance of a conflict of interest.

ALAA Amalgamated Council

In a practice that seems to bypass rights of union members at large, the ALAA Amalgamated Council appears to vest itself with the primary power to decide what matters to put to a vote open to all union members. The Committee questioned Ms. Ohta about how resolutions are considered and the authorization of a vote open to all union members.¹⁰² During this exchange, Ms. Ohta testified that the Amalgamated Council decides whether or not to send a resolution to another body within the union for consideration. When pressed for further explanation, Ms. Ohta responded:

Generally, I would say that if there’s a resolution that my local is entertaining, we would go to the Amalgamated Council first. The Amalgamated Council is our executive board. And we would have a discussion and likely pass a motion, one way or another whether to send it to another body, unless we felt that it was something we could decide as a body....

[A]t times the Amalgamated Council, upon review of a motion or resolution, believes that we are empowered and have a firm understanding of where membership would land on whether or not we should approve or not approve that motion or resolution, and we’d vote on that. If there is any sort of discussion internally or if there’s any sort of disagreement to whether or not we believe membership would support this, we take it to a larger body.¹⁰³

The derivation of the Amalgamated Council’s authority to usurp the members’ right to vote when it “believes” it “understands” how the membership would vote is unclear. Ms. Ohta indicated that she believed this authority was within the ALAA bylaws, but she could not provide a citation.¹⁰⁴ The ALAA bylaws state that the Amalgamated Council has specific duties and that additional duties must be approved by the Joint Council or membership. The bylaws also state that the Amalgamated Council can “make financial decisions, hire, discipline and fire Local Union staff, execute a real estate lease, dead, service or maintenance contract or other long-term agreement, organize, and perform other duties as shall from time to time be assigned to it by the Joint

¹⁰¹ *Id.*

¹⁰² Ohta Dep. at 11.

¹⁰³ *Id.* at 12.

¹⁰⁴ *Id.*

Council or membership.”¹⁰⁵ It appears that ALAA’s Joint Council or membership would need to empower the Amalgamated Council with the authority to decide on these matters on behalf of the union. It is not clear whether ALAA’s Joint Council ever granted the Amalgamated Council the power to review resolutions and decide whether to send those resolutions to another body within the union or to decide them when it “believes” it “understands” how the vote would turn out.

VIII. TESTIMONY OF ILANA KOPMAR

On July 9, 2024, Ilana Kopmar testified at a Subcommittee on Health, Employment, Labor, and Pensions hearing titled “Confronting Union Antisemitism: Protecting Workers from Big Labor Abuses.”¹⁰⁶ Ms. Kopmar is an attorney with the Nassau County Legal Aid Society and one of the Four Members of ALAA who filed suit against the union and sought a TRO of the Resolution vote. Ms. Kopmar described her experience as the ALAA Resolution was being considered and the retaliation she and her colleagues suffered for filing the lawsuit.

In her written statement submitted to the Committee, Ms. Kopmar described how ALAA has created an antisemitic and hostile work environment for union members for whom Zionism is a part of their Jewish identity.¹⁰⁷ She described how, shortly after October 7, 2023, ALAA members were subject to inter-office emails denying the atrocities on October 7.

Ms. Kopmar explained how the environment in ALAA changed with the passage of the ALAA Resolution. She echoed much of the sentiment that the Committee had learned over the course of its investigation. For example, she discussed the toxic environment on Gaggle:

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.¹⁰⁸

Ms. Kopmar explained how the demonizing rhetoric directed at her colleagues and herself has continued at ALAA despite efforts to combat it. Specifically, she described a recent meeting in which three resolutions were considered. One of the resolutions demanded public defense agencies make statements opposing Israeli “genocide.”¹⁰⁹ The second resolution was critical of the UAW’s decision to vote against divestment of Israeli bonds.¹¹⁰ The third resolution proposed

¹⁰⁵ ALAA BYLAWS art. VII, § 1.

¹⁰⁶ *Confronting Union Antisemitism: Protecting Workers from Big Labor Abuses: Hearing Before the Subcomm. on Health, Emp’t, Lab., & Pensions of the H. Comm. on Educ. & the Workforce*, 118th Cong. (2024), <https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=411747>.

¹⁰⁷ *Id.* (statement of Ilana Kopmar, Attorney, Legal Aid Society of Nassau County, at 2), https://edworkforce.house.gov/uploadedfiles/kopmar_testimony.pdf.

¹⁰⁸ *Id.* at 5.

¹⁰⁹ *Id.* at 6.

¹¹⁰ *Id.*

by Jewish members condemned Hamas and called for the release of Hamas's hostages. Ms. Kopmar described the meeting in her written testimony:

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.¹¹¹

Ms. Kopmar attested that these statements were made in the presence of Ms. Ohta and ALAA's Sergeant at Arms, but neither Ms. Ohta nor the Sergeant at Arms intervened to stop the vitriol.¹¹² Ms. Kopmar further explained that on the day following the vote rejecting the resolution calling for release of the hostages, a paid ALAA staff member sent an email to all members stating that "a small Zionist minority has repeatedly, but unsuccessfully, attempted to distract from and disrupt UAW 2325 ALAA members' support of Palestinian Liberation."¹¹³ The same staff member then blamed Zionists in ALAA for weakening the union by collaborating with the Committee's oversight efforts, supporting the notion that the ALAA sought to obstruct a congressional investigation.¹¹⁴

During the Subcommittee hearing, Representative Virginia Foxx (R-NC), Chairwoman of the Committee on Education and the Workforce, asked Ms. Kopmar about what ALAA's vote rejecting the resolution calling for the release of hostages says about those leading ALAA and those staffing the union. Ms. Kopmar replied, "By voting down that resolution to release the hostages in such an overwhelming manner, in overwhelming numbers, the union showed its true face that the lives of Jews don't matter. They dehumanized the hostages, including American hostages."¹¹⁵

The day prior to the hearing, Ms. Kopmar filed a lawsuit against ALAA with two of her colleagues who filed the original lawsuit seeking a TRO against the vote on the ALAA Resolution.¹¹⁶ Ms. Kopmar and her co-plaintiffs argued that the actions taken by ALAA violated their rights under the *Labor-Management Reporting and Disclosure Act*, the New York State Human Rights Law, and the New York City Human Rights Law.¹¹⁷ This lawsuit includes more examples of the toxic environment in ALAA's Gaggle, which are consistent with the statements that the Committee found when analyzing ALAA's Gaggle communications. These examples, in

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Confronting Union Antisemitism*, *supra* note 106.

¹¹⁶ *Kopmar v. ALAA*, 1:24-cv-05158 (S.D.N.Y. 2024) (compl.).

¹¹⁷ *Id.* at 2.

addition to those provided to the Committee, establish unchecked antisemitic bullying and intimidation.

IX. ACTIVISM IN THE GREATER UAW—ISRAELI-PALESTINIAN CONFLICT

UAW Local 7902

Another UAW local, UAW Local 7902, came under scrutiny from its members when its Joint Council took up a resolution calling for an immediate ceasefire in Gaza. UAW Local 7902 represents New York University’s adjunct professors and part-time faculty, student workers, and health service employees at the New School. UAW Local 7902 members opposing this resolution were concerned with the language of the resolution and the idea of the local taking a political position of any kind.¹¹⁸ The resolution was so divisive to members that it necessitated a tie-breaking vote by the union president to pass.¹¹⁹ One union member registered concerns about the political motivations of the statement’s author, noting, “One of the authors of the statement was actually documented ripping down [Israeli] hostage posters.”¹²⁰ Like the ALAA Resolution, because this resolution was adopted on NYU’s campus by those in their professional capacity, it could have the effect of intimidating Jewish individuals on campus who rely on these workers to provide campus services.

UAW Local 2710

The Student Workers of Columbia, UAW Local 2710, which represents student workers at Columbia University, presents a similar case study. This UAW local passed a resolution expressing solidarity with the Palestinian cause just 12 days after the October 7, 2023, attacks. A news article published after its passage alleged that this local deliberately held votes agreeing to participate in campus pro-Palestine protests when many Jewish students were in Washington, D.C., at a national demonstration supporting Israel.¹²¹ This resolution is another example of non-representational activity that risked intimidating Jewish students, faculty, and workers.

UAW Local 4811

Another recent article highlights the discord created within UAW Local 4811, which represents student workers in the University of California (UC) System.¹²² In his article, a student worker described a recent vote at UAW Local 4811 to strike in May 2024 during the week of final exams, which called for “[d]ivestment from companies profiting from Israel’s war in Gaza” and “[a]mnesty for all academic employees, students, student groups, faculty, and staff who face

¹¹⁸ Rebecca Sugar, *Vote of NY Adjunct Faculty Union on Gaza War Puts Students, Members on the Spot*, N.Y. SUN (Jan. 2, 2024), <https://www.nysun.com/article/the-cocktail-party-contrarian-vote-of-nyu-adjunct-faculty-union-on-gaza-war-puts-students-members-on-the-spot>.

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ Block & Lake, *Union Lawyers Call Jewish Colleagues ‘Deranged’ and ‘Facist,’* *supra* note 26.

¹²² Daniel J. Solomon, *Why I Quit My Academic Union*, CITY J. (July 2, 2024), <https://www.city-journal.org/article/why-i-quit-my-academic-union>.

disciplinary action or arrest due to protest.”¹²³ The UC System filed a challenge to this strike in court as a violation of the “no-strike” clause of UAW Local 4811’s contract. The court granted a TRO, which the union did not oppose.¹²⁴ Demanding amnesty for those who disrupted the campus again demonstrates how a union’s actions on campus can have the effect of intimidating Jewish individuals on campus. Further, the fact that the union would potentially violate the “no-strike” clause suggests a troubling inclination to violate the terms of a collective bargaining agreement.

Questions About UAW Priorities

These votes have raised the question among rank-and-file UAW members as to why UAW leadership within locals and at the national level are pursuing activism on international issues unrelated to labor relations. A member of the Student Workers of Columbia, UAW Local 2170, who joined the union and quit in protest, explained, “My experience is that the union has become a vehicle to pack these rallies for Palestine. Every time you see one of these demonstrations on campus, you see all of these UAW signs. It feels like the union has lost its focus, which is to represent all student workers.”¹²⁵

A member of UAW Local 7902 stated:

I don’t believe the Joint Committee that voted is truly representative of the members on this issue. I don’t think we’ll ever know that with certainty, though.

....

I feel betrayed by [the Joint Committee’s] hijacking of the union to pursue personal political issues I disagree with, and am anxious to withdraw from membership.¹²⁶

A UAW Local 4811 former member described the union’s culpability in creating a hostile environment on campus. He wrote that “[u]nion representatives showed no concern for my well-being or for that of Jewish members in similar situations” and that “[i]n the run-up to the strike, union leadership often hid details like the times and dates of key meetings about potentially adopting BDS as a goal for our next contract negotiations.”¹²⁷ These members’ comments raise grave concerns for the Committee about the depth of antisemitism within the unions and its apparent impact on the professional duties of the unions’ members.

X. MIT AND THE UNITED ELECTRICAL WORKERS (UE)

Although antisemitism appears especially pervasive within the UAW, this is not simply a UAW concern. Others are also confronting antisemitism within their unions. An additional instance is that of the Massachusetts Institute of Technology’s (MIT) Graduate Students Union United

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ Rebecca Sugar, *Vote of NY Adjunct Faculty Union*, *supra* note 118.

¹²⁶ *Id.*

¹²⁷ *Id.*

Electrical, Radio, and Machine Workers Union of America (UE) Local 256 (MIT GSU), which represents graduate student-workers at MIT.¹²⁸

On April 9, 2024, the MIT GSU passed the “Resolution affirming the need for a permanent ceasefire in Gaza and ceasing MIT labor support for Israeli military objectives,” which called for an immediate ceasefire.¹²⁹ Although the resolution passed, nearly 30 percent of the members voted against it, with 38 members abstaining.¹³⁰ The consideration of this resolution created significant discord within the MIT GSU.

This resolution, the atmosphere surrounding it, and other issues have forced graduate students represented by the union to resort to legal action to protect their rights. In March 2024, several graduate students represented by the MIT GSU filed federal discrimination charges against the UE and the MIT GSU, alleging that the union illegally denied their requests for religious accommodations. Despite these workers sending individual letters to the union asserting their right to religious accommodations, the union denied their requests and continued to demand dues from them.¹³¹

In April 2024, another student, Katerina Boukin, filed unfair labor practice charges with the National Labor Relations Board (NLRB).¹³² She sought to enforce her rights under the 1988 Supreme Court decision in *Communications Workers of America v. Beck*, which holds that union officials cannot force workers in the bargaining unit to pay dues not directly related to collective bargaining. The graduate student alleges that the MIT GSU told her she missed the “window period” to become a *Beck* objector, which the student argues is unlawfully restrictive.¹³³ If true, this response raises serious questions about whether the MIT GSU usurped this member’s rights afforded by the United States Supreme Court.

In response to these lawsuits and the other political activities of the MIT GSU, an MIT GSU member circulated an open letter for other concerned union members to sign, which has now been signed by 170 members. In the letter, the graduate students write:

GSU leadership has dedicated significant time and resources to take a position on the Israel-Hamas war – deviating and detracting from the GSU’s core mission of

¹²⁸ MIT GRADUATE STUDENT UNION, <https://mitgsu.org/>.

¹²⁹ RESOLUTION AFFIRMING THE NEED FOR A PERMANENT CEASEFIRE IN GAZA AND CEASING MIT LABOR SUPPORT FOR ISRAELI MILITARY OBJECTIVES, https://drive.google.com/file/d/1WQKbAG_5Wk79UerfIYB7HXUbaKysgB-l/view.

¹³⁰ Russel Ismael, *Graduate Student Union Passes Referendum on Ceasefire in Palestine*, TECH (Apr. 25, 2024), <https://thetech.com/2024/04/25/gsu-ceasefire-referendum>.

¹³¹ Press Release, National Right to Work Legal Defense Foundation, Jewish MIT Graduate Students Slam BDS-Linked Union with Federal Discrimination Charges (Mar. 21, 2024), <https://www.nrtw.org/news/jewish-mit-students-eeoc-03212024/>.

¹³² Press Release, National Right to Work Legal Defense Foundation, Another MIT Grad Student Hits GSU Union with Federal Labor Charges for Illegally Seizing Money for Radical Union Agenda (Apr. 26, 2024), <https://www.nrtw.org/news/mit-gsu-beck-charge-04262024/>.

¹³³ *Id.*

representing collective labor interests of all graduate students. This has served to weaken our union and alienate its members.¹³⁴

At the July 9, 2024, Subcommittee on Health, Employment, Labor, and Pensions hearing, the Subcommittee heard from Will Sussman, a doctoral student at MIT. Mr. Sussman was one of the MIT GSU union members who filed charges against his union with the NLRB.¹³⁵ Mr. Sussman's NLRB case resulted in a settlement in which the MIT GSU had to notify all graduate students of their rights under *Beck* via email and post a notice informing students of their *Beck* rights for a 60 day period.¹³⁶ He also filed charges along with several other MIT GSU members with the U.S. Equal Employment Opportunity Commission (EEOC).¹³⁷ Mr. Sussman testified that because of his actions to assert his rights at EEOC, the MIT GSU "chanted 'shame' against us, calling our lawyers 'well-financed.'"¹³⁸ This attack echoes a well-known antisemitic trope.

In a recent opinion piece, Mr. Sussman also wrote, "Jewish graduate students are a minority at MIT. We can't remove the GSU or disabuse it of its antisemitism. But we also can't support an organization that actively works toward the eradication of the Jewish homeland, where I have family living now."¹³⁹

Mr. Sussman and the other aggrieved members eventually prevailed.¹⁴⁰ On August 21, 2024, MIT GSU settled and provided Mr. Sussman and the other members religious accommodations.¹⁴¹ Further, the MIT GSU also settled with Ms. Boukin. MIT GSU now must declare to their membership by email that they will not restrict the ability of those who resign their union memberships to cut off dues payments for political expenses and pay a reduced amount to the union.¹⁴²

XI. NEED FOR LEGISLATIVE REFORMS

Union Members Right to Know Act

A common problem identified during the Committee's investigation and examination of the issues described in this report has been that union members are frequently unaware of their statutory rights under the *Labor-Management Reporting and Disclosure Act* (LMRDA), Title VII

¹³⁴ OPEN LETTER REGARDING GSU PRIORITIES, <https://docs.google.com/forms/d/e/1FAIpQLSfQ2W3bY0wwiTenbWpBm9yXmZfBhDema7j9qfnJl5a2hRrgzg/viewform?pli=1>.

¹³⁵ *Confronting Union Antisemitism*, *supra* note 106 (statement of William A. Sussman at 38), https://edworkforce.house.gov/uploadedfiles/sussman_testimony.pdf.

¹³⁶ *Id.*

¹³⁷ *Id.* at 2.

¹³⁸ *Id.*

¹³⁹ Will Sussman, Opinion, *My Union Dues are Being Used Against Israel*, WALL ST. J., Mar. 22, 2024, <https://www.wsj.com/articles/my-union-dues-are-being-used-against-israel-mit-grad-school-d106b26a>.

¹⁴⁰ Press Release, National Right to Work Legal Defense Foundation, Jewish MIT Graduate Students Force Anti-Israel Union to Abandon Discriminatory Demands for Dues Payment (Aug. 21, 2024), <https://www.nrtw.org/news/mit-victory-08212024/>.

¹⁴¹ *Id.*

¹⁴² *Id.*

of the *Civil Rights Act* (Title VII), and *Beck*. Current law and precedent require minimal notice of LMRDA and *Beck* rights, and labor unions frequently fail to comply with even these minimal requirements. Proactive notice of a right to a religious exemption is not required at all. H.R. 8573, the *Union Members Right to Know Act*, introduced this Congress by Chairwoman Foxx, requires labor unions to inform union members of their right to free speech under the LMRDA, the right to seek a reasonable accommodation not to pay dues or fees to the union based on religious beliefs or practices under Title VII, and the right to object to paying union dues related to nonrepresentational activity under *Beck*. The bill also specifies that labor unions are required to provide summaries of these laws and rights to each new member within 30 days of joining the union and every year to all members. A labor union must also post a link to this information on its website.

Worker Paycheck Fairness Act

Another potential legislative consideration would be to allow each union member to choose whether he or she wishes to pay dues that go towards non-representational activity when first joining the union. The *Worker Paycheck Fairness Act*, which was introduced by Representative Harris Fawell (R-IL) in 1997, requires a union to obtain written authorization from a member before using a portion of his or her dues for activities not necessary to performing the duty of exclusive representation in dealing with an employer on labor-management issues.¹⁴³ It also requires employers to post a notice of this requirement. Requiring unions to ask first before taking member funds for non-representational activities would increase transparency for members and give them more control over how their dues money is spent.

LMRDA Reform

There appears to be legal confusion surrounding the “exhaustion” provision protecting the right to sue under the LMRDA. The LMRDA states that union members “may be required” to exhaust “reasonable hearing procedures (but not to exceed a four-month lapse of time)” before instituting a legal or administrative suit.¹⁴⁴ The Supreme Court has held that this provision is directed at the court that is adjudicating the LMRDA claim; the provision tells the court that it can exercise discretion to stay the case while the union’s internal proceedings play out.¹⁴⁵ Given the chilling effect the exhaustion provision can have on a union member’s decision to bring a claim, it may be advisable to strike that provision from the LMRDA. Doing so would clarify that a member may exercise their right to sue the union at any time.

The LMRDA’s free speech provision guarantees an important protection allowing union members to express their views. However, union leadership at ALAA and elsewhere seem hesitant simply to enforce basic rules of decorum and respect. Their hesitancy to enforce any sort of decorum seems to be based in a fear of violating this provision. However, it could also be a convenient way for leaders to engage in selective enforcement of member behavior. The LMRDA’s free speech provision specifically provides that the ability to express opinions is “subject to the organization’s established and reasonable rules pertaining to the conduct of

¹⁴³ H.R. 1625, 105th Cong. (1997) (111 cosponsors).

¹⁴⁴ 29 U.S.C. § 411(a)(4).

¹⁴⁵ N.L.R.B. v. Indus. Union of Marine & Shipbuilding Workers of Am., 391 U.S. 418, 426, 428 (1968).

meetings” and “nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution...”¹⁴⁶ It may be worth examining how the LMRDA could be amended to clarify that labor organizations may enforce reasonable rules of decorum among their membership.

National Right-to-Work Act

Finally, two witnesses at the July 9, 2024, subcommittee hearing on antisemitism in labor unions suggested that enacting the *National Right-to-Work Act*¹⁴⁷ could end the problem of compelling Jewish and other religious employees to fund a union whose views and activities are deeply offensive or contrary to their religious beliefs. The *National Right-to-Work Act* ensures all workers have the right to choose to refrain from joining or paying dues to a union as a condition of employment. Enacting this legislation would give employees the ability to opt out of unions that they no longer believe represent them.

XII. CONCLUSION

Unions have a responsibility to listen to all members, including those who disagree with the direction the union is taking. Ensuring that members can freely exercise the rights granted to them by the LMRDA, Title VII, and *Beck* is critical. The failures of unions to be responsive to their Jewish members and their supporters who face antisemitic attacks and harassment since the terrorist group Hamas attacked Israel on October 7, 2023, demonstrates the importance of ensuring union members know about and can assert their rights.

¹⁴⁶ 29 U.S.C. § 411(a)(2).

¹⁴⁷ H.R. 1200, 118th Cong. (2023).