JCRC Consensus Policy Statement on Democracy in the United States

Preamble

Following a rigorous education and research process that may take months to a year, JCRC Consensus Policy Statements are crafted by the JCRC Public Policy Committee and presented to the JCRC Assembly for deliberation and approval. These statements, which directly guide our advocacy, are the result of extensive discussion among Jews with divergent viewpoints in our community. We seek to bring together the rich diversity of the Bay Area’s organized Jewish community in order to find where there is consensus. Led by the Board President, the Assembly meets quarterly for education, deliberation and consensus building. Members include at-large and organizational representatives throughout the Bay Area. When the Assembly gathers, members air views and think critically about what Jewish values and experience have to teach us about the issues at hand.

The JCRC Consensus Policy Statement on Democracy in the United States was written following fourteen months of consensus building among JCRC members and member organizations across the Bay Area. Our Assembly hosted guest speakers on immigration issues, the status of our independent law enforcement and judiciary, and the general state of our democracy. Staff and lay leaders conducted one-on-one interviews of community members to ascertain what the community believes about America’s system of governance and how it envisions change. We held a day-long forum entitled “Waging Democracy,” at which experts spoke on a range of pertinent topics. (Videos from this forum and other resources are available online at https://jcrc.org/what-we-do/democracy/#wd.) Then, at the conclusion of our consensus-building process, the Public Policy Committee spent months carefully crafting the language that was vetted and ultimately approved for this statement.

June 27, 2019
CONSENSUS STATEMENT ON THE DEMOCRACY OF THE UNITED STATES

Approved by the JCRC Assembly June 18, 2019

Introduction

Fostering stronger democratic institutions and respect for democratic values has always been an essential part of JCRC’s core work to pursue a just society and a secure Jewish future. A vigorous defense of democratic values and institutions and proactive efforts to foster a strong and cohesive civil society serve both the Jewish community’s prophetic calling to pursue justice and our self-interest in maintaining a society in which we, and other religious minorities and historically marginalized groups, can continue to be secure and thrive.¹

History has shown that the Jewish community has thrived in the United States because it is a pluralistic society that is committed to strong democratic values and institutions.² The United States Constitution and the Bill of Rights have provided the Jewish community with a historically unique level of protection. The protections for the rights of religious minorities, the Free Exercise and Establishment clauses of the First Amendment, have enabled us to live with an unprecedented degree of freedom and inclusion. The historic expansion of rights to all, regardless of their race, ethnicity, religion or gender, while still incomplete, has served as a guardrail for the protection of our rights as citizens and residents who are Jewish.

The Jewish community, despite a history of facing discrimination, is an integral part of the political, economic and social landscape of the United States. We are proud of the leadership the Jewish community has shown in the areas of civil and human rights for all people. At the same time our community has not been immune to xenophobia and hate. We suffer the effects of the degradation of public discourse, and, as the recent reports of rising anti-Semitic incidents³ in the United States so tragically illustrate, we remain a target for extremism.

We are deeply concerned that there has been a gradual and significant degradation in the health of our democracy over the course of the post-cold war era.⁴ This degradation is evidenced by: the increasing concentration of ownership of news sources; the spread of
misinformation; attacks on the press; voter suppression; threats to the legitimacy and independence of the judiciary; the balkanization of Americans; xenophobic and regressive policies toward asylum seekers; the marginalizing of minority communities through the delegitimatization of their rights; and an increasingly uncivil discourse in the public square and political arena. We believe these factors transcend any one political party, elected official or moment in time. Likewise, addressing these challenges is the responsibility of each of us, regardless of political affiliation.

For these reasons, JCRC reaffirms its fundamental commitment to democratic values as reflected in its policy statements issued over decades, reiterates the key ways in which we support these values, and makes recommendations for further action.

**The State of our Democracy**

Numerous scholars and organizations have identified the hallmarks of a strong democracy and the factors that indicate that democratic institutions are under threat or in decline. These factors include:

- Politicizing independent institutions such as law enforcement and the civil service;
- Spreading disinformation;
- Undermining the separation of powers;
- Quashing dissent and encroaching upon political freedoms and civil liberties;
- Delegitimizing the rights of minority communities;
- Attacking independent media and increasing state control of information;
- Political rhetoric that violates democratic norms.
- Increasing nationalism, high levels of political polarization, corruption, abuse of state resources and low trust in institutions.
- Disrespecting free and fair elections, delegitimization of the opposition and corruption of elections.

Ominously, many of these threats to democracy and civil society are visible today both in the United States and around the world. Authoritarianism has gained traction in countries that have been thought of as committed to democratic values. In its annual "Freedom of the World Report," Freedom House noted a decline in American democracy since 2010 with an “accelerated” decline in 2017.

The following developments in the United States call upon the Jewish community to advocate for democratic norms and values and help foster social cohesion and public civil discourse:

- A breakdown in civil society evidenced by increased polarization;
• The rise of political extremism and the delegitimiziation of the rights of minorities;
• Attacks on the press, the courts and other institutions that provide a check on executive power;
• Attempts to disenfranchise and suppress the votes of minority groups through deliberately designed barriers to voting, combined with partisan gerrymandering, which have created a disconnect between electoral results and the will of the people;
• Disinformation campaigns, without transparent funding sources or funded by outside actors, which have corrupted the electoral process by discouraging voting and feeding voters false or misleading information about candidates and issues;
• The delegitimizing of science and the loss of a shared view of facts;
• The weakening of civil society that damages the relationships that allow for constructive engagement and consensus building;
• Attacks on the rule of law which undermine the faith in our institutions that is critical for maintaining a vibrant democracy.

While some of the trends that we have noted are beyond the scope of JCRC’s ability to effect change, we have identified several areas in which it is critical that our voice, representing the Jewish community, be heard and our expertise in civic engagement be brought to bear.

Judaism and Democracy

Judaism shares with American democratic values the belief in individual liberty, equality, justice, pluralism and collective responsibility. JCRC is similarly guided by these core Jewish values:

• B’tselem Elohim, the proposition that all humans are created in the image of the Divine and are, therefore, entitled to be treated with equal dignity;
• The oft-repeated commandment that strangers must be treated with equal respect;
• The duty to positively act to save a life: “Do not stand idly by the blood of your neighbor”;
• A profound respect for the rule of law and the pursuit of justice, as shown by the injunction that judgments should be fair and unbiased, favoring neither the poor nor the rich, and the commandment that we should not bear false witness;
• The Talmudic respect for dissent, which recognizes both the majority and minority positions in debates, and the approval of disagreement “for the sake of heaven.”

JCRC believes that actively protecting our democratic freedoms and celebrating our diverse society is an expression of both Jewish and American ideals.
Building on the foundation of JCRC’s work

JCRC has a strong foundation from which to raise the alarm about the erosion of the democratic system in the United States. We have a track record of working for societal change and calling out injustice when we see it. We have proven methods of fostering change through advocacy and coalition building. As the democratic system erodes, we must bring our resources to bear to shore up the pillars of our democracy.

The following existing JCRC consensus policy statements speak to our history of advocating for civil rights, civil liberties and a healthy democracy for all people:

- Racial Justice (2017)\(^{18}\)
- Economic Justice (2016)\(^{19}\)
- Reproductive Rights (2013)\(^{20}\)
- Immigration (2009)\(^{21}\)
- Religion and Elections (2008)\(^{22}\)
- Same Sex Civil Marriage (2006)\(^{23}\)
- Right of Protest and Dissent (1966)\(^{24}\)
- First Amendment (1962)\(^{25}\)

JCRC builds broad coalitions with other faith and ethnic groups around common concerns and mutual respect. As early as 1948, the JCRC (then named The Jewish Survey Committee) convened and organized a multi-ethnic and multi-faith effort to create the Council for Civic Unity. Its goal was to foster racial equality through equal and fair housing, employment and education advocacy. Today, we are part of coalitions that address immigrant rights, human trafficking, affordable housing and interfaith relationships. We continue to believe in the power of coalition building as an antidote for what is ailing our democracy.

In addition to our history of building consensus in the Jewish community, JCRC is well respected for its Year of Civil Discourse\(^{26}\), an initiative that trained more than 1,000 Jewish community leaders and members across the Bay Area in how to engage civilly around controversial issues and has since been replicated nationally. Civil discourse is part of the ethos of the JCRC and a key ingredient to strengthening our democracy.

Democracy Policy Principles

The following are among the core policy principles that must remain intact in order to ensure a healthy, just and inclusive democracy in the United States and reflect our commitment and efforts to safeguarding these pillars.

Rights and Freedoms
Civil and Religious Liberties

Protecting our democratic freedoms and celebrating diversity by helping create and maintain a welcoming environment for people of all backgrounds to freely express their culture, religion and beliefs is one of JCRC’s core values.

The First Amendment prohibits the state from interfering with the individual right to speak, publish, “peaceably assemble” and “petition the government.” Our 1966 consensus policy statement on the right to protest and dissent articulates our strong support of these rights: “The principle of the free expression of opinion and the right therefore to dissent is the cornerstone of the American democratic process. America was founded by dissenters, our government born in acts of protest, and free speech is enshrined in the Constitution as a sacred right.” Every person has the right to speak out in the public arena, demonstrate and dissent, whether individually or as part of a larger collective, so long as doing so does not impermissibly violate the rights of others.

We support robust religious freedom. The First Amendment protects the “free exercise” of religion against government interference and prohibits government from favoring one religion over another. It is a necessary part of our democracy that adherents of all faiths be free to practice their religion without fear or intimidation so long as doing so does not impermissibly violate the rights of others.

Freedom of information, press and media

The First Amendment recognizes that active and independent media, whether print, digital, or broadcast, are critical to the functioning of American democracy. Attempts by the government to delegitimize it are inappropriate.

We believe that increasing concentration of ownership of media outlets, resulting in a concentration of news sources, inhibits vigorous public debate. We therefore encourage the proliferation of a wide range of media with diverse viewpoints and efforts to promote robust competition in the marketplace of ideas. Democracy is best served when the citizenry has access to different viewpoints and makes a serious effort to hear views from all sides of political issues.

Institutions and Structures

Rule of Law

The rule of law is “a principle that itself is quite old and long predates the United States; the rule of law is the general concept that government as well as the governed are subject to the law and that all are to be equally protected by the law.”
We affirm the rule of law as a cornerstone of our democracy. We affirm our belief that “in order to secure equal rights to all citizens, government must apply law fairly and equally”\textsuperscript{30} to every person.

**Independent Agencies of Government**

A healthy civil society depends on strong, independent governmental institutions, such as law enforcement, courts, and regulatory agencies, which operate based on fact and by following the law without interference or undue influence from the political branches of government. A strong democracy requires a system of bureaucratic institutions and a civil service devoted to the rule of law.\textsuperscript{31}

**Fair, Honest and Independent Judiciary**

A fair, honest and independent judiciary is a necessity for a healthy democracy. In order to safeguard judicial independence, courts must be free from pressure, whether from government officials or popular opinion. As with other key institutions, we oppose efforts to politicize the courts, to undermine their authority and independence, or to erode public trust in our judicial system.

**Free and fair elections and voting**

“The current attacks on democratic institutions are but symptoms of a deeper disease: the lack of full civic participation by the nation’s ordinary residents.”\textsuperscript{32} Ensuring free and fair elections and protecting voting rights are critical to the health of our democracy. We believe that the electoral process must be conducted so that everyone has access to the ballot box and so that every vote is counted. We therefore favor attempts to broaden voter access and oppose attempts to restrict access to the polls. In particular, the voting rights of minority communities must be protected, and minorities must have equal access to voting. There must be a stop to voter suppression tactics and disenfranchisement (e.g. locating polls in areas that are inaccessible, voter identification requirements, requiring people to pay unrelated fees before that can vote, or not making voter information guides available and accessible ahead of time, and other tactics) that negatively impact communities of color and people who are elderly,\textsuperscript{33} disabled\textsuperscript{34} or low-income.

We also oppose partisan redistricting efforts that render the results of elections less representative of the electorate. As stated in JCRC’s Racial Justice statement, “Redistricting must be fair and account for the size of district populations, geographic contiguity and racial and ethnic diversity as stated in the current California statute.”\textsuperscript{35}

We believe that fair elections require access to accurate information about candidates and issues. We therefore support greater transparency for campaign contributions and expenditures so that funds that are not attributable cannot be used to influence elections.
We support robust efforts by election officials to provide unbiased information on candidates and issues. Finally, we strongly support efforts to protect the electoral system from interference or disinformation campaigns by outside parties.

We support efforts by to find systems of campaign finance that better align the will of the people with their representatives in public office.

**The Census**

Because the census is used to determine representation in Congress, as well as to allocate Federal funds to States and localities, a complete and accurate census is critical to our democracy. The census must be designed and implemented to encourage participation by all people residing of the United States.

**Separation of Powers**

A critical factor in the health of our democracy is the separation of powers among the judiciary, executive and legislative branches of government. This ensures a division of responsibilities, prevents the consolidation of power and avoids autocracy. The system of checks and balances, through means such as Congressional oversight, Presidential veto and judicial review, ensures that no one branch surpasses the power of either of the other two. We believe that the Constitutional processes of government must be respected.

**Democratic Values**

**Pluralism, Civility and an Educated Citizenry**

The health of this pluralistic society in the United States requires us to recognize that it is composed of numerous peoples with different historical and cultural experiences and calls on us to acknowledge the legitimacy of divergent points of view. It requires us to invest in educating and preparing an informed citizenry who hold a firm understanding of and commitment to our democratic institutions and norms, and who are equipped to engage civilly and productively with each other and help advance our system of self-governance.

We therefore strongly support educational efforts to teach young people civics. We believe it is the responsibility of the education system to prepare students for future civic engagement through education about our democratic norms and institutions so that they are equipped to engage civilly and productively.

We believe that building coalitions and working across religious and ethnic groups strengthens our democracy by creating social cohesion and intergroup understanding.

We believe that civic participation and advocacy is needed to ensure that representatives speak for their constituencies and our laws represent the will of the people.
We believe that service to community and country builds a cohesive society and maintains our shared democratic norms and values.

We believe that civility brings about cooperation and bridges intergroup, interreligious and cross-party divides. We believe that we must engage the critical public affairs issues of our time and do so through civil, meaningful and sophisticated conversations.

**Delegitimization of Minorities/Civil Public Discourse**

We strongly oppose efforts that delegitimize minority groups. Whether the group is a political, ethnic, racial, religious, or other type of minority, sowing distrust and villainizing minorities for political gain is unacceptable and the antithesis of the civil discourse we need in the American public square.

Public trust in government, the media and science, as well as trust among America’s diverse citizens, is critical to the safety of all Americans, including Jews and other minority populations. We know well the danger of communities not knowing one another and neighbors betraying one another when other democratic institutions and norms fail. The lack of civility in political campaigns and policy-setting debates, among government officials and elected representatives, and on the street causes grave concern. We believe that it is incumbent upon JCRC to take proactive steps to help foster cohesion in civil society.

**Recommendations for JCRC Action**

1. Educate the Jewish community on the importance of safeguarding our democratic norms and institutions, including using JCRC programs as a vehicle for democracy education.
2. Advocate for legislation that advances the policy principles set out in this consensus statement.
3. Encourage our elected representatives to be powerful spokespersons for the policy principles set out in this consensus statement.
4. Advocate for elected representatives to make protecting our democracy a top priority during their time in office.
5. Actively oppose attempts to delegitimize minority groups, both through proactive involvement in diverse coalitions that support minority rights, and by speaking out publicly when our coalition partners or other groups are attacked.
6. Mobilize the Jewish community to take part in non-partisan voter registration and get out the vote activities.
7. Support efforts to maintain and champion an independent press and investigative journalism that adhere to the ethical practices of fact-based journalism.
8. Encourage the Jewish community to be counted by the census, to work with coalition partners to encourage their members to be counted, and to take part in assisting with the census count.

9. Be part of the public discourse around safeguarding the United States democracy.

10. Promote civil discourse across party lines within the Jewish community.

11. Promote efforts to foster civil discourse across community and partisan lines in the public square and political arena. Encourage and herald political leaders and movements that embody civil discourse.

12. Serve as a resource to the Jewish community on these substantive issues, including providing leadership, models and resources to our national, state and local partners.

13. Train and mobilize Jewish community members to engage in volunteer work working with diverse communities, and to be engaged in civic affairs – as proud members of the Jewish community – to help stitch together a strong social fabric.

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1 See James Galloway, “It’s Time for the Right people to Say ‘Enough,’” Atlanta Journal-Constitution (Oct. 30, 2018). Commenting on the shootings at Pittsburgh’s Tree of Life Synagogue, Galloway quotes Ralph McGill, the former editor of the Atlanta Journal-Constitution, in 1958, commenting on the firebombing of an Atlanta synagogue: “When the wolves of hate are loosed on one people, then no one is safe.”

2 See Jonathan D. Sarna “American Judaism A History” (2004) pg. xv-xvi. “‘Only in America’ Senator Lieberman declared after being nominated [for Vice President]. While something of an exaggeration—Jews have also attained high office in countries stretching from Austria to Singapore—his comment reflects a widely felt sense that the history of Judaism in the United States is both special and distinct (‘America is different’). Discrimination and persecution the foremost challenges confronting most diaspora Jews through the ages, have in America been less significant historical factors than have democracy, liberty of conscience, church-state separation, and volunteerism...In America, as nowhere else to the same degree, Judaism has had to adapt to a religious environment shaped by the denominational character of American Protestantism, the canons of free market competition, the ideals of freedom, and the reality of diversity.”

3 https://www.adl.org/resources/reports/2017-audit-of-anti-semitic-incidents#major-findings

4 “It has become clear that democracy has been gradually weakening throughout the post-Cold War era. This is not unique to the United States. Similar forces have been at play across the world. Economic and demographic changes have put pressure on the social contracts and status quo of many nations. Technology has reshaped how we communicate and how the media represents our societies. In many cases, American governing institutions have not responded well to these challenges. Congress has largely recoiled, becoming insular and inwardly focused through increased partisanship and polarization. The growing influence of special interest groups and the flood of money into politics have enticed Congress away from its constitutional responsibilities. Both the executive and judicial branches have led the gap left by this congressional abdication. This has strengthened the power of the executive and set up a conflict with the judiciary as the remaining functional check, a role for which it is poorly suited institutionally and democratically. https://protectdemocracy.org/resource-library/document/republic-risk-american-democracy-one-year-trump-administration/

5 We can think of democracy as a system of government with four key elements: 1. A political system for choosing and replacing the government through free and fair elections. 2. The active participation of the people, as citizens, in politics and civic life. 3. Protection of the human rights of all citizens. 4. A rule of law, in which the laws and procedures apply equally to all citizens”. Larry Diamond, “What is Democracy”, Lecture, January 1, 2004. https://web.stanford.edu/~ldiamond/iraq/WhalsDemocracy012004.htm
6 The Authoritarian Warning Survey measures the state of democracy in the United States through a daily survey of democracy experts, who evaluate the degree to which America political leaders are endangering critical facets of democracy. See https://www.authwarningsurvey.com/; Protect Democracy www.protectdemocracy.org.


8 https://freedomhouse.org/our-work.

9 Ibid.


“This is not the first year the organization [Freedom House] has observed democratic decline around the world. In fact, 2017 was the 12th consecutive year of the trend. Democracy in the United States has been declining over the last seven years, but this year’s report noted an “accelerated” decline in 2017, which they attributed to Russian interference in the 2016 election, the Trump administration’s violations of ethical standards, and a lack of transparency. http://fortune.com/2018/01/16/trump-democracy-decline-freedom-house/.

11 See Yascha Mounk, The People v. Democracy, Harvard University Press (2018), excerpted in The Economist, https://www.economist.com/open-future/2018/08/21/dystopian-democracy-and-how-the-brave-fight-back. In the excerpt, Mounk a Harvard lecturer, states that “Even when they are faced with powerful adversaries, and even when it feels like wasted time, the defenders of liberal democracy should fight to preserve the basic rules and norms of the existing political system.”

12 Genesis 1:26-28.


14 Leviticus 19:16.

15 Deuteronomy 16:18.

16 Exodus 20:16, “Thou shalt not bear false witness against thy neighbor.”

17 Pikei Avot 5:17.


28 As reported in Common Cause “Derailing the Sinclair-Tribune Merger and the future of media ownership”.

“Approximately 37 percent of Americans rely on broadcast television as a primary source of news. Local news is also a critical resource for communities of color and other marginalized communities that over index on broadcast television over their white counterparts.”


34 https://www.disabilityscoop.com/2018/02/05/how-voters-blocked-ballot-box/24675/.