

Policy Priorities and Recommendations of the Anti-Defamation League

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About the Anti-Defamation League

The Anti-Defamation League (ADL) was founded in 1913 "to stop the defamation of the Jewish people and to secure justice and fair treatment to all."

Now the nation's premier civil rights/human relations agency, ADL fights anti-Semitism and all forms of bigotry, defends democratic ideals and protects civil rights for all. ADL carries out its mission through a network of 30 Regional and Satellite Offices in the United States and abroad.¹

¹ A 501(c)(3) nonprofit organization, ADL neither supports nor opposes any candidate for political office.

International Extremism and Global Anti-Semitism

Summary of Policy and Recommendations

- In this decade, anti-Semitic violence and attitudes have surged around the globe.
- Anti-Semitic propaganda continues to thrive in the Muslim and Arab world, and is then disseminated throughout the world via satellite television and the Internet. Anti-Semitic stereotypes are regularly featured in print and broadcast media, on television and in popular fiction.
- The U.S. must take a leadership role in mobilizing government efforts to confront anti-Semitism, racism, xenophobia, homophobia and all forms of hatred and bigotry.
- The United States should continue to play a leadership role in international organizations, especially within the Organization for Security and Cooperation in Europe (OSCE) and through its Office for Democratic Institutions and Human Rights (ODIHR).
- The U.S. must continue to use intergovernmental forums and international organizations to encourage legislative, judicial and educational action to fight anti-Semitism, and encourage the improvement of data collection of anti-Semitic hate crimes.
- The U.S. must make clear to leaders in the Arab and Muslim world that anti-Semitism will not be tolerated, and that they must condemn and combat the anti-Jewish propaganda in their media and popular culture.
- The U.S. should enhance its own training of international law enforcement in the area of monitoring and responding to hate crimes.
- The U.S. must maintain support for the monitoring of international anti-Semitism by the Department of State and the Special Envoy for Combating and Monitoring Anti-Semitism. The Department of State should expand its efforts to train diplomats stationed abroad in methods for monitoring anti-Semitic incidents and assessing data collection.
- ADL believes that the United States should support educational programs at home and abroad to diminish prejudice and to teach the universal lessons of the Holocaust.

Background

In this decade, anti-Semitic violence and attitudes have surged around the globe. In France, Belgium, Great Britain, Canada and elsewhere, there have been scores of incidents where Jews and Jewish institutions have been violently attacked. Incidents include the firebombing of synagogues and Jewish schools, the physical and verbal abuse of Jews in the street, and cemetery desecrations.

At the same time, anti-Semitic propaganda continues to thrive in the Muslim and Arab world, and is then disseminated throughout the world. Anti-Semitic stereotypes of Jews seeking world domination, controlling industry, government, and the media, as well as ancient anti-Jewish falsehoods such as the blood libel, are regularly featured in print and broadcast media, in a television series and in popular fiction. These messages of hate are then transmitted everyday from the Middle East to homes throughout Europe, Africa, North and South America and Asia via satellite television and the Internet.

Beyond the Jewish community, the problem of intolerance and hate violence is a fact of everyday life in far too many countries where there are inadequate laws and other safeguards to prevent hate crime and to support victims. The U.S. must take a leadership role in mobilizing government efforts to confront and denounce anti-Semitism, racism, xenophobia, homophobia and all forms of hatred and bigotry.

Beginning in 2002, the U.S. Congress and Administration played a central role in urging the Organization for Security and Cooperation in Europe (OSCE) to respond to a spike in anti-Semitic, racist, and xenophobic hate violence. Since then, U.S. leadership has been critical in helping the organization prompt Participating States to make important commitments to address hate crime through legislation, education and law enforcement training. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) includes a new Tolerance and non-Discrimination Department with dedicated staff to focus on specific issues like anti-Semitism, racism and xenophobia, discrimination against Muslims and issues such as hate crime reporting. Through this work, OSCE has become the lead inter-governmental body raising awareness about new forms of anti-Semitism in what continues to be a poisonous and politicized environment. The United States should continue to play a leadership role in international organizations, especially OSCE and its Office for Democratic Institutions and Human Rights (ODIHR), promoting the adoption of hate crime laws, improving the response of government officials to hate violence, and helping to build the capacity of civil society organizations to complement and support these government efforts.

The U.S. must continue to use intergovernmental forums and international organizations to encourage legislative, judicial and educational action to fight anti-Semitism, and encourage the improvement of data collection of anti-Semitic hate crimes. The U.S. must make clear to leaders in the Arab and Muslim world that anti-Semitism will not be

tolerated, and that they must condemn and combat the anti-Jewish propaganda in their media and popular culture.

The U.S. must continue to demonstrate its commitment to combating anti-Semitism through ongoing support for the monitoring of international anti-Semitism by the Department of State and the Special Envoy for Combating and Monitoring Anti-Semitism. In addition, the Department of State should expand its efforts to train diplomats stationed abroad in methods for monitoring anti-Semitic incidents and assessing data collection.

The U.S. should enhance its own training of international law enforcement in the area of monitoring and responding to hate crimes. Domestic police officials have come to appreciate the law enforcement and community benefits of tracking hate crime and responding to it in a priority fashion. By compiling statistics and charting the geographic distribution of these crimes, police officials may be in a position to discern patterns and anticipate an increase in racial tensions in a given jurisdiction.

Finally, the Anti-Defamation League believes that the United States should support educational programs at home and abroad to diminish prejudice and to teach the universal lessons of the Holocaust.

U.S. Support for Israel and the Peace Process

Summary of Policy and Recommendations

- The U.S. must continue its historic support for the State of Israel and its fundamental right to protect its citizens from terrorism, violence and harm, while promoting a peaceful resolution of the Arab-Israeli conflict.
- Israel is fully committed to pursuing a negotiated peace agreement with the Palestinians so that it may finally live in peace and security. Israel is also pursuing normalized relations with Arab and Muslim countries in the region, including Syria and the Gulf States.
- A realistic final Israeli-Palestinian agreement will involve territorial compromise by Israel and the creation of a final border between Israel and a Palestinian state that will be consistent with demographic realities and providing viable security guarantees for Israel. The U.S. should maintain a central role in the promotion of Israeli-Palestinian negotiations and other Israeli-Arab negotiations. The U.S. should be involved in facilitating negotiations, but cannot impose solutions.
- A final Israeli-Palestinian agreement will include provisions for the resettlement of Palestinian refugees in a Palestinian state. Any international effort to resettle Palestinian refugees must also acknowledge the 800,000 Jews from Arab lands who were made refugees as a result of the Arab-Israeli conflict. The Palestinian call for a “right of return” of Palestinian refugees to their former homes inside Israel is not appropriate given historical and current realities.
- The U.S. government must recognize Jerusalem as the capital of Israel and the U.S. Embassy should be moved there from its current location in Tel Aviv.
- The U.S. must continue to stand shoulder-to-shoulder with Israel and help ensure that Israel retains its qualitative military edge to promote its security, and to minimize the strategic dangers as well as fiscal costs of steps toward peace.
- The U.S. must maintain its policy of isolating Hamas until it meets the requirements outlined by the Quartet: Hamas must recognize Israel's right to exist, renounce the use of violence and terrorism, and accept previously negotiated Israeli-Palestinian agreements.
- The U.S. should work to ensure that the Israeli soldier held hostage by Hamas is released.
- The U.S. must work to end material support for Hezbollah from Syria and Iran. The U.S. must also work to ensure the Lebanese government does not allow Hezbollah to operate as a de-facto terrorist militia in its territory.

- The U.S. must make clear to Arab leaders that their silence in the face of anti-Semitism and anti-Israel incitement in their media makes them complicit in the perpetuation of this incitement, which is an impediment to lasting peace. The U.S. should urge heads of state and government ministers to speak out against the use of anti-Semitic images in the media and must also ensure that commitments to combat anti-Israel and anti-Jewish incitement be included in Israeli-Arab negotiations.

Background

From the establishment of the State of Israel in 1948, the Anti-Defamation League has worked in support of a strong U.S. commitment to the State of Israel and its fundamental right to protect its citizens from terrorism, violence and harm, while promoting a peaceful resolution of the Arab-Israeli conflict.

Israel is fully committed to pursuing a negotiated peace agreement with the Palestinians so that it may finally live in peace and security. Peace has proven difficult because there has not been a Palestinian peace partner willing to recognize Israel's right to exist and able to uphold peace commitments. Israel was able to reach historic peace agreements with Egypt (1979) and Jordan (1994) in which both sides made serious compromises for the sake of normalized relations. Israel is also pursuing normalized relations with Arab and Muslim countries in the region, including Syria and the Gulf States. In 2005, in the absence of a serious Palestinian negotiating partner, but still interested in taking steps to improve conditions on the ground, Israel unilaterally disengaged from the Gaza Strip, proving its willingness to make painful sacrifices even at a time when mutual cooperation was not an option. It is important that the U.S. maintain a central role in the promotion of Israeli-Palestinian negotiations and other Israeli-Arab negotiations. The U.S. should be involved in facilitating negotiations, but cannot impose solutions. Negotiations with the Palestinians will involve serious and difficult compromises by both Israel and the Palestinians. A realistic final Israeli-Palestinian agreement will involve territorial compromise by Israel and the creation of a final border between Israel and a Palestinian state that will be consistent with demographic realities and providing viable security guarantees for Israel. In a final agreement, Palestinian refugees will go to the new independent Palestinian state, and not to Israel.

A final Israeli-Palestinian agreement will include provisions for the resettlement of Palestinian refugees in a Palestinian state. The Palestinian call for a "right of return" of Palestinian refugees to their former homes inside Israel is not appropriate given historical and current realities, given that the refugee problem was caused by the Arab attack on Israel in 1948 and that an influx of millions of Palestinians into Israel would pose a threat to its national security and upset the country's demographic makeup. An independent Palestinian state should provide a home to the Palestinian refugee population. Any international effort regarding Palestinian refugees must also acknowledge the hundreds of thousands of Jews from Arab lands who were made

refugees as a result of the Arab-Israeli conflict. From 1948-1951 as many as 800,000 Jews were expelled from their native Arab nations or forced to flee as a result of state-sponsored anti-Zionist violence. They left behind their property and the lives they had built in these lands over hundreds of years.

Jerusalem has always been the heart and soul of the Jewish people. Under Israeli sovereignty, Jerusalem has flourished as a Jewish city open to and respectful of all other religions for which it holds special significance. As Congress and successive administrations recognize, every country has the right to designate its own capital and Israel has designated Jerusalem. As peace talks on final status issues, including Jerusalem, proceed, we believe it is imperative that the U.S. government recognize Jerusalem as the capital of Israel and that the U.S. Embassy be moved there from its current location in Tel Aviv.

Enhanced security cooperation between the U.S. and Israel strengthens Israel's ability to take risks for peace as well as to reduce its dependence on U.S. economic assistance. The U.S. must continue to stand shoulder-to-shoulder with Israel and help ensure that Israel retains its qualitative military edge to promote its security, and to minimize the strategic dangers as well as fiscal costs of steps toward peace.

An impediment to lasting peace is the appalling anti-Semitic and anti-Israel incitement prevalent in the Muslim and Arab world. The result of decades of demonized depictions of Jews in the media and widespread conspiracy theories involving Jews and Israel is that the vast majority of Arabs and Muslims in the Middle East equate Jews with images of evil, seeing them as threatening, subhuman figures to be feared, hated and fought against. As Israel engages in negotiations with the Palestinians and others, the dissemination of hate against Jews and Israel makes the already difficult road to peace even more so. Achieving breakthroughs depends not only on political leaders taking bold steps but preparing the public for peace. The U.S. must make clear to Arab leaders that their silence in the face of anti-Semitism in their media makes them complicit in the perpetuation of this incitement. The U.S. should urge heads of state and government ministers to speak out against the use of anti-Semitic images in the media. The U.S. must also ensure that commitments to combat incitement be included in Israeli-Arab negotiations.

While pursuing peace, Israel must simultaneously confront serious security challenges. Israel has endured years of suicide terrorism targeting Israeli civilians in population centers by the Palestinian terrorist groups such as Hamas, Islamic Jihad and others. Since its violent takeover of the Gaza Strip in June 2007, Hamas has launched scores of rocket, missile and mortar attacks every day on civilian centers in southern Israel, most frequently the city of Sderot, causing injury, death and property damage, and leaving the population fearful and traumatized. To protect its population, Israel has been required to undertake a number of defensive measures, including targeted military action, and the construction of a security barrier. The U.S. must continue to support Israel's efforts to protect its citizens from terrorism.

Israel is committed to negotiating with the Palestinian Authority, whose leadership has recognized Israel's existence and has committed to a negotiating process. Hamas, however, which has controlled Gaza since June 2007, and enjoyed electoral success in 2005 and 2006, is committed to the elimination of Israel's existence by whatever means necessary. This commitment is articulated in the Hamas Covenant – which is also replete with anti-Semitic conspiracy theories – and is regularly reiterated by its leadership. In June 2008, Israel and Hamas commenced an Egyptian-mediated “period of calm,” although Hamas continues to violate the agreement and send rockets into Israel. The U.S. must maintain its policy of isolating Hamas until it meets the requirements outlined by the Quartet: Hamas must recognize Israel's right to exist, renounce the use of violence and terrorism, and accept previously negotiated Israeli-Palestinian agreements. The U.S. must also continue to press for the release of Israeli soldier Gilad Shalit, who was kidnapped by Hamas in June 2006 and continues to be held by them somewhere in Gaza.

Since Israel's unilateral withdrawal from Lebanon in May 2000, Hezbollah – a terrorist organization funded and supported by Iran and Syria – has continually engaged in unprovoked attacks on Israel and has steadily built up its military arsenal and capabilities. Hezbollah terrorists kidnapped two Israeli soldiers and held them captive for two years without providing information about their fate until a prisoner exchange in July 2008. Hezbollah attacked Israel in a cross-border raid, killing eight Israeli soldiers, and sparking a month-long conflict between Israel and Hezbollah, known as the Second Lebanon War. Hezbollah continues to fail to comply with U.N. Security Council Resolution 1701, which ordered the release of the kidnapped soldiers and requires Hezbollah to disarm, and calls on Lebanon to assert its sovereignty over the entire nation. The U.S. must continue to end material support for Hezbollah from Syria and Iran. The U.S. must also work to ensure that Hezbollah does not operate as a de-facto terrorist militia in Lebanon.

Stopping the Threat of Iran's Nuclear Weapons Capability

Summary of Policy and Recommendations

- The greatest threat to the U.S., the West, Israel and our other allies in the Middle East is posed by Iran's development of a nuclear weapons capability. Iran's current nuclear program does not have a peaceful purpose.
- The U.S. and our international allies must work to convince Iran to abandon its development of a nuclear weapons capability through incentives for cooperation and sanctions for non-cooperation.
- The U.S. must continue its efforts to convince international businesses to avoid trade, investment and business development in industries of strategic importance to the Iranian regime, such as oil and gas, military equipment or technologies, and dual-use equipment or technologies.
- No options should be foreclosed to prevent Iran from achieving the ability to produce a nuclear weapon.

Background

Iran's current nuclear program does not have a peaceful purpose. For several years, Iran has refused to comply with its obligation to allow the International Atomic Energy Agency to ascertain the extent and purpose of its nuclear program. Iran continues to enrich uranium in defiance of U.N. Security Council resolutions.

A nuclear Iran poses the greatest threat to the U.S., the West, Israel and our other allies in the Middle East. The Iranian regime is the leading state-sponsor of terrorism and is a source of extremism and destabilization in the region and around the globe. It has defied the international community with its support for terrorism and cultivation of extremist forces. Its leaders have repeatedly made incendiary threats against the U.S., called for Israel's demise, and propagated base anti-Semitism, including the denial of the Holocaust.

There is consensus in the international community that nuclear weapons in the hands of this increasingly radical and reckless regime would lead to a dangerous geo-strategic shift in the Middle East, potentially leading to a nuclear arms race in the region. A nuclear weapons capacity would only bolster Iran's aggressive and destructive foreign policy, and represents a direct and serious threat to Israel and other countries in the region.

With incentives for cooperation and sanctions for non-cooperation, the U.S. and our allies must work to convince Iran to abandon its nuclear program or to allow sufficient international supervision to verify its transformation into an exclusively civilian program. Sanctions should target the Iranian regime, not the Iranian people, though the population may be effected by such sanctions. The U.S. must continue its efforts to convince international businesses to avoid trade, investment and business development in industries of strategic importance to the Iranian regime, such as oil and gas, military equipment or technologies, and dual-use equipment or technologies. International businesses should avoid any relationships with companies associated with the Islamic Revolutionary Guard Corps.

No options should be foreclosed to prevent Iran from achieving the ability to produce a nuclear weapon.

Strong U.S. Leadership Worldwide and in the United Nations

Summary of Policy and Recommendations

- Congress should authorize the highest funding level possible for international affairs and vital humanitarian and peacekeeping programs. These programs are critical to combating terrorism, arms proliferation and other non-conventional threats.
- U.S. leadership in international organizations has been critical to enshrining key human rights principles in international treaties and standards.
- The United Nations continues to exhibit bias against the Jewish State. The U.S. must continue to work against one-sided anti-Israel resolutions in the General Assembly and Security Council and promote Israel's full participation in the United Nations system.
- As the United Nations Human Rights Council prepares for the April 2009 Durban Review Conference, the U.S. should maintain its consistent position that it will not give legitimacy to a gathering of nations where hatred of Jews and scorn for the national aspirations of the Jewish people are cloaked in the vernacular of human rights.

Background

Since the attacks of September 11, 2001, the rise of global terrorism has demonstrated the importance of U.S. engagement to promote tolerance, democracy, religious freedom and human rights worldwide. In support of strong U.S. global leadership, ADL urges Congress to authorize the highest funding level possible for international affairs and vital humanitarian and peacekeeping programs. These programs are critical to combating terrorism, arms proliferation and other non-conventional threats.

U.S. leadership in international organizations has been critical to enshrining key human rights principles in international treaties and standards. America's leadership in organizations like the United Nations and the OSCE has been pivotal in helping secure support from governments for important initiatives in areas like Holocaust remembrance and education. All too often, the U.S. is the stalwart against politicized, biased resolutions and initiatives that undermine human rights principles and the standards contained in the U.N. charter.

While the United Nations played a central role in the creation of the State of Israel, the international body continues to exhibit bias against the Jewish State. Despite attempts at reform, Israel continues to be singled out for condemnation by the newly formed Human Rights Council. Of 10 emergency special sessions called by the U.N. General

Assembly, five have focused on Israel. Indeed – the Tenth Emergency Special Session met 12 times between 1997 and 2006, as opposed to the weeks - or month - long duration of non-Israel related sessions. A series of virulently anti-Israel resolutions are passed each year by the General Assembly. Israel is the only member nation of the United Nations denied full participation in the U.N. through its continued exclusion from participating in U.N. Geneva-based activities. While this anti-Israel approach continues, there have been some positive developments in recent years, including the appointment of Israeli diplomats to U.N. positions and committees. There has also been a concerted effort by the Secretariat to deal with the issues of anti-Semitism and Holocaust education and remembrance. The U.S. must continue to work against one-sided anti-Israel resolutions in the General Assembly and Security Council and promote Israel's full participation in the United Nations system.

As the United Nations Human Rights Council prepares for the April 2009 Durban Review Conference, the U.S. should maintain its consistent position that it will not give legitimacy to a gathering of nations where hatred of Jews and scorn for the national aspirations of the Jewish people are cloaked in the vernacular of human rights.

While the 2001 World Conference Against Racism marked an important recognition of the historic wounds of slavery, its achievements were overshadowed and the gathering discredited as the conference became a platform for anti-Jewish hatred and incitement. Some states have already made clear their intention to spotlight the plight of the Palestinians under occupation as a racism issue. The Palestinian-Israeli dispute is not a race-based conflict and should not be singled out in the context of a conference on racism. Further, many are concerned by the preparatory process focus on restricting freedom of expression, media and religion under the guise of opposing the “defamation of religion,” which is tantamount to a global blasphemy code.

The U.S. should urge allies to similarly reject the insertion of bias and hatred into the conference agenda and to condition their participation on whether the conference adheres to human rights standards and rejects hatred against any group under the guise of criticism of one country.

Domestic and International Terrorism

Summary of Policy and Recommendations

- ADL believes strongly that law enforcement must be appropriately empowered to prevent acts of domestic terrorism and extremist violence.
- We support robust Congressional oversight of new powers granted to law enforcement officials, accountability and transparency in the Executive Branch, implementation of investigative and surveillance powers, appropriate administrative reporting requirements, and opportunities for meaningful judicial review for alleged excesses or abuses.
- We believe that persons detained in Guantánamo Bay, Cuba, are entitled to habeas corpus rights and due process under law.
- We call for the tightening of banking and other financial regulations to stop the money laundering and flow of funding essential to support terrorist organizations.
- We believe legislation, such as the reauthorization of the Foreign Intelligence Surveillance Act, can be designed in such a way as to maintain appropriate judicial oversight and respect for the due process rights of persons within the United States.

Background

Even before the horrifying events of September 11, 2001, the Anti-Defamation League advocated for a recalibration between security and civil liberties. ADL believes strongly that law enforcement must be appropriately empowered to prevent acts of domestic terrorism and extremist violence. We do not believe that balancing national security and individual rights is a zero sum game. The League supports robust Congressional oversight of new powers granted to law enforcement officials, accountability and transparency in the Executive Branch, implementation of investigative and surveillance powers, appropriate administrative reporting requirements, and opportunities for meaningful judicial review for alleged excesses or abuses.

It is well established that the government has the constitutional right – and the duty – to keep our nation from being used as a base for terrorist activity. Limiting access to the U.S. for individuals involved in terrorism, establishing sanctions on those nations that support terrorism, and banning fundraising and material support for foreign terrorist organizations in this country are important ways in which Congress and the Administration have attempted to prevent acts of terrorism before they occur.

In order to curb the power of extremists and terrorists who commit or threaten to commit violent acts motivated by hatred on American soil, the U.S. Attorney General and the Federal Bureau of Investigation must be able to employ all of their investigative authority outlined in the applicable federal guidelines to enforce all appropriate law, with due regard to the constitutional and civil rights of those being investigated.

At the same time, we believe our government must maintain a balance in confronting terrorism – vigorously implementing the law while preserving due process rights of suspects. To that end, we believe that persons detained in Guantánamo Bay, Cuba, are entitled to habeas corpus rights and due process under law, as guaranteed by the Supreme Court of the United States’ decision in *Boumediene v. Bush*, 128 S.Ct. 2229 (2008).

ADL is concerned about gaps in the intelligence community’s ability to provide warning of threats to our basic safety and security and we believe legislation to address these gaps is necessary. We believe legislation, such as the reauthorization of the Foreign Intelligence Surveillance Act, can be designed in such a way as to maintain appropriate judicial oversight and respect for the due process rights of persons within the United States.

ADL is also deeply concerned about the ability of terrorists to finance their activities. We support the tightening of banking and other financial regulations to stop the money laundering and flow of funding essential to support terrorist organizations.

Hate Crimes, Hate Symbols, Electronic Hate

As one of American's leading organizations fighting anti-Semitism, racism and anti-government extremism, ADL is keenly aware of the danger posed by bigotry and hatred in communities across the country. As a staunch supporter of the First Amendment, ADL also understands that the Constitution protects the free speech rights of all Americans - even those whose opinions we deplore.

ADL believes that the best response to the words of bigots and extremists is more speech: speech that reflects the ideals of American democracy and tolerance.

A. Bias-Motivated Violence

Summary of Policy and Recommendations

- ADL drafted the model hate crime statute which has formed the basis of many of the existing hate crime laws in forty-five states and the District of Columbia.
- We believe it is necessary for the federal government to have authority to investigate and prosecute crimes in which the bias violence occurs because of the victim's race, religion, national origin, sexual orientation, gender, gender identity, or disability.
- We urge passage of the pending Local Law Enforcement Hate Crimes Prevention Act as a top priority, as well as full implementation of federal and state hate crimes data collection laws.
- The League supports the expansion of state laws to cover bias crimes based on sexual orientation, gender, gender identity, and disability, as well as new federal authority for the Department of Justice to improve coordination and cooperation between state and local officials and federal authorities in hate crime investigations and prosecutions.
- ADL has exposed a disturbing trend of more mainstream anti-immigrant groups adopting the tactics and rhetoric of extremist groups to use language that demonizes immigrants. There is a direct connection between the public debate about immigration policy and the atmosphere surrounding the daily lives of immigrants and those perceived to be immigrants seeking to participate in the public life of our country. One disturbing indication of this fact is the significant increase in hate violence against Latinos over the past three years, as documented by the FBI.

Background

The Anti-Defamation League regards combating prejudice and bigotry as one of its highest priorities. We take great pride in the bias prevention and educational initiatives we have developed, most notably our award-winning A WORLD OF DIFFERENCE® Institute – devoted to promoting greater tolerance and mutual understanding through anti-bias education. The federal government has a central role to play in funding program development in this area and promoting awareness of initiatives that work. Federal agencies should institutionalize and coordinate their response to prejudice-motivated violence through initiatives developed for schools and for youth violence prevention programs. The Federal government should make information available regarding effective hate crime prevention programs and resources, successful anti-bias training initiatives, and best practices.

Forty-five states and the District of Columbia now have enacted hate crimes laws – many based on, or similar to, ADL’s model, drafted in 1981. Yet, important legislation is still pending at the federal, state, and local levels and more can – and must – be done. The League supports the expansion of state laws to cover bias crimes based on sexual orientation, gender, gender identity, and disability, as well as new federal authority for the Department of Justice to improve coordination and cooperation between state and local officials and federal authorities in hate crime investigations and prosecutions. We also believe it is necessary for the federal government to have authority to investigate and prosecute crimes in which the bias violence occurs because of the victim’s sexual orientation, gender, gender identity, or disability, and we urge the passage of pending Local Law Enforcement Hate Crimes Prevention Act as a top priority.

When prejudice leads to criminal conduct, as is too often the case, headlines result and communities are set on edge. The urgent national need for tough law enforcement response as well as education and programming to confront violent bigotry has only increased following the September 11 terrorist attacks. In the immediate aftermath of 9/11, the nation witnessed a disturbing increase in attacks against American citizens and others who appeared to be of Muslim, Middle Eastern, and South Asian descent. Perhaps acting out of anger at the terrorists involved in the September 11 attacks, the perpetrators of these crimes irrationally lashed out at innocent people because of their personal characteristics – their race, religion, or ethnicity.

Further, as the national debate on immigration has become more polarizing, an atmosphere of bigotry and xenophobia has pervaded the conversation. ADL recently documented a disturbing increase in the number of violent assaults against Hispanics, legal immigrants, and undocumented persons – and those perceived to be immigrants – by white supremacists and other far-right extremists in a series of published reports. The FBI has documented a disturbing and significant rise in reported hate crimes against Latinos in each of the past three years.

In addition, ADL has recently exposed a new development where some of the more mainstream anti-immigrant groups increasingly are adopting the tactics and rhetoric of

racist groups and attempting to move it into the mainstream. Under the guise of warning about the impact of illegal immigration, some anti-immigrant groups reached for the playbook of hate groups. They have taken hateful and racist rhetoric and brought it into the mainstream.

In addition to focusing on media exposure, education, and more effective law enforcement, ADL has made the enactment of legislation to collect hate crime data and to provide penalty enhancements for such crimes a high priority. Though ADL recognizes that prejudice and hatred cannot be legislated out of existence, hate crime data collection laws have proved to be useful tools for law enforcement.

Hate crime laws send an unmistakable message to both the victims and would-be perpetrators – and demonstrate the depth of society’s concerns. American communities have learned the hard way that failure to address bias crimes can sometimes cause an isolated incident to fester and result in widespread tension. Targeted groups feel especially vulnerable, and appropriate response to these crimes by public officials and law enforcement officers can enhance police-community relations.

B. Hate Symbols

Summary of Policy and Recommendations

- The display of certain hate symbols with intent to intimidate or harass should be investigated as criminal conduct.

Background

ADL opposes any display that makes any American feel ostracized from or isolated in his or her own community. Displays of swastikas, nooses, and the Confederate battle flag send an unambiguous message of disenfranchisement and inequality to African-Americans, Jews and other minorities. Indeed, many Americans of all races, national origins, and religions – and all geographical regions – regard these symbols to be a modern expression of racism, intimidation, hatred, oppression, and violence, and they have been used by hate groups to symbolize white power and superiority. The display of these symbols with intent to intimidate or harass should be investigated as criminal conduct.

C. Hate on the Internet / Electronic Hate

Summary of Policy and Recommendations

- Web sites, social networking sites, “Web 2.0” user-generated content, and other computer and cell phone based information technologies are all used to support, enhance, and finance the deadly work of anti-Semites, extremists and terrorists.

- The proliferation of “cyberbullying” requires concrete action. Every educational institution should adopt anti-bullying policies that include anti-cyberbullying provisions.
- Internet providers and hosts of Web sites should be called upon to implement and uphold their Terms of Service and Acceptable Use Policies that often include prohibitions against hateful materials.
- We must provide the tools and the leadership to make hate speech as socially unacceptable online as it is in the public square.

Background

The Anti-Defamation League is one of the leading organizations worldwide engaged in monitoring and countering hate on the Internet.

As the medium has evolved, new political, legal and social problems have arisen:

- The Internet has been exploited by extremists who have created attractive, well-designed Web sites specifically targeted to promote intolerance, racism, and anti-Semitism, in some cases directly focusing on reaching and recruiting children and teenagers.
- The Internet has become the new frontier in international hate, ensnaring both inexperienced and savvy visitors to the World Wide Web. When most people venture onto the Internet, especially young people, they likely do not expect to encounter a swastika, or calls to support known terrorist groups, or a burning cross. It is jarring and profoundly upsetting to go online and see such graphic examples of how hate has managed to migrate from leaflets on street corners to streaming audio/video, graphic photos on Web sites and hate-filled chat rooms.
- Taking advantage of the same recent developments in Web and cell technology that have fueled a new global revolution in communications, extremists and terrorists have become even more efficient. Web sites, social networking sites, “Web 2.0” user-generated content, and other computer and cell phone based information technologies are all used to support, enhance, and finance their deadly work.
- Hateful words on the Internet are not only spread by “professional haters”, but may also be spread among and between children. Not only is traditional school-yard bullying still an issue in our schools, but now “cyberbullying” has become an ever growing concern. Cyberbullying is ubiquitous - there is no refuge and victimization can be relentless. Yet, many adults are unaware of the problem.

This proliferation of “cyberbullying” requires concrete action. Every educational institution should adopt anti-bullying policies, which include anti-cyberbullying provisions. Funding should be made available to educate children about the dangers of prejudice — and resources should be devoted to identifying and disseminating best practices in teaching Internet critical thinking skills for teachers, librarians, parents and students, including how to respond effectively and legally, and how to report instances of bullying.

Legislative, legal and financial responses to hate on the Internet must be studied. While the League has an abiding respect for free speech and the guarantees of the First Amendment, hate on the Internet need not entirely be unregulated, especially in the school context. Internet providers and hosts of Web sites should be called upon to implement and uphold their Terms of Service and Acceptable Use Policies that often include prohibitions against hateful materials. We must also provide the tools and the leadership to make hate speech as socially unacceptable online as it is in the public square.

Religious Freedom

Religion has flourished in this country precisely because of our tradition of strict separation of church and state and commensurately strict enforcement of the protections of the Free Exercise Clause. ADL emphatically rejects the notion that the separation principle is inimical to religion, and holds, to the contrary, that a high wall of separation is essential to the continued flourishing of religious practice and beliefs in America, and to the protection of minority religions and their adherents. By ensuring governmental neutrality, each individual is free to worship, or not, according to the dictates of his or her conscience, without the fear of government interference or coercion. The preservation of this nation's pluralism necessitates that government and religion remain independent of one another.

From day-to-day experience serving thousands of constituents, ADL can testify that the more government and religion become entangled, the more threatening the environment becomes for each. In the familiar words of Justice Black, "A union of government and religion tends to destroy government and degrade religion." *Engel v. Vitale*, 370 U.S. 421, 431 (1962).

With this and other concerns in mind, ADL urges a reaffirmation of a commitment to the separation of church and state mandated in the First Amendment which ensures the preservation of religious freedom for all.

A. Religion in Political Campaigns

Summary of Policy and Recommendations

- ADL is opposed to the solicitation of political support on the basis of religion, race, or ethnic background.
- Candidates should feel comfortable explaining their religious convictions to voters and commenting about their own religious perspectives. At the same time, however, we believe there is a point at which the emphasis on religion in a political campaign becomes inappropriate and even unsettling in a religiously diverse society such as ours.
- ADL opposes religious leaders endorsing political candidates from their pulpits.

Background

The Anti-Defamation League is extremely concerned about the appropriate role of religion and attestations of a specific religious faith or tradition in the political election process. ADL is opposed to the solicitation of support on the basis of religion, race, or ethnic background.

ADL is against appeals to religious, racial, or ethnic bias in political campaigns. ADL believes that voters should be encouraged to make their decisions based upon their assessment of the qualifications, integrity and political positions of candidates. Appealing to voters along religious lines can be divisive, and contrary to the ideal of including all Americans in the political process, regardless of whether they are in a religious minority or ascribe to no faith tradition.

Of course, ADL expects that many candidates for public office will be religious and ADL anticipates that these candidates will, from time to time, express their religious beliefs and how these beliefs shape their worldview and policy positions. Candidates should not be discouraged from seeking office because their convictions and positions are influenced by their religious faith, nor should they be expected to hide their religious views from the electorate.

Freedom of religion is one of our nation's most cherished liberties, and safeguarding that freedom is one of ADL's highest priorities. ADL supports and respects the right of any candidate for public office to believe and to worship as he or she chooses. Candidates should feel comfortable explaining their religious convictions to voters and commenting about their own religious perspectives. At the same time, however, we believe there is a point at which the emphasis on religion in a political campaign becomes inappropriate and even unsettling in a religiously diverse society such as ours.

It is impossible to state exactly when a candidate's religious speech crosses the line from commenting on his/her own religious perspective to making an appeal to voters based upon religion. Determining the threshold is not an exact science, nor does it need to be. Candidates should exercise good judgment and be sensitive to the fact that the American electorate is politically and religiously diverse.

ADL opposes religious leaders endorsing political candidates from their pulpits. As tax-exempt religious institutions, houses of worship are appropriately prohibited from any direct or indirect participation or intervention in any political campaign on behalf of (or in opposition to) any candidate for elective public office. This wise restriction has enabled religious institutions to flourish in this country, free from government interference or politicization.

B. "Charitable Choice" and the Faith-Based Initiative

Summary of Policy and Recommendations

- Every component of the Faith-Based Initiative should maintain essential constitutional safeguards for protecting religious organizations, beneficiaries, and the government. Regrettably, many of these safeguards are not now required, and for those that are, there is only insufficient monitoring for compliance.

- Of particular concern, these safeguards should ensure that Government money does not fund religious discrimination in the hiring and firing of people who deliver these social services and that program beneficiaries are not subject to proselytizing or religious activities.

Background

The Faith-Based Initiative raises serious questions of both law and policy, and has distorted the appropriate role of government in the provision of social services. We believe the next President should seize the opportunity to return the relationship between government and religion to its proper course.

Every component of the Faith-Based Initiative should maintain essential constitutional safeguards for protecting religious organizations, beneficiaries, and the government. Regrettably, many of these safeguards are not now required, and for those that are, there is only insufficient monitoring for compliance.

We appreciate the role that religious institutions historically have played in addressing many of our nation's pressing social needs. The League supports properly crafted partnerships between government and religiously affiliated organizations. However, we believe that that even with the most intense monitoring and supervision, it is difficult - if not impossible - to ensure that these programs do not have a religious component or discriminate against those who do not share the religious views of the institutions that receive federal funding.

We believe necessary constitutional and anti-discrimination safeguards must ensure that:

- Government money does not fund religious discrimination in the hiring and firing of people who deliver these social services.
- Program beneficiaries are not subject to proselytizing or religious activities.
- Secular alternatives to social services provided by houses of worship and other religious institutions are readily available to beneficiaries. All beneficiaries should be made aware of secular alternatives, and have realistic and convenient access to them.
- Recipients of government funds establish accounting systems and governance procedures to separate government dollars from funds that support core religious activities. These firewalls would ensure that taxpayer dollars are not channeled into the religious activities of the recipient religious organizations. As a practical matter, the best way to establish this division is through the creation of a separate corporate structure distinguishing the religious organization from its government-funded social services program.

- Recipients of government funds must comply with all the requirements and limitations imposed upon all government-funded activity by the religion clauses of the U.S. Constitution's First Amendment.
- There is a clear separation in time *and* location between government-funded social welfare activities and an organization's religious activities. In addition, the delivery of benefits must not occur in an environment with a pervasively sectarian atmosphere, including religious icons and sacred texts.
- Extremist, terrorist or hate-mongering groups are not eligible for government funds.

C. Religion in Schools

Compliance with the separation of church and state and the Free Exercise Clause must be vigorously enforced in the nation's public schools. Not endorsing or appearing to endorse religion is especially important in the public school setting due to a number of considerations unique to the public schools: the specific sensitivities of school-age children, the fact that public schools are public institutions, and the profound influence of school officials and teachers over students. This last point bears special examination. Most children view their teachers and other school officials as important authority figures. Moreover, children are highly susceptible to coercion and pressure to conform both from adults and from their peers. These factors create a significant danger when religion is introduced into the public schools in circumstances evincing the apparent endorsement of teachers.

Moreover, the student body in America's public schools is growing increasingly diverse. Schools must give special consideration to the fact that many school children belong to minority religions or are raised in non-religious environments. The nation's public schools must be hospitable to students from a variety of backgrounds - students of all faiths or no faith. Public schools should inculcate students with understanding and respect for diversity, as well as a spirit of tolerance, acceptance and inclusion.

In *Santa Fe Independent School Dist. v. Doe*, the Supreme Court nicely summed up the difficulty with school-sponsored religion:

School sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.

This statement brilliantly expresses the difficulties that arise when government makes religion its aim.

(1) Vouchers for Private and Parochial Schools

Summary of Policy and Recommendations

- Vouchers pose a serious threat to values that are vital to the health of American democracy. Most often, vouchers would be used in schools whose central mission is religious training. These programs subvert the constitutional principle of separation of church and state and threaten to undermine our system of public education.
- When offered the opportunity to vote on voucher-like programs, the public has consistently rejected them.

Background

Like most Americans, the Anti-Defamation League believes that improving our system of education should be a top priority for government at the local, state, and federal levels. ADL does not believe, however, that vouchers for private and religious schools are the antidote to the ills of the American education system.

School vouchers might seem a relatively benign way to increase the options poor parents have for educating their children. In fact, however, vouchers pose a serious threat to values that are vital to the health of American democracy. Most often, vouchers would be used in schools whose central mission is religious training. These programs subvert the constitutional principle of separation of church and state and threaten to undermine our system of public education.

While the Supreme Court upheld a specific school voucher program in *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), this decision did not disturb the bedrock constitutional idea that no government program may be designed to advance religious institutions over non-religious institutions.

Implementation of voucher programs sends a clear message that we are giving up on public education. Undoubtedly, vouchers would help some students. However, other students may be effectively barred from voucher programs because private schools are permitted to discriminate on a variety of grounds including academic achievement and disciplinary issues. The glory of the American system of public education is that it is for all children, regardless of their religion, their academic talents, their mental or physical disabilities, or their ability to pay a fee. This policy of inclusiveness has made public schools the backbone of American democracy.

These facts help explain why, when offered the opportunity to vote on voucher-like programs, the public has consistently rejected them. ADL urges the rejection of all voucher initiatives.

(2) Charter and “Identity” Schools

Summary of Policy and Recommendations

- ADL does not generally oppose charter schools.
- Some charter schools, which are sometimes referred to as “identity-based” schools, focus their study and/or their student body based on a certain classification, and can include same-language/culture schools, single-sex schools, same-race schools and same-sexual orientation schools.
- Americans should have full and equal access to public education by ensuring that these schools do not become segregated enclaves and do not violate church-state separation principles.

Background

Proponents of charter schools and other alternative forms of public education believe such choice options can provide educational benefits to students who may otherwise be under-served by traditional public schools. Some schools, which are sometimes referred to as “identity-based” schools, focus their study and/or their student body based on a certain classification, and can include same-language/culture schools, single-sex schools, same-race schools and same-sexual orientation schools. Supporters of these customized schools believe they are able to focus learning, provide certain needs and empower students.

The Anti-Defamation League affirms its strong commitment to improving public education, and therefore does not oppose generally the concept of either charter schools or “identity-based” schools. However, the League is concerned that the misuse of these schools could lead to further erosion of the wall of separation between church and state or may become a vehicle for discrimination on the basis of race, religion, creed, national origin, gender, or sexual orientation. These schools will require rigorous evaluation prior to approval, as well as diligent monitoring.

This evaluation should take into account ADL's concerns about the potential segregation of public school students and the potential for discrimination or church-state violations. Factors to consider include - but are not limited to - the school's educational purpose, the context in which the school was created, the declared and perceived aims of the school's supporters, the composition of the school's faculty and the student population it seeks to serve, and the nature of the school's curriculum.

(3) Creationism & “Intelligent Design”

Summary of Policy and Recommendations

- Creationism, creation science and “intelligent design” theory are all religious theories of creation offered to explain the origins of the universe and are based on varying interpretations of the Bible.
- ADL has consistently opposed these troubling initiatives – including so-called “Academic Freedom Acts,” which support the teaching and consideration of intelligent design as an alternative to evolution.
- Advocating the right of students to learn science independently of religious doctrine honors the purpose and the promise of the First Amendment to the U.S. Constitution.

Background

In recent years, we have seen several efforts to remove the instruction of evolution from public school curriculum and/or introduce the teaching of creationism, creation science or “intelligent design” into the classroom. Recognizing that they clearly violate the First Amendment, ADL has consistently opposed these troubling initiatives – including so-called “Academic Freedom Acts,” which support the teaching and consideration of intelligent design as an alternative to evolution.

Creationism, creation science and “intelligent design” theory are three religious theories of creation offered to explain the origins of the universe and are based on varying interpretations of the Bible. Any attempt to supplant or supplement the teaching of evolution – a theory supported by overwhelming scientific evidence – in public schools in order to accommodate students’ beliefs in creationism, creation science or “intelligent design” would have a religious purpose. Advocating the right of students to learn science independently of religious doctrine honors the purpose and the promise of the First Amendment to the U.S. Constitution.

(4) Bible in the Curriculum

Summary of Policy and Recommendations

- A public school may teach about the Bible when it is presented objectively as part of a secular program of education.
- A constitutionally permissible Bible curriculum requires exacting detail and consideration of (1) what books and materials are used; (2) what specific texts

and materials are covered; and (3) how these covered texts and materials are presented and tested.

- Any efforts to teach the Bible in the public schools must be coupled with a requirement that it be done in a constitutionally appropriate and religiously sensitive manner.

Background

Over 40 years ago the US. Supreme Court determined that a public school may teach about the Bible "... when presented objectively as part of a secular program of education." See *School Dist. Of Abington Township v. Schempp*, 374 US. 203, 225 (1963). But a public school cannot teach the Bible as doctrine or in a devotional manner. *Id.* Although the general principle is clear, putting this standard into practice has proven difficult. Teaching religion amounts to religious indoctrination and practice and is clearly prohibited in public schools. A public school curriculum may not be devotional or doctrinal. Nor may it have the effect of promoting or inhibiting religion. A teacher must not promote or denigrate any particular religion, religion in general, or lack of religious belief. A teacher must not interject personal views or advocate those of certain students. Teachers must be extremely sensitive to respect, and not interfere with, a student's religious beliefs and practices. Students must not be encouraged to accept or conform to specific religious beliefs or practices.

A constitutionally permissible Bible curriculum requires exacting detail and consideration of (1) what books and materials are used; (2) what specific texts and materials are covered; and (3) how these covered texts and materials are presented and tested.

Any efforts to teach the Bible in the public schools must be coupled with a requirement that it be done in a constitutionally appropriate and religiously sensitive manner.

D. Workplace Religious Freedom

Summary of Policy and Recommendations

- ADL supports federal legislation that would establish a higher standard for employers to accommodate religious employees, and protect these employees from being discriminated against solely on the basis of their religious beliefs.

Background

Religious employees often confront conflicts between their employment obligations and their religious obligations. Federal law requires an employer to "reasonably accommodate" an employee's religious observances, practices and beliefs. However, an employer need not "reasonably accommodate" if the employer can show that

accommodation would cause an “undue hardship” on business. The United States Supreme Court has ruled that an employer need not accommodate an employee’s religious practices if that employer would have to incur anything more than minimal costs.

ADL supports federal legislation that would establish a higher standard for employers to accommodate religious employees, and protect these employees from being discriminated against solely on the basis of their religious beliefs.

E. Religion in the Military

Summary of Policy and Recommendations

- ADL is concerned that religious harassment and unwelcome proselytizing are an ongoing problem in the military and the nation’s service academies.
- ADL calls for Congressional oversight and hearings that could lead to the adoption of consistent guidelines to address reports of religious intolerance and proselytizing.

Background

ADL is concerned that religious harassment and unwelcome proselytizing are an ongoing problem in the military and the nation’s service academies. Charges of religious harassment and unwelcome proselytizing are especially disturbing in the context of the command structure within the military and our nation's service academies. Instructors, officers and upper class cadets have virtually absolute command authority over their students and subordinates, creating a unique potential for undue pressure on an individual to conform in order not to jeopardize his or her military career.

ADL calls for Congressional oversight and hearings leading towards the adoption of consistent guidelines to address reports of religious intolerance and proselytizing in the armed forces and at government institutions such as West Point and the Naval Academy.

ADL has long urged Congressional oversight of reforms proposed in the 2005 report of the Headquarters Review Group, which concluded that religious intolerance was a persistent problem at the U.S. Air Force Academy in Colorado Springs, Colorado. In January 2007, the League called for Congressional hearings after the Department of Defense authorization bill directed the secretaries of the Air Force and Navy to rescind their existing guidelines on religious activity.

F. International Religious Freedom

ADL is concerned about continuing violations of freedom of religion and belief abroad such as those evidenced against the Bahai, and other communities. We welcome U.S.

efforts to make it a central part of American foreign policy through mechanisms such as the International Religious Freedom Act and urge continued support for these efforts. We have also been closely engaged in ensuring that the US asylum system helps America stay true to its tradition of being a haven for victims of religious and other forms of persecution.

Equal Rights

As a complement to our attempts to combat prejudice, the Anti-Defamation League is committed to ensuring that every individual receives equal treatment under the law regardless of his or her race, religion, gender, national origin, or sexual orientation. We believe that this is critical to reaching our nation's full potential as a democracy. Reflecting this commitment, ADL supported and promoted the enactment of the Civil Rights Act of 1991.

A. Affirmative Action

Summary of Policy and Recommendations

- ADL has endorsed limited racial preferences in order to remedy specific discrimination, but it has consistently opposed the non-remedial use of race-based criteria, believing that the eradication of discrimination in our society is best achieved through strict assurance of equal treatment to all.
- ADL believes that a government may have a compelling interest in promoting racial diversity in the educational setting.
- We support these twin positions because of our commitment to our nation's core constitutional precepts of fairness and its civil rights laws.
- We endorse programs to help disadvantaged Americans achieve the remedial training and education required to succeed.
- We urge school districts use constitutional means to seek a diverse educational environment.

Background

ADL has endorsed limited racial preferences in order to remedy specific discrimination, but it has consistently opposed the non-remedial use of race-based criteria, believing that the eradication of discrimination in our society is best achieved through strict assurance of equal treatment to all.

For example, while strongly sympathetic to the goal of increasing the numbers of minority students in our nation's selective universities and professional schools through the pursuit of diverse viewpoints, life experience, and outlooks, ADL adheres to the principle that school admissions programs must be race neutral. See ADL's brief in *Grutter v. Bollinger*, 539 U.S. 306 (2003) and *Gratz v. Bollinger*, 539 U.S. 244 (2003). Otherwise, applicants who are not members of designated minority groups are denied

fundamental equal protection because such systems value persons for their race, not for relevant individual characteristics.

While this position has led us to oppose the non-remedial use of race-based criteria, we believe that a government may have a compelling interest in promoting racial diversity in the educational setting. See *Parents Involved in Community Schools v. Seattle School District No. 1*, *Meredith v. Jefferson County Board of Education*, 127 S.Ct. 2738 (2007)

We support these twin positions because of our commitment to our nation's core constitutional precepts of and its civil rights laws. We endorse programs to help disadvantaged Americans achieve the remedial training and education required to succeed. We urge school districts to use constitutional means to seek a diverse educational environment.

B. Gender Equality and the Employment Non-Discrimination Act (ENDA)

Summary of Policy and Recommendations

- We support legislation that would correct the Supreme Court's holding in *Ledbetter v. Goodyear Tire & Rubber Co.* and allow employees the right to pursue pay discrimination cases when the disparity is reasonably discovered.
- We support the prompt enactment of Employment Non-Discrimination Act as another essential step forward for the United States towards ensuring equality of opportunity for every American.

Background

Equal pay for women in the workplace is fundamental to guaranteeing women's equal status in our society. In 2007, the U.S. Supreme Court held in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 127 S.Ct. 2162 (2007), that an employee who files a discriminatory pay charge under Title VII of the Civil Rights Act of 1964 must file within 180 or 200 days of the initial pay decision. This statute of limitations is illogical; pay differentials occur increasingly over time and employers may keep salary comparisons confidential. We support legislation that would correct the Supreme Court's holding in *Ledbetter v. Goodyear Tire & Rubber Co.* and allow employees the right to pursue pay discrimination cases when the disparity is reasonably discovered.

Employment decisions such as hiring, firing, promotion and compensation should be based on merit, performance and ability – and never on the basis of an individual's sexual orientation. Discriminating on the basis of one's sexual orientation is just as offensive and demeaning as any other type of discrimination. For this reason, ADL supports the Employment Non-Discrimination Act (ENDA), which extends existing

federal employment discrimination protections - based on race, religion, gender, national origin, age and disability - to include sexual orientation. We also support the prompt enactment of Employment Non-Discrimination Act another essential step forward for the United States toward ensuring equality of opportunity for every American.

C. Voting Rights

Summary of Policy and Recommendations

- We support the Voting Rights Act and federal efforts to break down barriers to full ballot access for all people, including language-minority citizens, to ensure that all Americans are able to exercise their right to vote.

Background

The Anti-Defamation League has long demonstrated a strong commitment to voting rights for all Americans. In 2006, we supported the reauthorization of the landmark Voting Rights Act of 1965, one of our nation's most important and effective civil rights laws. The Act has eliminated discriminatory barriers to full civic participation for millions of Americans and sparked significant advances for equal political participation at all levels of government. We support the Voting Rights Act by working to break down barriers to full ballot access for all people, including language-minority citizens, to ensure that all Americans are able to exercise their right to vote.

D. Marriage for Same-Sex Couples

Summary of Policy and Recommendations

- While religious communities should be able to decide for themselves what relationships they will recognize, ADL supports efforts to extend all the rights, protections and benefits of civil marriage to same-sex couples.
- We believe that no American should be denied access to the benefits of civil marriage because of his or her sexual orientation.

Background

The Anti-Defamation League opposes bans on same-sex marriage and any other efforts that would discriminate against a specific group of Americans. While religious communities should be able to decide for themselves what relationships they will recognize, ADL supports efforts to extend all the rights, protections and benefits of civil marriage to same-sex couples.

The League recently filed an amicus brief in support of the right of same-sex couples to marry in California. The California Supreme Court held that the right to marry is a fundamental right, integral to an individual's autonomy, and that banning same-sex couples from marrying violates the California Constitution. Discrimination on the basis of sexual orientation is as ugly as any other form of discrimination.

We believe that that no American should be denied access to the benefits of civil marriage because of his or her sexual orientation.

E. Reproductive Freedom

Summary of Policy and Recommendations

- The League supports the right of every woman to make a decision whether to have an abortion under the guidelines established by the U.S. Supreme Court in *Roe v. Wade* and opposes any effort to undermine or abrogate that decision.
- ADL sees the issue as a matter of religious freedom and of individual liberty.

Background

The Anti-Defamation League is aware of the sensitive and emotional nature of the abortion issue and recognizes that various religious faiths and groups within religious faiths hold divergent views regarding the religious, moral, and theological aspects to the abortion debate. We recognize that each religious group in our society has a right to express its view concerning abortion, to explain that view, and to try to persuade others to accept that view. ADL sees the issue as a matter of religious freedom and of individual liberty, consistent with a free and open democratic society. The League supports the right of every woman to make a decision whether to have an abortion under the guidelines established by the U.S. Supreme Court in *Roe v. Wade* and opposes any effort to undermine or abrogate that decision.

Immigration

Summary of Policy and Recommendations

- Comprehensive immigration reform is necessary in order to effectively decrease the flow of undocumented workers while treating our fellow human beings with dignity.
- A comprehensive approach to reform which would include (1) a border security strategy, (2) a path to legalization for immigrants contributing to this country, (3) a workable temporary worker program and (4) the assurance of equal rights for all individuals to basic human services.
- We oppose the coordinated roundups of undocumented workers, which have impacted upon the human rights of citizens and non-citizens alike.
- We take a strong stand against the increasing use of intolerant rhetoric to describe immigrants, and call on all parties to the discussion to debate immigration policy civilly and respectfully.
- We reject calls for local law enforcement to play a larger role in the enforcement of federal immigration law.

Background

ADL has an interest in the humanitarian and national security issues that are a part of any immigration policy reform. An immigration policy must strive to protect civil and human rights and should not be influenced by misinformation, rumors, stereotypes and bigotry. Comprehensive immigration reform is necessary in order to effectively decrease the flow of undocumented workers while treating our fellow human beings with dignity. Enforcement-only measures have proven ineffective. A comprehensive approach to reform which would include (1) a border security strategy, (2) a path to legalization for immigrants contributing to this country, (3) a workable temporary worker program and (4) the assurance of equal rights for all individuals to basic human services.

We oppose the coordinated roundups of undocumented workers which have impacted upon the human rights of citizens and non-citizens alike.

Of deep concern to the League is the recently growing practice of empowering local law enforcement officials to enforce federal immigration laws. Many immigrants have come to the United States to escape from their oppressive governments and police abuse. Any effort to direct local police to both “serve and protect” the community and to pursue

and detain illegal aliens may undermine the trust necessary for local law enforcement to perform its job effectively within immigrant communities. Unless crime and immigration status enforcement responsibilities remain divided, out-of-status persons and their family members may be reluctant to seek police protection, to report crimes committed against them (including hate crimes), or serve as witnesses in other crimes. If immigrants and their family members are scared to report crimes, fires, and suspicious activity, the entire community's safety is compromised.

Finally, the League has become increasingly troubled by the deeply polarizing rhetoric of the immigration debate and the growing atmosphere of bigotry and xenophobia, particularly against those perceived to be Latino. We take a strong stand against the increasing use of intolerant rhetoric to describe immigrants, and call on all parties to the discussion to debate immigration policy civilly and respectfully.

Gun Control

Summary of Policy and Recommendations

- Recognizing that the culture of guns and violence is pervasive among extremists, ADL recently reaffirmed its long-standing position advocating the adoption of federal and state initiatives designed to make it more difficult for children as well as extremists to acquire and use guns and other dangerous weapons.
- The federal government and the states should recognize the importance of maintaining bans on the use or caching of weapons by domestic extremists.
- The federal government and the states should ensure that common sense restrictions on firearms in schools and government buildings continue.

Background

The Anti-Defamation League has been an advocate for strong, effective and sensible gun control legislation. Since 1967, the League has favored “expanded federal and state regulation of the sale and transfer of firearms and other dangerous weapons.” Unfortunately, we have sadly witnessed the tragic dangers guns present. Across the country in schools, businesses and houses of worship, individuals have used guns to terrorize communities and local institutions. ADL firmly believes that one way to limit the power of extremists and reduce violence in our communities is to enact tough, effective gun control legislation.

Recognizing that the culture of guns and violence is pervasive among extremists, ADL recently reaffirmed its long-standing position advocating the adoption of federal and state initiatives designed to make it more difficult for children as well as extremists to acquire and use guns and other dangerous weapons. Although the 2008 decision of the Supreme Court, in *District of Columbia v. Heller*, 554 U.S. ____ (2008), protects an individual's right to bear a firearm, the Court was clear that government may prohibit the possession of guns in schools, place “conditions and qualifications” on their commercial sale, and restrict ownership of “dangerous and unusual weapons,” such as automatic weapons. The federal government and the states should recognize the importance of maintaining bans on the use or caching of weapons by domestic extremists. In addition, the federal government and the states should ensure that common-sense restrictions on firearms in schools and government buildings continue.

In short, making it more difficult to obtain firearms – through mechanisms such as increased waiting periods, limitations on purchases, and promoting stricter gun safety, licensing, and registration laws – will help safeguard our communities and check extremism without violating the Second Amendment or any other constitutional rights.

Life Insurance Discrimination

Summary of Policy and Recommendations

- ADL has documented more than a dozen national life insurance companies that have denied applications for life insurance coverage to people who have recently traveled, or indicated they have plans to travel, to Israel or other countries for which a State Department travel advisory has been issued. This practice is both discriminatory and illogical.
- We support legislation to ensure that future travelers to Israel, or other countries on the State Department's travel warning list, are not denied life insurance based on possible future travel plans or past travel to these countries.

Background

ADL has documented more than a dozen national life insurance companies that have denied applications for life insurance coverage to people who have recently traveled, or indicated they have plans to travel, to Israel or other countries for which a State Department travel advisory has been issued. This practice is both discriminatory and illogical. The insurers are not making actual substantiated risk assessments but rather are relying on unspecific cautionary warnings from the State Department to deny coverage to anyone traveling anywhere within that country. This unwarranted denial of coverage affects families, businesses partners, volunteers and aid workers. Recognizing this fact, the National Association of Insurance Commissioners recently adopted new guidelines designed to limit an insurer's ability to refuse life insurance because of lawful past travel or, under specific circumstances, lawful future travel. Creating obstacles to travel to Israel negatively affects Christians, Muslims and Jews who wish to travel to Israel, a land that holds special meaning for all three religions. We support legislation to ensure that future travelers to Israel, or other countries on the State Department's travel warning list, are not denied life insurance based on possible future travel plans or past travel to these countries.