

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

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## **About the Anti-Defamation League**

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

Now the nation's premier civil rights/human relations agency, ADL fights anti-Semitism and all forms of bigotry, defends democratic ideals and protects civil rights for all. ADL carries out its mission through a network of 27 Regional and Satellite Offices in the United States and abroad.<sup>1</sup>

ADL builds bridges of communication, understanding and respect among diverse groups and is a leader in the development of anti-bias educational materials, programs and services.

### **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 targeted and oppressed groups.

Today, overt anti-Jewish discrimination is not state-sponsored as it once was in many countries and it does not bar Jews from full participation in their society. 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, harassment and violent hate crimes against Jews and Jewish sites such as schools, synagogues, shops and cemeteries. It is this everyday fear 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. This is the unwritten rule many Jews are forced to live by.

In 2014, ADL released a groundbreaking survey to establish for the first time comprehensive, data-based research of the level and intensity of anti-Jewish sentiment around the world. [The ADL Global 100: An Index of Anti-Semitism](#) surveyed 53,100 adults in 102 countries and

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

territories and found that more than one-in-four adults, 26 percent of those surveyed, hold anti-Semitic attitudes.

Even in the U.S., despite efforts to educate, raise awareness, and advocate, anti-Jewish attitudes and incidents remain a disturbing part of the American Jewish experience. The latest ADL *Audit of Anti-Semitic Incidents* found that in 2015, there were 941 anti-Semitic incidents, a three percent increase over the 912 incidents reported in 2014. The *Audit* included 56 cases of anti-Semitic assaults, a dramatic increase from the 36 reported in 2014; 508 anti-Semitic incidents of harassment, threats and events, a slight decrease from the 513 in 2014; and 377 cases of anti-Semitic vandalism, an increase from 363 in 2014.

### **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 the State of 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, denies the Jewish right to self-determination, 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 anti-Semitism and all forms of violent bigotry.
- The U.S. must take a leadership role in the international community in mobilizing governments and the international community to confront anti-Semitism, racism, xenophobia, homophobia, and all forms of hatred and bigotry.
- The U.S. should continue to play a leadership role advancing this 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 promote and press for 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 train diplomats 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 support global efforts to counter prejudice and enhance efforts to teach the universal lessons of the Holocaust.
- The U.S. must make clear to leaders in the Arab and Muslim world that the unchecked proliferation of anti-Semitism in the media and popular culture in 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. We have witnessed violent anti-Semitic attacks in Europe, Latin America, Australia, South Africa and elsewhere, with Jewish institutions and individuals targeted. Incidents include the murder of Jews, firebombing of synagogues and Jewish schools, violent attacks on a Jewish supermarket and Jewish museum, the physical and verbal abuse of Jews in the streets, and cemetery desecrations.

ADL's 2014 [Global 100: An Index of Anti-Semitism](#) found that more than one in four adults, 26 percent of those surveyed, hold anti-Semitic attitudes. Only 54 percent of those polled globally have ever heard of the Holocaust. Two out of three people surveyed have either never heard of the Holocaust, or do not believe historical accounts to be accurate.

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 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, the Americas and Asia via satellite television and the Internet. Pressing leaders in the Arab and Muslim world to combat the anti-Jewish propaganda in their media and popular culture should be squarely on the U.S. human rights agenda.

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 its 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 leading intergovernmental 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.

Robust monitoring of anti-Semitism by the Department of State and U.S. Embassies should continue to be a top line priority. The vital work of the Special Envoy to Combat and Monitor Anti-Semitism should be fully supported and resourced. In addition, the Department of State should expand its training for U.S. diplomats to recognize the indicators of anti-Semitism and to effectively monitor and respond to anti-Semitic incidents. 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 how anti-Semitism manifests itself and of the imperative to fight hate crimes around the world. 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 should 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. Leadership In the World**

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

- The U.S. should continue its international leadership in fighting the spread of global terrorism, particularly in areas directly affecting U.S. national security interests. These include maintaining military efforts against terrorist groups like ISIS and Al-Qaeda and sustained robust effort to halt the flow of funds to terrorist organizations and states that sponsor them.
- The U.S. must also not remain passive in the face of genocide or threats of genocide on the international scene. Specifically in Syria, the U.S. should reassess its efforts to counteract the mass atrocities being committed against innocent civilians by the Syrian regime and terrorist entities like ISIS, and seek ways to better assist civilians and bring an end to the violence.

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

### **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 to the Arab-Israeli conflict.
- A realistic Israeli-Palestinian agreement, with a mutually-negotiated two-state solution, will involve territorial compromise by Israel, including the uprooting of settlements, 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 Palestinians will be expected to commit to an “end of claims,” to recognize Israel as a

Jewish State, and reconcile its maximalist demands regarding a “right of return” with current realities.

- Such an agreement will also include provisions for the resettlement of Palestinian refugees in a Palestinian state. It should also acknowledge the 800,000 Jews from Arab lands who were made refugees as a result of the Arab-Israeli conflict.
- The U.S. should maintain a central role in the promotion of direct Israeli-Palestinian negotiations, and urge the Palestinians to re-engage in direct negotiations with Israel. The U.S. should be involved in facilitating direct negotiations, but cannot impose solutions.
- The U.S. should oppose efforts by the Palestinian Authority to circumvent a direct negotiations process through outside interventions or through one-sided actions in international bodies.
- The U.S. must continue to promote recognition of and reconciliation with the State of Israel by its neighbors in the region.
- The U.S. government must recognize Jerusalem as the capital of the State 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 Israel retains its qualitative military edge to promote its security and support mitigation of the growing strategic dangers in a volatile region.
- The U.S. must continue to vigorously mobilize against efforts to delegitimize and isolate Israel in international fora (see below), through the Arab Economic Boycott and through the Boycott, Divestment and Sanctions (BDS) campaign.
- 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 sustain efforts to isolate and stem the flow of funds to terror groups like Hezbollah and state sponsors of terror like Syria and Iran.
- Upheaval in the Middle East has changed some of the political leaderships and introduced new cultural and political crosscurrents. But anti-Semitism continues to be prevalent in the media and discourse across the region. This atmosphere poses a clear and long term obstacle to Arab-Israeli peace efforts and to the prospect for 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-Palestinian 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 has demonstrated a consistent commitment to pursuing a negotiated peace agreement with the Palestinians to achieve a mutually negotiated two-state solution so that it may finally live in peace and security.

Numerous attempts have been made to resolve the Israeli-Palestinian conflict. Peace has proven difficult to achieve for many reasons, but primarily because there has not been a Palestinian peace partner willing to recognize Israel's right to exist, willing to make serious compromises 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. In the aftermath of the historic Israeli-Palestinian Declaration of Principles in 1993, Israel made serious peace proposals to the Palestinians - at Camp David in 2000 and at Taba in 2001 and in the Annapolis Process in 2008. All of these comprehensive offers were rejected by the Palestinian Authority leadership. 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 and some settlement outposts in the West Bank, proving its willingness to make painful sacrifices even at a time when mutual cooperation was not possible. Israel has also pursued normalized relations with Arab and Muslim countries in the region.

It is important that the U.S. maintain a central role in the promotion of Israeli-Palestinian negotiations and, in this capacity, continue to insist that the Palestinian Authority re-engage in direct negotiations with Israel as the only path to Palestinian independence and peace. The U.S. should be actively involved in facilitating negotiations, but cannot impose solutions on the parties. The U.S. should insist that the Palestinian Authority not circumvent a direct negotiations process through outside interventions or through one-sided actions in international bodies.

Negotiations with the Palestinians will involve serious and difficult compromises by both Israel and the Palestinians. Any final Israeli-Palestinian agreement will involve territorial compromise by Israel, and likely include the uprooting of some settlements, and the resolution of a final border between Israel and a Palestinian state that will be consistent with demographic realities and provide viable security guarantees for Israel in the context of an end to the conflict and claims.

A final Israeli-Palestinian agreement will include provisions for the resettlement of Palestinian refugees in a newly established 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 feasible or appropriate given historical and current realities and given that the refugee problem was precipitated 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. Any resolution must also acknowledge the hundreds of thousands of Jews from Arab lands who were made refugees as a result of the Arab-Israeli conflict. From 1948-1951 as many as 800,000 Jews were expelled from their native Arab nations or forced to flee as a result of state-sponsored anti-Zionist violence. They left behind their property and the lives they had built in these lands over hundreds of years.

The U.S. must continue to promote the recognition of and reconciliation with the State of Israel by Arab countries.

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 have recognized, every country has the right to designate its own capital. And Israel has designated Jerusalem as its capital. 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. In no way does this action prejudice or predetermine peace talks, including on final status issues such as Jerusalem.

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. U.S. commitments to its ally form the basis of the security underpinnings of a two-state solution. 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 threats from regional instability, ISIS, and animus from Iran, along with the ongoing aggressions from Hamas. When Hamas and other terrorist organizations fired thousands of rockets and missiles at Israeli civilian centers during the conflict in 2014, the Iron Dome anti-missile system intercepted hundreds of projectiles, including missiles fired at Ben Gurion International Airport, undoubtedly saving the

lives of many Israelis. Israel's ability to defend itself against asymmetrical attack depends on the continual support of the United States.

Since Israel's founding in 1948, there have been numerous efforts to demonize, delegitimize and isolate it. This was epitomized by the infamous 1975 United Nations General Assembly Resolution 3379, the so-called "Zionism is Racism" resolution, revoked as a result of U.S. leadership in 1991. Such delegitimization continues in international fora and other venues. The Arab Economic Boycott of Israel, while significantly reduced, continues to bar direct economic ties between Israel and the Arab world.

Currently, the most visible tactic to delegitimize Israel is posed by the international Boycott Divestment and Sanctions Campaign (BDS). The architects of the delegitimization movement do not seek a peaceful resolution of the Israeli-Palestinian conflict on the basis of a two-state solution. Their agenda of anti-normalization has an explicit goal – to deny Jewish nationalism and undermine and destroy the Jewish state of Israel. Moreover, whether it takes place on a college campus or in a corporate boardroom, we find that BDS campaigns frequently create hostile climates that marginalize Jews and intimidate supporters of the state of Israel.

To date, there has been no explicit economic impact of this phenomenon on the Israeli economy. Foreign direct investment in Israel's economy is, in fact, at an all-time high. However, like the "Zionism is Racism" resolution, BDS poses a threat to the very idea of Jewish self-determination - to the fundamental legitimacy of the State of Israel. For that reason it must be confronted.

ADL believes that there is no silver bullet to solve the problem of delegitimization and to beat back BDS campaigns. It will require a variety of approaches. The U.S. should make clear, consistent with its commitments to free speech, free assembly and the free exchange of ideas, that efforts to isolation and demonize Israel are biased and wrong. ADL recommends that legislators and public officials pass resolutions and make public statements to make public their condemnation of BDS, as well as strengthen U.S.-Israel academic, commercial and person-to-person connections. There are a variety of potential strategies that could be employed as vehicles to this end.

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 seeks to engage 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 thousands of rocket, missile and mortar attacks on civilian centers in southern and central Israel, including Jerusalem, Tel Aviv, and Ben Gurion Airport, causing injury, death and property damage, and leaving the population fearful and traumatized. Hamas has dug a vast system of subterranean tunnels with exit points inside Israel in order to enable terrorists to enter Israeli population centers and to kidnap Israelis and smuggle them into Gaza. In 2015-2016, Israelis have endured scores of stabbings, car rammings and other attacks targeting civilians in major Israeli cities and settlements resulting in over 30 murders (including of U.S. citizens) and hundreds of injuries (including U.S. citizens). 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 is a major actor on the ground in Syria, fighting in support of the Assad regime. In 2006, Hezbollah attacked Israel in a cross-border raid, killing eight Israeli soldiers and kidnapping two, 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 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.

### **Standing Up to Iranian Aggression**

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

- In the wake of the JCPOA the U.S. must remain active, engaged and vigilant in ensuring Iranian compliance with its JCPOA commitments, while being alert to infractions, including through the sharing of intelligence with allies and quickly taking steps to address violations. This includes the possibility of reinstating sanctions in the face of Iranian violations.
- The U.S. must also ensure that there are consequences for violations of binding international resolutions, including through missile and weapons testing, and take steps to hold Iran accountable for such violations, including through the application of sanctions.
- The U.S. must recognize the new strategic challenges in the region following the JCPOA and address them, including through providing Israel and regional allies with what they need – diplomatically and militarily– to allay their fears and deter the constant and potentially intensifying threats from Iran and its proxies.
- The U.S. must make clear it remains committed to calling out Iran’s human rights violations, including violations of freedom of speech, freedom of assembly, freedom of religion, and freedom of the press. The U.S. must condemn Iran’s propagation of base anti-Semitism, including the denial of or exploitation of the Holocaust; its violent repression of LGBT, religious and ethnic minorities, and political opposition. This commitment must be backed up with sanctions and censure in international fora.
- The U.S. must use existing and additional sanctions, as well as other tools, to counter Iranian extremism and destabilization throughout the region and around the globe, including its sponsorship of terrorism through organizations such as Hamas, Hezbollah, Islamic Jihad and others. Its aggressive foreign policies and its engagements in Yemen, Iraq, Syria and elsewhere directly challenge and threaten US allies such as Saudi Arabia and the Gulf states.

## Background

A nuclear Iran poses the greatest threat to the U.S., Europe, Israel and our other allies in the Middle East. According to the U.S. State Department’s [Country Reports on Terrorism 2015](#), the Iranian regime is the leading state-sponsor of terrorism, and 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.

The Iranian regime actively trains, finances and arms terrorists on a global scale and it threatens the U.S., Israel, and other allies. Iran provides financial support and training for organizations such as Hamas, Hezbollah, Islamic Jihad and others, and is believed to be behind many Shiite

insurgents in Iraq. Iran is responsible for the bombings of the Israeli Embassy (1992) and the Jewish community center (1994) in Buenos Aires, Argentina, which killed over 100 people and wounded hundreds more. It continues to spread its influence and extremist ideology in Latin America. The Iranian government is the key state supporter of Syrian President Bashar al-Assad in his government's brutal campaign against rebel forces and Syrian citizens. Iran supplies the Assad regime with financial and military support, and its proxy, Hezbollah, fights alongside the Syrian government.

In addition to being the world's chief sponsor of terrorism, Iran's leaders deprive its people of fundamental freedoms, including freedom of speech, freedom of assembly, freedom of religion, and freedom of the press. The rights of women, workers, LGBT, juveniles, religious and ethnic minorities, and political opposition are brutally suppressed. 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 authorities continue to shut down newspapers and target journalists and bloggers.

Iran's leaders have shocked the conscience of the world by espousing base anti-Semitism and denying the Holocaust. Iran continues to hold events and contests which alternately deny or exploit the Holocaust, including Holocaust cartoon contests. Its leaders have repeatedly called for Israel's demise.

There has been consensus in the international community that nuclear weapons in the hands of this radical and reckless regime would lead to a dangerous geostrategic shift in the Middle East, potentially leading to a nuclear arms race in the region. A 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. For years, the U.S. and allies around the world used targeted and effective economic sanctions and diplomacy to pressure Iran to abandon its nuclear weapons program.

In 2015, the U.S., UK, China, Russia, France, Germany (known as the P5+1) agreed on a Joint Comprehensive Plan of Action (JCPOA) to restrict Iran's nuclear weapons program. In exchange for the lifting of international economic sanctions, Iran agreed to limit its nuclear program.

The U.S. must remain active, engaged and vigilant to ensure Iranian compliance to its JCPOA commitment, be alert to infractions, and be quick to take steps to address violations. This includes the possibility of reinstating sanctions in the face of Iranian violations.

The U.S. must also be vigilant to non-nuclear violations, including through missile and weapons testing, and take steps to hold Iran accountable for such violations, including through sanctions.

The U.S. must recognize the new strategic challenges in the region following the JCPOA and

address them, including providing Israel and regional allies with what they need – diplomatically and militarily– to allay their fears and deter the constant and potentially intensifying threats from Iran and its proxies.

The U.S. must make clear it remains committed to calling out Iran’s human rights violations, including violations of freedom of speech, freedom of assembly, freedom of religion, and freedom of the press. The US must condemn Iran’s propagation of base anti-Semitism, including the denial or exploitation of the Holocaust; its violent repression of LGBT, religious and ethnic minorities, and political opposition. This commitment must be backed up with sanctions and censure at international fora.

The U.S. must use existing and additional sanctions, as well as other tools, to counter the proliferation of Iranian extremism and destabilization throughout the region and around the globe, including its sponsorship of terrorism for organizations such as Hamas, Hezbollah, Islamic Jihad and others, its aggressive foreign policies, and its engagements in Yemen, Iraq, Syria and elsewhere directly challenge and threaten US allies such as Saudi Arabia and the Gulf states.

### **Strong U.S. Leadership in International Organizations to Promote Human Rights, Counter Terror and Secure Fair Treatment for Israel**

#### **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 and extremism, 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 maintain this moral and political leadership on issues like the refugee crisis, and the global fight against anti-Semitism, hate crime and religious persecution. Through its vigorous engagement, the U.S. should sustain its leadership to ensure that these principles are upheld and not misused for political purposes and to advance one-sided initiatives that single out Israel unfairly.
- The United Nations (U.N.) continues to be a forum where equal treatment eludes the State of Israel. The U.N. Human Rights Council remains a deeply ineffective body with a structural bias against Israel through a permanent agenda item focused only on Israel. The U.S. must continue to work against one-sided anti-Israel resolutions in the General Assembly and Security Council, actively work to eliminate structural bias against Israel at the Human Rights Council, and promote Israel’s full participation in the U.N. system.

- The U.S. must remain steadfast in rejecting Palestinian membership in international organizations.

## Background

American diplomacy—American leadership—is essential to promote tolerance, democracy, religious freedom, and human rights worldwide. Today, the global refugee crisis is just one stark example of how and why humanitarian leadership is needed. In support of strong U.S. global leadership and its vigorous engagement in international organizations, 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 (HRC). The HRC has an Israel-specific agenda item on its permanent agenda. (Item #7, titled: “Human rights situation in Palestine and other occupied Arab territories: Human rights violations and implications of the Israeli occupation of Palestine and other occupied Arab territories and the Right to self-determination of the Palestinian people”.) Israel is the only country in the world to appear on the HRC’s permanent agenda, while countries such as China, Syria and Sudan, notorious for their human rights abuses, are included as part of the general debate.

Twenty-plus incendiary anti-Israel resolutions are passed in the General Assembly by an automatic majority year after year. Six of ten “emergency sessions” held by the UN General Assembly since its inception have concerned Israel – while none have been held in response to events in Rwanda, Yugoslavia, Sudan or, to date, Syria. There is a complete “Palestinian infrastructure” within the United Nations focused specifically on an anti-Israel agenda - the most egregious is the Committee for the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP). No other country or entity has such exclusively dedicated departments and committees. The U.S. must work with responsible members of the General Assembly to end this annual anti-Israel ritual.

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.

Since 2011, the Palestinian Authority has sought full state membership in international bodies. This effort has been condemned by the U.S. and Israel as an effort to advance their nationalist goals while circumventing direct negotiations with Israel and the associated compromises that will be required in a peace agreement. In 2012, the U.N. General Assembly voted to admit “Palestine” as a non-member state. The U.S. and Israel voted against their admittance. In 2011, the U.S. and other allies on the Security Council rejected a resolution which would have granted the Palestinians full membership in the U.N. Following that initiative, the Palestinians have sought and acquired membership in a number of international bodies, including UNESCO (2011), and the International Criminal Court (2015). Acting under requirements signed into law in 1990 and 2004 the U.S. cut 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 continue and expand its training and assistance to improve the policing and prosecution of hate crimes against Jews, LGBT persons, and all targeted groups. Because civil society is a critical partner to government in the fight against anti-Semitism and hate crime, capacitating, training and empowering civil society is a critical element of an effective strategy.
- The U.S. should support OSCE/ODIHR specialized work on hate crime across a vast 57 country region.
- The U.S. should prioritize combating hate crime on bilateral agendas with counterparts abroad and as part of other multilateral mechanisms.

#### **Background**

Violent hate crime continues to be a worldwide plague. Anti-Israel sentiment used as a pretext for anti-Jewish violence in Europe, draconian anti-gay laws in places like Nigeria and Russia threaten LGBT communities, and Muslims, Roma communities and people of African descent are victimized by racist and xenophobic violence.

The U.S. should mobilize the full arsenal of its programming and public diplomacy tools to mobilize the fight against hate crime. 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.

ADL has strongly welcomed Obama Administration initiatives in this arena – including it June 12, 2015 [White House “Conversation on Combating Bias-Motivated Violence against LGBT Persons Around the World.”](#) That meeting built on a December 2011 [Presidential Memorandum](#) on “International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons.” Federal agencies – especially USAID, DOJ, and the State Department – have done significant work on the issue. The State Department released a [report in May 2014](#) detailing its progress on carrying out the President’s Memorandum.

U.S. efforts to combat hate crime, anti-Semitism and other forms of discrimination should be further 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.
- Just as terrorists evolve in their tactics, so must banking and other financial tools to stop the money laundering and the flow of funding essential to support terrorist organizations. The Department of Treasury's Terrorism and Financial Intelligence is a model that deserves sustained, robust support.

### **Background**

Fifteen years 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 rigorous enforcement 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

- In 1981, 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 today.
- Effective hate crime policies and procedures and response can promote effective crime reduction while building public trust and collaborative relationships between law enforcement officials and the communities they serve and protect.
- The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 is the most important federal hate crime enforcement law in the last forty years.
- ADL supports the expansion of all 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 refugees and immigrants. There is a direct connection between the public debate about immigration and refugee 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.
- There has been a significant increase in the number of anti-Muslim hate crimes following the terrorist attacks inspired by radical interpretation of Islam in Paris in November and in San Bernardino in December. U.S. Attorneys have played [an important role](#) in speaking out against this anti-Muslim violence and discrimination. And the FBI should promote hate crime training, too.
- 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 ADL 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.

Facing backlash anti-Muslim crimes and Islamophobia, in December, 2015, the Department of Education (DoE) issued a [Dear Colleague letter calling for schools to ensure safe spaces for students especially “at risk” during these times](#) – “including those who are, or are perceived to be, Syrian, Muslim, Middle Eastern, or Arab, as well as those who are Sikh, Jewish, or students of color.” The letter builds on the DoE’s historic [October 2010 bullying prevention guidance](#), and encourages schools to take steps to foster welcoming and inclusive environments for students of different backgrounds and beliefs.

[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. Following the June 17, 2015 [murders by a white supremacist](#) at the Emanuel AME

Church in Charleston, South Carolina, ADL coordinated a new hate crime prevention initiative, [#50StatesAgainstHate](#), with three dozen national civil rights, religious, professional and education organizations. The initiative is designed to help build support for improved federal and state response to hate violence, including enactment of hate crime laws in the five states currently without them (Arkansas, Georgia, Indiana, South Carolina, and Wyoming), and expansion of all 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 and anti-refugee 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 refugees – many of whom are fleeing for their lives -- and 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 proven to be useful tools for law enforcement. The Hate Crime Statistics Act (HCSA) of 1990 requires the Justice Department to collect statistics from state and local law enforcement officials and to publish an annual report on hate violence in America. The [most recent report by the FBI](#), which includes 2014 data, documented 5,479 hate crimes reported by almost 15,500 law enforcement agencies across the country. As in every other year, race-based hate crimes were most numerous. In 2014, crimes directed against individuals because of their sexual orientation were second most frequent, followed closely by religion-based hate crimes. In 2014, like the vast majority of years since 1990, more than 60 percent of the religion-based hate crimes were directed against [Jews and Jewish institutions](#).

As previously mentioned, almost [15,500 law enforcement agencies participated in the HCSA data collection effort](#) in 2014 – more than ever before. However, the FBI documented over 100 cities over 100,000 in population that either affirmatively reported zero (0) hate crimes – or [did not participate in the program at all](#) (DNR). Many government officials, including [FBI Director James B. Comey, Jr.](#) have called for this significant underreporting of hate crimes to be addressed. The FBI should expand training using their Uniform Crime Reporting (UCR) Program [Hate Crime Data Collection Guidelines and Training Manual](#), which was last updated in February 2015.

In partnership with community-based organizations, civic leaders and law enforcement officials can advance police-community relations by demonstrating a commitment to effectively address hate crimes and the special needs of hate crime victims.

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. We applaud the fact that, shortly after the murder of nine parishioners at the Emanuel AME Church in Charleston in June, 2015, South Carolina passed a law removing the Confederate Flag from its place of honor on the grounds of the South Carolina State House. 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

- Websites, social networking sites, user-generated content (UGC), and other electronic, computer, and cellphone 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 websites 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 ADL 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 and terrorists who have created attractive, well-designed web content 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 websites, tweets, posts, photos and streaming videos on social media platforms. Even more experienced users, including most recently journalists, have been jolted by targeted anti-Semitic attacks that include rape and death threats from users who don’t like their reporting.

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. User-generated content, and other computer and mobile-device enabled information technologies are all used to support, enhance, and finance their deadly work.

ADL has created an extensive toolkit for addressing cyberhate and educational resources for parents, including a [Cyber-Safety Action Guide](#). ADL also convened a new working group on cyberhate bringing together experts, academics, NGOs, and Internet industry leaders to evaluate current practices and to develop new strategies for responding. As a result of that work, in September 2014 ADL released [Best Practices for Challenging Cyberhate](#), which establishes guideposts for the industry and Internet community to help users understand what they can do when they encounter hate speech online.

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 websites and social media platforms 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 continue to update and add resources to its excellent and invaluable bullying prevention [website](#).
- 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. [All 50 states now have some kind of bullying prevention law.](#) ADL has also 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 by the First Amendment’s Establishment and Free Exercise Clauses 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 strongly 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.

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. The current Administration has taken some important steps toward this goal. In 2010, it issued Executive Order 13559, and earlier this year nine federal agencies issued final rules implementing the 2010 Order in a manner that significantly increased beneficiary protections against proselytizing and discrimination. However, significant problems remain.
- Of particular concern to ADL is Executive Order 13559’s omission of safeguards that ensure government money does not fund religious discrimination in the hiring and firing of people who deliver these social services – and a flawed [2007 memorandum from the Justice Department’s Office of Legal Counsel](#) (OLC) that erroneously asserted that the federal Religious Freedom Restoration Act (RFRA) provides a blanket override of statutory prohibitions on hiring discrimination.

### **Background**

Originally conceived by the George W. Bush Administration, 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.

The current Administration amended Executive Order 13279 by issuing Executive Order 13559 and thereafter nine federal agency finalized rules implementing the Order. By these actions the 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, the Executive Order does not address other significant issues, including religious discrimination in hiring and firing within taxpayer-funded social service and other programs. Among the most important unfinished business in this arena is the OLC RFRA memorandum; [ADL and over 100 organizations have called for it to be reviewed.](#)

Therefore, in order to more fully restore government and religion to their proper roles, additional constitutional safeguards should be put in place, including 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 underserved 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 50 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 properly-crafted 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 accommodations for the religious practices of members of the military. In 2014, the Department of Defense issued uniform guidelines on providing such accommodations. Although the guidance was issued in good faith, a broad coalition of civil rights and religious groups are supporting [additional revisions](#) as it does not provide sufficient accommodations for fundamental aspects of minority religious practices.

## Background

As one of the essential institutions in American society, it is critically important that America’s military be especially attentive to ensuring the religious freedom of its servicemen and women. Our military is a prime example of how Americans of many faiths can come together to serve and protect America, regardless of their differences.

Charges of religious harassment and unwelcome proselytizing are especially disturbing in the context of the command structure within the military and our nation's service academies. Instructors, officers, and upper class cadets have virtually absolute command authority over their students and subordinates, creating a unique potential for undue pressure on an individual to conform in order not to jeopardize his or her military career. Officers must find a way to reconcile their personal religious views with their leadership responsibilities. They should not

abuse their command positions to advance or favor their own religious views or religion generally. Americans who choose military service should have the freedom to practice their religion – or no religion – without pressure to conform to the belief system of their commanding officers in order to gain acceptance or promotions up the ranks.

Substantiated charges of religious harassment and unwelcome proselytizing at the U.S. Air Force Academy (USAFA) were deeply troubling. 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 believes strongly that military 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.

On January 22, 2014, the Department of Defense published updated and revised instructions on “Accommodation of Religious Practices Within the Military Services.” The new guidance describes policy, procedures, and responsibilities for the accommodation of religious practices in the Armed Forces, stating: “[t]he DoD places a high value on the rights of members of the Military Services to observe the tenets of their respective religions or to observe no religion at all.”

Although ADL appreciates the attempt, the guidance is disappointing and we and other civil rights and religious groups have urged that it be amended. It falls short in not providing a sufficient accommodation for some fundamental aspects of minority religious practice of some aspiring soldiers, including observant Jews and Sikhs. Without further revisions, the guidance will limit opportunities for talented individuals of faith to serve in our nation’s military.

## **F. Balancing Religious Freedom and Civil Rights**

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

- ADL vigorously supports reasonable and appropriate accommodations for religion such as a stronger standard for employers to accommodate religious employees. Religious accommodations, however, must be sensibly balanced with the civil rights of others.
- Congress should enact the “Do No Harm Act” (H.R. 5272), which is designed to limit third-party harm in the application of the Religious Freedom Restoration Act, 42 U.S.C. §§2000bb, et. seq (“RFRA”). This legislation would continue to protect free exercise of religion while prohibiting RFRA from being misused in ways that result in discrimination or harm to others. Furthermore Congress should oppose the “First Amendment Defense Act” (“S. 1598/H.R. 2802”).

- Congress should oppose efforts to rescind the current Administration’s Executive Order No. 13672 that prohibits discrimination against LGBT people by federally funded contractors or grantees, as well as oppose efforts to allow such contractors or grantees on the basis of their religious beliefs to discriminate against LGBT people.
- Oppose efforts in the states to enact legislation modeled on RFRA or even broader measures that provide businesses, public employees, or individuals with the right on the basis of their religious beliefs to refuse provision of goods, services, benefits, or employment to others in the context of the marketplace, government, workplace or publicly-funded contracts or grants.

## Background

For decades, ADL has supported reasonable accommodations for religion. Our advocacy has been guided by the perspective that the Constitution’s religious freedom protections are a shield which safeguards free exercise of religion and the autonomy of our houses of worship –not a sword that allows citizens to impose their religious beliefs on others. Based on this understanding of the Constitution, ADL has been a leading supporter of RFRA and its subsequent companion legislation, the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§2000cc, *et. seq.*, (“RLUIPA”), as well as state RFRA analogs.

The purpose of RFRA and RLUIPA was to restore the robust constitutional standards on the free exercise of religion that existed prior to the U.S. Supreme Court’s decision in *Employment Division v. Smith*, 494 U.S. 872 (1990), which diminished these standards. Neither law was intended as an exemption from anti-discrimination laws or as vehicles to undermine the rights of others.

After the enactment of RLUIPA in 2000, however, ADL began to see how misinterpretations and misapplications of RFRA threatened to turn the law into a sword that imposes religious beliefs on others. These misinterpretations culminated with the U.S. Supreme Court’s deeply-disturbing decision in *Burwell v. Hobby Lobby*, which, for the first time, applied the statute’s powerful protections to for-profit companies and opened the door to businesses using RFRA to discriminate.

Efforts on the federal and state levels to provide blanket religious-based exemptions to anti-discrimination and other laws further intensified during the lead up and subsequent to the U.S. Supreme Court’s 2015 marriage equality decision in *Obergefell v. Hodges*.

In Congress there have been repeated efforts to rescind Executive Order No. 13672 and replace it with measures that would allow federal contractors or grantees on the basis of their religious beliefs to discriminate against LGBT people and others in hiring or firing for taxpayer-funded

jobs. Furthermore, the misnamed “First Amendment Defense Act” was recently filed, which would provide a broad exemption to federal laws or regulations, including rules relating to taxation, grants, contracts, licenses, accreditation, or other government benefits, based on a person’s religious belief that marriage should be limited to opposite sex couples or sexual relations should be limited to opposite sex marriage.

On the state level numerous bills have been filed mirroring these efforts in Congress. Such measures would provide religious exemptions for businesses, public employees, or individuals to refuse provision of goods, services, benefits, or employment based on their religious beliefs to others in the context of the marketplace, government, workplace or publicly-funded contracts or grants. These measures range from legislation limited to marriage-related services to far-ranging exemptions. Multiple state bills have already become law, including broad religious exemption legislation recently enacted in Mississippi.

And in March, 2016, North Carolina, under the false and offensive pretext of safety in bathrooms, enacted the [broadest anti-LGBT law in the nation](#). Recklessly adopted without hearings, the new law (HB 2), not only sanctions discrimination against LGBT people, but undermines the rights of virtually all North Carolinians. [ADL has called for the law to be repealed](#), and both private organizations and the federal government have filed suits against the states, arguing that [HB2 law violates federal civil rights laws](#).

## G. 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 to ensure that the U.S. continues to be a haven for victims of religious and other forms of persecution. American leadership on this issue gives a voice to the religiously oppressed who face death and live in fear, who worship in underground churches, mosques or temples, who feel so desperate that they flee their homes to avoid killing and persecution. Now in its 17th year, the most recent State Department report on International Religious Freedom noted that: “Anti-Semitism continued to be a major problem around the globe with increases in anti-Semitic incidents recorded in many countries.”

## 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 Equality Act

### Summary of Policy and Recommendations

- We support legislation aimed at closing pay disparities between men and women.
- We support the prompt enactment of the Equality Act as another essential step forward for the United States towards ensuring equality of opportunity for every American.
- ADL strongly supports the interpretation of laws that prohibit discrimination because of sex, including Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, to include discrimination on the basis of gender identity, including transgender status, and sexual orientation.

- ADL opposes legislation or executive action designed to prohibit transgender people from using restrooms, changing areas, or other sex-segregated facilities in accordance with their gender identity.

## 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.

Decisions about employment, public accommodations, credit, federal funding, education, jury service and housing should never be made 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 Equality Act, which extends existing federal 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 the Equality Act as another essential step forward for the United States toward ensuring equality of opportunity for every American.

And in March 2016, North Carolina, under the false and offensive pretext of safety in bathrooms, enacted the broadest anti-LGBT law in the nation. Recklessly adopted without hearings, the new law (HB 2), not only sanctions discrimination against LGBT people, but undermines the rights of virtually all North Carolinians. ADL has called for the law to be repealed, and both private organizations and the federal government have filed suits against the states, arguing that HB2 law violates federal civil rights laws.

## 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 further support the Voting Rights Advancement Act, which seeks to restore crucial protections of the Voting Rights Act and secure fundamental voting rights.
- 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 ADL 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 work 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.

In 2013, in *Shelby County v. Holder*, a sharply divided U.S. Supreme Court struck down key parts of the Voting Rights Act, upholding the concept of preclearance but invalidating the formula used to determine which states and jurisdictions would have to preclear their voting practices and procedures with the federal government. The Court specifically left open the door, however, for Congress to fix the Voting Rights Act by creating a new formula for preclearance. We support the Voting Rights Advancement Act, which would revive the crucial voting rights protections of the VRA by creating a new formula for preclearance, putting in place additional safeguards for voting, and once more helping to ensure that all Americans can have a voice in our democracy.

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, 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 Equality**

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

- While religious communities should be able to decide for themselves what relationships they will recognize, ADL supports ensuring that all the rights, protections and benefits of civil marriage extend 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 or gender identity.
- Religious views of marriage are distinct and separate from a civil understanding of marriage. Religious beliefs do not legitimize violating public accommodation laws.

### **Background**

ADL has long opposed bans on marriage for same-sex couples 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 has supported 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 states around the country and in the United States Supreme Court. Religious views of marriage are distinct and separate from a civil understanding of marriage. However, discrimination on the basis of sexual orientation or gender identity is as ugly as any other form of discrimination. Efforts to use religious beliefs to violate public accommodation laws should be rejected.

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 individual 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 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. However, that religious viewpoint must not be enshrined in law. 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 individual to make a decision about whether to have an abortion under the guidelines established by the U.S. Supreme Court in *Roe v. Wade* and opposes any effort to undermine or abrogate that decision.

## Immigration

### Summary of Policy and Recommendations

- Comprehensive immigration reform is necessary in order to decrease effectively 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 U.S. policies to grant undocumented immigrant youth, who were brought to the U.S. as children, as well as certain parents of Americans and lawful permanent residents, relief from deportation.

## 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 non-governmental 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 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 undocumented immigrants 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 or community 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, as well as parents of Americans and lawful permanent residents, relief from being deported. Under the directive, the U.S. will not seek to deport certain immigrants who were brought to the U.S. as children or who are parents of children born in the United States or who are lawful permanent residents. ADL supports congressional enactment of legislation 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 and dehumanizing rhetoric](#) to describe immigrants, and call on all parties to the discussion to debate immigration policy civilly and respectfully.

### **Refugee Rights**

Summary of Policy and Recommendations

- As the world faces the largest refugee crisis since World War II, the United States must honor our history as a nation that has been a beacon of hope to those around the world by opening our doors to refugees fleeing extreme violence. We must raise the cap on refugees to 200,000, including 100,000 fleeing Syria.
- Bigoted rhetoric that demonizes and dehumanizes refugees allows fear to stand in the way of sound policy solutions. We must have a respectful debate that rejects fearmongering and ensures dignity for all.
- While American safety and security is of utmost importance and we must have strong policies that prevent would-be terrorists from entering the United States, the security and screening processes for refugees are already exceedingly robust. Efforts to raise hurdles so high that they effectively bar entry to any refugees run counter to our American values.

## Background

With sixty million people forcibly displaced from their homes, today the world faces the worst refugee crisis since World War II. Around the world, one in every 122 people is currently a refugee, internally displaced, or seeking asylum. There are refugees fleeing war, extreme violence, or persecution in Syria, Kosovo, Iraq, Afghanistan, Sudan, Nigeria, and dozens of other countries.

As an organization with a dual mission to “stop the defamation of the Jewish people” and to “secure justice and fair treatment for all,” the Anti-Defamation League has a particular interest in sustaining compassion for – and humane treatment of – refugees. The Jewish community has experienced the plight of living as refugees throughout history. It has benefited when America lived up to its ideas as a haven for victims of persecution, and the community has acutely felt the pain and loss when our government tragically failed those ideals. We also know that compassion and respect for refugees are a critical part of justice and fair treatment.

In recent months, bigoted rhetoric that demonizes and dehumanizes refugees has become more pervasive. The words used, whether in legislatures, in the news, or at dinner tables, directly impact our ability to sustain a society that ensures dignity and equality for all. Anti-refugee rhetoric has played a troubling role in allowing fear to stand in the way of sound policy solutions. ADL is vigilant in calling out those who use the debate to inject xenophobia into the public discourse. ADL believes that instead of stereotyping and fear mongering, we must have a respectful policy conversation that upholds America’s best ideals of ensuring dignity for all and that honors America’s history of welcoming immigrants.

While ADL has advocated for fair and humane refugee policy since its founding and has been a leader in exposing anti-immigrant and anti-refugee hate that has poisoned our nation’s debate,

ADL also has rich experience and expertise advocating for robust policies to prevent terrorists from gaining access to the United States. The November 2015 Paris terrorist attacks give searing urgency to the responsibility of U.S. leadership to do everything it takes to keep our country safe. After Paris, the possibility of attacks in the U.S. of course raises fear and anxiety, but America has put up high hurdles for refugees seeking to enter the U.S., with screening processes that are unparalleled for any other entry method. Refugee status is the single most difficult way to enter the United States. As a rule, refugees are victims of terrorism, not perpetrators of terrorism. It would betray our proudest values as Americans to slam the door in the face of those desperate for safe refuge. ADL believes that the robust security screenings already in place do an exemplary job, and that efforts to close the borders to refugees, erect unnecessary barriers that would effectively close the borders, or allow fear to govern our policies are misguided and run counter to our heritage as a nation that stands as a beacon of light and hope to those around the world.

The United States has pledged to grant safe harbor to 10,000 Syrian refugees by the end of the fiscal year, but as of the end of April, fewer than 2,000 Syrian refugees had been successfully resettled -- less than .04 percent of the 4.8 million Syrian refugees seeking safety.. We urge the United States not only to fulfill its commitment to taking in 10,000 refugees, but to raise the refugee cap to 200,000, including 100,000 Syrian refugees. We support resettling a small number of refugees now in Europe to express solidarity with our allies, increasing humanitarian funding and urging other nations to do so, and mobilizing an international response effort to develop and expand refugee resettlement.

## **Criminal Justice Reform**

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

- Mass incarceration is too costly, both in terms of the human toll it takes on individuals and communities and the fiscal costs. We must act to reduce the number of people incarcerated in the United States.
- ADL is deeply concerned that mass incarceration in the United States has had a disproportionate—and devastating—impact on communities of color. Criminal justice reforms must include serious efforts to reform laws, policies, and practices that disproportionately impact communities of color.
- ADL supports the Sentencing Reform and Corrections Act of 2015, as well as additional reforms that to reduce mass incarceration, oppose racism in the criminal justice system, reform practices that disproportionately impact communities of color, create safe environments for all communities, and build trust between law enforcement and the communities they serve and protect.

## **Background**

The United States incarcerates approximately 2.2 million people, creating the highest incarceration rate in the world. As a result of laws that increase the length of prison sentences, as well as laws and policies that sweep more people into the criminal justice system, the incarceration rate has grown exponentially over the past four decades.

Mass incarceration is extremely costly. The United States now spends \$80 billion per year on prisons and jails—approximately the budget of the Department of Education. The cost to incarcerate one person for a year in federal prison exceeds \$30,000.

While it is undeniable that the penal system serves an important purpose in keeping society safe, studies have found that today's levels of mass incarceration have a negligible impact on crime control and little to no impact on drug use rates. The fact that nearly three quarters of federal prisoners are serving time for nonviolent offenses and have no history of violence underscores that many of our criminal justice policies have become divorced from concerns about keeping communities safe from violent crime.

ADL is deeply concerned that mass incarceration in the United States has had a disproportionate—and devastating—impact on communities of color. Although approximately thirty percent of people in the United States are African American or Latino, almost sixty percent of prisoners are. In 2006, one in 14 African American men was incarcerated, compared with one in 106 white men. If current trends continue, one in three African American male babies born today will spend some of his life behind bars and the rest facing collateral consequences of a criminal conviction.

ADL supports the Sentencing Reform and Corrections Act of 2015, which would reduce mandatory minimum sentences and limit them to serious drug felonies and violent crimes. The bill, among other things, would also give judges greater discretion in sentencing, ban solitary confinement for juveniles, and make juveniles eligible for parole after a maximum of 20 years.

ADL further supports other efforts to reduce mass incarceration, oppose racism in the criminal justice system, reform practices that disproportionately impact communities of color, create safe environments for all communities, and build trust between law enforcement and the communities they serve and protect. Such efforts include reforming pretrial detention; adopting alternatives to arrest and incarceration for minor, nonviolent offenses; appointing special prosecutors in cases of police involvement in fatalities of unarmed civilians and allegations of serious police misconduct; requiring law enforcement officers to wear body cameras; expanding FBI and Justice Department data collection on police use of lethal force; providing treatment, rather than incarceration, for substance abuse and mental health; limiting mandatory minimum sentences to the most serious offenses; ensuring fairness in the selection of jurors and grand jurors; focusing prisons on rehabilitation efforts; and promoting best practices to ease reentry and reduce recidivism.

## 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.
- We must end limitations on federal research on gun violence – and make it more difficult to obtain firearms through increased waiting periods, safety restrictions, and limitations on purchases – especially of assault-style weapons. None of these steps will certainly prevent the next gun-toting mass murderer – but, as President Obama said, “to actively do nothing is a decision as well.”

### Background

ADL has long 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, including the recent mass shooting which targeted the LGBT community at The Pulse nightclub in Orlando, Florida – an attack apparently inspired by Islamic extremist ideology. Charleston and Orlando are further evidence that firearms are more popular than ever as the deadly weapons of choice for American extremists.

And elsewhere, 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 – including assault weapons, 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.

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