



Office of Government and International Affairs, 1156 15<sup>th</sup> Street, NW, Washington, DC 20005  
(202) 785-4200, fax: (202) 785-4115, e-mail: [ogia@ajc.org](mailto:ogia@ajc.org), web-site: [www.ajc.org](http://www.ajc.org)

## AMERICAN JEWISH COMMITTEE POLICY RECOMMENDATIONS TO THE NEW ADMINISTRATION

*The following Policy Recommendations to the New Administration reflect the American Jewish Committee's longstanding commitment to, and advocacy for, domestic and international policies promulgated by the United States that advance religious freedom and other fundamental human rights; tolerance and pluralism; Israel's security and fair treatment in the community of nations; the security of the United States, including a vigorous response to terrorism and promotion of energy security; and protection of the civil rights and liberties that are at the core of our nation's identity, including free speech and the separation of church and state.*

*These recommendations were compiled and are forwarded to the Presidential Transition Project in the hope that they will prove useful in the preparation of policy guidelines for the Obama Administration on issues of concern to AJC.*

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### **Assuring Israel's Security and Advancing Arab-Israeli Peace**

- Reaffirm America's special relationship and strong alliance with Israel, based on an unshakable foundation of shared values and goals, including: dedication to democratic values, religious pluralism, and individual liberty; commitment to achieving an enduring regional peace; and common strategic objectives. No nation in the world cooperates more fully and reliably with the United States in strategic planning, training and technological development; that cooperation should continue and grow under the new Administration.
- Recognize the ongoing threats to Israel's existence, and affirm the unwavering U.S. commitment to the safety and security of the Jewish democratic state of Israel, pursuant to which America will continue to ensure that, under all circumstances, Israel retains the qualitative military advantage necessary for its security against potential adversaries. Belligerent regimes, as well as non-state actors, in the region continue to acquire increasingly numerous and sophisticated weapons systems, heightening their threat to Israel's security, and jeopardizing a range of U.S. national interests; U.S. assistance to Israel undergirds the vital strategic cooperation between our two nations.
- Continue to support bilateral Israeli-Palestinian negotiations, with the aim of assisting the parties in achieving an agreement that ultimately resolves

- outstanding issues, enables the establishment of an independent and democratic state for the Palestinian people living side-by-side with the Jewish state of Israel in peace and security, and contributes to comprehensive Arab-Israeli peace. Achieving this objective will require a Palestinian leadership willing and able to fulfill its commitments to combat terrorism, implement political and security reforms, end incitement against Israel, and prepare its people for peace.
- The U.S. stance regarding negotiations should be determined with full awareness of the difficult challenges that Israel faces. Successive Israeli governments, with public support, have made extraordinary concessions, taken risks, and demonstrated a commitment to compromise in pursuit of lasting peace; regrettably, such steps have too often been met with violence. It is crucial, if a peace process is to be successful, that the wider Arab world embraces it and advance its vision, in word and in deed, providing Palestinian leadership the support to make difficult concessions necessary to reach a final agreement. Arab states should be expected to recognize and engage the Jewish state as a legitimate part of the Middle East, and end incitement against Israel in government-controlled media and schools. Those states with the financial means, including those that have benefited from high energy prices, should be expected to provide significant assistance in building the Palestinian state, infrastructure, and economy.
  - As Israel takes action in Gaza to defend itself from rocket attacks launched at population centers by Hamas and other terrorist groups with the clear intent of killing as many civilians as possible, affirm Israel's right, and moral responsibility, to defend itself—just as any state has the right to self defense—against attacks against its people, and declare U.S. commitment to defending that right. Further, we note the abundant benefit to life and limb that has accrued from Israel's security barrier, a temporary passive defense that has dramatically reduced terrorist attacks.

### **Combating International and Domestic Terrorism**

- Continue to pressure state-sponsors and supporters of terrorism, through continued and strengthened sanctions against them and other means, until these violent and oppressive regimes cease their involvement in activities that have no place in civilized society. In this regard, the continued presence of a heavily armed Hezbollah force in southern Lebanon—with a fully replenished supply of missiles acquired solely to be used against Israel—defies UN Security Council Resolution 1701, which must be fully enforced. We urge the new Administration to work toward full enforcement of that resolution.
- Pursue multifaceted responses to the global scourge of terrorism, including tough and comprehensive counter-terror legislation that, at the same time, safeguards individual rights and maintains due process. American enforcement must remain vigilant about threats to our national security while simultaneously achieving transparency and accountability in our security practices. America can and must lead by example in waging the battle against terrorism from a high moral ground.

### **Halting the Proliferation of Weapons of Mass Destruction**

- Remain steadfast in the commitment to halt the proliferation of weapons of mass destruction, and to secure and reduce existing stockpiles of such weapons. In addition to preventing Iran from acquiring nuclear weapons, it is urgent that the United States continue to lead global efforts to assure that weapons and weapons-grade material not fall into irresponsible hands. In the former Soviet Union and elsewhere, significant quantities of nuclear, chemical, and biological weapons are not under effective government control, and pose a critical threat to global security.

### **Thwarting Iran's Drive for Nuclear-Weapons Capability**

- In the most pressing instance of the challenges posed by sponsors of terrorism and proliferators of nuclear weapons, stand against an emboldened and aggressive Iranian regime, and thwart Iran from acquiring, and possessing the means to build, nuclear weapons. Defying the UN Security Council, Iran's regime is on the threshold of nuclear weapons capability. Unless its rapidly advancing uranium enrichment program is stopped, Iran is likely to have the capacity to produce and deploy nuclear weapons, endangering U.S. interests and allies in the Gulf, across the Middle East—including the state of Israel—and around the world. The new Administration is called on to understand how profoundly a belligerent, nuclear Iran would pose an existential threat to Israel—an understandably intolerable threat. Further, Iran's nuclear progress is already fueling the development of nuclear technology with potential military applications across the Middle East, a challenge to regional stability and to the international nuclear non-proliferation regime. Nuclear capability would embolden Iran further, and options for international response to its provocations would necessarily be narrowed. Because Iran's extremist leadership subscribes to an apocalyptic theology, and may be willing to sacrifice its own people to achieve its objectives, standard concepts of nuclear deterrence may be of little use in preventing Iran from using a nuclear weapon; therefore, America and its allies cannot accept a nuclear Iran.
- Neither allow Iran to believe that it can escape the will of the international community by entering into a dialogue with the United States, nor permit Iran to employ diplomacy—as it has through years of negotiations with the EU-3—as a shield that allows it to continue its reckless pursuit of nuclear weapons capability. The demand of the UN Security Council that Iran verifiably suspend uranium enrichment is not negotiable.

### **Asserting America's Global Role**

- Press for the resources necessary for the United States to play its leadership role in addressing critical global concerns, including fighting the international war on terrorism; strengthening alliances that advance international peace and stability;

- resolving regional conflicts; protecting international human rights and promoting democracy and tolerance; fostering sustainable economic development; and offering urgent humanitarian assistance. Even at times of global economic stress, and perhaps even more so at those times, it is crucial that the United States build on its history of seeking to advance peace, the rule of law, and human progress around the world, with policies that foster political reform, free expression, religious freedom, democratic pluralism, and human rights for all. In particular, the U.S. must follow through on its commitments to the democratization and reconstruction of Afghanistan and Iraq.
- With respect to other regions of the world, emphasize America's central, historical relationship with Europe, its cooperation with the European Union, and its commitment to the transatlantic alliance—in particular, its engagement in and reliance on NATO. Our nation must continue to enhance transatlantic understanding and solidarity on issues of global importance and mutual concern. Advancing a common agenda with our European allies is key to our efforts to address today's most pressing transnational challenges, ranging from non-proliferation and stemming the spread of extremism, to the promotion of democratic values, pluralism and human rights the world over. America must commit to transatlantic partnership in the quest for Arab-Israeli peace; the development of global energy policy; the maintenance of a united front on the Iranian nuclear threat; common approaches to combating terrorism; and addressing humanitarian crises and genocidal movements worldwide. In addition, the Visa Waiver Program should be expanded to include America's closest allies in Central and Eastern Europe. While recent changes in the program have enabled some of our Central and Eastern European allies to travel freely to the U.S., others—notably Poland among them—have not so benefited, and the issue should be reviewed by a new Congress and Administration
  - Strengthen U.S. economic and strategic ties with the emerging powers of Asia. Besides contributing directly to America's security, strengthened ties with Asia will indirectly benefit the U.S. by promoting market economies and political liberalization, and combating conditions exploited by extremist forces. The Administration should continue, and to the extent possible strengthen, the recent U.S. policy of engagement with China, so that—as China continues its rapid economic development—it will become more cooperative with, rather than an adversary of, the United States. The Administration should press for rapid Congressional approval of the free trade agreement with the Republic of Korea, and continue to advance U.S.-India relations in the wake of approval of the civil-nuclear agreement. We should continue to press North Korea until it provides full disclosure of all of its nuclear proliferation activities and ceases all nuclear and conventional activities that threaten global peace and security.
  - Increase cooperation with Latin American governments, civil society and the private sector to continue promoting agreements and innovative policies that advance economic development and integration. Where inequality, public insecurity and corruption prevail, anti-Semitism, intolerance and terrorism often find fertile ground—putting the welfare and security of the Americas at risk. Support

for legislation facilitating the Merida Initiative—a joint U.S.-Mexico project directed at the drug trade and other criminal enterprises—and the pending free trade agreements with Colombia and Panama, are among many avenues for improvement and reform.

- Deepen America's political and economic engagement with African democracies, and seek to ameliorate the suffering of the peoples of Africa victimized by periodic natural and man-made disasters. Building on the important work of the previous Administration, the Obama Administration is urged to commit to the provision of substantial assistance to confront multiple crippling pandemics, such as HIV/AIDS, malaria, and tuberculosis; further, it is urged to focus on a non-ideological approach to family planning and women's rights generally, promote trade that will enable Africans to realize the potential of their economic development, and assist Africa's civil societies in the interest of developing values of good governance and pluralism, through the Millennium Challenge Account and other programs. Such programs seek to reduce poverty and encourage transparency in environments in which local communities take ownership for change, promote forceful engagement in conflict resolution and on-going support of peacekeeping efforts, and place an emphasis on security that emanates from a development-based approach to the continent.

### **Addressing Holocaust-Era Issues**

- Continue to press Eastern European governments to address Holocaust-related concerns, such as communal restitution and the effective resolution of the unmet claims of Holocaust survivors and their heirs. Despite steady progress, Holocaust-era asset issues, including restitution for looted art and property, still remain open and unresolved. In June 2009, the EU Czech Presidency will organize an international conference modeled on the Washington Conference a decade ago. The State Department Special Envoy for Holocaust Issues continues to play an important role in following these open issues and keeping them on the US international agenda; that high-level position should be maintained.

### **Safeguarding Human Rights**

- Provide a steadfast commitment to advancing human rights, and to enhancing the human rights profile in U.S. foreign policy. The Obama Administration should renew the American goal of making human rights a reality for all peoples, and commit to respecting human rights at home and abroad. We urge presidential resolve to end torture, including the practice of waterboarding, and to renew the U.S. commitment to uphold the Geneva Conventions and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Moreover, the United States must fully respect the fundamental right of *habeas corpus*; work vigorously to prevent genocide and to intervene, in partnership with the international community, to end ongoing mass atrocities; support human rights defenders and non-governmental organizations in countries where

- basic freedoms are under assault; and support human rights for women and girls worldwide by ratifying the Convention on the Elimination of All Forms of Discrimination against Women.
- Actively support continued growth of human rights and democracy in emerging and new democracies, discourage discrimination against minorities, promote universal human rights norms throughout the world, and enhance efforts to protect against human rights abuses worldwide. Doing so is in our national interest—and comports with American values.
  - In particular, focus attention on the plight of the hundreds of thousands of Sudanese whose lives are endangered by the violent and brutal disrespect for life of the Janjaweed militia. The militia's ethnic cleansing of fellow Muslims in Sudan's Darfur region, with the Sudanese government's support, is deplorable. This genocidal crisis requires a more intensive and effective response from the international community.

### **Engaging International Forums that Work; Pressing for Real UN Reform**

- Support effective international organizations—such as the United Nations, the OSCE, NATO, and specialized agencies such as UNHCR—that enable the United States to work cooperatively with other nations. Active multilateral engagement is essential to sustaining U.S. alliances around the world and keeping Americans safe, and is thus in our national interest. Participation in multilateral entities can ensure that the United States does not have to shoulder the entire burden of international peace and security, the challenges of terrorism, nuclear proliferation, or unstable regimes, of massive refugee flows or humanitarian emergencies, or of environmental, public health and other crises. Inasmuch as an effective United Nations is indispensable to fostering global cooperation, advancing conflict resolution and peacekeeping, promoting and protecting human rights, and addressing the needs of the world's least developed nations, we urge the U.S. to commit to honor its financial commitments to the UN by paying its dues and assessments on time and in full.
- At the same time, press for complete and meaningful UN reform to make the institution's peacekeeping efforts and human rights programs strong and effective—and to restore the body's credibility and moral authority by redressing its pervasively unbalanced, discriminatory treatment of Israel. The UN's institutional bias against Israel is exemplified by its maintenance and funding—through an annual volley of some 20 one-sided anti-Israel resolutions, including measures that sustain funding for three separate UN bodies solely devoted to anti-Israel propaganda—of an anti-Israel bureaucracy, and of the UN Human Rights Council, which uniquely singles out Israel for censure while failing to take action with respect to many of the world's most egregious human rights abusers. We ask the Administration to commit to ending this institutional bias, which dismisses the Jewish state's concerns on matters of security, terrorism, and peace; work for the full integration of Israel in the UN system and in other international fora; and use the U.S. position as a permanent member of the UN Security Council to bar ac-

- tions that would threaten Israel's security and subject it to standards not applied to any other country.
- Prevent the Durban Review Conference from repeating the debacle of the 2001 Durban World Conference against Racism. Meant to be an important human rights forum recognizing the historic wounds of slavery and confronting ongoing racism, the initial Durban conference was marred by efforts by many governments to brand Israel a racist state and by displays of ugly anti-Semitism in the conference's parallel NGO Forum. The integrity of a review conference scheduled for April 2009 is threatened by efforts of the Organization of the Islamic Conference (OIC) and other governments, as well as NGOs, that see it as an opportunity once again to seek to delegitimize Israel, as well as press their agenda for a global blasphemy law. Despite its contributions in recognizing the legacy of slavery and confronting racism, the 2001 Durban Conference stands as a sorry symbol of the problems that have plagued the relationship of the UN with Israel, the U.S., and Jewish communities worldwide. We urge the new Administration to act urgently, and in cooperation with other democratic states, to assure that the Review Conference is focused on the fight against racism, and is not a forum used to demonize any group or incite anti-Semitism, hatred or violence against members of any group, call into question the existence of any state, or single out the Palestinian-Israeli conflict, which is a political and not a racial dispute. In the absence of such assurance, the U.S. should not be party to a conference that would, in critical ways, subvert the cause of combating racism and racial discrimination.

### **Fighting Bigotry and Anti-Semitism; Enhancing Intergroup Relations**

- Speak out against anti-Semitism and other forms of bigotry in all its manifestations, and work to help those institutions around the globe combating it; and maintain the high-level State Department position of Special Envoy for Combating Anti-Semitism. Since the beginning of this century, following the collapse of the Middle East Peace Process, the anti-Semitic vitriol that marred the World Conference against Racism in Durban, and the attacks of September 11, anti-Semitism has re-emerged as a global problem that threatens not only Jews but also the fabric of many societies. Hate crimes against Jews have escalated in parts of both Eastern and Western Europe. The demonization of the state of Israel has become an increasing concern, as well, particularly the notorious effort of some mainstream institutions—including certain unions and professional associations—to wrongly portray Israel as the equivalent of Apartheid-era South Africa, targeted for boycott, divestment and sanctions. Iranian president Mahmoud Ahmadinejad has been a particularly aggressive perpetrator of anti-Semitism, threatening to create a new Holocaust while at the same time denying the old one. It was in response to these dire developments that the late Congressman Tom Lantos introduced legislation creating the position of State Department Special Envoy for Combating Anti-Semitism. The need is no less today for an effective envoy who can insure that combating anti-Semitism is a core part of the U.S. human rights agenda and an integral part of diplomatic discussions.

- Make clear to relevant governments that failure to stop anti-Semitic incitement will have consequences for their relations with the United States. The rise in anti-Semitism takes place against a larger framework of incendiary propaganda against the United States, and the West in general, that is encouraging dangerous new levels of intolerance and abuses around the world—fostering a permissive environment for terrorism. Too many governments—including putative allies of the United States—engage in such anti-American incitement. Most chilling, in some places anti-Western, anti-Christian and anti-Semitic messages infect school textbooks, forming part of the curriculum taught to millions of children. Such messages promote an ideology of violence and hate, undermining prospects for peace for decades to come.
- Lead in encouraging and supporting the Organization for Security and Cooperation in Europe, whose work is instrumental in fighting anti-Semitism and other intolerance in Europe, by providing support for tolerance-promotion programming in the OSCE’s Office of Democratic Institutions and Human Rights and for the OSCE Chair’s Personal Representatives on Combating Anti-Semitism, Discrimination Against Muslims, and Racism, Xenophobia, and Discrimination Against Christians and Members of Other Religions; and helping European countries combat hatred through revitalization of the OSCE’s Law Enforcement Officer’s Programme on Combating Hate Crimes (LEOP). On this last issue, through an international team of leading police experts, LEOP helps countries throughout Europe train police trainers on how to understand, investigate, collect data about, and prosecute hate crimes. Over a dozen European governments confronting growing problems with anti-Semitic violence and attacks on other minorities have invited the LEOP team to train their own police forces. (At the moment lacking sufficient funds, LEOP is on hold).
- At the domestic level, de-institutionalize bigotry and hatred by constructing a planned response to hate throughout society and working to pass hate crimes legislation that will strengthen current law enacted more than 30 years ago. Improvements are necessary to address the recognizable difficulties that state and local law enforcement agencies often face in funding, investigating or prosecuting hate crimes. Increased Federal assistance and training would better equip state and local law enforcement agencies in their investigations and prosecutions of hate crimes. Further, antiquated Federal jurisdictional hurdles should be lifted to ensure that Federal prosecution of hate crimes perpetrated on the basis of race, color, religion or national origin, can go forward—as a stopgap safeguard—when state and local law enforcement agencies seek or require Federal involvement. Additionally, Federal jurisdiction should be expanded to include crimes motivated by a victim’s sexual orientation, gender or disability—protections not contemplated when the law was first enacted, but just as necessary to ensure all Americans are equally protected under the law. At the same time, the Administration must sharpen and improve our nation’s ability to monitor, analyze, and respond to anti-Semitism and other forms of bigotry in a concrete manner, with clear goals, measurable outcomes, and underlying theories to guide action. In particular, it should encourage the growth of, and find ways to engage with, the



movement to create an academic field of “hate studies,” which seeks to provide testable theories about how individuals, groups, institutions and governments can more effectively understand and combat hatred of all types. Finally, the use of racially and religiously tinged appeals in our nation’s politics remains a troubling phenomenon.

### **Adopting a Far-Reaching Energy Policy**

- Bold solutions are needed to the great challenges posed by the energy choices to be made in the next several years. Energy policies of recent decades have created a situation that threatens America’s national security, its environment and its economic well-being. U.S. demand for petroleum products has grown significantly since the oil crisis of the 1970s—and, at its peak in mid-2008, the inflation-adjusted price of imported oil had nearly tripled. All too often, dollars used to purchase imported oil end up supporting regimes, such as the governments of Iran and Venezuela, whose values run counter to those of America and, in some instances, present a strategic threat to our nation. Further, the great transfer of wealth abroad created by our reliance on foreign oil sources, to hostile regimes or otherwise, diverts resources that could be invested at home and would help create good jobs and fund much-needed investments in education, social initiatives and physical infrastructure. It is crucial that we not take our eyes off the energy security ball because of the fall of gas prices from their recent stratospheric heights.
- Promote investment in a clean, renewable energy grid that will both reduce greenhouse-gas emissions and restore America’s technological leadership, and help to build a sustainable economy that creates jobs and wealth at home. Climate change—which the weight of scientific opinion holds is accelerated by greenhouse-gas emissions from the use of fossil fuels—has the potential to disrupt our way of life, permanently damage the natural environment, create humanitarian crises, and provoke political and strategic conflicts.
- Develop a comprehensive mix of energy policies to break our addiction to foreign oil, making the robust fiscal commitment necessary to strengthen the emerging green sector of the American economy. Such a mix must include the further enhancement of vehicle fuel efficiency—implementing and building on the historic strengthening and expansion of Corporate Average Fuel Economy standards in 2007—as well as promotion of alternative, renewable fuels and electric-powered vehicles; investment in cutting-edge battery technologies and lightweight materials for vehicles; enactment of the bipartisan Open Fuel Standard Act, which will require that, over the next several years new automobiles be flex-fuel vehicles able to operate on a variety of fuels in addition to gasoline; and, as part of the federal transportation bill due for reauthorization in 2009, increased funding for public transportation, incentives for smart growth planning, and the setting of a national goal that public transit account for 10 percent of all transportation. These steps, taken together with responsible increased development of domestic sources of energy—including oil, natural gas, coal, and nuclear, with sound environmental and other safeguards—we can reduce our nation’s dependence on foreign energy

sources, mitigate the effects of climate change, and create millions of new “green collar” jobs at home. We urge the new President to follow through on his commitment to building the bipartisan consensus necessary to support such a multi-faceted energy plan—a plan that sets aside long-standing partisan divides, and combines serious efforts at energy conservation and efficiency, on one side, with efforts at expanding sustainable supply, on the other.

### **Strengthening Public Education**

- Spearhead a rededication to public education on the national, state, community, and family levels, so that the public schools can fulfill their promise as democratic institutions and launching pads of opportunity for all children. Our nation’s future security and ability to compete successfully in the world marketplace depend on the quality and availability of public education. With particular focus on the failures of our society with respect to the most disadvantaged among us, it is essential that quality education be provided for all of our nation’s youth. We seek leadership by the new Administration in clarifying and advancing civic-values education, including teaching students how to reject bigotry. Specifically, we urge support for equitable school financing, competitive salaries to hire qualified teachers and administrators, effective school and school district leadership, safe, clean and modern schools, smaller class sizes, quality early learning and after-school programs, and, critically, increased parental involvement.
- Oppose the diversion of scarce taxpayer funds, directly or indirectly, through vouchers or tuition tax credits to pay for students to attend religious or nonreligious private schools. Public funds should flow only to public schools, where the vast majority of all American children are educated; the use of public funds to support private schools is, simply put, bad public policy. In contrast, we urge support for educational choice among public schools as a means to improve the performance of our schools within the public school system. Further, even after the U.S. Supreme Court’s 2002 decision in *Zelman v. Simmons-Harris*, funding of religious schools remains subject to constitutional constraints, including the requirement that any vouchers program must afford parents a true choice of a secular institution, and state constitutional provisions. Moreover, while a particular program may be constitutional, the diversion of taxpayer funds to religious schools is inconsistent with the sound principle that taxpayers’ dollars should not be used to promote religious instruction, worship or proselytization. The Court’s decision in *Locke v. Davey* in 2004 indicates that there is no Federal constitutional imperative to fund religious schools simply because the state funds secular institutions.

### **Protecting Religious Liberty**

- Safeguard the constitutional principles of separation of church and state and the right of citizens to freely exercise their religious beliefs. We oppose attempts to

adopt amendments to the U.S. Constitution, and Federal or state laws, that would allow organized school-sponsored prayer in the public schools or otherwise undermine the crucial protections of religious liberty encompassed in the First Amendment. While the nation's public schools should be encouraged to teach *about* religion, as well as to impart core civic values, mandated or encouraged "voluntary" school prayer, or the teaching of religion in a fashion that appears to endorse tenets of religious faith, dangerously compromises cherished constitutional principles. At the same time, we firmly believe that separation of church and state should in no fashion be taken to suggest that religious voices should be absent from the public square.

- Provide for cooperation between government and faith-based social service providers in a context that assures adequate anti-discrimination and church-state safeguards as well as avoids undue interference with the religious autonomy of faith-based providers. When the government partners with religious organizations in the provision of social services, government funds should not flow directly to pervasively religious organizations, such as synagogues, churches and mosques; instead, those funded services should be provided through discrete, religiously affiliated organizations that separate their religious activities from secular social-service activities, with the government providing technical assistance for setting up such separate organizations. These religiously affiliated organizations should not use government grants to proselytize program beneficiaries, discriminate against beneficiaries on the basis of their religion, and must use that assistance only for secular programs. Further, these religious organizations should not make employment decisions based on religion in their government-funded programs. At the same time, so as not to interfere the ability of such organizations to carry out the religious missions for which they were created, they should rightly be protected in their ability to make employment decisions on the basis of religion with respect to privately funded positions; employment nondiscrimination standards applicable to religious organizations that partner with the government in providing social services should, accordingly, not be drawn so broadly as to encompass positions that are neither directly funded by the government nor directly provide services within the funded program.
- Promote passage of legislation to reverse the substantial erosion by the courts of Title VII's religious accommodation provisions. These provisions—requiring an employer, absent undue hardship, to afford a reasonable accommodation for religious practice—were intended by Congress to provide meaningful protection against discrimination in the workplace for religiously observant employees and to safeguard American workers from being faced unnecessarily with a choice between their faith and their livelihood. The Workplace Religious Freedom Act, legislation that would reverse the courts' evisceration of this important civil rights protection, has not moved to passage because of concerns some have raised that the bill would encroach on legitimate business interests or the legitimate interests of third parties, such as fellow employees or customers and clients of the employer. The new Administration should, consistent with the President-elect's commitment to reach out to people of faith and to take issues of faith seriously,

work with interested parties in developing clarifying language that will address those concerns while providing meaningful protection for religiously observant people against discrimination in the workplace.

- Support measures to prevent infringement of religious liberty when state and local governments enact laws of general applicability. It remains necessary to address the grievous Supreme Court rulings that weakened the historically broad religious-practice protections afforded under the First Amendment by holding that—even absent a compelling state interest that cannot be addressed by more narrowly tailored means—an individual can be required by a law of general applicability to violate religious precepts, and that struck down the Religious Freedom Restoration Act, intended to mitigate the effect of that ruling, as applied to the states.

### **Extending and Enforcing Civil Liberties and Civil Rights**

- Vigorously enforce all Federal statutes prohibiting invidious discrimination. The Federal government has, and should continue to have, a central role in civil rights enforcement. It is critical that the civil rights protections achieved after decades of struggle are not reversed.
- Oppose efforts in the Congress or at the state level that, if successful, would result in reversal of long-standing voluntary and court-ordered affirmative action and desegregation programs. We strongly support the prudent use of goals and timetables, together with approaches such as enhanced recruitment and training, to help achieve equal employment opportunity. At the same time, we urge the new Administration to oppose the use of quotas, which should not be part of any proper affirmative action program.
- Maintain the office of Special Counsel for Religious Liberty within the Civil Rights Division of the Department of Justice, and create a position dedicated to religious discrimination issues within the EEOC. AJC has disagreed with some of the positions advanced by the Special Counsel on behalf of the outgoing administration. Nevertheless, the Special Counsel's focus and attention has been beneficial to Americans of many faith communities, and the existence of this office sends an important signal that religious liberty issues are among the top priorities of the Civil Rights Division's work. To be sure, different categories of civil rights—whether protecting religious liberty or other interests—should not be placed in competition with or pursued at the expense of one another. The Civil Rights Division serves all Americans best when it enforces and protects all civil rights well.
- Support the right to reproductive choice and oppose any efforts to erode the Supreme Court's Roe v. Wade decision. We also urge support for full funding of the Title X Family Planning Program, and terminate any “gag rule” policy, which violates the doctor/patient relationship, the First Amendment, and women's basic right to privacy.
- Support the Employment Non-Discrimination Act, an important effort to protect civil rights by prohibiting discrimination in the workplace based on sexual orien-

tation. Even as ENDA extends the protections of our civil rights laws, its exemption of religious organizations from its coverage—in a fashion similar to that provided those organizations in the Civil Rights Act of 1964—provides an important protection for religious liberty in that no religious institution would be required by ENDA to violate the religious precepts on which it is founded. Additionally, we ask the new Administration to oppose efforts to amend the U.S. Constitution to define marriage as a union of a man and a woman, a troubling and unnecessary attempt to enshrine in the Constitution a particular religious viewpoint on a matter of fundamental importance.

- Support efforts to end America's status as the only democratic nation where the citizens of the capital city lack voting representation in the national legislature. The D.C. House Voting Rights Act aims to end the continued disenfranchisement of District of Columbia's citizens from any voting representation in the United States Congress.

### **Supporting Fair, Effective, Humane Immigration and Refugee Policies**

- Maintain the U.S. role as a haven for those fleeing persecution; implement an effective and humane immigration policy consistent with our heritage as a Nation of Immigrants; and concurrently remain committed to addressing our nation's abiding security concerns, including enhancement of the security of our borders. Immigration has enriched American society in myriad ways. Comprehensive immigration reform will increase our national security through enhanced border security and effective enforcement that is safe, fair and humane, giving us better information about and control over who enters our country and therefore better able to prevent entry by those who wish to do us harm. Moreover, a better-organized immigration system that offers legal channels for immigrants to enter the United States, including more legal work visas and more visas for immigrant families, will be consistent with our democratic values as well as contribute to the nation's economic well-being. Earned legalization and increased worker protections will contribute to better integration of immigrants into our society, including groups vital to the sustenance of the U.S. economy, such as agricultural workers and undocumented students seeking access to higher education. In contrast, deportation-first approaches compound the dysfunction in our current system and erode the values upon which America was built.
- Restore this country's commitment to protecting victims of persecution through reform of our asylum system, as well as the provision of resources for programs for refugee protection and resettlement at a level consistent with this nation's best traditions, and the setting of refugee admissions numbers at a higher and more appropriate level. Along with other reform measures, the new Administration should minimize the risk of returning refugees to persecution by implementing the 2005 recommendations of the U.S. Commission on International Religious Freedom regarding expedited removal; seeking to revise provisions of current law that permit expedited expulsion of individuals who arrive at the border without valid travel documents, even though individuals fleeing persecution often are unable to

obtain valid travel documents because they are in immediate fear for their lives or because they would have to obtain those documents from the very government officials responsible for their persecution; eliminating arbitrary barriers to bona fide asylum claims, such as the one-year filing deadline; protecting bona fide refugees who are themselves victims of oppression from overly broad “terrorist definitions; and taking steps to protect women and child asylum seekers, and to promote the reuniting of refugee families. We also oppose the implementation of arbitrary caps on the number of asylees and parolees who can apply for permanent resident status in the United States each year.

- Support recapturing and using visas lost to bureaucratic delays for families waiting to enter the U.S., and ensuring minimal standards of medical treatment for asylum seekers and other immigrants in detention facilities. Integration of newly arrived immigrants must also be a priority. We must increase the availability and affordability of English-language and civic-education programs for immigrants who want nothing more than to be fully contributing members of American culture and society.

### **Establishing a Broad National Service Program**

- Call for passage of the Serve America Act, which would increase opportunities for Americans of all ages to serve their country within the first year of your Administration. Bipartisan support for national service has increased in recent years out of recognition that service programs meet important societal needs and create habits of civic engagement in those who serve, linking the rights and privileges Americans enjoy with a clear sense of responsibility. Passage of the Serve America Act would put in place service programs structured to engage at least one million participants by the year 2020 to address pressing needs in education, the environment, public health, fighting poverty, and disaster relief.

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*Please refer any questions or comments to Richard T. Foltin, Legislative Director and Counsel, Office of Government and International Affairs, American Jewish Committee, at (202) 785-5463 or [foltinr@ajc.org](mailto:foltinr@ajc.org).*