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Central Conference of American Rabbis Annual Conference
Pursuing Justice: Using Law to Confront Antisemitism
April 1, 2019
8:30 p.m. ET

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Central Conferences of American Rabbis 2019 Annual Conference
"Pursuing Justice: Using Law to Confront Anti-Semitism"
[Please stand by for captions]

>> [Speaking Hebrew], everyone. We are very excited to begin our evening program, "Pursuing Justice: Using Law to Confront Anti-Semitism". And I'd like to invite Jill Maderer of congregation in Philadelphia to our program and our evening speakers.

>> JILL MADERER: Thank you. Good evening. I'm [Speaking Hebrew] on August 12th, 2017, hundreds of Nazis or white supremacists descended on Charlottesville. Tonight, we're here with the people who are suing the Nazis.

[Cheers and Applause]

Amy Spitalnick is the executive director of integrity first for America, an organization which holds accountable those who threaten the principles of our democracy. Integrity First is funding and supporting the lawsuit filed by a coalition of Charlottesville community members against the Nazis responsible for the violence. Previously, Amy served as senior policy advisor and communications director for the New York attorney general and as advisor and spokesperson for the New York City mayor.

Roberta Kaplan or Robby, the founding partner at Kaplan, Hecker & fink is a commercial and civil rights litigator and an expert in cutting edge areas of the

law. Robby's work is where were you when kind of work. Where were you when the Supreme Court ruled for Robby's client Edie Windsor and for marriage equality.

[Applause]

I remember where I was, too. Where were you when the witness of #metoo became the fighting words of #timesup when Robby co-founded the times up legal defense fund. I remember where I was.

[Applause]

Where were you when the racists, the anti-Semites chanted "blood and soil" and then actually shed blood in Charlottesville? I remember where I was. We just celebrated porum. In this story, at the Jews' time of great need, Esther determines perhaps I was put in this place for just this purpose. In our broken world, it can be hard to know what is my contribution, what is my mitzvah. We are privileged tonight to hear from two leaders who have found their mitzvah, who have clearly been put here for this purpose. Please join me in welcoming Amy and Robby.

[Applause]

Would each of you please begin by sharing something of your understanding of your purpose and how that connects with your background?

>> Should I start? For me, it's actually pretty easy. I grew up not too far from here in Cleveland, Ohio, and went to religious school in the '70s and '80s. I don't want to be too critical, but a lot of my Jewish education at the time was holocaust, holocaust, holocaust and maybe little more holocaust. Like many girls and boys of my generation -- I think even today because my son is now experiencing the same thing -- I was kind of obsessed with the holocaust. I would read everything I could. I remember thinking to myself as a kid what would I have done if I had been faced with what the Jews in Germany and Poland were faced with. Would I have had the courage to fight back? Obviously at that point and for the rest of my life -- sadly it is not. And so -- [Off Mic] -- August 11th and 12th, 2017, I just moved -- I started my own law firm and we had just moved into the brand-new office in the empire state building. We were kind of working on card tables, and Charlottesville happened.

I wanted the firm to be very dedicated to both public interest and our private clients. And I said let's watch the press conference that was happening about Charlottesville. In retrospect it was a mistake, I think, because a couple of the paralegals got so upset that they had to run out crying. But we all watched that horrific press conference about fine people on both sides. I immediately went back to my card table desk and said something has to be done about this. I thought the government -- the attorney general then was Jeff Sessions. That the civil rights division of the department of justice should have done something about it. I was concerned that they wouldn't. And I thought back to a case that my mentor at Paul wise, a great trial lawyer by the name of Marty London had done about a website called the Nuremberg trials. It was the early '90s. They would put up the names, photos of doctors who performed abortions. When those doctors were injured or one of them was killed they would put on X over their face. They got huge verdicts against these guys and kind of shut down their operation.

I thought to myself, why can't we use that theory here. Within 48 hours after that, I called a very dear friend of mine, the writer at Slate. I knew she lived in Charlottesville. I said Dalia, I have this idea, what do you think. She said I think it's a wonderful idea. We are moving to Brooklyn right now because we cannot live here in our sons anymore. It's too hostile environment to raise our kids here, but I will put you in

touch with some folks. Within 48 hours, we were down in Charlottesville. Many of the plaintiffs in our case we met those couple days. Then we put together a case.

We had to go back -- this shows the irony and the tragedy of the times we're living in. We had to go back to a statute known as the Ku Klux Klan act of 1971 by the reconstruction of congress to prevent the states of the south from essentially re-enslaving the newly-freed slaves. The last time the statute was used effectively was during the freedom writers. It certainly applied here. We brought a case. I called some people I knew to help. One of those people was my co-counsel Karen Dunn and another was Amy Spitalnick.

>> AMY SPITALNICK: It's funny, my story is not that different than Robby's. I grew up a little further away on Long Island. I'm the grandfather of holocaust survivors. Growing up, it was very much part of my consciousness, part of my Jewish education and family history, but it was this far away thing we all knew had happened and we had survived, but could never happen again, especially here in America, this place that my family escaped to. And so I had spent a fair amount of time in government and politics. Was working in the New York attorney general's office where we were taking on some of the other threats to our democracy over the last couple years, and I got a call from Robby saying, hey, we're suing some Nazis.

[Laughter]

And I remember much like -- much like robin said exactly where I was in Charlottesville happened. I was at my sister's bridal shower. We were -- my grandmother passed away a long time ago, but we were surrounded by family photos. We had put together this beautiful shower. I remember getting the breaking news alert about what had happened in Charlottesville and thinking, how could this happen here, how could Nazis be Marching on our streets, how could someone have died because they committed violence on the streets of America.

When I got this call from Robby, I think, I don't know what else we should be doing right now if we're not fighting these people, what other thing is there to do if you care about the future of the Jewish community and the future of this country and every community it's meant to be home to. For me, there wasn't really a choice at a certain point. You also can't say no to Robby Kaplan and Karen Dunn. I do not recommend it. So for me, it seemed -- seems crazy to me that here we are in 2019 and we need to sue Nazis. But if we have to sue Nazis, I'm really grateful to be a part of it.

[Applause]

>> JILL MADERER: Understanding, I think the memory is pretty fresh still for everyone. So probably only need a brief summary. But can you summarize what happened in Charlottesville and just contextualize it with the landscape of white supremacy.

>> AMY SPITALNICK: I think we have a short clip to show. I want to warn folks it's not the most pleasant thing to watch. It's a little bit disturbing, but it will give you a sense of what happened mainly on a Friday night of the Charlottesville rally. And I think also sort of shows some of the underlying anti-Semite currents that fueled much of it. It should be cued up and ready to go shortly.

[Chanting "you will not replace us"]

[Chanting "Jews will not replace us"]

[Chanting "blood and soil"]

[Crowd chanting "whose streets, our streets"]

[Crowd chanting]

>> It's hard to watch. I watched that many times. Every time it gets --
>> Are there any UVA grads in the audience? They all know exactly where that was.

>> I see one.

>> ROBERTA KAPLAN: It's called the lawn, right? I got to get this right before trial. The lawn. It's kind of this beautiful part of the UVA campus where students who are specially selected get to live that senior year. In fact, they were moving in that weekend. And the key -- one of the key parts of Charlottesville was the -- many of the people we've sued and their organizations for a period of weeks and weeks, even months leading up to August 11th and 12th, planned online meticulously and carefully on a server known as discord what you just saw happen. So Friday night was not publicized. They did a pretty good job of keeping it secret. They talked about how they would all congregate at a place called nameless field. They would go up from nameless field, up the lawn, over the lawn, and then up. There's a building on the top, and then down to the Thomas Jefferson statue.

Three of our plaintiffs in our case were among those kids who were at -- around the Thomas Jefferson statue and were surrounded by white supremacist Nazis hurling Tiki torches full of fuel at these kids and trying to get the kids to be lit on fire by throwing lit torches at them. I think for most people who were there, as bad as Saturday was -- and it was bad -- that was the most terrifying moment during the whole weekend. I should say that right across from there, there was interfaith service at St. Paul's church, literally like a quarter mile away. There were Jews and Christians. Our client who is a minister was there. During the service, they got wind of what was happening, and they were too scared to leave. They actually barricaded themselves. It was all very relevant to the 13th amendment and slavery. They actually barricaded themselves in the church because they thought they were coming there next.

After the horrible violence that happened on Friday night, these guys -- these groups that planned it so meticulously celebrated it. And rather than stopping and trying to get things in order for Saturday, all the messages and all their communications were, let's go, let's do more on Saturday. Saturday of course is when you know Heather Hire was killed was James Field drove a car through the protesters in a very narrow alley in Charlottesville directly at her. I don't know how many people know the story of what happened at the synagogue on Saturday, but it's equally petrifying. Many of the events on Saturday were centered on the Robert E. Lee statue. It used to be Lee park. It's now called emancipation park. The center in Charlottesville is literally a block away. They had removed all the scrolls except the scrolls they used for that morning from the temple and hid them in people's houses. Think, guys about the parallels.

That morning that started services early. They ended early and snuck out the back. They had hired one or two security guards to kind of be around and watch. And by about noon-ish, the president of the synagogue got a call from the security guard that said I'm really scared for my life, they intend to turn down the synagogue. The president said let them burn it. Get out of there, your life is more important, let them burn the synagogue. There's one other scroll that stayed in the synagogue. They have a non-kosher holocaust scroll on display. One of our clients said she thought it was so ironic and tragic that a scroll that had survived the holocaust was again being threatened by Nazis.

Schools just closed there last week because of threats. The day school at the synagogue, they used to go play in that park. They're now heavily guarded. And these guys continue, but for our trial which is holding them back a bit and Amy can talk about

that, they intend to do exactly what they said -- you heard them say on those videos. They want to send us all back into the ovens. That is honestly their goal.

>> AMY SPITALNICK: I think, Robby asked about how this fits into the broader crisis that we're facing. Charlottesville was a flash point. It was a wakeup call for some folks. Not as much as it should have been, but it was a flash point. It focused attention on this white nationalist violent crisis. But it's also not an isolated incident. In fact, the Pittsburgh shooter, Robert Bauers communicated with some of our defendants on gab just before he murdered 11 people in their synagogue last October. And, you know, you have the defendants in our suit out there celebrating what happened in Christ church the other week. These violent white nationalists are meeting each other online, radicalizing each other online, and emboldening one another to go out there and do these awful things.

When you talk about a case like this, it's so important to hold these two dozen defendants accountable. We'll go into who they are and all of those questions. It's also so important because the people we're suing are really the leadership of a much bigger infrastructure. Of a much bigger conspiracy, not just to attack Charlottesville, which they did as you all saw, but a much bigger infrastructure to bring white nationalist violence to our streets, synagogues, our churches, our mosques and our communities and sort of taking on the leadership of that movement, of that conspiracy in court is going to have repercussions well beyond what we -- the individual case we're talking about here today.

>> JILL MADERER: Can you clarify what laws were actually broken and what here is protected potentially under free speech.

>> ROBERTA KAPLAN: As I said before, the law that we sued under is the KKK act of 1971. It says it's unlawful to engage in a conspiracy to commit violence based on racial animus. One of the few civil rights laws that applies to private action as opposed to government action. It has not been used that often in our nation's history because it's very uncommon to see what you see above. It was used in the '20s. It was used during the freedom riders and used today. It's been so uncommon in our country to have what you just saw actually take place.

The main defense that most of the defendants -- I'd say all of the defendants have asserted and will assert at trial is that it's what they did is protected by free speech. Let me say two things about that. First of all, their views are odious. There's no relativism here about that. Their views are hateful, sinful and odious. Under the first amendment, I agree -- I believe in the Constitution. They have a right to have those views. What -- and if they had all gone to Charlottesville and stood there even with Nazi flags and wearing -- and wearing KKK hoods and said that Jews shall not replace us and you should all go in the oven and done it peacefully, they had a right to do that. What they don't have a right to do under the law and which has never been protected under the law is engaging in the conspiracy to commit violence and using words to do it.

So put -- take the Nazi stuff out of this. Imagine two guys or three guys who are sitting around and planning to rob a bank. In order to do that, they have to talk to each other. No one would ever contend that their speech, that their crime is protected because they used speech to plan their conspiracy. And that's exactly what happened here. And what's so unique about this case and why it's so extensive is they were -- you know, I think I like to say that technology, quoting the Torah is both a blessing and a curse. It is. This is kind of the curse aspects of technology, but they were able using these online platforms like Discord to meticulously plan, communicate with each other from all over the country for months and months. They had channels on Discord that

said like what uniforms to wear, transportation, leadership, uniforms. We have a joke in my office that we want to publish a book titled things Nazis also say because the banality of what they say is extraordinary. They'll have long conversations about what's the best way to sew a swastika on a flag. Or what is the best way to pack gluten-free sandwiches that won't go bad on Saturday.

At the same time they're saying that, they're talking about how do we run over protesters and say that it was in self-defense.

>> AMY SPITALNICK: They literally called cars protester digesters.

>> ROBERTA KAPLAN: Or how do we beat up a bunch of Antifa and make it look like self-defense. Fortunately for us, there were a bunch of hackers called unicorn riot who hacked all this stuff. We're getting more of it now, but we had a whole bunch before we even started the case. Our case tells unbelievably gruesome story about what they did. The judge agreed with us. They moved to dismiss on first amendment grounds. He wrote a long opinion, but he said what you did is not protected by the first amendment.

>> JILL MADERER: So where does the case stand now?

>> AMY SPITALNICK: Robby's being modest. These guys have tried to block every aspect of this case for as long as it's going on and Robby and Karen and the legal team have won at every turn. There's a fantastic decision posted on the integrity first website from the judge that says the first amendment does not protect your right to do this. There's a number of decisions sense requiring the defendants to turn over their devices and social media accounts for evidence collection and making clear they can escape --

[Applause]

-making clear that they can't escape liability under the case by [Off Mic]. A whole host of different efforts by them to block this litigation and our legal team because we have the two best lawyers in the business have really made sure that none of it sticks.

>> JILL MADERER: Can you say more about the status of the case?

>> ROBERTA KAPLAN: So they filed these motions to dismiss. Argument one was free speech. Argument two was, well, yeah, your Honor, we said this stuff, you know, but we were really just joking. We didn't mean it. And yeah, you know, we talked about like, you know, beating people with socks full of pennies or beating people over the head with tiki torches or even using guns, but we didn't mean anyone to run into a group of protesters, so that's not on our head. The first answer to that is you did. They actually did talk about running over protesters. The second thing the judge said which is going to be crucial for our trial is if you--all kind of descended on Charlottesville with guns and knives and torches and you intended to commit violence using those weapons, rather than using those as weapons someone used a car as a weapon and killed someone, that's on you. I'm using -- that's basically what he said. That's on you.

And so the reasonable foreseeable consequences of what you did is on your heads. And so that's why the conviction of James Fields, he just pled guilt presumably to avoid the death penalty in Virginia is going to be crucial. He's one of the named co-conspirators in the case.

>> AMY SPITALNICK: He was the one driving the car.

>> ROBERTA KAPLAN: We've been spending most of our time trying to get more data. It's been incredibly hard. These guys don't play by the rules, not surprisingly. They've done things like throw their iPhone literally in the toilet. One of the defendants. Or refuse to produce things or say I don't have any documents or Richard Spencer took all his e-mails and cut and pasted them onto paper so I couldn't see who

he sent them to or when he sent them or any information about them and produced those. We said that's not good enough, we want your e-mails.

So we're on this kind of mining exercise of trying to get their data. We will then depose them all, once we have as much of their data as we can get.

And then we will be in court before a jury, I wish you guys were my jury. You're not. My jury is going to be from the western district of Virginia. My guess is in 2020, it just got postponed. We were supposed to open Friday before my son's bar mitzvah. I'm pleased it was postponed.

>> AMY SPITALNICK: Mazel tov.

>> ROBERTA KAPLAN: Every decade or so we have a trial that's important for this country and for understanding our country and obviously there was a scopes monkey trial. Recently, they did the prop 8 trial in California that had that impact. I think this trial will have the same impact.

>> AMY SPITALNICK: Yes.

>> ROBERTA KAPLAN: I think we need to have a civic education about what this means and we need to send all these guys back into their parents' basements playing video games and not out on the streets.

[Applause]

>> JILL MADERER: Can you identify who are these guys? How did you choose the defendants? Who are the defendants?

>> ROBERTA KAPLAN: They're the greatest hits parade of the alt-right. Richard Spencer, who I'm sure you all know, Cantwell, the bald guy on the video is one of the defendants. Some really overt Nazis, Andrew England, Matthew Heinbauch members of the Nazi party. Jason Kessler, kind of the local organizer. Then a lot of their affiliated groups. So identity Europa which is a real danger right now on college campuses. Vanguard America, same thing. Some KKK chapters. It's quite an assortment of people. I want to say -- I mean, I'm pretty -- I've been litigating for a long time. I'm a -- I do trials, you know, for a living. I'm pretty thick skinned, I think. I'm pretty, I think, cynical about what I do in a way or kind of the reality of what I do.

There is one thing in this case that even I with all my thick skin I was shocked by. And that is when you read their communications, when you read their messages and their e-mails and their texts, they hate black people. They hate gay people. They aren't too crazy about women. But there is one group that they hate more than all the others and it's Jews. The degree to which anti-Semitism is what they talk about all the time, it's what animates what they do, it's what organizes their various hatreds, was absolutely shocking to me. In one way you can see it -- we get a lot of threats online. And they put things up about me all the time with -- one thing I do not -- I wish I had a bigger nose. Be a lot easier for me to breathe if I did, but they put up pictures of me with this enormous Nazi character of a nose.

They don't make fun of me for being a lesbian, for being a New Yorker or a lawyer. Every single character about me is about me being a Jew. I feel really -- I know this is a sympathetic crowd, but you all have congregations. I'm telling you that American Jews need to wake up to this. One of the things I should say -- one of the things, my wife's mother is the -- her older sister married Sigmund Warberg's son. He was a wealthy German Baker. Really when Hitler got dangerous, left Germany to London and then moved here. And I was reading a couple years ago his biography written about him by Nile Ferguson. He talks about Sigmund Warburg's letters. The letters he wrote could be written by a Jew today. What he said in the '30s was, not so bad, we'll be able to control him when he's in power, good for business, I won't have to

pay very many taxes. The same things that American Jews say today when they don't understand how serious this is are what the German Jews were saying in the '30s.

I'm not saying the holocaust will happen here. Over my dead body the holocaust will happen here. If we think this isn't a threat and isn't serious and these guys aren't organizing more and more and more, then we're being naive.

[Applause]

>> AMY SPITALNICK: I would just add a few things to that. I think Robby's exactly right, but it's important to see this in the broader context of which it's happening. Shows a flash point, but not an isolated incident and the ADL has put out a number of alarming stats over the last few years that really show that crisis this is just indicative of. 2016 to 2017 marked nearly 60% increase in anti-Semite acts and hate crimes. There were more extremist murders in the United States than any year since 1985, the year of the Oklahoma City bombing. This is a crisis.

Again, at the core of a lot of this is an anti-Semitism that spills out into Islamophobia and racism and homophobia and misogyny and everything. To that point, we saw how pervasive this is and the interconnectedness between Charlottesville and Pittsburgh and Christchurch. We get these fun alerts that says here's what your defendant said on social media today.

>> ROBERTA KAPLAN: We have to follow them on the dark web. It's dangerous for us to do it. So we have people doing that for us.

>> AMY SPITALNICK: Last night or this morning, we got one that had Andrew England, one of our defendants. He wrote a post on the daily stormer, a crazy anti-Semitic website, he felt more joy than he'd ever felt since a child when he watched the video of the Christchurch massacre. This is how people think. This is the evil we're up against. Their views in and of itself are odious. They have a right to them. It's the fact that not just in Charlottesville, in Pittsburgh, in communities around our country this evil, this hatred is translating into not just protests and signs but into actual violence that is killing people and making our communities unsafe. That's what this case is really about.

>> JILL MADERER: Who are the paragraphs and how did you choose them?

>> ROBERTA KAPLAN: So the plaintiffs are all people from Charlottesville who were there. They kind of fall into categories. We have three or four kids who were around that statue on Friday night and were probably in more danger than anyone else other than Heather Hire the next day. One of them is an African-American young man who's anonymous. He's John Doe in the case. He says he literally thought he was going to die, they were going to kill him there. We have reverend Seth who is a universalist minister who was very active in organizing clergy, including the rabbi, rabbi Rachel of the synagogue to protest about what was going on. You see him in these pictures. I wish I had brought more pictures. He's kind of linking arm in arm with the ministers that day when the Nazis kept charging -- tried to charge and break their line.

We have three or four people who were with Heather Hire standing right next to her when the car struck. One of the guy Marcus Martin in the Pulitzer prize-winning photo. He pushed his then fiancée out of the way. He's a large African-American man, he was hurled over the car. His leg was shattered as a result. He and his fiancée, now wife are plaintiff in this case as well. We don't have -- we had a Jewish plaintiff and the judge dismissed -- he said her injuries which were mainly psychological were not serious enough compared to the others.

>> [Off Mic].

>> AMY SPITALNICK: And what happened at the synagogue.

>> JILL MADERER: Are there threats coming their way?

>> AMY SPITALNICK: One of my big roles is funding this case. What has turned out to be perhaps one of the biggest expenses is security costs. As Robby described, our plaintiffs, our legal team, IFA itself are getting the vilest anti-Semite and generally disgusting threats that really speak to just how awful these people and their followers are. These plaintiffs, there's ten of them, they are so brave for doing this in the first place. When you think about it in the context of what they went through and what they are putting themselves through again in order to make sure these guys are held accountable for what they did and this doesn't happen again anywhere in America, it's unfathomable. It's so amazing what they are putting themselves through to do this. But it's also true of our legal team and the threats that they are getting. And the fact that, you know, we have to take precautions that you wouldn't normally have to take in a typical legal case. And frankly a big part of the work right now that IFA is doing is making sure our legal team has the resources they need to win at trial, and we're raising money for that. But we're also making sure we have the resources to keep everyone protected throughout this case.

>> ROBERTA KAPLAN: So we went down to Charlottesville. I met with all these people. And these are not people in it for the money. I said to them, look, you know, we're hoping we will be able to figure out who is funding them, and that's one big goal of the case, but you should not expect a big pot of money at the end of this. A lot of these guys we don't think have a lot of money and that's really not the point of the lawsuit. A lot of them were seriously injured. You may have claims against the police for not protecting you better or against the University of Virginia, I'm not exactly sure what was going on there, but you may have those claims and you should pursue those claims if you want to get compensation, but then you can't be in our case.

And every one of these plaintiffs had the bravery and kind of the -- the strength of character to say, no, no, no I want to stop this, so I'm going to join your case knowing that there were other claims they could have pursued that might be much more lucrative.

>> JILL MADERER: Bravery and sacrifice potentially.

>> AMY SPITALNICK: You might have seen the news about James Fields. There were certain charges against him individually for his role driving the car and killing Heather Hire and injuring others. There are other lawsuits going on. There are certain smaller lawsuits going on. This is the only case going after the leadership and the infrastructure of the people who planned and executed this violence.

>> JILL MADERER: You spoke about how important it is for the Jewish community to wake up, to see this truth that you're shining this light on. What would it look like for us to wake up? Us, our congregations, our Jewish communities, what would it look like if we were to wake up?

>> ROBERTA KAPLAN: I think we have to confront it face to face. It's a natural human emotion I think to say it's not such a big deal and this is America and it can't happen here and to kind of downplay they're all a bunch of weirdo computer geeks or whatever and to kind of downplay the risks and the dangers. But, you know, other Jewish communities did that, and it was not a great idea for them. And, you know, I'm a great believer in our Constitution and our form of government, but that, too, is under greater threat today than ever before. And I don't think we can -- we know we can't rely on the government. The FBI has admitted that for the last five years they were kind of asleep on the switch when it came to right wing extremism and violence.

And so we need to educate ourselves, we need to fight back, we need to sue them in court when we can, and we need to educate our fellow Jews that we cannot let

this happen here and that we have to be vocal about it and say what's happening and denounce it for what it is.

>> AMY SPITALNICK: I'm going to do something very dangerous in a room full of rabbis. I'm going to try to talk about Jewish text. It's very dangerous. Very risky. More dangerous than suing Nazis.

So IFA, we're announcing it right here, right now at CCAR, we're putting out a Cedar supplement this year. I'm very excited.

[Cheers and Applause]

I think there's a slide. There it is. There's going to be these little papers by the door on your way out that have the URL as well. It's a short supplement you-all can bring back to your congregations and share the URL with them. What it looks like is the question -- when we were slaves in Egypt, during the story of the exodus. We don't have a lot of recourse. There weren't tools at our disposal to fight back against the hatred and the slavery that we experienced as Jews. But in this generation, we do. We have those tools. We have the justice system. We have the courts. We have lawyers and plaintiffs who are willing to be brave and actually fight for what's right using those tools. And so, you know, there are a lot of alarming similarities between Jewish history and what's happening today, but we also are in a unique position where we have a system that is meant to protect us. And that if we fight back, if we actually use it, there's a lot we can do to stop this.

So I would urge you-all to share this URL, integrity first for America.org/ Seder. It's really short. I think it would prop conversations around the Seder table, no other place to talk about our responsibility as Jews to fight modern day injustice. There are handy handouts at the table on your way out.

>> ROBERTA KAPLAN: About a year ago, I made a statement calling the defendants in the case modern day haymen. They actually tried to get me sanctioned by the judge. Their argument was that I was actually arguing that people should assassinate them, which obviously was the last thing from my mind. But it's just amazing and kind of shocking the degree to which they see this all as kind of the biblical fight against the Jews.

>> JILL MADERER: Thank you for the Seder supplement. Rabbis love resources, thank you.

>> AMY SPITALNICK: I just learned this from our digital [Off Mic]. There's a QR code up on the screen and on these -- on these papers. If you just open up the camera on your iPhone and hold the camera to it, a link will pop up and you can go directly to the page. You don't even need to type if you don't want. I just learned this a couple days ago. Efficient liberation.

>> JILL MADERER: What do you hope is the enduring impact of this case?

>> ROBERTA KAPLAN: So there's short-term and long-term. Short-term, I will get verdicts against each one of these guys and their organizations. What does that mean? We'll take whatever assets they have and we will chase them for the rest of their lives as a deterrent to anyone else who thinks they want to try this again. And I should say that they talk about this, what did Richard Spencer --

>> AMY SPITALNICK: He said when I'm done with my legal stuff, we'll be back.

>> ROBERTA KAPLAN: So they get that we are kind of a huge albatross hanging around their necks and I want that albatross to be permanent. That's goal number one. Goal number two, we're going to get injunctive relief preventing anyone from doing this again, and the people in the community really want that. They feel, to this day, insecure. And three, I think we need to send a message to this country that this is not America, that this doesn't happen openly on American streets and people get away with

it, that when they do it, the law is going to make a statement that this is illegal and wrong and they're going to pay a very heavy price. I don't have the ability right now, I'm not a prosecutor to put anyone in jail, but this is the closest we can come to that using the courts and the civil courts to do this.

[Applause]

>> JILL MADERER: And can you help us understand what do you think is our role? How can we support your work?

>> AMY SPITALNICK: So there's the big picture, which is what we're talking about. Making sure your congregations, your communities understand that this -- this happened and we're fighting back, but it's also part of this broader fight and we all have an obligation to play our part in making sure that this rise of violent white nationalism doesn't go beyond this and that there isn't another Charlottesville or another Pittsburgh. But then there's also the quite literal sort of cross thing you can do which is help us fund the case.

And so it's -- it's -- you know, not cheap to sue Nazis, especially when there's two dozen of them that are trying everything they can to block this case and not turn over their devices, but I learned something interesting today. It costs about \$500 to image a defendant's device. So a big part of this case is the conspiracy that happened and was planned online, and the forensic evidence collection we're doing of these defendants' cell phones and computers and social media accounts is going to be key to the case we make at trial. It costs \$500 per device. So if like every synagogue represented in this room raised \$500 for the case, that would go a very long way towards making sure we have an even greater chance of beating these guys in court.

So \$18 donations, \$36, whatever people can do, every dollar that goes to integrity first for America goes directly towards funding this case and making sure that Robby and her legal team have everything they need to win when we're at trial.

>> ROBERTA KAPLAN: I should say --

[Applause]

-- when Karen and I argued -- Karen is an amazing lawyer. She's a lot kind of dispositionally a lot more conservative than I am. We're a good combination. When we argue the case, she insisted that we wear bullet proof vests from the heavily secured van that we drove to the court in, when we got out of the van, to the courthouse.

And I was like, okay, if Karen Dunn's going to wear a bullet proof vest, I guess I'll wear a bullet proof vest. So the security people we use had extra bullet proof vests and I put one on. Karen said to me, you don't understand, I bought a custom bullet proof vest that actually will withstand bullets from automatic rifles. Your bullet proof vest will only like work for a shotgun. I said, why are you telling me this now, Karen? It's a little late. But this -- that is the degree of security that we have to live with right now to make sure that we and our law firms and our families stay safe. It's not cheap. At all. Even this monitoring of the dark web every night costs a fortune. We have to make sure we know what they're doing.

>> JILL MADERER: We are taking some questions from the community. The first is: Where are the Nazi defendants getting their money?

>> ROBERTA KAPLAN: Very good question. We would really like to know that. We do not know that. They finance a lot of this using Bitcoin intentionally so it would be -- you know, be hidden. But one of our key goals in the case -- and this is the part of the case we're really getting into now -- is to try to trace those funds. But they -- they clearly were being funded. They had all kinds of resources. They had white

vans that they drove into Charlottesville with. They had -- as you saw tiki torches galore. They clearly were receiving outside funding and we want to know who did it.

>> AMY SPITALNICK: There are also lawyers out there willing to represent these guys, which I find astounding including a literal holocaust survivor.

>> ROBERTA KAPLAN: The main lawyer on the other side is from Cincinnati.

>> JILL MADERER: Are there any of the organizing tactics that these white supremacists use that we could use against them to organize our own people?

>> AMY SPITALNICK: This is one of the things that I've been thinking about is, you know, obviously anti-Semitism is really core, underlying motivation for a lot of these -- these guys are also incredibly intersectional in their hate. They hate everyone. They hate Jews and black people and women. There's so many things, they put out about the misogyny last year. They're really intersectional in their awfulness. We need to be applying that to our own work. We shouldn't let the divisions that people are trying to create stop us from realizing these guys are a threat to every single one of us, every single person that is different than their vision for what this country should be, which is everyone in this room and most people not in this room, we need to be a little bit more cohesive and intersectional how we fight back against them.

>> JILL MADERER: Anti-Semitism is racism is Islamophobia. Another question. I'm proud to be in a communicate with such courageous and wise women as you.

[Cheers and Applause]

What is happening on the legislative level to deal with these anti-Semitic threats and what can we do on the federal and state level?

>> ROBERTA KAPLAN: There's a really good article about this two days ago, three days ago. Domestic terrorism is not a crime under federal law. So Muslim terrorism because it's coming from outside the country is considered terrorism. It can be prosecuted under terrorism statutes. But home-grown Nazism and white supremacy is not considered terrorism. And that needs to change. There -- there's legislation pending to do that. You'll be shocked to know that that's not exactly one of the things on the current Senate's agenda, but it's something that we need to push. Because we do have statutes we can use, but I shouldn't have to go back to a law passed in 1871 to bring this case. There should be more modern legislation that we can also use to go after these guys.

>> JILL MADERER: Another question: In your research, have you gotten a sense of how many of these people there are?

>> ROBERTA KAPLAN: That's a very good question, and there's some debate about it. It's definitely in the thousands. Probably in the tens of thousands. And the question is really whether it's in the hundreds of thousands. What happened in Charlottesville is that -- and this is what's so scary about all this. We picked the leaders to sue. But it's clear that not everyone who showed up from Kentucky or Alabama or even upstate New York to rally on their side with clubs and weapons in Charlottesville was necessarily directly affiliated with these people. They are sympathizers. And what the internet and tech allows them to do, and I think we have to really push tech to police themselves better, but they'll find a website. Like Amy said, now they're on Gab. If they get kicked off of Gab, they'll go somewhere else. But to really counter kind of the attraction of these ideologies to these mostly young, disaffected white men. That's who we're talking about.

And so I think the numbers of those are much bigger than anyone imagine. Again, I think not that dissimilar to the people who sympathize with the Nazis in Germany in the 1930s.

>> JILL MADERER: This question asks: Are there any women in or leading this white supremacy movement? And what's the significance if there's absence?

>> ROBERTA KAPLAN: So not a lot. But there are some. So there was one woman -- I can tell you two stories. There was one woman who was on discord with these guy. On discord, you have handle like someone on Twitter or anything else. And this woman's handle -- you're going to love this one. Her handle was crystal knot. And we sought a subpoena because she was communicating with the defendants in our case to get the communication she had with our defendants. And she opposed it on the grounds that she works for a tech company somewhere in silicon valley and that she would lose her job if her name was identified.

We won the motion. To this day, I had no idea who crystal knock is nor do I really want to know, but again talking about the numbers. This is, I'm sure, a perfectly, by all appearances reasonable, successful person working for a tech company who when she goes home at night logs in as crystal knot and helps to plan Charlottesville. There's another woman who was deposed who lives again this this area in Cincinnati who we deposed who was also communicating with a lot of the leaders at the beginning. She actually warned them -- she's definitely a white supremacist and anti-Semite, but she warned them, you guys, this is going to be -- this is dangerous, people are going to get hurt and going to get in trouble. When she started warning them, they kicked her off the leadership channel.

>> AMY SPITALNICK: I will say this, the fact that our two lead counsels are two amazing Jewish women --

>> ROBERTA KAPLAN: All short.

>> AMY SPITALNICK: Three short Jewish women are taking this case through court. So they must not like that. It gives me a little bit of pleasure to think about that.

>> JILL MADERER: Can we rely on the courts in light of this stacking of conservative judges?

>> ROBERTA KAPLAN: In all respects, no. In this respect, yes. I believe -- we have a very good judge in this case. He's a Bush 1 appointee. He wrote a beautiful opinion. And he -- there's no question that he is going to be a great judge in this case and will see it through to verdict. It's possible that the -- when we win the verdicts that the case will get appealed to the fourth circuit. And then to the Supreme Court. Excuse me. It's even possible the Supreme Court will take it. But if the Supreme Court takes it, in my mind that will be to show that this is not acceptable. Even, you know, the most right wing justices on the Supreme Court do not think this is protected first amendment speech. They know what it is. So I'm very confident that this case -- the courts are going to vindicate us at each level.

>> JILL MADERER: What -- what lessons did we learn from white fish, Montana?

>> ROBERTA KAPLAN: So one of our defendants is from White Fish, Andrew England. And Spencer's from there as well. Richard Spencer's parents live in White Fish. The SPLC has a single case against England in White Fish. I'm sure people have read some of the stuff about the SPLC. They just brought one case -- he isn't even participating in the case. They don't really have to do anything. Compared to our case against 24 guys where we're doing an awful lot. White fish is an example of what happened. It's a mini version of Pittsburgh and Charlottesville. But where the main action is certainly was in Charlottesville and that's why we're going after the guys there in the way that we are.

>> AMY SPITALNICK: I think this is really the only case in the country that is going after the infrastructure, the conspiracy, the leadership of this movement and the

repercussions of going after and winning a case against all two dozen of these guys is going to be far more powerful than I think what people might expect.

>> JILL MADERER: How can we as rabbis help people and our elected officials understand the seriousness of this threat, and this questioner asks, how much time do we have?

>> ROBERTA KAPLAN: That's a new question. Look, you know, I wouldn't be doing this -- I don't think any of us would be doing what we do if we didn't believe in [Speaking Hebrew]. In this case is very much part of that. We will win this case. We will win back our country. We will win back our democracy and this wonderful country that has so welcomed Jews and so allowed us to flourish the way that we have. But we're going to have to fight for it now in ways that we never had before. And so I think the way to do that is to speak up, to educate people, to get people activated, to get people to donate so we have the resources to do this the way it should be done, which is absolutely the highest level. And we want to -- we will win it back. I'm not going to give any deadlines. There's no time. We're going to win. It's just -- it's better if we can win sooner rather than later.

[Applause]

>> JILL MADERER: Any last comments? Any closing remarks?

>> AMY SPITALNICK: Look, obviously this was an easy room for us. We don't have to --

>> ROBERTA KAPLAN: We're not going to be doing any jury studies in this room.

[Laughter]

>> AMY SPITALNICK: I do think, like Robby said and like many of you asked about, this can't stop when you leave this room or when you leave Cincinnati. We really need you--all to go back to your congregations and communities and just -- like just spreading the word about the fact that this is happening. I think in the news cycle that we live in right now, not a lot of people remember that there were literal Nazis that marched on American streets and killed someone and injured countless others a year and a half ago. There's so many crises and so many fabricated crises out there. One, just keep talking about this. And there's unfortunately going to be no shortage of opportunities to talk about this because these guys are still out there doing awful things.

And then, you know, we have the Seder supplement. Integrity first for America. You can read the judge's motion to dismiss.

>> ROBERTA KAPLAN: We're going to have a new motion tomorrow.

>> AMY SPITALNICK: This case is very active. And provides a lot of opportunity for conversation. We're happy to be a resource, you know, we're a small organization, literally two people right now. But we're a small organization. We're happy to be a resource and try to tell the story of this case as much as we can and please reach out to us. Let us know if -- what we can do to help you tell the story and raise awareness about this in your communities.

>> [Off Mic].

>> JILL MADERER: The questions were kind of filtered through so that there were a bunch folded together.

>> [Off Mic].

>> ROBERTA KAPLAN: Sure.

>> [Off Mic] southern Jewish historical society. Are you--all -- [Off Mic].

>> ROBERTA KAPLAN: No, but we will be now.
>> Thank you.
>> ROBERTA KAPLAN: Thank you. That's a wonderful tip.
>> [Off Mic].
>> ROBERTA KAPLAN: Yes.
>> I would suggest [Off Mic].
>> ROBERTA KAPLAN: That would be lovely. Thank you.
>> JILL MADERER: All right. Did you have something? As we prepare to move towards [Speaking Hebrew], towards our themes of liberation, now strengthened with our Seder supplement, may we take inspiration and urgency from this conversation that we've been so privileged to share with you. Inspiration for our support of your work and for determining our own paths in this work of justice and righteousness. Thank you.
[Cheers and Applause]

>> Before everyone departs, a few -- a few things. One of the additions that we have for this conference this year is to do a [Speaking Hebrew], very brief closure to the theme of our day. Ariana Silverman just a moment will be leading us in that, but a few brief announcements. Number one, immediately following our [Speaking Hebrew] at 10:15, we will gather again for those who need to recite [Speaking Hebrew]. We will need a [Speaking Hebrew], so if you're willing to give five minutes and help a colleague, please join us in the same site we were in last night. Number two, tomorrow morning is the last opportunity to register for the Wednesday social justice track. If you haven't signed up and you wish to participate, please do so tomorrow morning.

Number three, our breakfast at 7:00 a.m. is sponsored by ARTSA. It will take place in the pavilion where all of the vendors are meeting. Number four [Speaking Hebrew] locations, please use the app for tomorrow morning. They are incorrect in the program booklet, but the app is correct. Five and my final words are, tomorrow morning, building on the introductory work that we had last year's convention, the task force on experience of women in the rabbinate will begin our 9:00 a.m. session with a theatrical performance. We ask that everyone arrive promptly.

>> Throughout my rabbinate I've had the policy that if the CCAR asked me to do something, I will say yes. And so I said yes when they asked me to get up here at 10:00 at night in front of a bunch of rabbis who just want to go to bed or see their friends or call their families and frame both a moment of silence in conclusion of the day. Knowing we have each done difficult things like this, I invite your patience as we spend just a few more minutes together.

As Jews, we live with the tension of sorrow and joy. Particularly after this program, we as a community will take a moment to mourn. To mourn for the loss of lives due to hate, including but not limited to in Charlottesville and a church in Charleston, in a sick temple in Wisconsin, in mosques in New Zealand and at the tree of life synagogue in Pittsburgh. We take a moment of silence to mourn, honor, and remember them.

[Moment of silence]

We also know that as Jews we strive even in difficult times to say 100 blessings a day. And so I have the privilege to share with you a practice I use at the end of each day. I learned it admittedly from a TED Talk and of course it is deeply Jewish. At the end of each day, I write down at least three things from the day for which I am grateful, lessons learned, moments of love, moments of laughter. And so I ask some of you what you're grateful for from this day. And here are ten of the things for which we are grateful.

The services gave me a chance to really pray. The opportunity to remember Aaron Penkin and his impact on my rabbinate. A creative idea that I can't wait to implement. Friends and classmates and colleagues and opportunities to reminisce. My children aren't here.

[Laughter]

The opportunity to celebrate and honor Steve's tremendous service to our conference. The crest toothpaste analogy. A chance to put my arms around and comfort a colleague whose spouse passed away in the past year. The amazing sense of humor of our new CCAR president because we know he will need it in the coming years. The fact that we get to do it all again tomorrow. And so I thank you for an incredible day. Even in difficult times, may we each have many things for which we are grateful. With that, [Speaking Hebrew].

[Applause]

[Event concluded at 9:58 p.m. ET]