

Respect

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Looking for Reform with the George Floyd Justice in Policing Act

by Sylvia Mendoza

On May 25, 2020, George Floyd, a Black man, was detained by police officers in Minneapolis. He had allegedly used counterfeit money to make a purchase at a convenience store. Within minutes, he was face down on the street. Officer Derek Chauvin pinned him down by kneeling on his neck for nearly nine minutes. According to reports, Floyd was heard saying, "I can't breathe" more than 20 times before he fell silent.

The incident, recorded by bystanders, went viral. The county medical examiner would eventually rule Floyd's death a homicide caused by Chauvin's and the three other officers' use of force, drugs in his system, and his underlying health conditions. Widespread outrage and protests erupted against police brutality in more than 150 cities.

All four officers linked to Floyd's death were fired. Chauvin was charged with murder and in April 2021, was found guilty of second-degree murder, third-degree murder and second-degree manslaughter. He faced up to 40 years in prison but received a 22-and-a-half-year sentence in state court. Chauvin also

pleaded guilty to a federal civil rights charge, for which he will serve a minimum of 20 years and a maximum of 25 years. At press time, he had not been sentenced on the federal charge. The other three officers—Thomas Lane, Tou Thao and J. Alexander Kueng—were charged with various crimes at the state and federal level. In February 2022,



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Supreme Court Decision Highlights Conflict Between Religious and LGBTQ+ Rights

by Suzi Morales

The First Amendment to the U.S. Constitution guarantees the right to freedom of religion. But what happens when one person's religious freedom conflicts with someone else's rights?

In June 2021, the U.S. Supreme Court decided a case, *Fulton v. Philadelphia*, which highlighted a conflict between the religious rights of a Catholic

organization that assists with foster care placement and the interests of LGBTQ+ people who want to become foster parents. The case was decided unanimously on narrow grounds in favor of the foster care organization but leaves open broader questions of the scope of religious freedoms when they are counter to

other interests including the government's ability to prevent discrimination on the basis of sexual orientation.

In *Fulton v. Philadelphia*, the U.S. Supreme Court held that the City of Philadelphia violated the First Amendment rights of Catholic Social Services (CSS), a faith-based foster care agency associated

Love is Love

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with the Archdiocese of Philadelphia, that refused to certify same-sex couples as foster parents.

What's the case about?

Foster families in Philadelphia must be certified in order to take in children through the foster care system. CSS and other agencies are licensed by the city to certify families using standards including the family's "ability to provide care, nurturing and supervision to children."

After a 2018 article, published in *The Philadelphia Inquirer*, revealed that two agencies—Bethany Christian Services and CSS—refused to certify same-sex couples, Philadelphia officials investigated. CSS’ license to certify foster families

was taken away. Bethany Christian Services changed its policy to comply with Philadelphia's non-discrimination ordinance and was able to keep its license with the city.

Documents filed with the courts revealed that CSS refused to certify same-sex married couples, as well as unmarried couples of any gender because of the agency's belief that "marriage is a sacred bond between a man and a woman."

CSS and two foster care parents it works with, including Sharonell Fulton, whose name is on the case, sued the city, claiming that the revocation of CSS' license violated provisions of the First Amendment of the U.S. Constitution protecting freedom of religion and freedom of speech.

A district court and the U.S. Court of Appeals for the Third Circuit both ruled against CSS' request to have its license reinstated. As a result, the foster care agency **appealed** to the U.S. Supreme Court.

The U.S. Supreme Court's decision in *Fulton* did not address the freedom of speech claim.

Freedom of religion

The First Amendment to the U.S. Constitution states: “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof...”. This means that the government can’t endorse any one religion over another religion or religion in general over no religion. It also guarantees that people can hold whatever religious beliefs they want, including not believing in religion at all.

CSS argued that a requirement to certify same-sex couples as foster parents violated its Catholic religious beliefs, and, therefore, was prohibited by the First Amendment. The City of Philadelphia argued that CSS' policy violated its fair practices ordinance, which includes a provision prohibiting discrimination based on sexual orientation and is included in all city contracts.

The courts use certain tests to determine whether rights provided by the U.S. Constitution are violated. In cases like this involving the right to freely

The First Amendment to the U.S. Constitution states: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof..."

practice religion, that standard is currently governed by a 1990 U.S. Supreme Court decision in the case of *Employment Division, Department of Human Resources of Oregon v. Smith*.

In *Smith*, two people were fired from their jobs with a drug rehabilitation organization because they used the hallucinogenic drug **peyote** as part of Native American religious ceremonies. They were denied state unemployment benefits because Oregon state law made possession or use of peyote illegal. The case came to the U.S. Supreme Court on a challenge to the state drug law on the basis that it restricted their ability to practice their religion.

In the *Smith* case, the Court ruled in Oregon's favor but set a standard that is used to evaluate what is a generally applicable law in religious cases. According to the ruling, "laws affecting certain religious practices do not violate the right to free exercise of religion as long as the laws are neutral, generally applicable, and not motivated by **animus** to religion." A generally applicable law is one that can be applied objectively to all persons in a nondiscriminatory manner.

What the U.S. Supreme Court said in *Fulton*

The Court's decision in *Fulton* centered around Philadelphia's contract with CSS. The contract said: "Provider [CSS] shall not reject a child or family ... for Services based upon ... sexual orientation ... unless an exception is granted by the Commissioner or the Commissioner's designee, in his/her sole discretion."

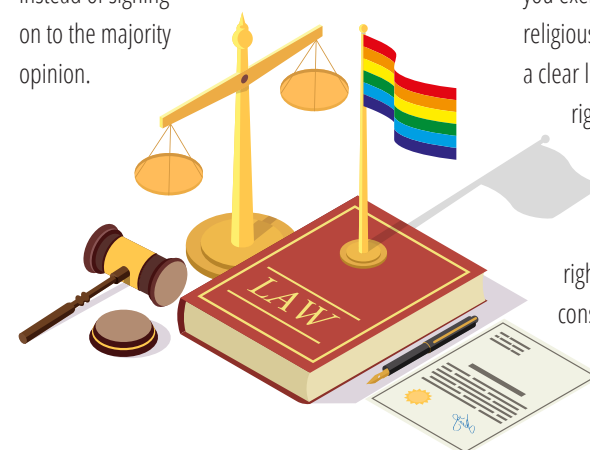
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The U.S. Supreme Court held that Philadelphia's contract with CSS was not "generally applicable" because it allowed city officials to grant exceptions to the prohibition on denying certification. In other words, because the city could grant exemptions—even if it never did—the contract was not "generally applicable."

“The creation of a system of exceptions under the contract undermines the city’s contention that its nondiscrimination policies brook no departures,” wrote Chief Justice John Roberts in the Court’s **majority opinion**. “It is plain that the city’s actions have burdened CSS’ religious exercise by putting it to the choice of curtailing its mission or approving relationships inconsistent with its beliefs. CSS seeks only an accommodation that will allow it to continue serving the children of Philadelphia in a manner consistent with its religious beliefs; it does not seek to impose those beliefs on anyone else.”

Not so unanimous

While the Court's decision was unanimous, two justices wrote **concurring opinions** instead of signing on to the majority opinion.



Justice Samuel Alito wrote a 77-page opinion, joined by Justices Neil Gorsuch and Clarence Thomas, where he criticized the majority opinion for being too narrow and not tackling *Fulton's* free speech implications.

“This case presents an important constitutional question that urgently calls out for review: whether the Court’s governing interpretation of a bedrock constitutional right, the right to the free exercise of religion, is fundamentally wrong and should be corrected,” Justice Alito wrote. “CSS’ policy has only one effect: It expresses the idea that same-sex couples should not be foster parents because only a man and a woman should marry. Many people today find this idea not only objectionable but hurtful. Nevertheless, protecting against this form of harm is not an interest that can justify the **abridgement** of First Amendment rights.”

A complicated question

Perry Dane, a professor at Rutgers Law School—Camden, who teaches courses on religion and the law, summed up the Court's decision as, "If you exempt folks for other reasons, you have to treat religious folks at least the same." Instead of drawing a clear line between religious freedoms and LGBTQ+ rights, Professor Danes says, the Court relied upon one portion of the city's contract with adoption agencies but didn't decide the broader question of First Amendment rights versus equality and anti-discrimination considerations.

“Sometimes, religious people are in effect stuck between two laws:

the law the state imposes upon them and what they believe God imposes upon them," Professor Dane says. "On the other hand, there's something troubling about the idea that one person's religious exemption should end up having a harmful impact on somebody else."

According to Professor Dane, there has been a renewed interest in cases involving religious freedom, such as laws restricting attendance at religious services during the pandemic.

"It's a difficult, real conflict," says Professor Dane. "The Supreme Court is going to be struggling for the next little while to figure out where the line gets drawn." •



1. Put yourself in the shoes of both perspectives in the *Fulton* case. How do you balance someone's deeply held religious belief when it inflicts harm on another individual? Explain your answer.
2. The article explains that the Court's decision in *Fulton v. Philadelphia* was decided on narrow grounds and only affects the City of Philadelphia. Why do you think the Court took such a narrow view in the case? Explain your answer.
3. The issue in *Fulton* creates an ethical dilemma. Think of an ethical dilemma in your own life or from history. Was it resolved? If so, how. If not, how would you have resolved it? Explain.

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A Hate Lasting Two Thousand Years and Counting *by Robin Roenker*

Anti-Semitism is often called the “world’s oldest hatred.” The threat of anti-Semitic attacks against Jewish communities still looms large today.

The American Jewish Committee, a Jewish advocacy organization founded in 1906, released a survey in October 2021 that revealed one in four Jewish citizens in the U.S. reported experiencing anti-Jewish hatred in the preceding 12 months—either online or in-person.

Attacks on Jewish communities reached an all-time high in 2019, according to the Anti-Defamation League (ADL), a group founded in 1913 to fight prejudice against Jewish people. ADL documented more than 2,100 incidents across the United States in 2019—more than any year since 1979, when the organization began tracking such events. In 2020, anti-Jewish attacks remained at a historically high level, with the ADL citing more than 2,000 incidents of harassment, assault, or vandalism against Jewish people and places across the nation—in addition to dozens of high-profile attacks on Jewish communities in other countries around the world.

The U.S. State Department defines anti-

Semitism as “a certain perception of Jews, which may be expressed as hatred toward Jews.” The definition makes clear that expressions of anti-Semitism can be directed toward “individuals and/or their property, community institutions and religious facilities.”

For example, in the fall of 2021, several incidents of anti-Semitism were reported in Texas, including a fire at a synagogue in Austin, as well as vandalism at the local high school, which had been spray painted with swastikas, an icon of the Nazis. In addition, in San Antonio, a banner was displayed on an overpass that contained a link to an anti-Semitic group. In January 2022, a gunman took four congregants hostage at a synagogue in Colleyville, TX. After an 11-hour standoff with police, the synagogue’s rabbi threw a chair as a distraction and the four were able to escape, while police shot their captor.

What is considered the deadliest attack on the Jewish community in U.S. history happened on

October 27, 2018. An armed gunman entered the Tree of Life Synagogue in Pittsburgh, where several Jewish people had gathered to worship. He shouted, “All Jews must die!” before shooting and killing 11 people and wounding six others.

All of these events stand as part of an alarming trend of anti-Jewish threats across the country in recent years. In U.S. towns both large and small, Jewish citizens have been harassed and physically attacked simply for being Jewish.

What is anti-Semitism?

Put simply, “anti-Semitism is anti-Jewish prejudice. It involves negative beliefs and feelings about Jewish people, just because they are Jewish,” explains Paola Tartakoff, a professor of history and Jewish studies at Rutgers University.

The word anti-Semitism was coined in 1879 by a German political party that was hostile to Jews. The word has at its root the term “Semite,” which

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Dispelling Anti-Semitic Tropes

The Anti-Defamation League (ADL) conducts a survey every year to determine Americans’ attitudes toward Jewish people. Over the past 25 years, ADL’s research reveals that “between 11 and 14 percent of Americans harbor intensely anti-Semitic attitudes.” According to its 2020 survey, 61% of respondents still believe in at least one anti-Semitic trope. These tropes are also sometimes called “canards,” which is characterized as a baseless rumor. There are many anti-Semitic tropes or canards that have been repeated and perpetuated over time, with some overlapping others.

In order to dispel these myths, it is helpful to know where they came from and how they have continued to thrive even in modern times. Below are just a few of these tropes.

Domination and Control

According to advocates, the Domination and Control trope is the one most

commonly used and believed in today’s society. For example, the gunman in Colleyville, TX (see main story) targeted a synagogue because he believed that the Jews had the power to free a convicted terrorist serving an 86-year sentence in New York City, whom he wanted released.

This particular trope dates back to the Middle Ages and has adapted over the years. It was reinforced in 1903 with the publication of an anti-Semitic text, titled “The Protocols of the Meetings of the Learned Elders of Zion,” which falsely claimed to be minutes from a meeting of Jewish leaders where plans for global domination were discussed. Adolph Hitler used the lies in this document to spread hatred for the Jewish people by blaming them for economic hardships experienced by Germans. It was even used as a teaching tool in German schools to reinforce hatred of the Jews. This conspiracy theory is still prevalent today with repeated false accusations that Jews control the world financial system and the media, including the press, and the music and

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refers to groups of people who speak a Semitic language, including Hebrew—the language of Judaism.

While anti-Semitism as a term originated in the nineteenth century, anti-Jewish sentiment has existed for centuries. Even before the rise of Christianity, anti-Jewish prejudice could be found within ancient Greek and Roman cultures. Anti-Judaism became intertwined with the rise of Christianity, however, partly because certain interpretations of the Christian Bible’s New Testament seemed to blame Jews for Jesus’s crucifixion.

“Judaism becomes the negative foil against which Christianity defines itself in the New Testament, and the negative stereotypes of Jews that are enshrined in those texts, which get reread year after year for generations, create habits of thought in listeners who often don’t know any actual Jews,” Professor Tartakoff says. “Negative views of Jews become a reflex.”



By the Middle Ages, Jewish people in many communities were forced to wear a badge to identify themselves, to live only in certain areas, and to hold only certain jobs.

“We get this idea within early Western Christianity that Jews should be allowed to survive, but not thrive,” says Pamela Nadell, director of the Jewish Studies Program at American University and author of the book *America’s Jewish Women: A History from Colonial Times to Today*.

Of course, these same tactics were amplified—to horrifying consequences—centuries later when

the Nazis came to power in Germany during World War II. Under Adolph Hitler’s regime, six million Jews were murdered between 1933 and 1945 in Europe and North Africa. Known as the Holocaust, a Greek word meaning “sacrifice by fire,” this terrible time in Jewish history stemmed from the Nazi’s false view of Jews as an “inferior” race that they believed needed to be exterminated. In addition to the six million Jews, according to the United States Holocaust Museum, the Nazis killed millions of non-Jews as well, including people with disabilities, Soviet civilians and prisoners of war, Jehovah’s Witnesses and homosexuals, all of whom they deemed inferior.

Anti-Semitism today

Anti-Semitism fuels numerous physical attacks every year—including the 2019 targeted murders of shoppers at a kosher deli in Jersey City—putting Jewish citizens on alert across the country. Swastikas are often graffitied on Jewish homes, businesses, and synagogues in an especially hateful sign of ongoing anti-Jewish **bigotry** and intimidation.

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film industries. ADL’s 2020 survey revealed that 15% of respondents believe that Jews have too much power in the business world and 17% think “the movie and television industries are pretty much run by Jews.”

Wealth and Greed

The Wealth and Greed trope goes hand-in-hand with the Domination and Control trope. This one dates back to Medieval Times when Christians thought of money lending as a sin. Money lending was one of the few occupations that rulers allowed to Jews at that time. The Wealth and Greed trope has been perpetuated in literature and the arts for centuries. For example, Shakespeare’s character of Shylock, the money lender in the Merchant of Venice, is probably the most famous example of the stereotypical greedy Jew, helping to perpetuate the myth.

Those who push this trope often point to Judas, who betrayed Jesus for 30 pieces of silver, as an example of Jewish greed even though all the disciples and Jesus himself were Jewish. The trope became so normalized that in the 1930s

the Oxford English Dictionary contained a definition for the word “Jew” that stated, “to cheat.” The false narrative of the wealthy Jew was included in much of the Nazi propaganda, cementing anti-Jewish sentiment among the Germans, which led to the atrocities of the Holocaust. The trope still endures today. The ADL survey revealed that 10% of Americans agreed with the statement: “Jews are more willing than others to use shady practices to get what they want.”

Deicide

Deicide is the act of killing a divine being. According to the ADL survey, 27% of Americans still believe that the Jews killed Jesus, committing deicide. Believers of this trope see Jesus’ trial as a conflict between Jews and Christians, even though Christianity wasn’t founded until after Jesus’ death. Hitler used the trope of the Jew as “Christ Killer” to win the support of the German people in exterminating the Jews. The Vatican disavowed the deicide trope in the 1960s, saying that the Jewish people must not be held responsible for Jesus’ death, yet the canard still persists today. —Jodi L. Miller

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In addition to outright attacks on Jewish communities, anti-Jewish sentiment is also at work in more subtle ways such as negative stereotypes about Jewish people that can be found in books, movies, television or on social media. Known as anti-Jewish or anti-Semitic **tropes**, these generalizations often depict Jews as being rich and power-hungry, for example. Other historic Jewish stereotypes suggest they are somehow untrustworthy or disloyal or even murderous and bloodthirsty. (See sidebar on page 4 for more on anti-Semitic tropes.)

“Anti-Semitism can be manifested in words, visual images, and deeds. Examples of anti-Semitic words include utterances that all Jews are wealthy, inherently stingy, or unpatriotic,” explains Liora Halperin, a professor of history and Jewish studies at the University of Washington. For example, she says, you might hear someone say a person is particularly good at spotting a bargain *because* they are Jewish.

Online or in certain media, you may see references to so-called Jewish conspiracy theories, which suggest that Jewish people “possess hidden powers that they use to promote their own collective agenda,” Professor Halperin adds. This can show up in social media memes or threads that suggest Jewish people somehow “control governments with a ‘hidden hand’ that they also use to control banks or the mainstream media,” she says.

Recently, some online conspiracy theories have even blamed Jewish people for the COVID-19 pandemic, along with Asian Americans because the virus originated in China. Other modern anti-Semitic tropes suggest that the Holocaust did not actually happen, or that its devastation has somehow been exaggerated.

The problem with these generalizations is that—as with any generalization of a group—they are misguided and based on bigotry rather than truth.

“The different manifestations of this multifaceted [anti-Jewish] hatred often tell us a lot about the anxieties and fears of the people who are expressing the hate rather than anything about actual Jews themselves,” says Professor Tartakoff.

Fighting anti-Semitism

Anti-Jewish sentiment has ebbed and flowed across American history, and “we are in one of those moments where anti-Semitism is, once again, spiking in American life,” says Nadell.

Everyone can be a voice against anti-Jewish bigotry by speaking up if they see someone being bullied simply for being Jewish, Professor Tartakoff says. If you aren’t able to speak up in the moment, she says, consider pulling the person doing the bullying aside later, if you feel safe doing so.

“Say something like, ‘This is what I heard. What did you mean by that?’” Professor Tartakoff suggests. “Sometimes, people could be repeating something they’ve heard, and they don’t even realize that it has an anti-Semitic connotation or meaning. You can take time to try to educate them, without being condescending or critical.”

That’s what happened recently with actor/comedian Whoopi Goldberg, who said in her role as host of *The View* that the Holocaust was not about race but man’s inhumanity to man. She immediately received criticism for her comments.

As Adam Serwer, a writer for *The Atlantic*, pointed out in his column, “The Nazi Holocaust in Europe and slavery and Jim Crow in the United States are outgrowths of the same **ideology**—the belief that human beings can be delineated into categories that share **immutable** biological traits distinguishing them from one another and determining their potential behavior...They are branches of the same tree, the biological fiction of race.”

Yair Rosenberg, who also writes for The Atlantic and is a frequent commentator on anti-Semitism, wrote in his column that Goldberg’s confusion was understandable because Jews as a race and a religion don’t fit into neat categories or boxes.

“Judaism predates Western categories. It’s not quite a religion, because one can be Jewish regardless of observance or specific belief,” Rosenberg writes. “But it’s also not quite a race, because people can convert in. It’s not merely a culture or an ethnicity, because that leaves out all the

religious components.”

Rosenberg contends that Judaism is a mixture of all these things, and that’s where the confusion sets in.

Goldberg took to Twitter to apologize for her comments, saying: “On today’s show, I said the Holocaust ‘is not about race, but about man’s inhumanity to man.’ I should have said it is about both. As Jonathan Greenblatt from the Anti-Defamation League shared, ‘The Holocaust was about the Nazi’s systemic annihilation of the Jewish people—who they deemed to be an inferior race.’ I stand corrected.”

Despite her apology, Goldberg was suspended from the show for two weeks. Greenblatt, who is the national director for ADL said in an interview on CNN that he worried about judging Goldberg unfairly in today’s “cancel culture.”

“In the Jewish faith we have a concept called ‘teshuva’ and ‘teshuva’ means redemption,” Greenblatt said. “It means all of us have the power to admit when we do wrong and commit to doing better.” •



1. In the article, Professor Tartakoff says that anti-Jewish hatred tells us “a lot about the anxieties and fears of the people who are expressing the hate rather than anything about actual Jews themselves.” What do you think she means by that? Explain your answer.
2. How does it make you feel to hear about the increase in hate crimes against Jewish people? What do you think leaders and people in the community can do about these attacks?
3. Do you agree with Jonathan Greenblatt from ADL that we should not judge Whoopi Goldberg unfairly and instead offer her “teshuva” or redemption? Why or why not?

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the three were convicted on federal charges of violating Floyds civil rights. Jury selection for the state trial is scheduled for March 2022.

According to reporting in *The New York Times*, during his 19-year law enforcement career, 22 complaints were filed against Chauvin for misconduct and excessive force. He was disciplined in just one of those cases.

Inspired legislation

Floyd’s death turned up the focus on police violence against Black Americans. According to Mapping Police Violence, an independent research collaborative collecting comprehensive data on police killings nationwide, Black people are three times more likely to be killed by officers than white people. These police-related cases refer to a person who dies as a result of being shot, beaten, restrained, intentionally hit by a police vehicle, pepper sprayed, tasered, or otherwise harmed by police officers, whether on-duty or off-duty. Mapping Police Violence relies on data from local and state agencies that are required to report such data, as well as media sources such as *The Washington Post*.

The issue of police brutality and misconduct is nothing new, according to Karen Thompson, senior staff attorney with the American Civil Liberties Union-New Jersey. Thompson says that Black communities in particular have been advocating for oversight of police departments since the turn of the 20th century.

“What made it so important in this particular instance is that we all had a single focus,” Thompson says. “We all had eight minutes and forty-six seconds to watch a white police officer slowly crush the life out of a Black man. We all witnessed something that was plain and clear.”

To establish a national standard to address systemic racism in police departments, the George Floyd Justice in Policing Act (GFJPA), a human rights and police reform bill, was introduced in the House of Representatives by Representative Karen Bass of California and in the Senate by Senator Cory Booker of New Jersey. It was passed by the House of Representatives in 2020 and again in March 2021. By September 2021, however, the legislation had stalled in the Senate, where it needed 60 votes to pass.

Among other things, the GFJPA would streamline federal law to prosecute excessive force, work to end racial and religious profiling, limit military equipment on American streets, require access to body cameras on officers, hold police accountable in court, and ban chokeholds and no-knock **warrants**. A no-knock warrant is one that can be executed by law enforcement without notification to the residents by either knocking on the door or ringing a doorbell.

“The Act includes important and foundational changes to and checks on policing,” says Thompson.



“It was the first federal legislation to include a provision enabling individuals to recover damages in civil court when law enforcement officers violate their constitutional rights by eliminating qualified immunity for law enforcement. The legislation felt hopeful.”

Qualified immunity, created by the U.S. Supreme Court in 1982, is a principle which states that government officials, including the police, are not liable in civil lawsuits for injuries they inflict during the course of their normal duties. The principle was originally supposed to protect police from frivolous lawsuits. It was the qualified immunity issue that became a major sticking point when the George Floyd Justice in Policing Act was being debated in Congress.

“A profession where you have the power to kill should be a profession that requires trained officers who are accountable to the public,” Representative Bass said during debates on the bill in March 2021.

Detractors of the legislation say it went too far, with Representative Carlos Gimenez of Florida arguing on the House floor that it would “weaken and possibly destroy our community police forces.”

While the legislation passed the House, negotiations among Representative Bass, Senator Booker and Senator Tim Scott of South Carolina broke down without the legislation coming to the Senate floor for debate. Of the broken negotiations, Representative Bass told National Public Radio, “When you go so far in compromising that you’re just barely moving the needle forward, it reached a point where it wasn’t acceptable.”

In a statement, Senator Scott said, “The areas where we agreed—banning chokeholds, limiting the transfer of military equipment, increased mental health resources, and more—would have brought justice to these families [victims of police violence].”

Reform at the local level

By the one-year anniversary of Floyd’s death—May 25, 2021—229 Black people in the U.S. had been killed by the police, according to data from Mapping Police Violence. Since the GFJPA has stalled in the Senate, what happens now?

“We need to not expect the federal government to solve our problems,” says Thompson. “New Jersey has a bundle of bills to address justice in policing that we are currently pushing the Legislature to pass. New Jerseyans need to keep the pressure on their elected officials to do what the worldwide protests last year demanded: create accountability and transparency in policing.”

A successful public safety strategy also requires investing in community resources that keep people safe—without law enforcement intervention, explains

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Brooke Lewis, Associate Counsel for Criminal Justice Reform at the New Jersey Institute of Social Justice (NJISJ). “Police accountability is not enough. There’s a much more fundamental problem—a systemic problem—that requires us to think about public safety differently.”

NJISJ’s report, “Refunding Communities: A Pathway Forward to Real Public Safety,” explores ways New Jersey can focus on community-based public safety systems like creating a behavioral health-first responder pilot program and increasing funding for resources such as restorative justice, schools, and supportive housing.

“Police are necessary for public safety, but there’s so much more to making a community safe,” says Lewis. “Deeper investments, especially in Brown and Black communities, is an important piece to systemic change.”

Cities and states are demanding reforms based on items covered in the George Floyd Justice in Policing Act. To stop excessive police power in communities of color, at least 30 states and Washington, D.C. have addressed use of force; duty for officers to intervene, report, or render medical aid in instances of police misconduct; policies relating to law enforcement misconduct reporting; and revoking a person’s authorization to serve as a police officer.

In April 2021, New York City became the first and the largest municipality to end qualified immunity for officers. While federal qualified immunity can only be eliminated by an act of Congress or the U.S. Supreme Court, the NYC law allows individuals to sue police officers under the New York State Constitution and does not allow qualified immunity as a defense.

De-escalating conflicts by using nonpolice first responder teams to respond to behavioral health calls instead of police have been successful. People with mental health issues are 16 times more likely to be killed in a police intervention, says Lewis, referring to a 2020 study titled “Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters,” which was conducted by the Treatment Advocacy Center, located in Virginia. Lewis also cited the success of organizations like CAHOOTS (Crisis Assistance Helping Out On The Streets), a

collaborative effort between White Bird Clinic and the City of Eugene, Oregon established in 1989. CAHOOTS’ mission is to improve the city’s response to mental illness, substance abuse and homelessness. Members of White Bird Clinic’s staff accompany law enforcement on calls involving mental health issues.

Here in New Jersey, the New Jersey Communities for Accountable Policing (NJ-CAP) was formed by the ACLU-NJ, as well as more than 20 other organizations, including, Black Lives Matter NJ, the Innocence Project, and the Office of the Public Defender. Made up of grassroots activists, racial and social justice advocates, people harmed by law enforcement, faith leaders, and legal experts, NJ-CAP’s mission is “to stop excessive police power, end the tight grip of police in communities of color, and organize New Jerseyans to bring about change.” •



1. What do you think of the provisions outlined in the George Floyd Justice in Policing Act? Are there other provisions you would have included or taken out? Explain your answer.
2. During the GFJPA negotiations in the Senate, do you think the one side should have settled without securing the elimination of qualified immunity, as Senator Scott suggested? Why or why not?
3. What do you think of the qualified immunity principle? Should police officers be held accountable when they are in the wrong?
4. There are increasing calls for alternatives to police to keep communities safe. What ideas do you have to create safe communities?

Glossary

abridgement—limitation of rights. **animus** — hostile feeling or animosity. **appealed** — when a decision from a lower court is reviewed by a higher court. **bigotry** — intolerance of those of different races or religions. **concurring opinion** — a separate opinion delivered by one or more justices or judges that agrees with the decision of the court but not for the same reasons. **ideology** — principles or a way of thinking that is characteristic of a political system. **immutable** — not changeable. **majority opinion** — a statement written by a judge or justice that reflects the opinion reached by the majority of his or her colleagues. **peyote** — a hallucinogen obtained from a cactus plant. **trope** — an overused theme or device; a cliché. **warrant** — a written document from a judge authorizing anything from a search to an arrest to the obligation to pay a fine.