

Commemorating Civil Rights - February 22, 2014

Vayakhel, by Evelyn Frankford

This year marks the 50th anniversary of the landmark 1964 civil rights legislation that outlawed major forms of discrimination against racial, ethnic, national and religious minorities, and women. This legislation plus the Voting Rights Act enacted in the next year were among the major achievements of the Reverend Martin Luther King, Jr., the entire civil rights movement, and President Lyndon Johnson, the president who was second only to Lincoln in advancing the cause of racial equality.

I originally wrote this commentary for Reverend King's birthday, a Shabbat when the parsha, Yitro, advised Moshe to establish a workable judicial and legal system that ensures that people aren't required to stand in line all day to get justice and that the laws be applied fairly.

This week's parsha is a harder fit. But, perhaps a parsha about setting rules for the community, the entire community, coming during Black History month, gives us license to think also about bad rules, rules that exclude and seek to degrade part of the community, to the absence of civil and voting rights, to standing in line, to unequal justice, and then, as well, to why repairing the broken parts of the world is part of our operating rules as a Jewish community.

In setting up a legal-judicial system, alas, the framers of the U.S. Constitution spoke of high ideals but their rules incorporated the moral evil of slavery, the racism of the country's origins, the barbarous behavior of the 17th century colonists. Their rules enabled southern slaveholders

to expand their political – and judicial - power by designating slaves as 3/5 of a person; these, the slave-owners then represented in Congress and in the Electoral College, thus influencing presidential elections. Even after the 13th Amendment in 1865 abolished slavery, imbalances of power favored southern landowners because of the barriers thrown up to prevent black people from voting. Therefore the need for the Civil Rights Act of 1964 and then the Voting Rights Act of 1965, to rectify the gross violations of rights that were still visited upon the descendents of slaves one hundred years after slavery was legally abolished. Therefore, the civil rights movement's campaigns of the 1950's and '60's to overturn the abuses. Therefore, we commemorate these landmark achievements.

Those who know me know that the essential emotional and intellectual underpinning of my life and my social justice commitment is the Holocaust. A very early experience: reading letters in German that her cousin wrote to my mother while the cousin recuperated from TB in the Czech Tatra Mountains after surviving Teresienstadt and Auschwitz, though her parents did not survive. Knowing the stories, keeping them always in my memory, and honoring both the victims and the up-standers who acted righteously, both Jewish and not, flow through everything I do. That's why I went to lunch counter sit-ins in the north and was a civil rights worker in the south – to honor their memory and to be an up-stander myself. The connections between the Holocaust and the civil rights movement are, for me, strong and enduring.

In the Holocaust 6 million Jews and many millions of other people were murdered. I don't know the number of people who lived and died as slaves over the full history of American slavery. But

at the time of the American civil war, slavery engulfed 4 million African-Americans. The same kind of Congressional dysfunction that upsets us now was occurring in the 1850's...the American legal system strained to protect compromises over slavery that contradicted morality and undermined community, even while 4 million people lived in bondage. In March of 1857, for example, in the Dred Scott case, the Supreme Court declared no slave or descendant of a slave could be a U.S. citizen, or ever had been a U.S. citizen. As a non-citizen, the court stated, Dred Scott had no rights and must remain a slave. Right before the civil war, the ruling turned back the clock concerning the rights of African-Americans, ignoring the fact that black men in five of the original States had been full voting citizens dating back to the Declaration of Independence in 1776. The New Deal, which for many of us stands as a beacon of enlightened social welfare legislation from which we all benefit (Social Security anyone?), could be enacted because southerners were placated with promises of continuing segregation (the reason for the agricultural worker exclusion from Social Security).

A friend recently sent me an article entitled *History and Guilt* by Susan Neiman. The piece makes the case that America needs to face up to the terrible reality of slavery in the way that Germany faced up to the Holocaust it perpetrated. She writes: "The prominence of the Holocaust in American culture serves a crucial function: we know what evil is, and know the Germans did it." Without some cultural experiences of the violence of slavery that was part of the building of this country, she writes, we risk a narrative of triumphalism that distorts history. We should remember that the Nazis added to their centuries of ingrained anti-Semitic behavior (ghettos, pogroms, Dreyfus trial) ideas from Jim Crow, learned from the American south. On the

human level of connection: fear...pure existential fear: Jews in the Holocaust and before and after, African-Americans in slavery and beyond.

Many ordinary people took on this fight for civil rights, marching and organizing in some of the most racist and dangerous places in the south...African-Americans, sometimes the children of World War II soldiers, and lots of Jews, of whom a disproportionate percentage came, like me, from a Holocaust background. In the larger American culture, the 1960's were the time when the Holocaust emerged from the shadows in which it had been hidden to become widely known, in part via the Eichmann trial.

In this 50th anniversary year of the Civil Rights Act, only a year away from the anniversary of the Voting Rights Act (VRA), injustice returns: last June's Supreme Court ruling, which gutted Section 4 of the VRA, which covered jurisdictions with historically-egregious voting records, has given some states and localities— including northern states such as Ohio and Pennsylvania (since overturned) - license to return to restrictions on access to voting by African-Americans, the descendents of the slaves.

In states where large numbers of minority voters turned out to vote in recent years, a “voter fraud” fraud has been manufactured; a great wave of legislation seeks to restrict access to voting by these same minority citizens, in part by making them stand in line all day, defying Yitro's admonition.

In another time or place, could that be you and me standing in line, on the receiving end of unjust laws?

In this week's parsha, the community gives materials in abundance, to the point where Moses asks the people to stop giving. The rules of our Jewish community ask us to give until there is too much. As you think about how the rules of the American community allow infringements of voting and civil rights, can we deploy our Jewish rules and take actions to push back until we see that there exists an abundance of civil rights for all?