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The Jewish Imperative to Protect and Strengthen American Democracy

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Section One: Introduction

Jewish people have been present in what is now the United States of America since at least 1654¹ and have, since that time, participated actively in the democratic process. As far back as the Revolutionary War, the Jewish community has organized and advocated for a liberal democracy that protects the rights of individuals and minorities. In fact, in sermons and through advocates like Philadelphia merchant Jonas Phillips, we petitioned the Constitutional Convention in support of what became Article VI of the U.S. Constitution, which granted Jews, for the first time, the right to hold federal office.²

This type of activism has contributed to a fuller expression of American democracy and it has also directly benefited the Jewish community. Indeed, as a "subject people for most of [our]

¹ "A History of Jews in the United States." *ReformJudaism.org*, 10 July 2012, reformjudaism.org/history -jews-united-states.

² Kurland, Philip and Lerner, Ralph eds. 1987. "Letter of Jonas Phillips to the Constitutional Convention." In *The Founders Constitution*, 638-639. Chicago, IL: University of Chicago Press.

history,"³ Jews in America had and continue to have a strong self-interest in a system of governance in which checks and balances insulate us from the whims of our rulers. As Kenneth Wald notes, "lacking sovereignty and agency" throughout history, "rulers could and did expel Jews when in need of a scapegoat, promote physical attacks on their communities, [and] tax Jews at rates that effectively impoverished them."⁴ By and large this has not happened in America, at least not solely based on religious belief, and much of that is due to the moderating forces of a robust and pluralistic democracy.

Often taken for granted, it is this robust democracy that underpins all other questions about Jewish life in America. Conversations about how to educate Jewish children, how to protect our physical spaces, how to support the state of Israel, how to build vibrant communities, are all predicated on a singular assumption: that we live (and will continue to live) in a society where minority religious communities have the stability and autonomy to thrive.

This stability has not always been the case in our people's story, and we know from countless experiences that history does not move only in the direction of progress. As Jews, we have a vested — indeed, existential — interest in the preservation of American democracy, and we ignore the warning signs of its decline at our peril.

Among democracy watchdogs, there are well-founded fears that we will confront politically-motivated violence and the subversion of American elections in 2022 and 2024.⁵ Writing recently in *The Washington Post*, Robert Kagan argues that Joe Biden's presidency, far from being the end of threats to American democracy, may represent just a temporary interregnum in its downward spiral. At one point Kagan states simply: "Today's arguments over the filibuster will seem quaint in three years if the American political system enters a crisis for which the Constitution offers no remedy." Barton Gellman, writing in *The Atlantic*, puts it even more succinctly: "The prospect of this democratic collapse is not remote."

The threat is tangible: where democracy wanes, extremism rises⁸-and extremism and anti-Semitism are old friends around the globe, and in this country, too.⁹ Indeed, on both ends of the ideological spectrum "American extremists incorporate antisemitic tropes and narratives in

³ Wald, Kenneth D. "The Puzzling Politics of American Jewry." Association of Religion Data Archives, Guiding Paper Series, 2010, pp. 14

⁴ Ibid.

⁵ Murphy, Kyle. "An Analytic Framework for Assessing Risks of U.S. Post-Election Violence." *Just Security*, 3 Nov. 2020, www.justsecurity.org/73245/an-analytic-framework-for-assessing-risks-of-u-s-post-election-violence.

⁶ Kagan, Robert. "Our Constitutional Crisis Is Already Here." *Washington Post*, 23 Sept. 2021, www.washingtonpost.com/opinions/2021/09/23/robert-kagan-constitutional-crisis.

⁷ Gellman, Barton. "How Donald Trump Could Subvert the 2024 Election." *The Atlantic*, 10 Dec. 2021, www.theatlantic.com/magazine/archive/2022/01/january-6-insurrection- trump-coup- 2024-election/620843.

⁸ Triffitt, Mark. "A Growing Mistrust in Democracy Is Causing Extremism and Strongman Politics to Flourish." *The Conversation*, 9 July 2018, theconversation.com/a-growing-mistrust-in-democracy-is-causing-extremism-and-strongman-politics-to-flourish-98621.

⁹ Meleagrou-Hitchens, Alexander et al. "Antisemitism as an Underlying Precursor to Violent Extremism in American Far-Right and Islamist Contexts." National Counterterrorism, Innovation, Technology, and Innovation Center, October 2020, p 2.

every level of their worldviews," using them to build their movements and justify violence.¹⁰ In fact, the George Washington University Program on Extremism recently named anti-Semitism a crucial link in the shift from non-violent activism to violent extremism.¹¹

We are seeing it already: data gathered and released by the American Jewish Committee shows that one in four Jewish Americans has experienced an anti-Semitic incident in the past year. A staggering 40% of all Americans report having witnessed anti-Semitism in the last 12 months alone. For Jews of Color subject to the intersections of anti-Semitism and other prejudices including racism (in the larger world and in Jewish spaces 14), this threat is particularly acute.

Our hope in producing this research is to inspire and then support a robust, transpartisan, collaborative Jewish partnership in defense of democracy, joining similar efforts from business interests like the U.S. Chamber of Commerce, ¹⁶ as well as labor, faith, and government sectors. We welcome your insights and, more importantly, your action to protect and strengthen American democracy.

Section Two: Democracy In Context

When we refer to "democracy," we mean a political system characterized by a government that is elected through free and fair elections, that rules through the consent of the governed, and that is constrained by the rule of law with robust protections for the rights and liberties of all citizens."

In a liberal democracy, such as we have in the United States, this system includes a near-sacred (though amendable) Constitution, a formalized separation of powers among government branches, the power of public opinion to hold leaders accountable, legal protections for individuals and groups, a market economy that respects private property, and a wide-ranging set of social and political norms that reinforce formal institutions.

It is this democratic system and the processes that it enshrines, not the outcomes it produces, that protects minorities like

¹⁰ Ibid., page 3.

¹¹ Ibid., page 6.

¹² Mayer, Avi. "The State of Antisemitism in America 2021: Insights and Analysis." *AJC*, 27 Jan. 2022, www.ajc.org/news/the-state-of-antisemitism-in-america-2021-insights-and-analysis.

¹⁴ Belzer, Tobin et al. "Beyond the Count: Perspectives and Lived Experiences of Jews of Color." The Jews of Color Initiative, 2021: page 20-21. https://jewsofcolorinitiative.org/wp-content/uploads/2021/08/BEYONDTHECOUNT.FINAL_.8.12.21.pdf

¹⁵ "Hate Crime Statistics." *Department of Justice*, Accessed 28 Jan. 2022, www.justice.gov/hatecrimes/hate-crime-statistics.

¹⁶ "American Democracy and Business Are Inherently Connected." U.S. Chamber of Commerce, 18 Feb. 2021, www.uschamber.com/on-demand/economy/american-democracy-and-business-are-inherently -connected.

¹⁷ Rauch, Jonathan. *The Constitution of Knowledge*. Washington, DC, Brookings Institution Press, 2021.

¹⁸ Allen, Danielle, et al. "Our Common Purpose: Reinventing American Democracy for the 21st Century." American Academy of Sciences, 16 Dec. 2021, www.amacad.org/ourcommonpurpose/report.

the Jewish community and enables this country to pursue the neverending work of becoming a more perfect union.¹⁹

Because they are often not explicit, these social and political norms merit additional attention. Harvard professors Steven Levitsky and Daniel Ziblatt, for example, describe the central importance of "forbearance," or the restraint by both political parties not to use "temporary control of institutions for maximum partisan advantage." When Senator Mitch McConnell used his power as Majority Leader to prevent consideration of Supreme Court nominee Merrick Garland in 2016, he was within his legal right as Majority Leader, but he was not practicing forbearance. He was playing "constitutional hardball," essentially defined as applying the "letter of the law" in conflict with the "spirit of the law," prioritizing partisan advantage over the healthy functioning of the system.

Another norm is "concession," whereby the losing party gracefully acknowledges defeat, signaling to their supporters that they have lost an election and the contest is over. Losing parties have all kinds of incentives *not* to concede, but in a democratic system they do so because they "value the institution of the government more than they value control of the government."²⁴ Yet another example of a democratic norm is mutual toleration,²⁵ whereby members of each party treat each other with civility and recognize one another as legitimate opponents.²⁶ Both former President Donald Trump and his 2016 challenger Hillary Clinton have struggled with these norms, with the latter referring to President Trump as an "illegitimate president" as recently as 2019.²⁷ President Trump, as we know, threatened to withhold a concession before voting in the 2016 election had even begun.²⁸

These norms represent a prioritization of process over outcome and are the essential connective tissue of stable and lasting democracies.²⁹ Indeed, the creation and emphasis of these and other democratic norms at the turn of the last century has played a central role in the

¹⁹ Hahn, Hahrie. "What is Social Cohesion and Why Does it Matter?" Democracy Funders Network Annual Retreat. 26 Apr. 2021, Presentation.

²⁰ Levitsky, Steven And Daniel Ziblatt. "Will the GOP Steal the 2024 Election?" *The Atlantic*, 26 Jan. 2022, www.theatlantic.com/ideas/archive/2021/07/democracy-could-die-2024/619390.

²¹ Levitsky, Steven, and Daniel Ziblatt. *How Democracies Die.* Crown, 2018, page 8.

²² Elving, Ron. "What Happened With Merrick Garland In 2016 And Why It Matters Now." NPR, 29 June 2018, www.npr.org/2018/06/29/624467256/what-happened-with-merrick-garland-in-2016-and-why-it-matters-now.

²³ Levitsky, Steven And Daniel Ziblatt. "Will the GOP Steal the 2024 Election?" *The Atlantic*, 26 Jan. 2022, www.theatlantic.com/ideas/archive/2021/07/democracy-could-die-2024/619390.

²⁴ Germer, Matthew. "Restoring Losers' Consent: A Necessary Step to Stabilizing Our Democracy." *R Street*, vol. 240, 2021, p1.

²⁵ Levitsky, Steven, and Daniel Ziblatt. How Democracies Die. Crown, 2018, page 9.

²⁶ Bergan, Daniel E. "Introduction: Democratic Norms, Group Perceptions, and the 2020 Election." *Journal of Political Marketing*, vol. 20, 2021, pp. 251–54.

²⁷ Itkowitz, Colby. "Hillary Clinton: Trump Is an 'Illegitimate President." Washington Post, 26 Sept. 2019, www.washingtonpost.com/politics/hillary-clinton-trump-is-an-illegitimate-president/2019/09/26/29195d5a-e099-11e9-b199-f638bf2c340f_story.html.

²⁸ Germer, Matthew. "Restoring Losers' Consent: A Necessary Step to Stabilizing Our Democracy." *R Street*, vol. 240, 2021, p1.

²⁹ Levitsky, Steven And Daniel Ziblatt. "Will the GOP Steal the 2024 Election?" *The Atlantic*, 26 Jan. 2022, www.theatlantic.com/ideas/archive/2021/07/democracy-could-die-2024/619390.

drastic decrease in politically-motivated violence over the last 120 years. For reference, one congressman was murdered every seven years between 1859 and 1905.³⁰ Today, such a level of political violence is almost incomprehensible.

Section Three: Threats to Democracy

As noted, there is growing consensus across the academy and public policy sphere that American democracy is under significant threat from several directions.³¹ It is beyond the scope of this paper to effectively document every existing threat; instead, we will focus on two issues – one immediate and one long-term – that present the greatest potential impact on the American Jewish community, followed in the next section by potential mitigating strategies.

To effectively make this case, we will begin by detailing the long-term threat: a pervasive decline in democratic culture across American society manifesting in, among other things, the rise of toxic polarization and declining public support for democracy. We will then turn our attention to the most immediate threat to American democracy: coordinated efforts underway to subvert the 2022 and 2024 national elections.

3.1: Declining Democratic Culture in America

Writing in the *Journal of Democracy*, Roberto Stefan Foa and Yascha Mounk detail a number of current trends that indicate a decline in regime legitimacy³² in the United States, explaining that "even as democracy has come to be the only form of government widely viewed as legitimate, it has lost the trust of many citizens who no longer believe that democracy can deliver on their most pressing needs and preferences."³³

Consider these data points:

- Between 1995 and 2016, the number of Americans who say it would be "good" or "very good" for the "army to rule" rose from one in 16 to one in six.³⁴
- According to World Values Survey data from 1995-2014, more than one-quarter of American millennials deem it "unimportant" for citizens in a democracy to "choose their leaders in free elections."³⁵

³⁰ Grinspan, Jon. "What We Did the Last Time We Broke America." *The New York Times*, 2 Nov. 2021, www.nytimes.com/2021/10/29/opinion/normal-politics-qilded-age.html?

³¹ Allen, Danielle, et al. "Our Common Purpose: Reinventing American Democracy for the 21st Century." American Academy of Sciences, 16 Dec. 2021, www.amacad.org/ourcommonpurpose/report.

³² Per Foa and Mounk, "regime legitimacy," is the support for democracy as a system of governance irrespective of "government legitimacy," which is support for a particular person or administration in power.

Foa, R., and Y. Mounk. "The Danger of Deconsolidation: The Democratic Disconnect." *Journal of Democracy*, vol. 27, no. 3, July 2016, pp. 5-17.

³⁴ Ibid, pp. 6

³⁵ Ibid., pp. 12

- Only about 3.5% of Americans are likely to switch their vote from a candidate of their own party even after seeing that candidate do or support something explicitly anti-democratic.³⁶
- Nearly 40 percent of likely voters said in a September 2020 Hofstra University poll they
 would support state secession if their candidate loses in the presidential election.³⁷
- Florida Governor Ron DeSantis has proposed establishing a "Florida State Guard," essentially a military force with allegiance solely to the state of Florida and its leadership.³⁸

While ubiquitous American support for the *idea* of democracy is considered "conventional wisdom," in reality we are seeing individual citizens reject or resent many of the norms and institutions necessary for actual democratic *governance*. In fact, Americans – especially young Americans – are less convinced they can effectively influence public policy and are more open to exploring authoritarian alternatives than at any other time in the last 100 years.

This is not unique, as support for authoritarian "strongman" governance has grown in democracies around the world, based at least in part on the notion that they can more easily and effectively get things done⁴² (often, of course, at the expense of the rights or protections of minority communities). One need only look to the rise in Congressional gridlock in this country to see one source of this frustration.⁴³

Another challenge to democratic culture is a broad decline in "media freedom"⁴⁴ including the ability of a free and *trusted* press to ensure accountability and transparency as well as provide an avenue for civic engagement and education.⁴⁵ Several trends in the past few years have undermined this role, including the privatization of the news industry,⁴⁶ the decline of local

³⁶ Graham, Matthew H., and Milan W. Svolik. "Democracy in America? Partisanship, Polarization, and the Robustness of Support for Democracy in the United States." *American Political Science Review*, vol. 114, no. 2, 2020, pp. 392–409. ³⁷ Pelaez, Robert. "Hofstra Poll Shows 40 Percent of Likely Voters Would Favor State Secession Depending on Election Results." *The Island Now*, 30 Sept. 2020, theislandnow.com/rop/hofstra -poll-shows-40-percent-of-likely-voters-would-favor-state-secession-depending-on-election-results.

West, Darrell M. and William Gale. "How Seriously Should We Take Talk of US State Secession?" *Brookings*, 31 Jan. 2022, www.brookings.edu/blog/fixgov/2021/12/13/how-seriously-should-we-take-talk-of-us-state-secession.

³⁹ Graham, Matthew H., and Milan W. Svolik. "Democracy in America? Partisanship, Polarization, and the Robustness of Support for Democracy in the United States." *American Political Science Review*, vol. 114, no. 2, 2020, pp. 392–409. ⁴⁰ Foa, R., and Y. Mounk. "The Danger of Deconsolidation: The Democratic Disconnect." *Journal of Democracy*, vol. 27, no. 3, July 2016, pp. 5-17.

⁴¹ Ibid.

⁴² Triffitt, Mark. "A Growing Mistrust in Democracy Is Causing Extremism and Strongman Politics to Flourish." *The Conversation*, 9 July 2018, theconversation.com/a-growing-mistrust-in-democracy-is-causing-extremism-and-strongman-politics-to-flourish-98621.

⁴³ Binder, Sarah. "Polarized We Govern?" *Brookings*, 29 July 2016, www.brookings.edu/research/polarized-we-govern.

⁴⁴ Center For Democracy And Governance. *The Role of Media in Democracy: A Strategic Approach*. Technical Publication Series, U.S. Agency for International Development, 1999.

⁴⁶ Freeland, Chrystia. "The Rise of Private News." *Columbia Journalism Review*, July/August 2020, archives.cjr.org/feature/the_rise_of_private_news.php.

newspapers,⁴⁷ and the conglomerating of news outlets into partisan empires,⁴⁸ as we see with cable television's CNN and FOXNews.

We also see the intentional targeting and sowing of distrust for the press which is usually associated with authoritarian regimes. The now ubiquitous term "fake news," popularized by former President Donald Trump, typifies this trend. We know from events in Venezuela, Ecuador, and other declining or former democracies that as public attacks on the press come from the government or other influential actors, a "self-censorship" process takes over in other outlets too fearful of retribution to report freely.⁴⁹

The cultural divide in newsrooms is also reflected in the electorate, where "toxic polarization" is on the rise. Toxic polarization, the metastasization of regular and expected forms of political polarization in a two-party system, arises where people stop seeing each other as opponents and begin seeing each other as moral or cultural enemies.⁵⁰ In a recent report from the Carnegie Endowment for International Peace, the United States is highlighted with the highest rating of toxic polarization by a significant margin, outranking 51 other comparable countries.⁵¹

Even our consumer behavior is affected. Research on the impact of "lifestyle politics" on purchasing patterns show realities as simple and as stark as conservatives buying Wrangler blue jeans because liberals buy from Levi Strauss. ⁵² A recent *New York Times* column by Thomas B. Edsall highlights seven studies on the topic from across political psychology, behavioral science, economics, sociology, and political history, leaving us with one crystal clear insight: "the electorate as a whole is moving farther and farther apart into two mutually loathing camps." ⁵³

Shadi Hamid, writing for *The Atlantic*, describes it aptly: "Policy debates that might have otherwise been boring—over COVID-testing protocols or the cost of the Build Back Better bill, for example—have become part of an apocalyptic battle between the forces of good and evil." ⁵⁴ In this culture war with origins in disagreements over how to approach increasing racial and

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⁴⁷ Darr, Joshua. "Local News Coverage Is Declining — And That Could Be Bad For American Politics." *FiveThirtyEight*, 2 June 2021, fivethirtyeight.com/features/local-news-coverage-is-declining-and-that-could-be-bad-for-american-politics.

⁴⁸ Heese, Jonas, and Vishal P. Baloria. "The Rise of Partisan Media Changed How Companies Make Decisions." *Harvard Business Review*, 30 Oct. 2017, hbr.org/2017/10/research-the-rise-of-partisan-media-changed-how-companies-make-decisions.

⁴⁹ Levitsky, Steven, and Daniel Ziblatt. *How Democracies Die*. Crown, 2018, page 84.

⁵⁰ Finkel, Éli J., et al. "Political Sectarianism in America." *Science*, vol. 370, no. 6516, 2020, pp. 533–36, https://doi.org/10.1126/science.abe1715.

⁵¹ McCoy, Jennifer, and Benjamin Press. *What Happens When Democracies Become Perniciously Polarized?* Carnegie Endowment for International Peace, 2022, carnegieendowment.org/2022/01/18/what-happens-whendemocracies-become-perniciously-polarized-pub-86190

⁵² Alexander Ruch, Ari Decter-Frain, Raghav Batra. "Millions of Co-purchases and Reviews Reveal the Spread of Polarization and Lifestyle Politics across Online Markets." Dissertation Ch.

⁵³ Edsall, Thomas. "America Has Split, and It's Now in 'Very Dangerous Territory." *The New York Times*, 26 Jan. 2022, www.nytimes.com/2022/01/26/opinion/covid-biden-trump-polarization.html.

⁵⁴ Hamid, Shadi. "The Forever Culture War." *The Atlantic*, 8 Jan. 2022, www.theatlantic.com/ideas/archive /2022/01/republicans-democrats-forever-culture-war/621184.

religious diversity in America, even the appearance of dialogue between parties can create a sense of moral taint on either side.

We are also seeing partisan identities merging, albeit imperfectly, with cultural identities⁵⁵—for example, the common and incorrect notion that all Jewish people support the Democratic Party⁵⁶—creating even less likelihood or tolerance for compromise while increasing our isolation and mistrust of one another.⁵⁷ According to research by Lillianna Mason of Johns Hopkins University's SNF Agora Institute, Americans are no longer interested in living in neighborhoods with people who do not share their political views.⁵⁸ According to Wendy Wang of the Institute for Family Studies, marriages between members of different parties are becoming a thing of the past.⁵⁹

We see these trends playing out internally in the Jewish community as well. One need look no further than Northern Virginia Hebrew Congregation's Rebuilding Democracy Project to see what is at stake. 60 As Rabbi Michael Holzman describes it, "the vitriol of national campaigns...had provoked a new kind of derision and intolerance among members of the community" leading to a decline in participation and sense of shared identity. Coupled with increasingly challenging administrative questions, their "synagogue governance simply broke." 61

This problem extends beyond synagogues into every facet of communal Jewish life. Amy Melnick-Scharf, writing for the Jewish Community Federation of Richmond, shares how "the constant social media compulsion to fear and hate those of different opinions or backgrounds is threatening to drive [their] community apart." An article by Daphne Kaplan and Mischa Trainor, high school students at Charles E. Smith Jewish Day School in Rockville, Maryland, laments the toxic polarization in Jewish classrooms leaving students feeling frustrated, targeted, and disengaged.

⁵⁵ Mason, Lilliana. *Uncivil Agreement: How Politics Became Our Identity*. Chicago, IL: University of Chicago Press. 2018. https://www.tandfonline.com/doi/full/10.1080/15377857.2021.1939565

⁵⁶ Wald, Kenneth D. "The Puzzling Politics of American Jewry." Association of Religion Data Archives, Guiding Paper Series, 2010, pp. 1–28.

⁵⁷ Bergan, Daniel E. "Introduction: Democratic Norms, Group Perceptions, and the 2020 Election." *Journal of Political Marketing*, vol. 20, no. 3–4, 2021, pp. 251–54. Crossref, https://doi.org/10.1080/15377857.2021.1939565.

⁵⁸ Mason, Lilliana. *Uncivil Agreement: How Politics Became Our Identity*. Chicago, IL: University of Chicago Press: 2018, pp 14.

⁵⁹ Wang, Wendy. "Marriages Between Democrats and Republicans Are Extremely Rare." *Institute for Family Studies*, 3 Nov. 2020, ifstudies.org/blog/marriages-between-democrats-and-republicans-are- extremely-rare.

⁶⁰ Holzman, Michael G. and Northern Virginia Hebrew Congregation. *The Rebuilding Democracy Project: A Case Study in Polarization, Faith, and the Common Good*. Aspen Institute Inclusive America Project, 2021.

⁶¹ Holtzman, Michael G. "Can Synagogues Revitalize American Democracy?" *Sources*, Fall 2021, www.sourcesjournal.org/articles/can-synagogues-revitalize-american-democracy.

⁶² Melnick-Scharf, Amy. "Overcoming Polarization in the Aftermath of the Election." *Jewish Community Federation of Richmond*, 1 Nov. 2020, www.jewishrichmond.org/jcrc/public-statements/jcrc-statements-comments-articles/overcoming-polarization-in-the-aftermath-of-the-election.

⁶³ Kaplan, Daphne, and Mischa Trainor. "Separate Bubbles: A Look at Polarization within the JDS Community in Light of the Election Season." *The Lion's Tale*, 6 Nov. 2020, lionstale.org/8624/in-depth/separate-bubbles-a-look-at-polarization-within-the-jds-community-in-light-of-the-election-season.

This animus and social distance creates a powder keg in which elected officials are repeatedly allowed – and even incentivized – to violate democratic norms that previously enforced a greater sense of decorum and higher purpose in politics.⁶⁴ This breakdown of civility then provides an approval structure for supporters, often on extreme ends of each party, to further push the boundaries of what is considered acceptable.⁶⁵

3.2: Immediate Threats to the 2022 and 2024 Elections

It is with this context in mind that we turn our attention to the most immediate threat to American democracy: active and coordinated efforts to undermine the results of federal elections, especially the 2024 Presidential Election. While interconnected, we have broken down these threats into three main concerns:

- The co-opting of power over election outcomes by partisan state legislatures
- The political targeting of nonpartisan election administration roles and workers
- The tangible threat of politically motivated violence between citizens or by the state

3.2.1 The Co-Opting of Power Over Election Outcomes into Partisan State Legislatures

In 2021, state legislatures in 41 states introduced more than 180 bills to consolidate election authority in their own hands.⁶⁶ Included in these bills are provisions to limit the ability of local election officials to serve the needs of voters, give partisan actors like state congresspeople more power over election outcomes, provide state legislatures power to directly intervene in election-related lawsuits, and, in some cases, require unnecessary and highly partisan audits of county-level voting results.⁶⁷

To bring this into relief: A bill enacted in Georgia will now allow "a partisan majority of the State Electoral Board to remove and replace local election administrators" at will.⁶⁸ It also grants the legislature power to name the chair of this State Election Board, subjecting this quintessentially nonpartisan function to partisan oversight.⁶⁹ A bill was introduced in Arizona to allow the state legislature to disregard the popular vote entirely and send a slate of electors of their choosing to

⁶⁴ Mason, Lilliana. *Uncivil Agreement: How Politics Became Our Identity*. Chicago, IL: University of Chicago Press. 2018, page 3.

⁶⁵ Levitsky, Steven, and Daniel Ziblatt. *How Democracies Die.* Crown, 2018.

⁶⁶Voting Rights Lab. A Threat to Our Democracy: Election Subversion in the 2021 Legislative Session. Voting Rights Lab. 2021.

⁶⁷ Voting Rights Lab. "50-State Chart: Interference with Election Administration." Voting Rights Lab, 2021, docs.google. com/spreadsheets/d/1nWvvBRGMFbLM83gw8nEq4SeSFKCvp0IMwNq3t-d5WK0/edit#gid=554515035.

⁶⁸ Voting Rights Lab. A Threat to Our Democracy: Election Subversion in the 2021 Legislative Session. Voting Rights Lab, 2021.

⁶⁹ Ibid.

Congress.⁷⁰ While the Arizona bill failed,⁷¹ efforts continue to pass legislation like it across 41 bills introduced in 13 states, including lowa and Pennsylvania.⁷²

Some state legislatures have also taken aim at the independence of state-level judiciaries. In 2021, 12 bills in nine states explicitly targeted the role state courts play in election administration. For example, Texas' newly-passed SB1 prohibits judges from issuing any order related to election administration that is not "expressly authorized" under state law. This weakens the courts' ability to respond to novel situations and apply the law in new contexts, for example in a public health crisis as we experienced during the 2020 election and may well experience again in 2022.

These powergrabs are possible in part due to the outdated complexity of the federal Electoral Count Act, which in theory governs how to resolve disputes related to state electors once they are sent for certification.⁷⁵ Bipartisan talks are underway to reform this law.⁷⁶

3.2.2 The Political Targeting of Nonpartisan Election Administration Roles and Workers

Democratic elections in America require thousands of people, many of whom are nonpartisan election workers (or "officials") and volunteers, to perform the various tasks, counts, transports, and certifications that make up an election outcome.

Recent efforts in states like Iowa, Georgia, and Florida are targeting these essential civil servants, including a bill in Iowa imposing fines of up to \$10,000 for "technical infractions" of election rules by volunteers and election workers. A bill signed by Florida Governor Ron DeSantis creates a \$25,000 penalty for anyone who mistakenly leaves a ballot box unattended for a single minute. Coupled with an increase in frivolous lawsuits and information requests, local and state election bodies are reaching a crisis point with thousands of experienced

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⁷⁰ "The State Voting Rights Tracker." Voting Rights Lab, tracker.votingrightslab.org/ pending/search/AZ2021H2720. Accessed 7 Feb. 2022.

⁷¹ Hounshell, Blake, and Leah Askarinam. "Arizona Republicans Sought to Overturn Votes. Rusty Said No." *The New York Times*, 5 Feb. 2022, www.nytimes.com/2022/02/04/us/politics/arizona-republicans-rusty-bowers-voting-rights.html.

⁷³ Berry, Patrick, et al. "Legislative Assaults on State Courts." *Brennan Center for Justice*, 14 Dec. 2021, www.brennancenter.org/our-work/research-reports/legislative-assaults-state-courts-december-2021-update. ⁷⁴ "87(2) History for SB 1." *Texas Legislature Online*, capitol.texas.gov/BillLookup/History. aspx?LegSess=872&Bill=SB1. Accessed 7 Feb. 2022.

⁷⁵ Phillips, Amber. "What Is the Electoral Count Act, and Why Are People Calling for It to Be Revised?" *The Washington Post*, 5 Jan. 2022, www.washingtonpost.com/politics/2022/01/05/eca-jan-6.

⁷⁶ Levin, Yuval. "The Senate Democrats' Electoral Count Act Reforms." *National Review*, 2 Feb. 2022, www.nationalreview.com/corner/the-senate-democrats-electoral-count-act-reforms.

⁷⁷ Izaguirre, Anthony. "Election Officials Could Face Fines, Charges under New Laws." *Los Angeles Times*, 15 May 2021, www.latimes.com/world-nation/story/2021-05-15/local-election-officials-could-face-fines-charges-undernew-gop-passed-voting-laws.

⁷⁸ Katkov, Mark. "Florida State Senate Approves Tighter Rules on Vote-by-Mail and Drop Boxes." *NPR*, 26 Apr. 2021, www.npr.org/2021/04/26/990990355/florida-state-senate-approves-tighter-rules-on-vote- by-mail-and-drop-boxes.

election staff and volunteers expected to resign or retire as preparations for the 2022 Midterms are just getting underway.⁷⁹

Compounding the problem is the concerted effort by former Trump Administration advisor Steve Bannon and others to replace these nonpartisan election workers with explicitly partisan actors operating with the open and stated intention of ensuring their party wins the next election.⁸⁰ This tactic may be new in the United States, but it is a tried and true page from the authoritarian handbook. We have seen from studying places like Hungary, the Philippines, Turkey, and Venezuela that it is very possible to achieve undemocratic ends through democratic or legal means.81

Nonpartisan election administration relies on nonpartisan election workers operating under clear procedure and without looming threats of retaliation or punishment. We are facing a critical shortage of both people and processes in 2022 and 2024.

3.2.3 The Tangible Threat of Politically-Motivated Violence Between Citizens or by the State

This overheated climate of unfounded82 "Big Lie" election conspiracies—and the resulting anger at the outcome of the 2020 Presidential Election-has metastasized into harassment and threats of physical violence against those who personify the democratic process. 83 Secretaries of State in Arizona and Michigan have reported crowds of angry conspiracists gathering in the dark outside their homes, even texting them information about their children's schools or daycare facilities.⁸⁴ A Vermont man is on record threatening state election workers, shouting: "This might be a good time to put a f----- pistol in your f---- mouth and pull the trigger. Your days are f----- numbered."85 A plot was foiled to kidnap Governor of Michigan Gretchen Whitmer.86

Writing about the 2020 Election, Daniel Byman and Colin Clarke make the point in stark terms: "Unclear or contested election results could fuel a range of agitators, on both the left and the right, and perpetuate the cycle of reciprocal radicalization where each side sees the other as an

⁷⁹ "Early Warning for Electoral Violence Prevention in 2022." Democracy Funders Network, 20 Jan. 2021. Webinar.

⁸⁰ Klein, Ezra. "Steve Bannon Is On to Something." The New York Times, 9 Jan. 2022, www.nytimes.com/2022/01/09/opinion/trump-bannon-trumpism-democracy.html.

⁸¹ Protect Democracy, Advantaging Authoritarianism: The U.S. Electoral System and Antidemocratic Extremism. Jan. 2022, page 34.

⁸² Elliott, Philip. "The Big Lie Has Been Proven False. Republicans Can't Shake It." TIME, 1 Nov. 2021, time.com/6112488/trump-2020-election-republicans.

⁸³ Eisler, Peter, et al. "Anatomy of a Death Threat." Reuters, 30 Dec. 2021,

graphics.reuters.com/USA-ELECTION/THREATS/mopanwmlkva/index.html.

84 Brennan Center for Justice and Bipartisan Policy Center. *Election Officials Under Attack*. Brennan Center for Justice,

⁸⁵ So, Linda, and Jason Szep. "Reuters Unmasks Trump Supporters Terrifying U.S. Election Officials." Reuters, 9 Nov. 2021, www.reuters.com/investigates/special-report/usa-election-threats.

⁸⁶ Eggert, David, and Ed White. "13 Charged in Plots against Michigan Governor, Police." AP NEWS, 8 Oct. 2020, apnews.com/article/virus-outbreak-us-news-state-courts-ap-travel- da09ca66cd8d5f36722021d3593425ff.

existential threat, and [mobilize] accordingly.⁸⁷ Even the military, historically a secure bastion of nonpartisan resilience in American democracy, may not be immune. Three former U.S. Army generals have raised concerns about the potential danger of violence should there be a "breakdown of the chain of command along partisan lines" *inside* the military following a contested election in 2024.⁸⁸ Once again, the United States is not unique–political violence meant to influence the process or outcome of an election happened in 54% of national elections around the world in 2020, the highest it's been in over two decades.⁸⁹

Nearly everything mentioned above stands in direct opposition to the will of the people:

- 62% of Americans fear violence surrounding the next presidential election. 90
- 85% of voters would support a law to ensure that officials cannot influence election procedures to benefit a particular candidate or political party.⁹¹
- 83% of voters support federal legislation ensuring that partisan elected officials, including state legislatures, cannot influence election outcomes.⁹²

Section Four: Proposed Path Forward

To be clear, though many of the points raised in the previous section are tied to toxic partisanship, the issue at hand is not about Democrat versus Republican. This paper focuses on the existential danger to the democratic process itself, which must transcend partisanship. As Adam Gopnik put it in 2016,

There is a difference between major and minor issues, and between primary and secondary values. Many of us think that it would be terrible if the radical-revisionist reading of the Second Amendment ... was kept in place; many [others] think it would be terrible if ... Roe v. Wade continued. What we all should agree on is that the one thing worse would be to have no constitutional order left to argue about.⁹³

There is, however, reason to remain hopeful and resolved. To mitigate the dangers described above—and to strengthen the essential levers of our democracy—we offer a two-pronged shortand long-term path forward. Predicated on the ability of the Jewish community to rise above its

⁸⁷ Byman, Daniel L., and Colin P. Clarke. "Why the Risk of Election Violence Is High." *Brookings*, 27 Oct. 2020, www.brookings.edu/blog/fixgov/2020/10/27/why-the-risk-of-election-violence-is-high.

⁸⁸ Roche, Darragh. "Ex-Army Generals Fear Insurrection or 'Civil War' in 2024." *Newsweek*, 18 Dec. 2021, www.newsweek.com/army-generals-insurrection-civil-war-2024-donald-trump-january-6-1660842.

⁸⁹ Besaw, Clayton. "Election Violence Spiked Worldwide in 2020 – Will This Year Be Better?" *The Conversation*, 18 Feb. 2021, theconversation.com/election-violence-spiked-worldwide-in- 2020-will-this-year-be-better-153975.

⁹⁰ Anglesey, Anders. "3 in 5 American Voters Fear Violence Over 2024 Presidential Election: Poll." *Newsweek*, 9 Jan. 2022, www.newsweek.com/american-voters-fear-violence-2024-presidential-election-poll-1667238.

⁹¹ Protect Democracy and Secure Democracy. "New Poll Finds Strong Bipartisan Support for Congressional Action to Address Election Subversion." *Protect Democracy*, 3 Aug. 2021, protectdemocracy.org/update/polling-bipartisan-support-for-addressing-election-subversion. ⁹² Ibid.

⁹³ Gopnik, Adam. "The Dangerous Acceptance of Donald Trump." *The New Yorker*, 20 May 2016, www.newyorker.com/news/daily-comment/the-dangerous-acceptance-of-donald-trump.

differences to align on our shared imperatives, the strategies outlined below have the potential to make an immediate and lasting impact.

In the short-term, we propose a coordinated, trans-partisan Jewish partnership to focus the community's power, resources, and support on ensuring that the United States remains an electoral democracy in 2026, when we celebrate the 250th anniversary of the nation's independence. This coordinated effort will confront the immediate threats to the 2022 and 2024 elections discussed in Section 3.2, including building meaningful pathways for as many of the country's 10,000 Jewish organizations to participate as possible.

Per Just Security, a national security forum based at the Reiss Center on Law and Security at New York University School of Law, religious leaders and communities "acting in concert to uphold clear election outcomes and reject[ing] calls for violence, can isolate bad actors and limit their ability to recruit supporters." Should we once again face a contested election outcome with the potential for violence, religious influencers "can use their visibility and influence to model responsible behavior" to their considerable spheres of influence.⁹⁴

Protecting electoral democracy is, of course, a much larger task than the Jewish community can achieve on its own. However, if properly organized and mobilized, the Jewish community can bring our collective financial resources, vast institutional structures, strong communal ties, business networks, and cultural and political power to influence actors throughout the system to uphold American democracy. We can also coordinate and share knowledge with other faith groups, further amplifying our impact while also fighting polarization and stimulating similar efforts in other communities.

In the long term, A More Perfect Union will focus on strengthening American democratic culture so that it fosters a shared sense of civic commitment and mitigates against toxic forms of political polarization. In order to build greater resilience among the public to the dynamics of toxic polarization and to reverse its growth, the United States must strengthen its democratic culture, its commitment to using the tools of democracy—organizing, voting, argumentation, negotiation, and compromise—to resolve vital public policy questions.

Our Common Purpose, a report released by the Commission on the Practice of Democratic Citizenship, identifies religious leaders and communities as key champions of this work to strengthen American Democracy. In their words, "houses of worship [get] people involved in the lives of their communities …Often, they are the places where Americans first develop the practical skills… that are fundamental to democratic citizenship." Beyond synagogues and

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Murphy, Kyle. "An Analytic Framework for Assessing Risks of U.S. Post-Election Violence." *Just Security*, 3 Nov. 2020, www.justsecurity.org/73245/an-analytic-framework-for-assessing-risks-of-u-s-post-election-violence.
 Allen, Danielle, et al. "Our Common Purpose: Reinventing American Democracy for the 21st Century." American Academy of Sciences, 16 Dec. 2021, www.amacad.org/ourcommonpurpose/report.

other gathering places, according to the Democracy Fund, "the moral framework that faith provides can help to build community and promote understanding across partisan lines."96

A strong democratic culture will be supported by better civic learning and citizen development; greater civic engagement; expanded national service opportunities; strengthened capacity—across all levels of American society—to navigate and tolerate difference; and narratives and practices that build bridges and bolster social cohesion across religious, racial, ethnic, and ideological lines. The Jewish community provides a perfect microcosm to undertake this work.

These short-term and long-term priorities are mutually reinforcing: The stronger U.S. democratic culture is, the greater the chance we have of staving off election subversion, because an engaged citizenry committed to vibrant democracy won't allow its partisan positions to override its commitment to free and fair elections. Likewise, the near-term fight against election subversion offers a tremendous opportunity for the Jewish community to reinvigorate, strengthen, and deepen its commitment to democratic culture.

Section Five: Conclusion

For the sake of our own community, we cannot afford to view these threats, and the breakdown of democratic norms and processes they bring, as something happening "out there." The truth is that it is happening here, among us. Perhaps, though, this realization can be the seed of our redemption rather than our destruction. 97 As David Bryfman, CEO of The Jewish Education Project, writes:

For Jewish education to be meaningful and relevant in today's political climate, we must commit to applying our tradition and wisdom to the greater society in which we live. This involves bringing together voices that will push us to address the big questions we are all asking ourselves these days.98

Bryfman's call extends to all of us. As a Jewish community, we have the opportunity to model the type of transpartisan partnership we want for the nation writ large. Per David Bernstein, former CEO of the Jewish Council for Public Affairs, we can "exemplify...a shift back toward the civil middle, strengthen the bonds of Jewish peoplehood, and serve as a model for the rest of society."99 And we can begin doing this right now.

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⁹⁶ Democracy Fund. "Leap of Faith: Empowering Faith Leaders to Strengthen Democracy." Democracy Fund, 17 June 2020, democracyfund.org/idea/leap-of-faith-empowering-faith-leaders-to-strengthen-democracy.

⁹⁷ Coleman, Peter. "The U.S. Is Suffering from Toxic Polarization. That's Arguably a Good Thing." Scientific American, 2 Apr. 2021, www.scientificamerican.com/article/the-u-s-is-suffering-from-toxic-polarizationthats-arguably-a-good-thing.

⁹⁸ Bryfman, David. "Opinion | All Education Is Political. Jewish Education Should Be, Too." The Forward, 6 Oct. 2020, forward.com/opinion/455923/all-education-is-political-jewish-education-should-be-too.

⁹⁹ Bernstein, David. "Jewish Leadership in an Age of Polarization." eJewish Philanthropy, 1 June 2018, ejewishphilanthropy.com/jewish-leadership-in-an-age-of-polarization.

How? By transcending partisanship and building a robust Jewish coalition, well-resourced and working together to preserve democracy. By being Jews first (what we share) and liberals or conservatives (where we differ) second. By recognizing that, to borrow verbiage from The Israel Forever Foundation, we are "Stronger Together" and joined by a shared imperative to pass a stable and functioning democracy to our children.

Lastly, and to put it frankly, the degradation of democracy affects all of us, and its preservation will take all of us. The Jewish community has thrived in America over the last 360 years alongside other marginalized or minority groups who have found a home here. It is now necessary to join those communities, and others from the business, labor, faith, and government sectors, in ensuring the same is true for the next generation.

¹⁰⁰ "Stronger Together: Jewish Unity Initiative." *Israel Forever Foundation*, israelforever.org/programs/stronger_together_jewish_unity. Accessed 28 Jan. 2022.