

# **Policy Priorities and Recommendations of the Anti-Defamation League**

**July 2012**



## TABLE OF CONTENTS

About the Anti-Defamation League .....	ivi
Anti-Semitism at Home and Abroad.....	1
U.S. Support for Israel and the Peace Process .....	4
Stopping the Threat of Iran.....	7
Strong U.S. Participation in International Organizations and Fora .....	9
Strong U.S. Leadership to Promote Equality and Counter Hate Crime.....	11
Countering Terrorism and Violent Extremism.....	13
Hate Crimes, Hate Symbols, Electronic Hate .....	15
A. Bias-Motivated Conduct .....	15
B. Hate Symbols.....	17
C. Hate on the Internet / Electronic Hate .....	17
Bullying & Cyberbullying.....	19
Religious Freedom .....	21
A. Religion in Political Campaigns .....	21
B. “Charitable Choice” and the Faith-Based Initiative .....	22
C. Religion in Schools.....	23
(1) School Vouchers and Neo-Vouchers for Private and Parochial Schools .....	24
(2) Charter and “Identity” Schools .....	25
(3) Creationism & “Intelligent Design” .....	25
(4) Bible in the Curriculum.....	26
D. Workplace Religious Freedom .....	27
E. Religion in the Military .....	27
F. International Religious Freedom.....	28
Equal Rights.....	29
A. Affirmative Action .....	29
B. Gender Equality and the Employment Non-Discrimination Act (ENDA) .....	29
C. Voting Rights.....	30
D. Marriage for Same-Sex Couples.....	31
E. Reproductive Freedom.....	31
F. "Don't Ask, Don't Tell" .....	32
Immigration .....	33
Gun Control.....	35
Life Insurance Discrimination .....	36



## **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.<sup>1</sup>

A leader in the development of materials, programs and services, ADL builds bridges of communication, understanding and respect among diverse groups, carrying out its mission through a network of 30 Regional and Satellite Offices in the United States and abroad.

---

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

## **Anti-Semitism at Home and Abroad**

Anti-Semitism is a primary concern for the Anti-Defamation League – not just because ADL is a Jewish community organization, but because anti-Semitism, the oldest and most persistent form of prejudice, threatens security and democracy, and poisons the health of a society as a whole. The Anti-Defamation League was established in 1913 with its core mission to combat the then horrific discrimination against Jews in all facets of American life. Over nearly a century, as part of the fight against anti-Semitism and all forms of bigotry, we have been at the forefront of the campaign to secure historic civil rights achievements, pioneered the development of model hate crimes laws, and developed anti-bias education models to address all forms of prejudice and to prepare each succeeding generation to live in an increasingly diverse society. As ADL has learned: where anti-Semitism flourishes, no minority group is safe. That is the core of ADL's mission: to secure justice and fair treatment for Jews in tandem with safeguarding the rights of all oppressed groups.

Today, overt anti-Jewish discrimination is not state-sponsored in many countries as it once was. Nor is it the chief barrier to the full realization of the rights of Jews. Today, in many regions, a Jew's right to live in security and freedom to express his/her identity with dignity is threatened by an atmosphere of intimidation and ugly acts of hatred. It manifests in the form of violent hate crimes, which target Jews and visible Jewish sites such as schools, synagogues, and cemeteries. It is the everyday harassment that prevents Jews in so many places from being able to express who they are, to freely wear yarmulkes, Stars of David, or even T-shirts bearing Hebrew lettering or slogans. In too many countries, rabbis, parents, and students live with the knowledge that walking the streets bearing an identifiable Jewish symbol could put them at risk of violence, intimidation, and harassment. This is the unwritten rule many Jews are forced to live by.

The good news is that we in the United States have continued to enjoy a period of relative calm, where the overall numbers of anti-Semitic incidents are mostly unchanged and the incidents are isolated. But the bad news is that for all our efforts to educate, raise awareness, and advocate, anti-Jewish incidents remain a disturbing part of the American Jewish experience. The latest ADL *Audit of Anti-Semitic Incidents* found that in 2010, there were 900 cases of anti-Semitic harassment, threats and events, which was an increase from 760 in 2009. In 2010, there were 317 cases of anti-Semitic vandalism, which was a decrease from 422 cases in 2009.

### **What is Anti-Semitism?**

Anti-Semitism is a form of hatred, mistrust, and contempt for Jews based on a variety of stereotypes and myths, and often invokes the belief that Jews have extraordinary influence with which they conspire to harm or control society. It can target Jews as individuals, as a group or as a people, or it can target Israel as a Jewish entity. Criticism of Israel or Zionism is anti-Semitic when it uses anti-Jewish stereotypes or invokes anti-Semitic symbols and images, or holds Jews collectively responsible for actions of the State of Israel.

### **Summary of Policy and Recommendations**

- Here in the U.S., the federal government has an essential role to play in helping law enforcement, communities, and schools prevent and respond to anti-Semitism by implementing effective anti-bias education and hate crimes prevention programs and activities. Members of Congress should authorize federal anti-bias and hate crimes education programs to help schools and communities address violent bigotry.
- Since 2000 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 governmental efforts to confront anti-Semitism, racism, xenophobia, homophobia, and all forms of hatred and bigotry.
- The U.S. 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 appropriate intergovernmental fora 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. should enhance its own training of international law enforcement in the area of monitoring and responding to anti-Semitism and all hate crimes.
- The U.S. must maintain support for the monitoring of international anti-Semitism by the Department of State and the Special Envoy to Combat and Monitor Anti-Semitism. The Department of State should continue to expand its efforts to train diplomats stationed abroad to recognize the indicators of anti-Semitism and to effectively monitor and respond to anti-Semitic incidents.
- Combatting anti-Semitism should be incorporated into the full array of human rights and democracy programming, funding, and public diplomacy efforts.
- The U.S. should support and expand educational programs at home and abroad to counter prejudice and to enhance efforts to teach the universal lessons of the Holocaust.
- The U.S. must make it clear to leaders in the Arab and Muslim world that the unchecked proliferation of anti-Semitism in the media and popular culture of their societies runs contrary to human rights norms and is an impediment to progress.

## **Background**

Since 2000, anti-Semitic violence and attitudes have surged around the globe. In Greece, France, Hungary, Belgium, Australia, Great Britain, Spain, Ukraine 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.

In the Muslim and Arab world, national movements promoting greater democracy and regime change have not interrupted the steady stream of anti-Semitic propaganda which is then disseminated throughout the globe. 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 television series and in popular fiction. These messages of hate are then transmitted every day 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 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 U.S. should continue to play a leadership role in international organizations, especially OSCE and ODIHR, promoting the adoption of hate crime laws, standardizing data collection, 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 appropriate intergovernmental fora 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 to Combat and Monitor 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. ADL has been proud to partner with the State Department to share our training and subject matter expertise as part of this effort. This program models the best of what a public-private partnership can achieve.

U.S. training and technical assistance programs, such as rule of law and judicial assistance programs and police training delivered through U.S. International Law Enforcement Academies, are prime vehicles to reach governmental and law enforcement audiences around the world. We should not miss an opportunity to provide training on hate crime response, including legal tools, model policies, and training on data collection, and investigating and prosecuting anti-Semitic crimes.

Combating anti-Semitism should be part of the full array of human rights and democracy programming, funding, and public diplomacy efforts. For example, the State Department's International Visitor Programs and other U.S.-funded exchange and public diplomacy programs should reflect the growing U.S. and international recognition of anti-Semitism and of the problem of hate crime broadly. U.S. assistance programs should fund prevention as well as response efforts. While part of the challenge is to institute legal norms and protections for victims of anti-Semitism, we also know that prevention efforts can head off tension, conflict, and violence that can erupt when anti-Semitism goes unanswered. U.S. assistance programs could focus on public education campaigns to promote tolerance.

Finally, ADL believes that the U.S. should continue to support educational programs at home and abroad to diminish prejudice and to teach the universal lessons of the Holocaust. There is increased recognition that Holocaust education alone does not necessarily counter anti-Semitism and that effective programs must also address contemporary anti-Semitism as a subject on its own.

## **U.S. Support for Israel and the Peace Process**

### **Summary of Policy and Recommendations**

- The U.S. must continue its historic support for a strong and secure Jewish 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.
- 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 provide viable security guarantees for Israel. The U.S. should maintain a central role in the promotion of Israeli-Palestinian negotiations and urge the Palestinians to reengage in direct negotiations with Israel. The U.S. should be involved in facilitating negotiations, but cannot impose solutions.
- A final Israeli-Palestinian agreement should 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. 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.
- In the wake of political transition in Egypt, the U.S. must make clear that it expects any Egyptian government to uphold and respect its peace treaty with Israel. As regimes change elsewhere in the Arab world, the U.S. must continue to promote Arab recognition of and reconciliation with the State of Israel.
- 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. 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.
- While upheaval in the Middle East unfolds, the anti-Semitism in editorial cartoons and images in mainstream large-circulation daily newspapers, which was so prevalent in prior regimes, continues across the region. By fomenting anti-Semitism and intolerance, this atmosphere poses a clear and long term obstacle to Arab-Israeli peace efforts and reconciliation between peoples. 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, ADL has worked in support of a strong U.S. commitment to the Jewish 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. 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 insist that the Palestinian Authority reengage in direct negotiations with Israel. 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.

A final Israeli-Palestinian agreement will include provisions for the resettlement of Palestinian refugees in the new independent Palestinian state, and not in Israel. 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 and given that the refugee problem was caused by the Arab attack on Israel in 1948. An influx of millions of Palestinians into Israel would pose a threat to its national security and destroy the country's demographic makeup which is essential to maintaining the character of Israel as the national homeland of the Jewish people. An independent Palestinian state should provide a home to the Palestinian refugee population. There must also be acknowledgment of 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.

In the wake of political transition in Egypt, the U.S. must make clear that it expects any Egyptian government to uphold and respect its peace treaty with Israel. As regimes change elsewhere in the Arab world, the U.S. must continue to promote Arab recognition of and reconciliation with the State of Israel.

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.

Successive U.S. Administrations have long recognized the unique security threats and challenges facing Israel and have demonstrated a strong commitment to deepening the U.S.-Israel strategic partnership.

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

The U.S. has backed up this commitment with security assistance and support for U.S.-Israel strategic cooperation on programs such as the Iron Dome rocket defense system. This cooperation boosts the efforts of both countries in areas like missile defense, homeland security and counterterrorism and helps both countries to protect their troops and citizens. U.S. support for Israel's right to self-defense is particularly vital today, with the specter of a nuclear-armed Iran and terrorist rocket fire threatening Israel and its civilians. For example, when terrorists fired more than 250 rockets, missiles, and mortar shells at neighborhoods in Israel in early March of 2012, the Iron Dome anti-missile system succeeded in preventing most of them from hitting populated areas.

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 also 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 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 achieved 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 established 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.

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 prevent 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**

### **Summary of Policy and Recommendations**

- Nuclear weapons in the hands of the radical and reckless Iranian regime will have severe repercussions for U.S. security and the security of our allies, including Israel.
- The U.S. and our international allies must work to convince Iran to abandon its development of a nuclear weapons capability through diplomatic incentives for cooperation and sanctions for non-cooperation.
- The U.S. must continue to send a strong bipartisan message to the Iranian regime that the U.S. is resolute in its commitment to prevent Iran from attaining a nuclear weapons capability.
- ADL supports passage of resolutions affirming that it is U.S. policy to prevent Iran from acquiring a nuclear weapons capability and opposing any policy that seeks merely to contain a nuclear-capable Iran.
- The U.S. must sharply tighten the enforcement of existing U.S. sanctions laws and, when appropriate, adopt and enforce additional sanctions to buttress its diplomatic efforts.
- The U.S. must continue its efforts to ensure that the international community implements and enforces its sanctions against Iran which target industries of strategic importance to the Iranian regime, such as oil and gas, military equipment or technologies, and dual-use equipment or technologies.
- The U.S. must be resolute that all options, including military action, will be considered to prevent Iran from achieving the capability to produce a nuclear weapon.

### **Background**

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.

In addition to being the world's chief sponsor of terrorism, Iran's leaders deprive its people of fundamental freedoms. The government continues to target civil society activists, especially lawyers, human rights activists, and students. The government denies freedom of religion to adherents of the Baha'i faith, Iran's largest non-Muslim religious minority. Iranian women are discriminated against regularly in their personal affairs and authorities continue to shut down newspapers and target journalists and bloggers.

The Iranian regime actively trains, finances and arms terrorists on a global scale and it threatens the U.S., Israel, and other allies. Iran's leaders have shocked the conscience of the world by espousing base anti-Semitism and denying the Holocaust. Iranian President Mahmoud Ahmadinejad's unrelenting anti-Semitic and anti-Israel rhetoric place him and the Iranian regime among the foremost danger to Jews and the state of Israel should Iran gain the means to implement his threats.

For eighteen years Iran's nuclear program was kept secret, even though international assistance would have been available to a civilian program. In 2002, Iran's covert program was exposed. Since then, the International Atomic Energy Agency (IAEA) has repeatedly said that it cannot consider Iran's nuclear

program as entirely civilian. On November 8, 2011 it released a report stating there is "credible" evidence that "Iran has carried out activities relevant to the development of a nuclear device."

Western intelligence agencies discovered, and Iran admitted to, a secret facility in Qom that is designed for approximately 3,000 centrifuges to enrich uranium. President Obama commented that the "configuration" of the Qom facility is "not consistent with a peaceful nuclear program." Three thousand centrifuges are sufficient for producing quantities of highly enriched uranium for nuclear weapons, but not for fuel for nuclear power plants at commercial scale. Iran has moved centrifuges into the Qom facility, which is even deeper underground than their enrichment facility at Natanz and is already enriching uranium there. Additionally, it is suspected that the Parchin military base, located 20 miles from Tehran, serves as a major research and testing facility for the weapons component of the Iranian nuclear program. Parchin has a number of fortified tunnels and bunkers which, according to the IAEA report, Iran has used to conduct simulated explosion experiments, possibly in association with nuclear materials. IAEA requests to inspect the Parchin base have been refused.

Iran is feeling the impact of U.S. and international sanctions, but the regime is closer than ever to being able to build a nuclear bomb. The most recent IAEA report on Iran's nuclear weapons program confirms Iran's march toward nuclear weapons capacity and reinforces the need for additional biting sanctions.

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. Nuclear weapons capability 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 and indeed worldwide.

With diplomatic incentives for cooperation and severe sanctions for non-cooperation, the U.S. and our allies must continue to work to convince Iran to verifiably end its nuclear weapons program. The U.S. must enforce sanctions targeting the Central Bank of Iran (CBI), and penalize any foreign financial institution conducting significant transactions with the CBI. International businesses should avoid any relationships with companies associated with the Islamic Revolutionary Guard Corps. The U.S. must continue its efforts to ensure that the international community maintains and bolsters its sanctions against Iran which target 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. The United States must also continue to press buyers of Iranian oil to look elsewhere for supplies.

The U.S. must be clear that all options, including military action, will be considered. No options should be excluded to prevent Iran from achieving the capability to produce a nuclear weapon.

## **Strong U.S. Participation in International Organizations and Fora**

### **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 U.S. should work to ensure that these principles are upheld and not misused for political purposes.
- The United Nations (U.N.) continues to be a forum where equal treatment eludes the Jewish State. The U.S. must continue to work against one-sided anti-Israel resolutions in the General Assembly and Security Council and to promote Israel's full participation in the U.N. system.
- The U.N. Human Rights Council remains a deeply ineffective body with an ingrained structural bias against Israel. Since the U.S. rejoined the Council in 2009, there has been progress in elevating scrutiny of some pressing human rights problems, most notably, the treatment of Lesbian, Gay, Bisexual, Transgender ("LGBT") persons worldwide. Yet, despite the resolute U.S. commitment to make securing fair treatment for Israel a top policy priority, the permanent agenda item targeting Israel remains and one sided actions against Israel continue to be a fixture of the Council's activity. The U.S. should seriously reconsider its participation in the Council until reforms, including the removal of the permanent agenda item on Israel, are implemented.
- The United States must remain steadfast in rejecting Palestinian membership in international organizations, including U.N. bodies.

### **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. U.S. leadership in organizations, such as the U.N. and the OSCE, has been pivotal in helping secure support from governments for important initiatives in areas like fighting anti-Semitism and hate crime and promoting 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 U.N. 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 Human Rights Council. Of ten Emergency Special Sessions called by the U.N. General Assembly, five have focused on Israel. A series of virulently anti-Israel resolutions are passed each year by the General Assembly. Israel is the only member nation of the U.N. 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. leadership 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, Security Council and other U.N. bodies and promote Israel's full participation in the United Nations system.

The U.N. Human Rights Council remains a deeply ineffective body with an ingrained structural bias against Israel. Despite membership in the Council since 2009, the U.S. has been unable to change its hypocritical and biased approach to Israel. The U.S. must seriously consider its participation in the Council until reforms are made, including the removal of Item 7 - the permanent agenda item dealing with alleged human rights violations by Israel.

In 2011, the Palestinian Authority announced that it would seek membership in the United Nations as an internationally recognized independent state. The U.S. and other allies on the Security Council rejected this membership bid and asserted that Palestinian statehood could come about only through negotiations with the State of Israel. In October 2011, despite the strenuous diplomatic efforts of the U.S., UNESCO voted to extend full membership to "Palestine." Acting under requirements signed into law in 1990 and 1994 to cut U.S. funds to any U.N. agency that recognizes a Palestinian state, the U.S. promptly responded by cutting off all funding to UNESCO.

The U.S. must remain steadfast in rejecting Palestinian membership in U.N. bodies and other international organizations.

## **Strong U.S. Leadership to Promote Equality and Counter Hate Crime**

### **Summary of Policy and Recommendations**

- The U.S. should provide training and assistance to improve the policing and prosecution of hate crimes against Jews, LGBT persons, and all targeted groups.
- The U.S. should support OSCE/ODIHR specialized work on hate crime.
- The U.S. should prioritize combating hate crime on bilateral agendas with counterparts abroad and as part of other multilateral mechanisms.

### **Background**

U.S. training and technical assistance programs, such as rule of law, judicial assistance programs and police training are prime vehicles to reach policymakers and law enforcement officers around the world. The U.S. should not miss an opportunity to provide training on hate crime response. The OSCE in particular provides an excellent international model that has drawn on both U.S. expertise and U.S. models. These resources and the trainings that have accompanied them could be an excellent model for a module to be delivered through U.S. international law enforcement training mechanisms. The U.S. should provide training and assistance to improve the policing and prosecution of hate crimes against Jews, LGBT persons, and all targeted groups.

An immediate example of this kind of opportunity is the U.S. Department of Justice's (DOJ) own International Criminal Investigative Training Assistance Program (ICITAP) which works with foreign counterparts to develop policies and best practices which protect human rights and address other issues, including corruption and transnational crime. In addition, the Federal Bureau of Investigations (FBI) provides training in every hemisphere delivered through U.S. International Law Enforcement Academies.

U.S. efforts to combat hate crime, anti-Semitism and other forms of discrimination should be integrated into human rights and democracy programming, funding, and public diplomacy efforts. For example, the State Department's International Visitor Programs and other U.S.-funded exchange and public diplomacy programs should reflect the growing U.S. and international recognition of the importance of hate crime response and prevention. Meeting with the DOJ hate crime experts should be a regular appointment for U.S.-funded international visitors. This is important for the full array of civic and religious leaders who come to the U.S. to learn about diversity, democracy and pluralism. Hate crime prevention should be part of that programming.

The U.S. should support OSCE/ODIHR specialized work on hate crime. No regional intergovernmental body has done more to engage civil society more directly than the OSCE. The OSCE has been an important locus of progress on tough issues like anti-Semitism and LGBT rights in difficult regions. The DOJ should partner with the State Department to boost U.S. engagement and support for the OSCE/ODIHR Tolerance and non-Discrimination Unit. ADL was proud to work with the OSCE's ODIHR in creating a resource guide for communities: "[Preventing and Responding to Hate Crimes](#)." The guide provides a menu of tools to help non-governmental organizations respond to hate crime and to serve as a bridge between officials and the communities they serve. The OSCE has developed guidance designed to establish a common framework for improving responses to hate crimes. [Hate Crime Laws: A Practical Guide](#), released by the OSCE/ODIHR, provides practical advice for lawmakers, community organizations and law enforcement for responding to bias-motivated crimes. Developed with input from an international team of judges, prosecutors, human rights officials, representatives of international non-governmental organizations, (including ADL) and officials from foreign ministries and justice ministries from a dozen countries, the guide has been already been used by ODIHR as the basis for legislative reviews and training sessions and has been translated into several languages, including French, Russian and German.

The U.S. should prioritize combating hate crime on bilateral agendas with counterparts abroad and as part of other multilateral mechanisms. Experts posted abroad like FBI Legal Attachés or Foreign Resident Legal Advisors can also advance the efforts by monitoring anti-Semitic and other hate groups and by working with counterparts on inclusive hate crime laws and anti-discrimination laws.



## Countering Terrorism and Violent Extremism

### 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 the flow of funding essential to support terrorist organizations.

### Background

A decade after the terrorist attacks of September 11, 2001 that have so affected and defined our sense of security and our domestic and foreign policies, ADL remains in the forefront of efforts to expose and combat home-grown extremism, empower law enforcement authorities to prevent terrorism, and assure that the government balances security with the protection of individual rights. And over the past decade, ADL has trained tens of thousands of federal, state, and local law enforcement officers on issues related to extremism, terrorism, organized hate groups and hate crimes and Jewish institutional security.

Even before the horrifying events of September 11, 2001, ADL 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. ADL 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 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 the flow of funding essential to support terrorist organizations.

## **Hate Crimes, Hate Symbols, Electronic Hate**

As one of the U.S.'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 Conduct**

#### **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 bias violence occurs because of the victim's race, religion, national origin, sexual orientation, gender, gender identity, or disability.
- ADL supports the expansion of state laws to cover bias crimes based on sexual orientation, gender, gender identity, and disability.
- 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 sustained levels of hate violence directed against Latinos over the past several years, as documented by the FBI.
- Concerned about a disturbing rise in bias and discrimination against Muslim Americans across the U.S., ADL in 2010 established the Interfaith Coalition on Mosques (ICOM). Composed of interfaith leaders, ICOM conducts legal and other advocacy on behalf of Muslim congregations seeking to expand or build mosques in the face of anti-Muslim discrimination, bias, or bigotry.
- ADL is conducting vigorous advocacy in state legislatures and the courts opposing so-called "anti-Sharia" legislation and constitutional amendments. Specifically targeting Islam or neutrally couched as application of foreign legislation, these measures are motivated by the wholly unfounded conspiracy theory that Islamic law is infiltrating the U.S. court system. As the Constitution's First Amendment strictly protects against government (including judicial) advancement of or entanglement with religion, anti-Sharia legislation is nothing more than a form of camouflaged bigotry that enables proponents to advance an anti-Muslim agenda.

#### **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. In 2009, Congress passed the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA), a comprehensive hate crime law that provides for expanded federal involvement in investigating and prosecuting hate violence in America. The HCPA closed a loophole in previous federal law, which allowed federal involvement in hate crimes investigation and prosecution only when the victim of a bias-motivated crime was attacked because he/she was engaged in a specified federally-protected activity, such as serving on a jury or attending public school. In addition to race, religion, and national origin, the HCPA authorizes the Department of Justice to investigate and prosecute certain bias-motivated crimes based on the victim's actual or perceived sexual orientation, gender, gender identity, or disability. Prior federal law did not provide authority for involvement in these last four categories of cases at all. The HCPA provides limited jurisdiction for federal law enforcement officials to investigate and prosecute certain bias-motivated crimes in states in which current law is inadequate. The HCPA gives local law enforcement officials important tools to combat violent, bias-motivated crime. Federal support – through training or direct assistance – will help ensure that bias-motivated violence is effectively investigated and prosecuted. The HCPA also facilitates certain federal investigations and prosecutions when local authorities are unwilling or unable to proceed.

Yet, important legislation is still pending at the state and local levels and more can – and must – be done. ADL supports the expansion of state laws to cover bias crimes based on sexual orientation, gender, gender identity, and disability.

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 has 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.

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, user-generated content (UGC), and other electronic, 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 to promote intolerance, racism, and anti-Semitism, in some cases explicitly targeting and recruiting children and teenagers.
- The Internet has become the new frontier in international hate, ensnaring both inexperienced and savvy visitors to the 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 Internet and cell technology that have fueled a new global revolution in communications, extremists and terrorists have become even more efficient. Websites, 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.

Legislative, legal and financial responses to hate on the Internet must be studied. While ADL 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.

## **Bullying & Cyberbullying**

### **Summary of Policy and Recommendations**

- Anti-bullying laws should include a strong definition of bullying, which includes cyberbullying.
- Anti-bullying laws should include enumerated categories, particularly bullying motivated by race, religion, ethnicity, sexual orientation, gender identity, and expression.
- Anti-bullying laws should include: notice requirements for students and parents; set out clear reporting procedures; and require regular training for teachers and for students about how to recognize and respond to bullying and cyberbullying.
- Working with youth-oriented private corporations – such as Cartoon Network, MTV, Nickelodeon, YouTube, and Facebook – the federal government should promote programs and awareness of the nature and magnitude of the bullying/cyberbullying problem.
- The federal government should provide resources for parents and adult family members to inform them regarding the prevalence of bullying on social networking sites and through cell phone use.
- The Department of Justice and the Department of Education should encourage state and local Bar Associations and lawyers and judges to involve themselves in assessing the nature of the bullying and cyberbullying problem at the state and local levels and crafting appropriate, constitutional responses.

### **Background**

Over the past 30 years, ADL has emerged as a principal national resource for education and advocacy tools for teens, school educators, youth providers and adult family members to address prejudice and bigotry. And over the past decade, ADL has built on these award-winning initiatives to craft innovative programming and advocacy to address bullying and the pernicious new form of harassment affecting children and students known as cyberbullying.

ADL provides the tools and resources to assist people in taking action to prevent and respond to bullying and cyberbullying. ADL takes a broad, holistic approach to addressing bullying, tracking the nature and magnitude of the problem, developing education and training programs, and advocating – at the state and federal level – for policies and programs that can make a difference. The many forms of bullying affect one-third of our youth today. Bullying is the repeated actions or threats of action directed toward a person by one or more people who have or are perceived to have more power or status than their target in order to cause fear, distress or harm. Bullying includes name-calling, obscene gesturing, malicious teasing, rumors, slander, social exclusion, damaging someone's belongings, threats, and physical violence.

In addition to face-to-face bullying, cyberbullying has become another means for some youth to bully and harass others. Cyberbullying is ubiquitous - there is no refuge and victimization can be relentless. Yet, many adults are unaware of the problem. Cyberbullying is the persistent and intentional use of electronic communication to harass, threaten, intimidate or otherwise mistreat, typically between or among youth. Approximately 20% of young people reported experiencing cyberbullying in their lifetimes.

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 “cyberbullying” has become an ever growing concern. This proliferation of “cyberbullying” requires concrete action. Every educational institution should adopt anti-bullying policies, which include anti-cyberbullying provisions.

With the rise in a unique and ubiquitous form of bullying -- cyberbullying -- schools and communities are seeking ways to create a safe environment. For years, governments, schools and courts have been wrestling with how to deal with the issue -- a school's duty to maintain a safe learning environment for students must be balanced with a student's right to privacy and free speech.

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.

ADL crafted a Model Bullying Prevention Law and has lobbied for inclusive state and federal legislation to address bullying. ADL has urged the federal government to play an active role in ensuring that our schools and communities are safe places for all students. The ADL Model Bullying Prevention law requires school districts to adopt an anti-bullying policy in their schools that is comprehensive, practical and effective. The policy gives schools the resources they need to combat and respond to bullying and cyberbullying.

A strong and comprehensive anti-bullying statute will:

- include a strong definition of bullying, which includes cyberbullying;
- address bullying motivated by race, religion, ethnicity, sexual orientation, gender identity and expression and other personal characteristics;
- include notice requirements for students and parents;
- set out clear reporting procedures;
- require regular training for teachers and for students on how to recognize and respond to bullying and cyberbullying.



## **Religious Freedom**

Religion and religious liberty have flourished in the U.S. because of our constitutional guarantees protecting religious practice and belief, while maintaining a strict separation of church and state. ADL emphatically rejects the notion that the separation principle is hostile 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 the U.S., 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.

In America's increasingly-diverse public schools, the government should promote programs to teach students understanding and respect for diversity, as well as a spirit of respect and acceptance of differences. The preservation of this nation's pluralism necessitates that government and religion remain independent of one another.

With daily 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 or other immutable characteristics.
- 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**

ADL 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, ethnic background, or other immutable characteristics.

ADL is against appeals to bias on the basis of religion, race, ethnicity, or other immutable characteristic 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 majority or 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.

In February, ADL, Interfaith Alliance, and the Baptist Joint Committee for Religious Liberty, together with a diverse coalition of other major national religious organizations, issued an "Interfaith Statement of Principles," calling on the presidential candidates and all candidates for public office this election year to help ensure decency, honesty and fair play in elections by conducting campaigns that honor our nation's traditions of religious liberty and avoid sowing religious discord. Because political candidates bear the primary responsibility for setting the proper tone for elections, the statement calls on all candidates for public office to:

- Serve and be responsive to the full range of constituents, irrespective of their religion;
- Conduct their campaigns without appeals for support based upon religion;
- Reject appeals or messages to voters that reflect religious prejudice, bias or stereotyping;
- Avoid statements, actions or conduct that are intended primarily to encourage division in the electorate along religious lines.

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. By Executive Order, the current Administration has taken some important steps toward this goal. However, significant problems remain.
- Executive Order 13279's non-inclusion of safeguards that ensure government money does not fund religious discrimination in the hiring and firing of people who deliver these social services is of particular concern to ADL.

### **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 appreciate the role that religious

institutions historically have played in addressing many of our nation's pressing social needs. ADL supports properly crafted partnerships between government and religiously affiliated organizations.

However, we believe that that even with the most vigorous monitoring and supervision, it is difficult - if not impossible - to ensure that Faith-Based Initiative 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.

By amending Executive Order 13279, the current Administration has implemented new constitutional safeguards that take important steps towards restoring government and religion to their proper roles, including:

- A requirement that all federal agencies providing financial assistance for social service programs ensure that beneficiaries have access to non-religious providers of government-funded social services;
- Greater transparency by requiring federal agencies to publicly post on-line entities receiving government funds to perform social services; and
- A firm commitment to monitor and enforce standards to avoid excessive entanglement between religious entities and government.

However, federal agencies have yet to adopt new regulations implementing the Executive Order, and, in most circumstances, they continue to operate under the prior Administration's Faith-Based Initiative regulations. Furthermore, the Executive Order does not address other significant issues, including religious discrimination in hiring and firing within taxpayer-funded social service and other programs.

Therefore, in order to more fully restore government and religion to their proper roles, all federal agencies should expeditiously implement the Executive Order, and the following additional constitutional safeguards should be put in place:

- Procedures to ensure that government money does not fund religious discrimination in the hiring and firing of people who deliver social services;
- A requirement that recipients of government funds must establish accounting systems and procedures to separate government dollars from core religious activities. Referred to as "firewalls," these procedures ensure that taxpayer dollars are not channeled into religious activities of 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; and
- A clarification that 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. No child should be made to feel as if he or she is a guest in their own public school classroom whose presence, during certain times of the day or certain periods of the year, is tolerated or ignored. 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 effectively 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 concisely expresses the difficulties that arise when government makes religion its aim.

## **(1) School Vouchers and Neo-Vouchers for Private and Parochial Schools**

### **Summary of Policy and Recommendations**

- School vouchers and tuition tax credit programs, also known as “neo-vouchers” pose a serious threat to values that are vital to the health of American democracy. The vast majority of vouchers and neo-vouchers are 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, ADL 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 or neo-vouchers for private and religious schools are the antidote to the ills of the American education system.

School vouchers and neo-vouchers might seem a relatively benign way to increase the options poor families have for educating their children. In fact, however, vouchers and neo-vouchers pose a serious threat to values that are vital to the health of American democracy. The vast majority of vouchers and neo-vouchers are 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.

In *Arizona Christian School Tuition Organization v. Winn*, 131 S. Ct. 1436 (2011), the Court significantly limited the ability of individuals to challenge neo-voucher programs. And in *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), the Supreme Court upheld a specific school voucher program. However, these decisions do not disturb the bedrock constitutional idea that no government program may be designed to advance religious institutions over non-religious institutions.

Implementation of voucher and neo-voucher programs send a clear message that we are giving up on public education. While recent research reflects that school vouchers have little impact on academic achievement, undoubtedly vouchers may help some students. However, other students may be

effectively barred from voucher or neo-voucher programs because private schools are permitted to discriminate on a variety of grounds including, academic achievement and disciplinary issues, sex, sexual orientation, gender identity, disability or religion. The glory of the U.S. system of public education is that it is for all children, regardless of their background, 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 and neo-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 schools that support and nurture LGBT-questioning and allied students.
- 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 schools that support and nurture lesbian, gay, bisexual, transgender, questioning and allied students. Supporters of these customized schools believe they are able to focus learning, address certain needs and empower students.

ADL 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, ADL 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, sexual orientation or gender identity. ADL also firmly believes that these schools should not alleviate public schools’ obligation to create and maintain an environment free from discrimination. These schools 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” are all Biblically-based religious explanations for the origins of the universe or the diversity of life on earth.

- 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 multiple 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” are three religious explanations for the origins of the universe or the diversity of life on earth, and they 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 and fosters a high-quality science education.

### **(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 U.S. 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* at 241. 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. Furthermore, ADL strongly suggests that such classes be taught by school personnel who have some training in Establishment Clause issues.

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 – particularly in the areas of scheduling, grooming, and garb – 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 – particularly in the areas of scheduling, grooming, and garb. However, such legislation must be crafted in a manner to ensure that an accommodation cannot infringe upon the civil rights of co-workers or other employees.

## **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 strongly supports Air Force Chief of Staff General Norton A Schwartz’s September 1, 2011 Memorandum, “Maintaining Government Neutrality Regarding Religion” and urges the adoption of similar guidance by other service branches.
- 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 has been concerned that religious harassment and unwelcome proselytizing are an ongoing problem in the military and the nation’s service academies. Substantiated charges of religious harassment and unwelcome proselytizing at the U.S. Air Force Academy (USAFA) were 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.

Working closely with USAFA's Superintendent, Chaplains and administrators, ADL has worked to craft education and training materials which address a wide range of First Amendment and religious freedom and respect issues. The training materials are designed to allow USAFA cadets to think about and discuss issues of religious freedom and respect that are immediately relevant to their lives.

ADL strongly supports Air Force Chief of Staff General Norton A Schwartz's September 1, 2011 Memorandum, "Maintaining Government Neutrality Regarding Religion." The memorandum's instruction that leaders "must avoid the actual or apparent use of their position to promote their personal religious beliefs to their subordinates or to extend preferential treatment for any religion" rightly recognizes this unique, defining aspect of our military and service academies. We urge the adoption of similar guidance by other service branches.

#### **F. International Religious Freedom**

ADL is concerned about continuing violations of freedom of religion and belief abroad such as those evidenced against the Baha'i, 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. ADL is also committed to ensuring that the U.S. asylum system helps America stay true to its tradition of being a haven for victims of religious and other forms of persecution.



## **Equal Rights**

### **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.
- In the educational setting, ADL supports a university's good-faith consideration of race in admissions decisions, so long as race is used as part of an individualized, holistic assessment of each applicant.
- We support these 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 to 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 to enhance exposure of all students to diverse viewpoints, life experience, and outlooks, ADL adheres to the principle that school admissions programs can only consider race so long as it is used as part of an individualized, holistic assessment of each applicant.

ADL also endorses programs specifically designed to help disadvantaged Americans achieve the remedial training and education required to succeed.

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

#### **Summary of Policy and Recommendations**

- We support legislation aimed at closing pay disparities between men and women.
- 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. The Lilly Ledbetter Fair Pay Restoration Act, signed by President Obama on Jan. 29 2009, was an important first step toward ensuring fair pay for women workers. Legislation that will deter wage discrimination is the next step. Legislation that will close loopholes in the law and bar retaliation against workers who disclose their wages is important to closing pay disparities between men and women.

Legislation should also allow women to receive the same remedies in court for pay discrimination as those subjected to discrimination based on race or national origin.

Guaranteeing that women receive equal pay for equal work will help stimulate the economy and ensure self-sufficiency for women and their families. In light of the economic crisis facing our nation, it is more important than ever to close the wage gap and ensure that victims of wage discrimination have access to fair reparations.

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 or gender identity. Discriminating on the basis of one's sexual orientation or gender identity 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 and gender identity. We support the prompt enactment of ENDA as 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.
- We oppose efforts to restrict ballot access requirements absent substantiated, compelling evidence of voter fraud.
- We oppose ballot access requirements that can be shown to disproportionately impact any specific group of eligible voters, as well as intimidation and harassment of voters at the polls.
- We oppose laws that require voters to present photo-identification for access to the ballot box.

### **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.

Although voter fraud is a serious concern, numerous academic studies and legal challenges to ballot access restrictions have documented that in-person voter fraud – including ineligible voters casting ballots or individuals attempting to vote twice – is very rare. Therefore, while a photo ID is warranted as a security precaution at borders and airports, any burden on ballot access or the constitutionally-protected right to vote must be justified by demonstrating that the benefits of the restriction outweigh the costs. In many cases, photo ID requirements for voting disproportionately impact ballot access for minority, young, rural, college students, elderly, low-income, and disabled voters, which studies estimate may affect more than five million eligible voters. Accordingly, that ADL opposes efforts to restrict ballot access requirements absent substantiated, compelling evidence of voter fraud, especially when ballot access requirements can be shown either to disproportionately impact any specific group of eligible voters, or intimidate and harass voters at the polls.

## **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.
- Religious views of marriage are distinct and separate from a civil understanding of marriage. The ill-conceived and discriminatory Defense of Marriage Act (DOMA) flouts the longstanding Establishment Clause principle by not only writing one particular religious understanding of marriage into federal law but by failing to provide a secular reason for doing so. We therefore believe that DOMA should be repealed.

### **Background**

ADL 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.

ADL has filed amicus briefs in support of the right of same-sex couples to marry in California and has urged courts in the First and Ninth Circuit Courts of Appeal to find DOMA unconstitutional. Religious views of marriage are distinct and separate from a civil understanding of marriage. DOMA flouts this longstanding Establishment Clause principle by not only writing one particular religious understanding of marriage into federal law but by failing to provide a secular reason for doing so. 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**

- ADL 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**

ADL 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. ADL 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.

## **F. "Don't Ask, Don't Tell"**

### **Summary of Policy and Recommendations**

- ADL supported the repeal of the exclusionary "Don't Ask, Don't Tell" policy and opposes any effort to undermine or limit the full inclusion of lesbian and gay armed forces members.
- ADL urges Congress to eliminate barriers preventing transgender people from serving their country.
- ADL firmly believes that hiring and firing decisions, in or outside of the armed forces, should be based on merit and performance -- not on personal characteristics, such as sexual orientation or gender identity.

### **Background**

"Don't Ask, Don't Tell" prevented gay and lesbian Americans from serving openly in the armed forces solely on the basis of their sexual orientation.

The repeal of "Don't Ask, Don't Tell" allows gay men and lesbians to serve their country, but fails to address the exclusion of transgender Americans who are able and ready to serve.

ADL recognizes the need in the armed forces for skilled service members to help in the fight against terror. Hiring and firing decisions, in or outside of the armed forces, should be based on merit and performance -- not on personal characteristics, such as sexual orientation or gender identity.

ADL, therefore, supports the full inclusion of all individuals who are willing and able to serve their country, regardless of their sexual orientation or gender identity.

## **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.
- ADL supports immigration policy that balances border security and respect for individual rights and human 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, and (3) the assurance of equal rights for all individuals to basic human services.
- ADL opposes the coordinated roundups of undocumented workers, which have violated the rights of citizens and non-citizens alike.
- ADL takes a strong stand against the increasing use of hate rhetoric to describe immigrants, and call on all parties to the discussion to debate immigration policy civilly and respectfully.
- ADL rejects calls for local law enforcement to play a larger role in the enforcement of federal immigration law.
- ADL supports the recent U.S. policy to grant undocumented immigrant youth, who were brought to the US as children, relief from being deported. Under the new directive, the U.S. will not seek to deport immigrants under the age of 30 who: came to the U.S. when they were under 16; have lived here for at least five years; and who meet certain schooling, military and other requirements.

### **Background**

ADL has an interest in both 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 would include (1) a border security strategy, (2) a path to legalization for immigrants contributing to this country, and (3) 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.

ADL is one of the leading nongovernmental organizations in the U.S. that trains law enforcement officers on issues of hate crimes and extremism and works in partnership with law enforcement to fight hate crime. Of deep concern to ADL is the recently growing practice of empowering local law enforcement officials to enforce federal immigration laws. Many immigrants have come to the U.S. 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.

ADL supports the policy to grant undocumented immigrant youth, who were brought to the US as children, relief from being deported. Under the new directive, the U.S. will not seek to deport immigrants under the age of 30 who: came to the U.S. when they were under 16; have lived here for at least five years; and who meet certain schooling, military and other requirements. ADL supports congressional enactment of legislation to codify this initiative to give eligible young people brought to the U.S. as children the opportunity to resolve their immigration status and work towards citizenship.

Finally, ADL 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 has a 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**

ADL has been an advocate for strong, effective and sensible gun control legislation. Since 1967, ADL 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. 570 (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.
- ADL supports 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. ADL supports 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.