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## **Issue Background**

### **Voting Rights**

On June 25, 2013, the Supreme Court ruling in *Shelby County v. Holder* invalidated parts of the Voting Rights Act. The Court struck down Section 4(b), which contained a formula requiring certain areas with a history of disenfranchisement problems to seek pre-clearance from the Department of Justice when making changes to election procedures. In the aftermath of the Court's misguided decision, many states previously covered by the invalidated "preclearance" formula have tested the extent to which they can legally limit citizens' access to the ballot box, by introducing, and in some cases passing restrictive voting laws. These restrictive bills include efforts to require photo identification at the polls, proof of citizenship laws, limits to voter registration mobilization efforts, reducing access to absentee ballots, and more.<sup>1</sup>

While proponents of these laws broadly insist that they are intended to limit voter fraud, verifiable instances of such fraud are virtually non-existent. In Ohio, for example, there were four documented instances of ineligible persons voting or attempting to vote in 2002 and 2004 - out of 9 million votes cast.<sup>2</sup>

Studies show that the victims of these voter ID initiatives are primarily the most vulnerable in our communities- low-income, elderly, and minority voters. For instance, 25% of African Americans and 15% of those earning less than \$35,000 per year lack photo ID.<sup>3</sup> Early voting is similarly disproportionately used by African American voters. In Cuyahoga County, Ohio, African American voters made up 50% of early in person voters but only 25% of voters in all other types of voting.<sup>4</sup>

### **Criminal Justice**

The United States has a mass incarceration problem. With only 5% of the world's population, the U.S. has 25% of the world's incarcerated population, making us the world's largest jailer.<sup>5</sup> Between 1980 and 2012, the U.S. federal prison population rose from about 25,000 inmates to 219,000 inmates, an increase of more than 790 percent.<sup>6</sup> In fact, at the end of 2013, an estimated 6,899,000 persons were under the supervision of adult correctional systems, which includes those incarcerated in prison or local jail in addition to those supervised in the community on parole or probation.<sup>7</sup>

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<sup>1</sup> [https://www.brennancenter.org/analysis/voting-laws-roundup-2015#\\_ftn2](https://www.brennancenter.org/analysis/voting-laws-roundup-2015#_ftn2)

<sup>2</sup> "Five Myths About Voter Fraud." *The Washington Post*. October 7, 2011.

[http://www.washingtonpost.com/opinions/five-myths-about-voter-fraud/2011/10/04/gIQAkjoYTL\\_story.html](http://www.washingtonpost.com/opinions/five-myths-about-voter-fraud/2011/10/04/gIQAkjoYTL_story.html)

<sup>3</sup> Wendy R. Weiser and Lawrence Norden, "Voting Law Changes in 2012." The Brennan Center. October 3, 2011.

<sup>4</sup> Norman Robbins and Mark Salling. "[Racial and Ethnic Proportions of Early In-Person Voters in Cuyahoga County, General Election 2008, and Implications for 2012.](#)"

<sup>5</sup> <https://www.aclu.org/safe-communities-fair-sentences/prison-crisis>

<sup>6</sup> <http://thinkprogress.org/justice/2013/02/07/1552751/federal-prison-population-spiked-790-percent-since-1980/>

<sup>7</sup> <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5177>

The policies that caused mass incarceration came out of a direct response to the social tumult of the 1960s and increasing crime rate of the 1970s and 1980s. The thought was that incarceration would take offenders off the streets and deter potential offenders from committing future crimes. Many today will argue that this plan worked: over the last two decades, crime has steadily declined and today the crime rate is about half of what it was in 1991 at its height. Additionally, violent crime has fallen by 51 percent since 1991. However, a new report from the Brennan Center for Justice called “What Caused the Crime Decline,” tells us that there is no one cause for this dramatic change, but rather many factors that are responsible: “It concludes that over-harsh criminal justice policies, particularly increased incarceration, which rose even more dramatically over the same period, were not the main drivers of the crime decline. In fact, the report finds that increased incarceration has been declining in its effectiveness as a crime control tactic for more than 30 years. Its effect on crime rates since 1990 has been limited, and has been non-existent since 2000.”<sup>8</sup>

Many analysts believe that the rising numbers of people incarcerated in the United States for drug offenses reflects a failure on the part of our criminal justice system, especially when so many are nonviolent, low-level offenders. Stiff minimum sentencing laws have mandated lengthy sentences for drug offenders at both the state and the federal levels. Many of these drug offenders are parents who are forced to leave their children with family or in foster homes while they serve out their sentence. In other cases, they are women who sold or transported drugs on behalf of their boyfriends or pimps and yet because of mandatory minimums and “three strikes” laws, many are serving more time than people convicted of violent crimes, including rape and even second-degree murder. Even people who do not manufacture or sell drugs are subject to incarceration for the simple offense of drug possession.

Our criminal justice system also struggles with unnecessarily high rates of recidivism (re-offending). A 2014 study by the National Institute of Justice tracked more than 400,000 prisoners in 30 states after their release from prison in 2005.<sup>9</sup> The study found that within three years of release, roughly two-thirds (67.8 percent) of former prisoners were rearrested, and within five years of release, about three-quarters (76.6 percent) were rearrested.<sup>10</sup>

## **Jewish Values**

Jewish tradition has long recognized not only the importance of government, but also the positive role that governments can play in establishing a society of *tzedek v'shalom*, justice and peace. Hillel taught: *Al tifros min hatzibur*, "Do not separate yourself from the community" (*Pirkei Avot* 2:4). Rabbi Yitzchak taught that "a ruler is not to be appointed unless the community is first consulted" (Babylonian Talmud, *B'rachot* 55a). As such, we support

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<sup>8</sup> <https://www.brennancenter.org/publication/what-caused-crime-decline>

<sup>9</sup> Durose, Matthew R., Alexia D. Cooper, and Howard N. Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010* (pdf, 31 pages), Bureau of Justice Statistics Special Report, April 2014, NCJ 244205.

<sup>10</sup> <http://www.nij.gov/topics/corrections/recidivism/Pages/welcome.aspx>

legislation that protects the rights of all citizens to be free of discrimination in their efforts to exercise the right to vote. The Reform Jewish Movement has for the past century strongly supported actions and legislation that protects the rights of all citizens to be free of discrimination in their efforts to exercise the right to vote.

Our biblical tradition emphasizes the importance of *teshuva*, or repentance. In Leviticus 16:29-30, we are taught that once one atones for their sins, they start anew with a clean slate, deserving of a second chance. These lessons inspire our belief that those who have served their sentences should similarly be allowed a fresh start, including the right to vote. The Torah also teaches us to accept others without prejudice or bias: "You shall not hate your kinsfolk in your heart. Reprove your kinsman, but incur no guilt because of him. You shall not take vengeance or bear a grudge against your countrymen. Love your fellow as yourself: I am the Eternal" (Leviticus 19: 17-18).

The Talmud teaches that all people are descendants of a single person so that no person can say, "my ancestor is greater than yours." God created humanity from the four corners of the earth - yellow clay, white sand, black loam and red soil. Therefore, the earth can declare to no part of humanity that it does not belong here, that this soil is not their rightful home.

### **Reform Movement's Position and Work on the Issue**

The Reform Movement has been advocating for fair and equal access to the polls since the 1960s. In the 60's, Rabbis marched in Alabama, Florida and other places with Martin Luther King Jr. for voting rights for all. Today, we continue this work through our coalitions and programming work. This past March, several RAC staff members traveled to Selma, Alabama to honor the 50<sup>th</sup> anniversary of the voting rights marches that took place there, specifically Bloody Sunday when hundreds of activists were beaten on the Edmund Pettus Bridge as they marched for their rights.

The Reform Movement has also consistently worked to reform our criminal justice system and abolish the death penalty. We work with both interfaith and secular groups to advocate for a number of legislative reforms that would bring more justice and rehabilitation into our system.

Check out the following resolutions for more information about the Reform Movement's position on racial justice issues (visit [RAC.org/youth](http://RAC.org/youth) to access a digital version of this document with links):

#### **URJ**

[Race and the U.S. Criminal Justice System](#) (1999)

[Election Reform](#) (2001)

[Crisis of Racial and Structural Inequality in the United States](#) (2014)

#### **CCAR**

[Voting Rights](#) (1889-1974)

[Urban Crisis](#) (1993)

[Continuing Struggle for Voting Rights](#) (2005)

#### **WRJ**

[Crime and the Criminal Justice System](#) (1983)

[School to Prison Pipeline](#) (2013)

## **Legislative Update**

### **Voting Rights**

The bipartisan **Voting Rights Amendment Act** (H.R. 885) was reintroduced by Representatives James Sensenbrenner (R-WI) and John Conyers (D-MI), and would fix the effects of the Court's decision while strengthening and modernizing the Voting Rights Act.

The **VRAA** has provisions to:

- Create a new preclearance formula that would replace the one that was struck down
- Make it easier for courts to subject jurisdictions to preclearance
- Require communities to notify the public when making changes to voting procedures
- Allow courts to stop voting rights changes before an election, if they seem likely to be discriminatory
- Allow the Justice Department to put election observers in place if there is likely to be racial discrimination at the polls

While some would prefer that the bill go further in strengthening voting rights, it is nonetheless a necessary first step and considered a must-pass piece of legislation by the Leadership Conference on Civil and Human Rights and the many other voting rights.<sup>11</sup> Unfortunately, the VRAA, despite being reintroduced, has yet to see any movement.

### **[VRAA Action Alert](#)**

### **Criminal Justice Reform**

Advocates are looking for comprehensive criminal justice reform that will address front end problems like sentencing, “behind the wall” issues like overcrowding in prisons and treatment of prisoners while incarcerated, and back end reform that would address collateral consequences of incarceration and reduce recidivism.

The **Smarter Sentencing Act** (S. 502/H.R. 920) is a bipartisan bill sponsored by Senators Dick Durbin (D-IL) and Mike Lee (R-UT) and Representatives Raul Labrador (R-ID) and Bobby Scott (D-VA). The bill does not repeal any federal mandatory minimum sentences, but instead reduces prison costs and populations by creating fairer, less costly minimum terms for nonviolent drug offenders. If passed, the Smarter Sentencing Act will remedy a long-standing racial injustice and strengthen black communities, address over-criminalization (the trend of increased creation and application of criminal law and penalties), save billions spent on incarcerating nonviolent drug offenders, save expensive prison beds for more dangerous offenders.<sup>12</sup>

### **[Smarter Sentencing Act Action Alert](#)**

Senator Grassley (R-IA) is the chairman of the Judiciary Committee and is currently seen as the biggest obstacle to sentencing reform. Many criminal justice groups, the RAC included, are directing advocacy towards Senator Grassley in an effort to persuade him to at least allow for debate on sentencing reform.

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<sup>11</sup> <http://vrafortoday.org/about/>

<sup>12</sup> <http://famm.org/s-502-the-smarter-sentencing-act/>

The RAC also has been advocating for the End Racial Profiling Act which aims to prohibit racial profiling at the federal, state, local and tribal levels. Defined as “the practice of a law enforcement agent or agency relying, to any degree, on race, ethnicity, religion, or national origin in selecting which individuals to subject to routine or spontaneous investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure,” racial profiling is a discriminatory act that denies individuals the constitutional right of equal protection under the law.

The **End Racial Profiling Act** (S.1056/H.R.1933) would legally prohibit racial profiling and enforce the injunction through the judicial system by such means as specializing instruction in federal law enforcement training, conditioning state and local government receipt of federal funds on the successful adoption of anti-racial profiling policies, awarding Justice Department grants to state and local governments that best implement practices that defeat racial profiling, and positioning the Attorney General as watchdog to assess such practices. Racial profiling raises civil rights concerns, undermines the criminal justice system by diverting resources from pursuing actual criminal behavior, and reinforces false stereotypes, whether in the context of counterterrorism, street-level crime or immigration enforcement.<sup>13</sup>

### [End Racial Profiling Act Action Alert](#)

### Resources

- Religious Action Center Civil Rights page – [rac.org/civil-rights](http://rac.org/civil-rights)
- Leadership Conference on Civil and Human Rights – [civilrights.org](http://civilrights.org)
- NAACP – [naacp.org](http://naacp.org)
- American Civil Liberties Union – [aclu.org](http://aclu.org)
- Brennan Center for Justice – [brennancenter.org](http://brennancenter.org)
- [ADL Current Events Classroom](#) –Great programs on Selma, Freddie Gray and racial disparities
- Visit the RAC’s [Shabbat Tzedek](#) page for inspiration based on Martin Luther King, Jr. Day programming and worship ideas. You’ll also find outlines for educational workshops for people of all ages to run with members of your community.
- Through the [Just Congregations](#) network, strengthen relationships with other faith and cultural communities to address local issues in the public arena. For example, you could invite leaders from local African American and/or Latino communities to address the congregation and share their community’s concerns.

### Sample Discussion Questions:

- What is the state of race relations today?
- Why do you think the recent deaths of unarmed black men at the hands of police have caused so much anger, sadness, frustration and a call for reform?
- Have you attended any of the protests or read/seen photos or videos about them? What is your impression of what the protests are about?
- What do you think are some of the underlying concerns people are protesting about?
- What are some of the solutions you have heard people talk about or you have thought of yourself?

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<sup>13</sup> [http://action.rac.org/p/dia/action/public/?action\\_KEY=8665](http://action.rac.org/p/dia/action/public/?action_KEY=8665)