



February 1, 2022

TO: Senate Judiciary Committee
RE: SB 1511

The Jewish Federation of Greater Portland supports the passage of SB 1511.

Dear Senators and Representatives:

I write in my capacity as the Legislative Committee Chair of the Jewish Community Relations Council of the Jewish Federation, and a member of the Federation's Board of Directors.

Oregon's history of non-unanimous jury verdicts rests on explicitly racist, xenophobic, and antisemitic foundations. While the policy has been struck down by the US Supreme Court in its recent *Ramos* decision, its effects live on through the continued incarceration of those unjustly convicted under the now-nullified law. SB 1511 will correct these injustices.

Our committee has met with Attorney General Rosenblum and analyzed the impacts of this legislation. To date fewer than 300 incarcerated inmates have applied to vacate their convictions. If this legislation passes, they would not be automatically freed but will have another chance for a fair trial. Many will no doubt engage in plea bargaining and thereby win shorter sentences. Some will have their cases dismissed, either because they have already served substantial time or perhaps because witnesses are no longer available. Some will be convicted again, and others will be acquitted. We are duly concerned about the potential impact on the victims of those crimes, some of whom will no doubt feel they have been deprived of some measure of justice -- but after reviewing the impacts on both sides we feel that the balancing of potential harms weighs in favor of allowing the *Ramos* decision to apply retroactively. Denying justice to one group is not an acceptable cost to preserve the well-being of another.

The Jewish community of Oregon is a diverse community, comprised of Democrats, Republicans, people from socio-economic strata ranging from wealthy entrepreneurs to folks in need of social safety net services, and includes communities of diverse national origins. All are represented on our Federation Board and committees. We disagree about many things. Nevertheless, the vote to support SB 1511 was unanimous because our tradition requires us to oppose injustice.

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The principle that a person shall only be convicted of a crime if the evidence establishes guilt beyond a reasonable doubt is older than our nation -- it has its roots in ancient scripture, including Jewish Talmudic law. Many tractates talk about the requirement of certainty needed to deprive an individual of his or her freedom. Others talk about the imperative of correcting an injustice, *regardless of how much time has elapsed*. We understand the additional burden that this legislation may impose on local prosecutors but consider that burden *de minimus* compared with the value we place on maintaining the integrity of our criminal justice system.

You are no doubt aware that Louisiana is the only other state impacted by the *Ramos* decision, and that the New Orleans parish has already applied *Ramos* retroactively, elevating the value of justice over expediency. Denying retroactivity out of a fear that the courts will be burdened constitutes a choice to privilege the interests of the judicial system over the interests of the people whose rights that system is supposed to protect. It would represent a decision that some people's rights are too burdensome to honor. That is not consistent with our values, as Jews and as Oregon citizens.

Please pass this legislation and let us start down the road of repairing this 86-year legacy of injustice.

Sincerely,

Hank Kaplan
Legislative Chair, Jewish Community Relations Council
Jewish Federation of Greater Portland

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