

JCPA

JEWISH COUNCIL
FOR PUBLIC AFFAIRS

POLICY COMPENDIUM

*SECTION ON JEWISH SECURITY
AND THE BILL OF RIGHTS*

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INTRODUCTION

The JCPA Policy Compendium is a compilation of the current policy of the Jewish Council for Public Affairs. The positions set forth in this Compendium were taken by the JCPA in Resolutions, Joint Program Plans, Agendas for Public Affairs, and in various studies taken through the years. As new positions are adopted by the agency, they will be added to this Compendium which will be made available on the JCPA website.

The Policy Compendium is not an exhaustive record of all policies ever taken by the JCPA during its more than 50 year history. That would be a massive document many thousands of pages long. We look forward to the day, no doubt soon, when technology will enable us to place the entire rich historical record of JCPA policies at our fingertips. The Policy Compendium, however, is a different document entirely. It is an authoritative record of the current positions of the JCPA.

Eliminated from the Compendium are the background text that provided the context for the statements but did not express policy positions. Neither does this Compendium include the full history of each position. In many instances positions were restated, often multiple times, over the years – and policies evolved in light of changing conditions. Where a policy position was superseded by a subsequent statement on the same subject, the most recent policy statement is included in the Compendium. In several instances different aspects of the same issue were covered in subsequent years. In those situations, each policy position is included. In all instances, the year and source are noted. Where a policy position was rendered entirely moot by historical circumstances, it has been eliminated. An addendum will be drafted that will include those subjects addressed in policies many years ago which might not be moot, but have not been reexamined in recent years.

JEWISH SECURITY AND THE BILL OF RIGHTS

AMERICAN GOVERNMENT AND PLURALISTIC DEMOCRACY

American Government: Protecting Democratic Pluralism

The JCPA believes that the pluralistic fabric of our society demands respect for the religious and secular views of all segments of our society, including those with strongly held religious views. The religion or lack thereof of an individual should never be a factor in a person's qualifications for elective or appointive office. Vigorous advocacy in support of democratic pluralistic principles is in the best interest of the American tradition and should in no way denigrate the value of any voice, religious or otherwise. Individual freedoms and safeguards from discrimination and proselytization should never be diluted or traded for support on other matters of conviction or concern. Individuals have the right to freedom from unwarranted government intrusion into matters of personal religious conviction and a right to seek equal protection, including through the judiciary. The pluralistic fabric of our society demands that individuals, especially those acting in an official public capacity, never impose personal religious views on others;

The community relations field should educate about the importance of democratic pluralism, the American system of checks and balances, and the importance of protecting Constitutional freedoms; Work independently and in coalitions to protect pluralism, the independence of the judiciary, and the scientific process; and work independently and in coalitions to ensure that government bodies and legislation continue to protect individual religious beliefs without preferential treatment for any one religious perspective. (adopted 2006 Plenum).

Campaign Finance Reform

The Jewish Council for Public Affairs (JCPA) welcomes Congressional consideration of options for campaign finance reform, including the most prominent of the recent legislative proposals, the McCain-Feingold Bill, which would ban soft money, make the airwaves more accessible to candidates and end or limit other abuses, to be consistent with the First Amendment.

Without endorsing any particular legislative formulation, the JCPA urges an open debate of the issues involved, to enable our community and the nation to evaluate appropriate measures for reform that will strengthen our democratic process. (Resolution adopted at the 2001 Plenum)

Court Stripping

Members of Congress have periodically sought to remove jurisdiction and discretion from the federal courts after unpopular rulings on issues such as school desegregation, the draft, Miranda warnings, school prayer, and abortion. This trend towards attempting to strip the federal courts of jurisdiction has continued with the introduction of legislations that would deny the federal judiciary the right to rule on the constitutionality of certain laws

The JCPA believes that court stripping proposals, if enacted, would create dangerous precedents in the areas of equal protection, separation of powers, and due process. The principle of judicial review has been fundamental to the separation of powers since *Marbury v. Madison*, which recognized the necessity for judicial protection of citizens from legislative and executive overreaching. Our system of government, with its checks and balances, depends upon an independent judiciary to ensure that all legislation complies with the values in the Constitution.

The community relations field should educate the public on the negative effects of court stripping proposals; and, Oppose legislation to diminish the separation of powers through court-stripping measures. (Resolution adopted at the 2005 Plenum)

Gun Safety, Crime, and Violence

The JCPA believes that the easy access of firearms and its accompanying violence has taken a terrible toll on America, particularly on its youth. The JCPA and its member agencies support local, state, and federal legislation that does the following: requires background checks for all gun purchases, particularly purchases at gun shows nationwide, and a mandatory 72-hour waiting period for handgun purchases; requires mandatory training programs and licensing for gun owners and registration of handguns; limits purchases to one handgun a month; imposes new penalties on those selling guns to juveniles; penalizes negligent gun owners if their guns are used in violent acts, especially by children; requires the expansion of the 1994 Assault Weapons Ban; requires additional resources be allocated and efforts be made to prosecute those who attempt either to sell or to obtain firearms by fraudulent means; requires the sale of effective childproof safety locks with clear instructions on use on all handgun purchases.

We believe that current laws must be enforced and that new common-sense legislation is needed to stem the rising tide of gun violence throughout the United States. The JCPA and its member agencies call on all legislators to make this country safer by stemming the tide of violence that puts us all at risk. (Resolution adopted at the 2000 Plenum)

The JCPA supports strong federal, state and local measures to control and reduce the manufacture, sale and possession of handguns and other non-sporting firearms and ammunition, including stricter, enforced regulation of gun dealers; expansion of the 1994 Assault Weapons Ban; appropriate waiting periods to permit background checks; training and licensing of gun owners; registration of handguns; limiting handgun purchases; requiring the sale of childproof safety locks with all handgun purchases; penalties for those selling guns to juveniles; penalizing negligent gun owners if their guns are used in violent acts, especially by children; improved regulation of interstate sales of weapons; improved prosecution of those who sell or obtain firearms illegally; and community efforts to reduce the quantity of guns and ammunition on the streets. The JCPA will continue to oppose legislative "anti-violence, pro-values" initiatives, which contribute little to violence reduction and further erode church-state separation. (Agenda 2000-2001)

The Jewish community relations field has a long standing concern with issues of quality of life and public safety. It is out of this concern, as well as the belief that Jewish tradition compels us to uphold the sanctity of life and the commandment against murder, that the JCPA has supported a wide range of legislative efforts designed to limit unfettered access to firearms such as the Brady Handgun Violence Prevention Act and the Violent Crime Control and Law Enforcement Act, commonly referred to as the Assault Weapons Ban.

We are heartened by proposals under consideration that include, but are not limited to, restricting access to handguns by limiting purchase to one-per-month, authorizing the Attorney General to regulate handguns, requiring handguns to be ballistic fingerprinted prior to sale, making gun owners accountable for leaving guns accessible to children, allowing cities to have the authority to hold gun makers legally liable, limiting assault weapons and magazines, requiring state police to perform background checks in addition to federal NICS checks, limiting concealed weapons, and requiring locking devices.

The Jewish community relations field should raise awareness within the Jewish and general community regarding the nature and scope of the gun violence crisis in America and encourage more active advocacy on this issue; Make common cause with those governmental officials, law enforcement professionals,

health care providers and gun violence prevention activists who are advocating for reasonable and effective legislation that will appropriately limit access to handguns especially as it relates to the unlimited purchase of handguns; and Advocate for funding to address comprehensive, efficient, coordinated solutions to gun violence. (Resolution adopted by 2007 Plenum)

Judicial Nominees

The JCPA believes it is essential that nominees to the federal bench receive proper scrutiny by the Senate, and that only those committed to protecting justice for all, as set forth in the Constitution and the Bill of Rights, be confirmed.

It is not only Supreme Court Justices that matter. For most cases, the final word is decided by the US Circuit Courts of Appeal. These 12 circuits covering different areas of the county each have several judges, who, as the final arbiters in the overwhelming majority of appeals, are as important as Supreme Court justices. We urge that vacancies be filled as expeditiously as the full, fair, and prompt evaluation of a judicial nominee will permit. These nominees for lifetime appointments to the federal bench must be evaluated very carefully. Confirmation should only come after adequate hearings and examination of a full record. The Senate and its Judiciary Committee must assess each nominee's qualifications for the job. The Senate should also consider a nominee's experience, judicial temperament, judicial bias, writings and opinions, and public record on and off the bench and reject the nominee if that review raises serious and legitimate concerns that she or he will not follow and protect the Constitution and the Bill of Rights. (Resolution adopted at the 2002 Plenum).

Military

The JCPA believes that the pluralistic fabric of our society demands that officers and senior enlisted personnel in the military, including those working and studying at military academies, do not proselytize within the chain of command or otherwise seek to impose personal religious views on others.

The community relations field should closely track the implementation of the Air Force interim religious guidelines to ensure: Increased awareness and respect for cultural and religious differences; Adequate safeguards against coercive proselytizing and improper sectarian prayer at mandatory and official ceremonies and events; Notice about rights, responsibilities, and limitations under the guidelines; Training for chaplains, officers, and cadets toward the establishment of a climate of mutual respect and acceptance of differences in worship and faith traditions; and to ensure, A secure grievance procedure and appropriate remedies to violations of the guidelines. (adopted 2006 Plenum).

Non-Profit Sector

The JCPA believes further restrictions on the advocacy role of charitable nonprofits are unnecessary and would harm the important advocacy role that nonprofits play. Existing restrictions under Section 501(c) of the IRS code allow for adequate oversight of tax exempt organizations ensuring that such activities do not extend beyond the "substantial amount" limit in current law; Additional limitations on donor-advised funds, such as increased administrative or financial requirements, or a limitation on "board-size" or governance structure, are not necessary; and that the tax code should be modified to allow more Americans to benefit from incentives for charitable contributions including deductions for non-itemizers, to remove disincentives arising from the application of the alternative minimum tax, and to add provisions to allow an individual to make donations that are not subject to income tax directly from their individual retirement accounts to a charity. (adopted 2006 Plenum).

Religion and Politics

It is legitimate and indeed desirable for religious groups and clergy to advocate policies that would shape society in ways that those faith communities view as fulfilling their ideal of the “good society.” We believe that all issues may be put on the table for discussion in the marketplace of ideas, but the manner of advocacy should respect our tradition of church-state separation, free of any hint of coercion or verbal violence. In the debate of public policy issues, it is desirable that the focus be on the public good.

When church and synagogue officials command that their adherents who hold public office act in accordance with religious teachings inconsistent with responsibilities imposed by law, they threaten the very existence of a democracy whose citizens belong to a wide variety of faiths, or none. Such conduct goes well beyond the legitimate exercise of public advocacy. And while churches and synagogues have the right to judge whether their members’ conduct meets the demand of the faith, the exercise of that right against public officials for actions taken in furtherance of their official duties is highly divisive.

The Jewish community relations field should assert vigorously our profound belief that there are issues that must be beyond the reach of government. The separation of religious dogma from politics is incumbent upon not only religious groups and their spokesmen, but also upon public officials, candidates for public office, and political parties. They too, are called upon to avoid entangling the religious and political mainstreams of American life. (Joint Plenum Plan, 1985)

Rule of Law

The JCPA believes that: Elected and appointed governmental officials should comply with court decisions which declare rights under the Constitution or which seek to enforce such rights, regardless of such official’s religious or personal beliefs or they should resign or rescue themselves from the particular matter in question; The failure of elected and appointed governmental officials to comply with such court decisions weakens the institution of the judiciary in the eyes of the public and, thereby, the public’s belief in the rule of law in this country; The failure of elected and appointed governmental officials to comply with such court decisions gives aid and comfort to those groups who believe that they need not abide by the authority of the judicial system in this country; Congress should not abet or exacerbate such sentiments by prohibiting or interfering with enforcement of judicial decisions which declare rights under the Constitution or laws enacted by the United States Congress or which seek to compel compliance with rights declared under the Constitution or by laws enacted by the United States Congress.

The community relations field should: Educate about the importance of the rule of law as cornerstones of our democratic and pluralistic society; Work in coalition with other civil liberties and religious groups to explore and implement strategies that will protect the rule of law; Continue respectful dialogue with those in the Jewish community and the non-Jewish community who hold views that differ with the consensus positions of the Jewish community on issues such as civil rights or church state separation; Oppose legislative efforts that would weaken the rule of law by interfering with enforcement of judicial orders including pending federal legislation that would prohibit the expenditure of federal funds to enforce the decision of the federal court in the Alabama Ten Commandments case. (Resolution adopted at 2004 Plenum)

Science and Politics

The JCPA believes that science and medicine must remain independent from religious, political and ideological interference including the funding and conduct of research, appointments to governmental advisory boards, the relationship between patient and health care provider, and the availability of legal health services and medications.

The community relations field should work independently and in coalitions to protect pluralism, the independence of the judiciary, and the scientific process; Work independently and in coalitions to ensure that government bodies and legislation continue to protect individual religious beliefs without preferential treatment for any one religious perspective. (adopted 2006 Plenum).

Term Limits

The JCPA opposes term limits as an infringement on the rights of citizens to elect officials of their choice. This position applies to elected officials at the national, state, and local levels. (JPP 1995-1996)

Voting Rights and Equal Protection

The Voting Rights Act is considered one of the most effective civil rights laws in our nation's history. This legislation was designed to protect the political rights of minorities who had effectively been barred from voting. Nothing could be more threatening to the health of a representative society than to prohibit specific groups or factions from participating in the democratic process. The achievement of responsible government, responsive to the needs and aspirations of the people, is only possible through citizen participation in the electoral process. Its extension is essential to our national progress toward economic and social justice. (Joint Program Plans of 1974-1975, 1975-1976, 1981-1982)

The JCPA believes that the Voting Rights Act should be extended without weakening amendments because it remains a vital tool in the protection of voting rights. (adopted at 2006 Plenum)

ANTI-SEMITISM AND HATE CRIMES

Anti-Semitism

The JCPA believes that anti-Semitic acts are still a fact of life in the United States. The community relations field will continue to monitor and respond appropriately to specific anti-Semitic incidents, and just as importantly, will continue to promote diversity training and education programs, especially in public schools and on college campuses. Such programs have proven to be effective tools for preventing discrimination and increasing tolerance and respect among different groups in American society.

The organized Jewish community also continues to monitor extremist groups that promote hatred against minority groups, including Jews, and, in some instances, foment hate-motivated violence. Armed militias, in particular, continue to pose a significant threat of violence. The JCPA believes the Internet is an especially attractive forum for extremists, because it is easily accessible, inexpensive, and not readily subject to regulation or editing. While the Jewish community is gravely concerned about this disturbing trend, hate on the Internet must be addressed in a manner that respects First Amendment free speech guarantees. The JCPA further believes that one promising response is the development of screening technology, which would provide parents with the ability to limit their children's access to messages of hate on the Internet. Such filters should be explored as they become more readily available.

The JCPA recognizes that anti-Semitism continues to be a problem on college campuses. University administrators frequently are mistaken regarding the extent to which the First Amendment compels them to allow virulently anti-Semitic views to be aired on campus, either by speakers or through publications and college newspaper advertisements. Of particular concern are the campus activities of Holocaust denier groups, which have targeted college populations to promote their ideology. The Jewish community relations field will continue to reach out to administrators, students, and newspaper editors, to educate them about anti-Semitism, including Holocaust revisionism, and anti-Zionism. (Agenda 1999-2000)

Anti-Semitism Related To Middle Eastern Tensions

The Jewish Council for Public Affairs (JCPA) is greatly concerned about anti-Semitic incidents, which appear to be related to Israel-Palestinian tensions.

In future periods of tension and conflict, we urge government and community leaders to make it clear that they will not tolerate violent attacks against Jewish institutions. Furthermore, we hope that community leaders will make it clear that disagreements over the situation in the Middle East, however passionate, must be expressed with civilized speech and behavior.

Anti-Semitism in the Arab world has long been a concern to those in the Jewish community supportive of Arab-Israeli reconciliation. Clearly, when such anti-Jewish biases and prejudices are not addressed and corrected, these sentiments dangerously intensify during times of tension. We call on the Palestinian Authority, Egypt and Jordan to live up to their commitments to eradicate anti-Israel and anti-Semitic incitement in the media and in the classroom, and begin to seriously educate their populations – children and adults – on Jews, Israel, tolerance and non-violence. (Resolution adopted at the 2001 Plenum)

We urge government officials, as well as political and religious leaders to condemn anti-Semitism and to continue to make it clear that neither violent attacks against Jewish institutions, nor the rhetoric which immediately incites such attacks, will be tolerated. Furthermore, we hope that political and religious leaders will make it clear that disagreements over the situation in the Middle East, however passionate, must be expressed with appropriate behavior and in appropriate language. (Resolution adopted in February 2002).

Boycotts

The JCPA believes the use of politically motivated boycotts and other economic measures by the organized Jewish community may not be an effective long-term strategy and may be counter productive to Jewish interests, except in those circumstances where, upon careful consideration of all the facts and circumstances including the legal implications, there remains convincing evidence of inappropriate conduct, and where dialogue and other forms of response have failed and there remains a reasonable chance of reaching the desired result

The community relations field should encourage full investigation of claims of inappropriate conduct, quickly dispel those which are based on false premises, and utilize traditional community relations practices -- such as dialogue, coalition-building and advocacy – to achieve the desired results, develop an effective media relations strategy by engaging in a long term, on-going dialogue with newspapers, radio and television stations. Such a strategy, applied consistently, will yield better and more permanent results than would flow from a boycott. JCRCs must be diligent and honest critics, pointing out factual errors, flagging inflammatory language, noting inconsistencies, writing letters, and contacting the media outlet's ombudsman as often as necessary, and encourage the U.S. Administration to use its global leadership position to discourage boycotts of Israel by other countries, academic and scientific institutions in the U.S. and around the world. (Resolution adopted in February 2003).

Hate Crimes - Combating Bias-motivated Hatred in America

The JCPA supports passage of hate crime laws in those states without them, and supports strengthening

1 laws in those states that now lack comprehensive laws.

The inclusion of any group in hate crime laws need not be viewed as an expression of support for that group, but rather as a recognition of the reality that certain segments of our society are subject to significantly greater incidences of hate crimes -- and that hate crimes legislation speaks to our collective

disdain for criminal behavior motivated by hatred towards groups or individuals because of their association with a group.

The vast majority of bias crimes are effectively addressed at the state and local level. However, in states without hate crime statutes, and in others with limited coverage, federal investigators and prosecutors must have authority to assist local prosecutions and become involved. Pending legislation, the Local Law Enforcement Enhancement Act (LLEEA), would provide this expanded hate crime response authority. The JCPA reaffirms its support for the LLEEA and calls upon Members of Congress to enact this measure as a high priority.

The JCPA supports expanded participation in the FBI Hate Crime Statistics Act data collection effort - including better reporting by colleges and universities. In addition, JCPA supports efforts to empower victims of hate crime to report them to authorities.

There is growing awareness of the need to complement tough laws and more vigorous enforcement with education, awareness, and training initiatives designed to reduce bias-motivated violence - especially for youth. The JCPA supports expanded efforts to promote innovative anti-bias violence training and educational outreach for schools and the community.

Our civic leaders set the tone for national discourse and have an essential role in shaping attitudes. The JCPA encourages political, religious, and civic leaders to seek opportunities to speak out against expressions of bigotry, intolerance, and prejudice intended to intimidate or teach contempt for others in our society. (Resolution adopted by 2004 Plenum)

The JCPA will continue to promote a comprehensive approach to addressing anti-Semitism and other bias-motivated hatred in America, including passage and enforcement of strong hate crimes statutes at the federal and state levels, promotion of tougher gun control laws, and participation in broad multi-religious and multi-ethnic coalitions dedicated to strengthening the national will to prevent and combat hatred in all of its manifestations. The JCPA and its member agencies will also continue to play a leadership role in ensuring that the need for sound security protocols at Jewish institutions is balanced against the need to promote the openness and accessibility of those institutions for all who wish to use them. (Agenda 2000-2001)

The JCPA views with alarm the continuing scourge of hate crimes in American society. The JCPA supports passage of the hate crimes prevention act (HCPA), which would strengthen the federal government's ability to investigate and prosecute hate crimes and expand federal hate crimes law to include acts motivated by the victim's actual or perceived sexual orientation, gender, or disability. Additionally, the JCPA supports passage of appropriate hate crimes laws in the ten states that still do not have meaningful hate crimes statutes, and strengthening of laws in those states whose hate crimes statutes could be more comprehensive. Such legislation is necessary to send a strong message that crimes based on prejudice and hatred are anathema to the fundamental values of democracy upon which this nation is founded. Finally, the JCPA also supports efforts to encourage greater compliance with the federal hate crimes statistics act, which mandates data collection and reporting of hate crimes, and with other federal and state laws intended to combat hate crimes. (Agenda 1999-2000)

SEPARATION OF RELIGION AND STATE

Overview

The JCPA believes that in our increasingly pluralistic society, a clear division between religion and state remains the best way to preserve and promote religious rights and liberties for all Americans, including the Jewish community; Religious institutions and people of faith can and should play a vital role in public discourse. The separation of religion and state does not mandate silence from such individuals and institutions with respect to matters of public policy. However, attempts to influence public policy should be tempered by both respect and tolerance for diverse beliefs and practices, as well as the principle that government must treat all its citizens equally, regardless of religious belief or the lack thereof; The public policy agenda of the American Jewish community should be guided by what best serves our community's values and interests in the context of a democratic and pluralistic society. Even where an increased role of religion in the public square may be judicially interpreted as constitutional, we should continue to oppose changes which we consider detrimental to our core values, the interests of the Jewish community, or the pluralistic nature of our society.

The community relations field should Educate the Jewish and general community about the historic role of separation of religion and state as well as developments in the law regarding the relationship of religion and state and the right to free exercise of religion; Defend the right of religious individuals and organizations to speak, debate, and advocate on matters of public policy where appropriate; Advocate on the federal and state level for policies that promote the full and free exercise of religious liberty by individuals and institutions as well as promote the appropriate relationship between religion and state by insisting that all governmental actions have a clear non-religious, neutral purpose, neither endorse nor unduly inhibit religious practice, and do not extensively entangle government and religion; Engage in dialogue with interfaith partners, including those with divergent viewpoints, about the importance of religious diversity and focus on how religious communities can work together to foster greater respect for different viewpoints; and, Work in coalitions at the state and federal levels to preserve and promote legislation and constitutional protections that provide for separation of church and state and the protection of the right to religious practice, and oppose legislation and regulations that undermine them. (Resolution adopted by the 2005 Plenum)

Charitable Choice

The JCPA supports public funding of social service programs operated by religiously affiliated organizations, when legislation authorizing such funding contains appropriate safeguards that will prevent First Amendment violations and protect the religious freedom of program beneficiaries and employees of service providers. (Agenda 2000-2001)

The JCPA agrees that religiously affiliated institutions may provide valuable and efficient social services, and may qualify for government funding for such programs.

However, government funding of social services through religiously affiliated organizations must contain appropriate and effective First Amendment safeguards such as those that prevent proselytization, coercion or indoctrination and that safeguard clients and service provider employees against discrimination on the basis of religion. Therefore, the JCPA will continue to oppose the passage of legislation that does not contain appropriate safeguards. Additionally, the community relations field must be increasingly vigilant and vocal in monitoring the implementation of federal block grant programs at the state and local level to prevent First Amendment violations and to protect the religious freedom of program beneficiaries and employees of service providers. (Agenda 1999-2000)

The JCPA urges that during welfare reauthorization the removal from Temporary Assistance to Needy Families (TANF) 'charitable choice' provisions that omit meaningful and effective First Amendment safeguards. TANF must include protections which clearly state that no funds may be used to proselytize,

coerce or indoctrinate; that no institution receiving funding may require worship as a condition for receiving TANF related benefits, and that no institution receiving TANF block grant funding may engage in employment practices in a manner inconsistent with governing civil rights laws. (Resolution adopted at the 2002 Plenum)

Disaster Response

The JCPA believes that religiously affiliated social service providers and educational facilities can play an important role in disaster response, but the transfer of public funds to such providers must be accomplished in a way that maximizes safeguards against religious coercion, proselytization, or discrimination. Furthermore, religious providers of social services cannot take the place of government, which must be held accountable for adequately and effectively responding to disaster; The exigent circumstances of a disaster should never be an excuse to waive vital protections for workers, contractors and others. In no circumstances should any emergency changes in policy be anything but temporary and narrowly tailored. (Adopted at 2006 Plenum)

Free Exercise of Religion

The JCPA supports passage of Religious Freedom Restoration Act (RFRA) legislation at the state level, where needed. Another priority is passage of the Workplace Religious Freedom Act (WRFA), which would strengthen federal laws requiring employers to reasonably accommodate employees' religious needs.

The Jewish community is overwhelmingly committed to the notion that religious liberty should be afforded the highest level of constitutional protection like other fundamental constitutional rights. Our community is also sensitive to the concerns that have been raised with regard to the Religious Liberty Protection Act's (RLPA) potential impact upon state and local civil rights ordinances, but we are troubled by the fact that a great deal of misinformation has been deployed against RLPA in connection with these concerns, for no JCPA agency that has supported the cause of religious liberty has done so for the purpose of harming America's civil rights protections.

The Jewish community remains united in its commitment to achieving the goal embodied in RLPA — the promotion of religious liberty and affording that liberty the highest level of constitutional protection. We will work to find acceptable ways, within a legislative framework, to achieve this goal while simultaneously being sensitive to possible adverse impact upon civil rights interests. JCPA will work to secure the passage of religious liberty legislation in a manner consistent with this statement. (Agenda 2000-2001)

Houses of Worship Free Speech Restoration Act

The JCPA believes that houses of worship, like all charitable institutions, must not engage in partisan political campaign activity, but are appropriate settings for nonpartisan presentations that allow for the exchange of views with candidates and office holders.

The community relations field should: Oppose legislative efforts to allow houses of worship to engage in any partisan political activity; Build coalitions to educate about the freedoms of speech and advocacy that currently exist, and the importance of keeping America's houses of worship separated from partisan political campaign activities; and, Urge compliance with and enforcement of restrictions against partisan activity by houses of worship. (Resolutions adopted by the 2005 Plenum)

Language and Identity Schools

The JCPA believes that legislation authorizing such language and identity charter schools must ensure that these schools hold to their public mandate as secular institutions. CRCs should work to ensure that significant oversight exists to ensure that these schools fulfill their public mandate in all respects as secular institutions. Significant transparency and appropriate and stringent oversight are needed to ensure that curriculum and instruction teach the foundations of a representative democracy and are purely nonsectarian. The task force is urged to examine the impact of these schools on the Jewish community. (Resolution Adopted at the 2008 JCPA Plenum)

Religious Symbols in Public Places

The Jewish community relations field will continue to vigorously oppose the use of government property as a forum for the promotion of religious views. While Jews respect the important role that religion plays in shaping private and public morals, religion should not be on display in the nation's courtrooms, which are meant to represent the impartial, objective application of secular rule of law. Nor should religious items be placed in other public areas, where the danger of implied government sponsorship is present, and where insensitivity to those of different faiths is particularly oppressive and threatening.

Dissent: The Union of Orthodox Jewish Congregations of America (UOJCA) does not join the blanket condemnation of religious displays on government property. (Agenda 1998-1999)

School Prayer - Religion in Public Schools

The community relations field must continue to monitor these activities, such as 'See You at the Pole' events, to ensure that they are not organized by school administrators or teachers, and that students are not subjected to coercion or harassment because they choose not to participate. Although the organized Jewish community long has championed freedom of speech and religious expression, those fundamental principles must be exercised within the limits set by the establishment clause, which are especially critical in classrooms where children are captive audiences and are more vulnerable to religious indoctrination. (Agenda 1999-2000)

The JCPA continues to oppose all forms of organized public prayer at or in connection with schools sponsored events and activities where other students are captive audiences whether led by students, faculty, or others. The JCPA will continue to oppose unconstitutional measures such as the bill to permit the display of the Ten Commandments in public school classrooms. Nevertheless, the JCPA recognizes that America's public schools are not meant to be "religion-free" zones, and that there are constitutionally appropriate ways to teach about religions — their views, roles in history, culture, philosophy, literature and the arts. Additionally, the JCPA will continue to oppose initiatives to eliminate the study of evolution from public school science curricula and/or to promote the teaching of creationism. (Agenda 2000-2001)

Stem Cell and Therapeutic Cloning Research

Society today stands on the threshold of a new era in biomedical research. A debate has emerged in American society at large and among our elected leaders as to whether public policy should permit, encourage, restrict or ban the further conduct of this biomedical research. The community relations field should support: Research using embryonic stem cells including those developed through Somatic Cell Nuclear Transfer (SCNT); Government funding for such research; Efforts by the scientific community to develop regulations and monitor those using SCNT technology; Appropriate legislative actions consistent with the above objectives, including legislation that encourages the development of new stem cell lines in addition to the existing stem cell lines already approved for funding by the federal government; The creation of a fully funded and empowered oversight body comprising of scientists and ethicists to monitor this research, paying special attention to ensuring that the research is restricted to stem cells of very early embryonic development, prior to implantation in a uterus. The community

relations field should oppose efforts to restrict or penalize scientists, clinicians, or patients for participating in stem cell research and SCNT technology for therapeutic purposes. (Resolution adopted by the 2005 Plenum)

Vouchers

The JCPA believes that vouchers are not the panacea for dramatically improving the education of poor children or for overcoming the daunting challenges faced by urban schools. Rather, the JCPA is concerned that voucher programs are likely to drain precious financial resources from public school systems, and eventually lead to even less financial and civic investment in public education; result in the best students, and/or those with the most actively involved parents, being "skimmed" from public schools, leaving behind those children who are not accepted into private schools or whose parents are not sufficiently involved in their children's education to take advantage of voucher programs, thereby further depressing the quality of these public schools and the life chances of their students; and not provide sufficient funds to cover the entire cost of private school tuition, thereby benefiting only those parents who can make up the difference.

The JCPA strongly supports the development and continuation of quality programs designed to improve public education. The JCPA believes that it is imperative for the organized Jewish community to reaffirm its commitment to the nation's public schools, where most of its children have been and continue to be educated.

The JCPA and the majority of American Jews remain firmly committed to the belief that the wall of separation between church and state is an essential bulwark for religious freedom in the United States. The JCPA reiterates its long-standing belief that publicly funded vouchers used for sectarian school tuition costs seriously undermine the fundamental principles of separation of church and state, as expressed both in the First Amendment to the U.S. Constitution and parallel provisions in state constitutions. It is the JCPA's view that whether vouchers are paid directly to sectarian schools or are disbursed to parents, the underlying effect is the same: American taxpayers are compelled to support financially, and therefore promote, religious beliefs they may not share, thereby infringing upon their religious freedom. The JCPA emphasizes once again its view that the purpose of the Establishment Clause is not to ensure that the government adopts a neutral or impartial position with respect to religion, but that it neither promote or endorse religion nor entangle itself in religious affairs at all. Therefore, no matter how neutrally designed a particular voucher program may be, if it includes private sectarian schools, the JCPA believes that it violates the Establishment Clause, because it utilizes public funds to promote religious and religiously-based education. The JCPA believes that the use of public funds to cover tuition costs at private sectarian schools is therefore irreconcilable with basic First Amendment principles that dictate the relationship between church and state in America.

As a matter of principle, the JCPA believes that the responsibility for solving the crisis in Jewish education lies first and foremost within the Jewish community, and not with federal, state or local governments. The JCPA applauds initiatives by Jewish philanthropists, educators, and religious leaders to increase awareness about the need to dramatically increase the Jewish community's support for its day schools and other educational programs and to commit financial resources to achieve this goal. For the reasons stated above, the JCPA therefore resolves to reaffirm its opposition to publicly-funded voucher programs that aid non-public schools; to recommit itself to playing a leadership role in the quest to improve American public education, by seeking sound, innovative methods of improving public schools, and actively advocating for improved budgets and other reforms at federal, state, and local levels; to dedicate itself to addressing the need to strengthen Jewish education, primarily but by no means exclusively by ensuring adequate funding for Jewish day schools, after-school synagogue programs, summer camps, and Israel experiences; and to encourage Jewish community relations agencies

throughout the United States to devote their energy and resources to grass-roots programs that will both improve public schools and also foster Jewish continuity. (Statement adopted in February 1998)

The JCPA reaffirms the October 1999 vote of its Board of Directors endorsing the significance and value of Jewish day school education and calls for increased individual and communal support for Jewish day schools. (Resolution adopted at the 2000 Plenum)

Dissent: The Union of Orthodox Jewish Congregations of America (UOJCA) dissents from the JCPA voucher study. We believe that the Jewish community has traditionally been committed to principles that should lead it to support school choice initiatives. Those principles include: (1) a commitment to social justice reflected in a desire to minimize the role of personal wealth in one's ability to secure the basic needs and services that secure a dignified and productive life; (2) a commitment to fight discrimination based upon religion; and, (3) a desire to stem the tide of assimilation and promote Jewish continuity through providing a Jewish education for all Jewish children. (Study adopted at the 1998 Plenum)

CIVIL RIGHTS AND CIVIL LIBERTIES

Overview: Civil Rights and Individual Liberties

The American Jewish Community has historically supported civil rights and individual liberties. The mission statement of the Jewish Council for Public Affairs expresses a commitment to protect, preserve, and promote a just American society. The American Jewish community has a “direct stake” in promoting individual liberties, and an “ethical imperative” to do so, recognizing that our values call us to assure freedom, justice, and liberty for all peoples, of all faiths, creeds and ethnicities.

The struggle to maintain and preserve civil rights and individual liberties has been an ongoing one, requiring eternal vigilance. It remains so today, perhaps even more so. History has taught us the danger of compromising individual rights at times of crisis. As always, the needs to protect our system of government and our nation require that we balance the rights and interests of society with those of the individual.

Increasingly, challenges to civil liberties and individual rights arise in the state and municipal arena. A concerted effort has been made to challenge the role of courts, traditionally a bulwark against the ‘tyranny of the majority,’ in protecting the rights of individuals.

The JCPA believes that the Jewish community must broaden its focus from viewing civil rights and individual liberties as matters falling exclusively within the purview of the federal branches of government. Important battle lines are being drawn state-by-state, as well as locally, on matters of vital concern to our interests and moral imperatives.

Efforts to amend the federal or state constitutions and statutes, or local ordinances to narrow the rights of individuals, or to strip courts of authority to consider various types of civil rights claims, pose a profound danger to civil rights and liberties. Often politically motivated, these efforts threaten to undermine the very concept of separation of powers. Even subjects which we might not necessarily endorse substantively often need protection from the ‘tyranny of the majority’, which is one of the most important functions served by the judicial branch at both the federal and state levels.

The Community Relations Field should make a high priority of working across community lines to address state and local, as well as federal, civil rights issues; Actively support civil rights coalitions on matters where there is a consensus communal position. (Resolution adopted by 2007 Plenum)

Affirmative Action, Race and Criminal Justice

The JCPA supports affirmative action by both government and the private sector that provide such outreach remedies as: compensatory education, training and job counseling; intensive recruitment of qualified and qualifiable individuals, using not only traditional but also public and private resources that reach members of disadvantaged groups; and ongoing review of established job and admissions requirements to assure that they are performance related and free of bias. While opposing quotas as inconsistent with principles of equality, we recognize the need for numerical data and statistical procedures to measure and help assure the effectiveness of affirmative action programs. (Policy adopted June 1973, amended in 1975 and 1981, reaffirmed April 1995)

The JCPA believes Affirmative action is an important safeguard of racial equality, and should be supported as long as race is one of many factors, quotas are not utilized, and only individuals judged to be qualified are accepted or rewarded and programs are narrowly tailored to achieve diversity; There is continued need for numerical data and statistical procedures to measure and help assure the effectiveness of affirmative action programs, so long as those data are not used to establish numerical quotas; The Supreme Court was correct in stating that “the state has a compelling interest” in ensuring diverse students bodies, using race as one factor among others in university admissions.

The community relations field should: Oppose legislative initiatives or popular referenda that seek to ban affirmative action programs that are consistent with the position previously established by JCPA; Work with broad and diverse coalitions to increase grassroots support for affirmative action programs that are consistent with the position previously established by JCPA and oppose affirmative action bans that target such programs; Continue to educate the Jewish community about affirmative action and its importance from both civil rights and Jewish values perspectives; Reassure our partners in other ethnic communities – especially the African American community and other constituencies that support affirmative action – that we favor affirmative action programs, as outlined in JCPA policy. (Resolution adopted by the 2004 Plenum)

Recognizing the responsibility of government at all levels to act forcefully to prevent crime, the Jewish Council for Public Affairs (JCPA) historically has advocated crime fighting strategies that include both strict enforcement measures and intervention initiatives designed to prevent violence (JCPA Policy on Crime and Violence adopted June, 1995). To the degree that problems exist, we must call upon our political leadership and public officials to move with deliberate speed toward the amelioration of such conditions and the institution of appropriate reforms.

The JCPA has supported the call for a death penalty moratorium until issues of fairness, impartiality, and the risk of error are resolved; and registered and herein reaffirms its unequivocal opposition to the practice of racial and ethnic profiling as not only unfair but detrimental to democracy. The JCPA further resolves to support measures to improve police/community relations, to familiarize all sides with cultural diversity and enable them to better understand minority sensitivities and also the difficult job required of police, such as: Greater efforts to recruit, hire, and also promote minority police officers; Measures to ensure accountability of offending officers and supervising officials; Initiatives to provide enhanced training and continuing education of all police department employees; Programs that encourage officers to develop close ties to the neighborhoods they serve; and Funding by Congress of measures within the Crime Control Act of 1994 that provide for the accurate collection of comprehensive national data on the

use of excessive force by police, including data on people killed or injured by police shootings or other types of force.

Speak out against incidents and patterns of police harassment and brutality; Reaffirm opposition to excessive or indiscriminate use of mandatory minimum sentencing laws, in keeping with the JCPA Policy on Crime and Violence; Call for repeal of state and federal laws that require mandatory incarceration of first-time drug offenders, for remedying the sentencing disparity between crack and cocaine offenses, increased government and community support for effective substance abuse and education programs, and for the restoration of judicial discretion in these cases; Call for the state and federal laws that require mandatory incarceration of first-time drug offenders, for remedying the sentencing disparity between crack and powder cocaine offenses, increasing government and community support for effective substance abuse and education programs, and for the restoration of judicial discretion in these cases; Call on government officials and especially juvenile correctional systems to treat juveniles without regard to race or ethnicity at all phases of juvenile proceedings; Call for full enforcement of the existing federal mandate that disproportionate minority confinement of juveniles must be analyzed and addressed, when found to exist, and for the application of penalties required by law against those systems that fail to fulfill that mandate; Encourage constituent agencies to work with state and local agencies as well as other coalition partners to document disparate treatment of minorities and the poor, to study its causes, to educate the community about this issue, and to work to eliminate such disparities; and Call for redirection of public resources from prisons to community and substance abuse programs that can be effective in creating better social conditions and reducing crime. (Resolution adopted at the 2001 Plenum)

AIDS

The JCPA supports the removal of HIV from the immigration restriction list. The Jewish community relations field supports federal and state legislation that includes anti-discrimination provisions and increased federal funding for research, voluntary bloodtesting, counseling and other relevant services to all affected populations and is opposed to mandatory HIV testing. (JPP 1994-1995)

Civil Liberties and Civil Rights of Gays and Lesbians

While the agency has taken no position on questions pertaining to homosexual life-styles, the JCPA opposes efforts to subjugate or deny essential liberties to members of any minority group in the United States. Therefore, in addition to supporting the Hate Crimes Prevention Act (HCPA), the JCPA supports passage of the Employment Non-Discrimination Act (ENDA), which would create a federal prohibition against employment discrimination on the basis of sexual orientation. The JCPA also supports other legislative efforts at the state and local levels that would prevent discrimination in housing, public accommodation, and education. Exemptions designed to protect the right of religious institutions to carry out their religious purposes should be incorporated into all such legislation. The JCPA opposes efforts to repeal state statutes that protect individuals from discrimination based on sexual orientation. (Agenda 1999-2000)

Dissent: The Union of Orthodox Jewish Congregations is opposed to discrimination against any individual. Jewish law, however, prohibits homosexual activity, and we cannot join in a statement or initiative that could be interpreted to imply otherwise.

Civil Liberties and Security

The JCPA believes that: the debate about the civil liberties implications of the War on Terrorism has been impaired by hyperbole. It is not productive to describe those who endorse measures to combat terrorism as opponents of individual rights unduly infringing on civil liberties; nor is it productive to characterize those who have criticized aspects of the war on terrorism as unpatriotic. Vigorous efforts to protect Americans from terrorism and advocacy to protect civil liberties are the essence of patriotism; That

where measures are undertaken to combat terrorism that have the potential to conflict with vital civil liberties protections and other American and Jewish values, the protection of civil liberties requires that strong legal checks be maintained over the exercise of governmental power and that such actions be carried out in secrecy only when necessary and subject to prompt judicial review; That the USA PATRIOT Act contains several provisions that seek to increase the security of Americans, most with safeguards to prevent civil liberties abuses. These include measures that allow foreign intelligence and domestic law enforcement to communicate, and procedures facilitating sensitive investigations. At the same time, some of the law enforcement tools provided in the USA PATRIOT Act would not be significantly hindered by increased judicial oversight. When legislation is proposed to dilute existing privacy protections, at a minimum, there must be a substantial, public showing of the need for such measures to combat terrorism, and the measures should impact on privacy rights as narrowly as reasonably possible and all such changes should contain sunset provisions. Legislation is necessary to modify aspects of the USA PATRIOT Act to provide reasonable limits on law enforcement's authority without hampering their ability to investigate and prevent terrorism. Such measures should include amending the USA PATRIOT Act to provide reasonable time caps subject to extension by court order on sneak and peek warrants; to delay notification of subjects under such warrants only in cases where terrorism or actions of a foreign agent are suspected; to require as much specificity as prudent of the target or location of the targets of surveillance; to raise the standards for orders under Section 215 of the act, confining them to terrorism investigations, and requiring a greater showing of cause or individualized suspicion; to place reasonable time limits on gag orders for secret searches; and generally to provide greater judicial oversight in terrorism and other related investigations including mechanisms for judicial approval of search warrants and judicial review of detentions; That several administrative actions outside the scope of the USA PATRIOT Act have also infringed upon civil liberties and should be reversed or modified, including those that adversely impact the preeminent right of all individuals to competent legal counsel. We remain troubled by the application of Enemy Combatant status to American citizens captured in the United States, extended and secret detentions, and the potential trial of terrorism suspects with abridged due process protections. We reiterate our opposition to the Department of Justice directive that allows federal officials to monitor conversations between certain detained individuals and their lawyers without judicial approval. This directive has the effect of weakening not only the protection of attorney-client privilege, but the right to legal counsel altogether; That it is not appropriate, except in circumstances involving an identifiable and present threat, for law enforcement officials to investigate citizens or permanent residents based solely on the basis of ethnicity or religion. In fact, too narrow a focus on ethnicity or religion could allow terrorists to elude detection. Further, the government should not investigate persons solely based upon their having engaged in constitutionally protected speech or association, although association with persons known or reasonably suspected of supporting terrorism clearly justifies further investigation of an individual.

The community relations field should: Oppose the outright repeal of all or most of the USA PATRIOT Act, recognizing that these proposals would remove from law enforcement many tools that are necessary to combat terrorism, and would not obviate those provisions outside the USA PATRIOT Act that are of concern; Support legislation to modify specific sections of the USA PATRIOT Act, including increased Congressional and judicial oversight on the performance of the Executive Branch under the law. This will allow us to evaluate the successes and failures of these anti-terrorism provisions; Organize and work to promote civil and informed public discourse concerning the balancing of civil liberties and the war on terrorism; Work in coalitions to learn about the effects of the USA PATRIOT Act on other ethnic and religious communities. (Resolution adopted by the 2004 Plenum)

The JCPA understands the need to combat terrorism aggressively and to provide law enforcement with the tools to combat this complex threat. The JCPA believes it is essential that a proper balance be struck between combating terror and protecting civil liberties. Preventing acts of terror may indeed lead to

different determinations about how to apply civil liberties principles than might be made in other circumstances. We recognize that persons of good faith may differ as to what constitutes the proper balance between combating terror and protecting civil liberties, and we believe that the debate on this issue should be free of rancor, invective and partisanship. Further, we believe it is important that, in making decisions which may impinge upon civil liberties, our government not allow legitimate and urgent concerns to lead us to act without taking the time to assess and debate fully the civil liberties implications of proposed steps. We are particularly concerned about three instances in which we believe the government has apparently failed to strike the proper balance:

1. The Department of Justice directive allowing federal officials, without judicial approval, to listen in on conversations between certain detained individuals and their lawyers. This measure, which was instituted without congressional approval or public deliberation, undermines the due process protections in existing law that prevent such eavesdropping from taking place without a court order. The directive has the effect of weakening not only the protection of attorney-client privilege, but the basic right to competent legal counsel altogether. Lawyers cannot advocate for their clients effectively if they must constantly fear undermining their cases by merely speaking with the individuals whom they are sworn to represent.
2. An order by Attorney General John Ashcroft allowing immigrants to be detained without charge for an unspecified "reasonable time" during a "national emergency." This order gives the Justice Department effectively the same power of indefinite detention that it sought – and was specifically denied – in the anti-terrorism legislation. There may be a need to detain certain individuals who have been determined by a court to be suspects or potential witnesses in cases of terrorism and who might flee if released. However, many feel this regulation violates not only the due process protections of the Sixth Amendment, but the will of Congress as well.
3. The proposed use of military tribunals to try suspects. Our government should have some flexibility in the manner in which suspected terrorists are prosecuted. Open military tribunals, bound by the traditional protections that govern both our civilian and military courts, might be an important tool in prosecuting the exponents of terror. As the Defense Department finalizes guidelines for the tribunals, it should take steps to preserve the principles that make both justice and freedom essential values of America's legal fabric.

Finally, we strongly support the use of sunset provisions that Congress has included in many of its actions in addressing this crisis. We believe that the best way to ensure that these measures comport with the Constitution and the values enshrined in it is, where possible and practical, for such measures to be discussed, debated, and legislated utilizing our cherished system of checks and balances. (Resolution adopted at the 2002 Plenum)

The JCPA continues to support those actions of the President of the United States and of the Administration which do not endanger Constitutional rights, to apprehend, try, and punish those responsible for the September 11, 2001, terrorist attacks, to eliminate the havens and harbors of terrorists internationally, to prevent future terrorist attacks on the United States and its citizens and interests, and ultimately to eliminate terrorism, strongly believes that adherence to fundamental principles of fairness and due process in investigating terrorism as well as apprehending, trying, and punishing those responsible for terrorist attacks is important not only to safeguard the freedoms guaranteed by the Constitution but also to preserve the moral authority of the United States. We are particularly concerned about the treatment of United States citizens, including questions of indefinite detentions, denial of legal counsel and trials that are closed in their entirety. At the same time, JCPA believes that these valued protections must be applied in a balanced manner in light of what is reasonable under current

circumstances, and in light of the necessity to ensure the security of all Americans and believes that the war on terrorism must engage the root causes of this growing danger, namely the teaching of hatred and violence, especially that which permeates segments of the Islamic and Arab worlds, and which have frequently operated with acquiescence or outright support of foreign governments.

The community relations field should encourage public support for the Administration's efforts to apprehend and punish terrorists and to prevent future terrorist attacks, ensure that the political climate remains open and free, such that public discourse evaluating governmental action in the war on terrorism continues to be a valuable part of American democracy, continue to monitor the manner in which the war on terrorism is conducted to ensure that these important efforts do not infringe upon our fundamental freedoms, encourage the intensified use of diplomatic and other channels to advocate for elimination of anti-Semitic, anti-American, and pro-terrorism rhetoric, and advocate to make this a goal of U.S. foreign policy, and raise the issues of anti-Semitism, anti-Americanism, and terrorism with coalition partners, including in dialogue with the Arab American and Muslim-American communities, and encourage internal and public pronouncements which unequivocally reject terrorism and deliberate attacks on civilians as acceptable means of political expression. (Resolution adopted in February 2003).

We support the freezing of assets of groups and individuals that have been linked to terrorist activities, as well as moves by major corporations and philanthropies who have blocked donations to such organizations (Resolution Adopted at the 2002 Plenum)

Death Penalty

The Jewish Council for Public Affairs (JCPA) historically has stood in opposition to the death penalty. The JCPA reaffirms its call for a federal and statewide death penalty moratorium. Both supporters of the death penalty and opponents, such as the JCPA, are concerned about flaws in the system by which the government imposes sentences of death. We must not allow the understandable desire for punishment to overshadow the impartial pursuit of justice. The JCPA therefore, further resolves to urge that the study of factors that contribute to wrongful sentencing and convictions include racial disparities, disproportionately based on geographic location and income status of defendants, and adequacy of representation of capital defendants; urge the federal and state governments to provide legal mechanisms whereby persons sentenced to death can challenge their convictions or sentences, despite the passage of time, on the basis of reliable scientific information, such as DNA testing, not available at the time of trial or post-conviction proceedings; call on the federal and state governments to provide for the collection and analysis of data to determine the extent, if any, to which disparate treatment of those sentenced to death is attributable to race or ethnicity and to act to eliminate disparities, where they exist; call upon state legislatures in those states that do not impose a death penalty to reject calls for enactment of death penalty legislation; support recommendations of the American Bar Association, calling for the imposition of a moratorium on use of the death penalty by the federal government and all 50 states, to remain in force until policies and procedures can be implemented to ensure the fair and impartial administration of death penalty cases, and to minimize the risk that innocent people might be executed. These include: Assure that all those accused of capital crimes receive competent counsel at every step in the judicial process, with adequate funding for a fully investigated defense; Measures to preserve, enhance, and streamline the authority and responsibility of federal and state courts to exercise independent judgment on the merits of constitutional claims in state post-conviction and federal habeas corpus proceedings; Elimination of discrimination in capital sentencing on the basis of race of victim or defendant; and Provisions that inhibit execution of mentally retarded people and those who were under the age of 18 at the time of their offenses. (Resolution adopted at the 2001 Plenum)

Death Penalty Moratorium

The Jewish Council for Public Affairs resolves to call upon the President and the governors of all other states that impose the death penalty to impose a federal and state-wide moratorium on the death penalty, and to appoint a commission to expeditiously study the frequency with which inmates sentenced to death have later been found to be not guilty and the factors which contribute to wrongful conviction and the imposition of the death penalty in inappropriate cases; and support legislation to enact appropriate safeguards (such as access to DNA and other potentially exculpatory material) to guard against the execution of those who are not guilty. (Resolution adopted at the 2000 Plenum)

Gender Identity Discrimination

The JCPA supports state and federal legislation that would extend civil rights protections to individuals based on their real or perceived gender identity or expression. As with legislation such as the Employment Non Discrimination Act, we support the inclusion of a carefully drawn exemption for religious institutions. We encourage support for legislation that would extend civil rights protections to individuals based on their real or perceived gender identity and expression.

Flag Desecration

The JCPA believes that the principle of free speech protected by our Constitution and symbolized by our American flag is strong enough and precious enough to withstand even the most offensive speech. Among the truest tests of this principle is that even an act as abhorrent as burning or desecrating the flag is deserving of protection. The JCPA calls on the Congress and the American people to defeat efforts to amend the constitution to prohibit desecration of the flag and to support the Bill of Rights for which the flag stands. (Resolution adopted at the 1997 Plenum).

Free Speech-Attacks on Advocacy by Non-Profit Organizations

The organized Jewish community, in coalition with fellow members of the non-profit sector, must remain vigilant in opposing initiatives to impose severe restrictions on the ability of non-profit organizations to engage in advocacy on issues pertaining to their mission. (Agenda 1999-2000)

Free Speech Challenges in an Age of Cyber-Technology

As delineated in its Statement of Policy on Censorship, first adopted at the Plenum in 1962, the JCPA believes that "Jewish security is best furthered by a democratic society in which there is adherence to the Bill of Rights and its guarantees of freedom of expression." At the same time, the JCPA recognizes the evolving nature of speech and the need to consider and apply principles of free speech in light of new technology. (Agenda 2000-2001). The JCPA recommends the following Government Regulations: Support the use of filtering in publicly funded places that provide Internet access, such as schools and libraries, to block material harmful to minors, provided that unfiltered computers are available for use by adults; Advocate legislation to make illegal the use of the Internet to instruct and encourage individuals to engage in imminently violent criminal activities, including terrorism. Support legislation to protect the privacy of personal information collected on the Internet (such as financial, medical, and other sensitive data), and to provide greater individual control over the collection and use of that information; require privacy disclosures on web sites, consumer consent for use of data, and access by individuals to their own personal data; Promote measures to monitor and ensure that internet surveillance by law enforcement comport with individual liberties including freedoms of speech, association, and due process, and freedom from unwarranted search and seizure. Argue that the Internet communication should be afforded the same legal protection as other forms of speech. The JCPA recommends the following Voluntary Constraints call on Internet service providers (ISPs) to police their clients' web sites, reminding them there is no law requiring that they continue to do business (with) and provide services to sites that preach violence, teach bomb-making or promote other forms of terrorism; encourage ISPs to develop a common standard of

acceptable practices for use of their services; advocate increased public education regarding how privacy works on the Internet; press for privacy enhancing technologies that emphasize self-regulation; encourage parents to take responsibility for what their children view, to educate themselves and their children about the powers and proper use of the Internet, and to make use of filtering and blocking technologies, options for monitoring children's computers, and use of "green spaces" technology (whereby specified web pages are downloaded to a server, without providing full Internet access); promote development of websites designed to counter hate speech. Use the networking capability of the Internet itself to organize online communities that challenge, inform and counter hate messages; support efforts to promote "voluntary self-labeling," for example, asking search engines to require that all web sites label content when applying for a spot in their directories.

Racial Profiling by Police Departments

The JCPA registers its unequivocal opposition to the practice of racial profiling as detrimental to democracy. We call upon all communities and law enforcement agencies to combat this practice. Our community supports measures that will work toward stopping racial profiling and making police agencies more fair and effective. The measures include: more vigorous efforts to recruit, hire, retain and promote minority group members as police officers; making offending officers and supervising officials more accountable; requiring law enforcement agencies to compile and publish statistics which would uncover racial profiling; increasing community relations efforts and cooperation between people of all backgrounds and police departments, so that all sides may gain a better understanding of minority sensitivities as well as the very difficult and dangerous job police officers are required to do; and support initiatives that provide and encourage continuing education at all levels for officers. (Resolution adopted at the 2000 Plenum)

Opposition to Torture

The JCPA opposes the use of torture and affirms the continued validity and legal definitions present in the Geneva Conventions and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; Opposes the practice of 'extraordinary rendition', which is commonly defined as an extrajudicial procedure that sends criminal suspects to other countries, specifically to those that are suspected of using torture during interrogation; Supports allowing all people in U.S. custody subject to the Geneva Conventions the right to be visited by the International Committee of the Red Cross; Supports efforts to examine past practices and ensure that interrogations by military and intelligence agencies comport with international conventions; and, Urges the community relations field to work independently and in coalitions to advance the above. (adopted at the 2006 Plenum)

Workplace Religious Freedom Act

Legislation to protect religious liberty in the workplace - the Workplace Religious Freedom Act - is a priority of the organized Jewish community. This measure, intended to assure that employers have a meaning obligation to accommodate their employee's religious practices by the restoring religious accommodation provision of the 1972 amendment to the 1964 Civil Rights Act to the weight Congress originally intended and that the JCPA supports. (JPP 1997-1998, Agenda 1999-2000, Agenda 2000-2001)

HOLOCAUST

Holocaust

While there will not always be unanimity within the Jewish community on every facet of this controversy, the JCPA believes that its member agencies have a vital role to play in coordinating local responses to issues of Holocaust restitution.

The JCPA commends those nations that have already made significant gestures with regard to resolving restitution issues in a forthright, expeditious manner. The JCPA also commends those countries that have created historical commissions to investigate and record the details of their wartime activity, and urges those implicated nations that have not embarked on such initiatives to do so. The American government is to be applauded for setting an example through its creation of the Presidential Advisory Commission on Holocaust Assets in the United States. Foreign governments should be urged to make relevant archives and records accessible to historians, and to continue engaging in productive dialogue with the American and Israeli governments, survivor representatives, and the Jewish community, in order to hasten the process of financial restitution. Such efforts will assist in the creation of a historical record that will be an enduring reminder of the world's indifference to, and, in some instances, direct or indirect complicity with, the Shoah. As the world focuses to an ever greater extent on the material losses incurred by Holocaust victims and their heirs, it is incumbent upon the organized Jewish community to ensure that this process does not detract in any way from the important task of educating people worldwide about broader themes of genocide, anti-Semitism, and prejudice. Increasing the quantity and variety of Holocaust education programs will help to make the Shoah meaningful to generations who will never have the opportunity to meet a Holocaust survivor in person, and for whom World War II is perhaps as remote an event as the Civil War. Renewed interest in the Holocaust undoubtedly will continue to have a profound impact on Jewish-Christian relations. Controversy surrounding the release of the Vatican's report *We Remember*, which attempted to address the role of the Catholic Church with regard to the Holocaust, as well as other events, such as the erection of a field of crosses at Auschwitz/Birkenau by extremist Polish Catholics and the canonization of the Jewish-born Carmelite nun Edith Stein, who perished at Auschwitz, have exacerbated Catholic-Jewish and Polish-Jewish tensions. Additionally, the organized Jewish community continues to press for the release of documents from the Vatican archives that will shed further light on the Church's activities during the Holocaust. (Agenda 1999-2000)

Assets Restitution and Needy Holocaust Survivors

The JCPA will continue to support efforts to resolve outstanding restitution and compensation issues as speedily as possible for the benefit of aging Holocaust survivors. JCPA member agencies will continue to play a key role in coordinating communal responses and outreach to survivors and their heirs, and in promoting policies and programs that will be sensitive to the needs of survivors and will preserve the ultimate lessons of the Holocaust. One important priority will be the passage of appropriate federal and state legislation to exempt restitution payments from taxation, as well as from income or asset calculations for means-tested public benefits programs (Agenda 2000-2001)

The JCPA hereby asserts that as long as Holocaust survivors living anywhere in the world are lacking basic needs, including food, shelter, medical care or any other form of assistance now or hereafter deemed necessary to allow them to live out the remainder of their lives in comfort and dignity, any and all Holocaust Related Funds now or hereafter obtained, from whatever source paid and by whatever agency administered, which are not legally restricted to a specific contrary purpose, shall be promptly disbursed to or on behalf of such Holocaust survivors in order to meet such needs. To the extent that there are Holocaust Related Funds remaining after all the present and anticipated needs of such Holocaust survivors have been fully met, it would be appropriate to consider the use of such remaining funds for programs of research, documentation and education of the Holocaust, among other uses.

The community relations field should educate themselves and others about the current conditions in which many Holocaust survivors live, raise this issue in their communities to determine the extent to which local survivors are living with significant unmet needs, raise these issues with agencies involved in the determination of the needs of Holocaust survivors and the allocation and disbursement of Holocaust Related Funds to meet those needs, and encourage such agencies to involve in their determinations

representatives of Holocaust survivors and professional social service agencies such as the Jewish Family and Children's Services.(Resolution adopted in February 2003)

Long Term Health Care for Holocaust Survivors

The JCPA and its member agencies support the pilot program initiated by Florida's Insurance Commissioner and the South Florida Survivors Coalition to fund long term home health care for Holocaust survivors. A program to fund much needed home health care for Florida's survivor population from funds already placed into an escrow account by the International Commission for eventual use representing "heirless" insurance proceeds. The plan would also call for the insurers liable for unpaid Holocaust era policies to contribute to the fund. The present proposal is designed only to commit the amount of "heirless funds" that would be allocated to the State of Florida through the process.

The JCPA calls on its member agencies to explore in their own communities the same kind of pilot program for long term health care for their Holocaust survivor community. (Resolution adopted at the 2000 Plenum)

Nazi War Criminals

The Jewish community relations field should continue its efforts to interpret to the Congress and the public the rationale for continual investigation and prosecution of Nazi war criminals and to assist the justice Department's efforts to seek evidence and witnesses that will lead to the denaturalization and deportation of Nazi war criminals from the United States. (JPP 1990-1991)

INTER-RELIGIOUS RELATIONS

Recent decades have marked considerable advances in interfaith dialogue and understanding. Religious diversity and respect for minority faiths has strengthened an America that has, in turn, provided tremendous opportunity for American Jews. Interfaith partnerships have provided an invaluable voice for civil rights, religious liberties, social justice, environmental protection, protection of religious minorities in other lands, and many other areas of concern. On occasion, the Jewish community has found itself at great distance from other faith communities on key issues. Where close relationships have existed, they have mitigated disharmony that might otherwise have resulted.

The Jewish community relations field reaffirms its longstanding commitment to working consistently toward strong interfaith understanding and positive working relationships with all faith communities.

Interfaith relations are a cornerstone of community relations and an activity of highest priority. The development of coalitions on issues of common concern can build relationships and networks that, in turn, will foster greater trust and understanding. There is tremendous need for increased dialogue on matters of social policy. Community relations agencies, both local and national, play a critical role in shaping and nurturing meaningful dialogue.

Faith groups should, as the groundbreaking Vatican declaration *Nostra Aetate* notes, understand other faiths as they understand themselves. (Resolution adopted Plenum 2008)

Aggressive and misleading proselytization remains a profound concern. We continue to condemn as deceptive and inappropriate the use of Jewish symbols and practices in the marketing of Christian religious groups as legitimate forms of Judaism. The community relations field should continue to monitor missionary Christian groups, including "Hebrew-Christians"; educate Jewish and non-Jewish leaders about the practices of missionary Christian activities; and assist Jewish groups to establish criteria

to enable the exclusion of those groups or individuals whose purported membership is for the purpose of promoting conversion of the Jews to Christianity or for other ulterior motives antithetical to the mission of that Jewish organization or institution. (Resolution adopted Plenum 2008, June 2002).

Catholic-Jewish Relations

The relationship between the Catholic and Jewish communities remains strong on the international, national, and local levels. The groundbreaking declarations made more than 40 years ago in *Nostra Aetate* have yielded, more than a generation later, a relationship that is deep and enduring. The American Jewish community welcomed a Vatican recognition in 2006 that anti-Zionism is anti-Semitism. American Jews mourned the passing of the late Pope John Paul II, a man who referred to the Jewish people as “the beloved elder brothers of the Church of the original covenant never abrogated.” We welcomed the news that in his successor, Pope Benedict XVI, was chosen a man who has shown great devotion to interfaith relations. We hold great hope that the relationship between Catholics and Jews will continue to deepen, and that this relationship will help us to bridge differences over matters that have caused concern in recent years such as the status of the Fundamental Agreement between the State of Israel and the Holy See; the increased flexibility given priests to use a Latin Rite with arguably anti-Jewish prayers; and denial of full access to Holocaust era archives. (Resolution adopted at the 2008 JCPA Plenum)

Mainline Protestant-Jewish Relations

In the years following *Nostra Aetate*, the Mainline Protestant churches took great strides to reframe in a positive manner the theological relationship between Christians and Jews. Strong statements or study guides have been developed by churches including the Episcopal Church, the Evangelical Lutheran Church in America (ELCA), the Presbyterian Church (USA), the United Methodist Church, the United Church of Christ, and other denominations belonging to the National Council of Churches (NCC). We have worked together in pursuit of the common values we garner from our shared texts and traditions. These churches remain important allies on a range of issues, including, among others, immigration, health care, poverty, and international human rights.

However, we find ourselves in sometimes bitter and often painful opposition on an issue we hold most dear: Israel and how to bring peace between Israelis and Palestinians. We call on all the churches to:

- understand and recognize the centrality of Israel to the Jewish people
- recognize unequivocally not only Israel’s right to exist, but also its right to exist as a Jewish state; support for a Palestinian right of return is inconsistent with such recognition.
- advance considered approaches to the conflict that clearly recognize the need for Palestinians to dismantle any terrorist infrastructure; and not reflexively blame the State of Israel for creating the conflict, the difficult humanitarian situation of many Palestinians, and the diminishment of a Christian presence in the Holy Land.
- view the Christian Zionist community in all its diversity and not simply as “Armageddon Theorists,” thus reducing to a stereotype those Christian friends of the Jewish state who come to their support for reasons other than to hasten a cataclysmic end to history.
- support efforts toward Israeli-Palestinian coexistence and peacemaking and reject unconstructive proposals such as boycotts, sanctions, and divestment.

Evangelical-Jewish Relations

The JCPA believes that increased dialogue between our communities could help each better understand the other and help build recognition of the range of issues on which Jews and Evangelical Christians are already working cooperatively: treatment of religious minorities in other lands, religious accommodation in the workplace, religious freedom restoration legislation, and social services.. Where appropriate this dialogue might also address issues where differences may remain between some segments of the Jewish community and Evangelical Christians, e.g., church-state separation, the role of religion in public life, women's and reproductive health issues, and perceptions of Islam in the modern world. In short, dialogue will possibly diminish some of the objections to Jewish-Evangelical ties and the sometimes ill-informed negative stereotypes that characterize many in each community, reaffirms that its communities and agencies can beneficially pursue interaction (dialogue and/or cooperation) with Evangelical Christians (Joint Program Plan 1994-1995), and that while the nature of such interaction should be molded to particular situations, our abiding objection to proselytization targeted at Jews must be clear and consistent (Resolution on Aggressive and Misleading Proselytization, June 2002), and recognizes that our interaction or partnership with Evangelical Christians on issues of common interest should not in any way affect the positions or actions of the Jewish community on issues on which we disagree.

The community relations field should, taking local and other dynamics into account, pursue expanded interaction with Evangelical Christians, seeking to learn and to teach, to confront and to cooperate where appropriate, work with the Evangelical community applying standard community relations principles in a way that strengthens America, Israel and our community, consult and involve appropriate rabbinic and Jewish organizational leaders, including JCPA, as this set of relationships develops, and explore opportunities to mobilize and harness the pro-Israel sentiments and activities of Evangelical Christians. (Resolution adopted in February 2003).

Muslim-Jewish Relations

We call on others to take steps which condemn, in unequivocal terms, the bigoted stereotyping, scapegoating and assaults of Muslim and Arab Americans that have occurred in the aftermath of September 11th. American Jews are especially sensitive to these immoral acts and recognize their corrupting influence on our society; deplors the bigotry emanating from some in the Muslim and Arab American communities and elsewhere that falsely accuse Jews, Israel or the so-called "Jewish controlled media" for responsibility in the September 11th attacks; applauds leaders in the Muslim community who have spoken forcefully against interpretations of Islam that have been used to justify and glorify terrorism, and urges all Muslim clergy and leaders, here and abroad, to reaffirm publicly the peaceful principles of their faith and to reject vehemently all acts of terror (Resolution Adopted at the 2002 Plenum)

Mormon-Jewish Relations

The American Jewish community welcomes increased dialogue and understanding with our Mormon neighbors. The Mormon community has made a significant effort to reach out to American Jews, hailing a long record of support for the Jewish state. This support is warmly welcomed, too. The relationship is not without strain. There is a need to honor commitments made not to posthumously baptize Jews. The Jewish community relations should continue to engage the Mormon community and, where appropriate, form coalitions on matters of common concern. (Resolution adopted at the 2008 JCPA Plenum)

Other Faith Communities

The American religious landscape is continually evolving. There are growing Baha'i, Buddhist, Hindu, Jain, Sikh, and other communities. They often experience many of the same issues that American Jews have faced and continue to face as minority communities of faith. In addition, xenophobia has

complicated life for minority communities. The Jewish community relations field should engage diverse religious communities and, where appropriate, form coalitions on matters of common concern. (Resolution adopted at the 2008 JCPA Plenum)

Misleading and Aggressive Proselytization

The increased aggressiveness of certain missionary Christian groups around the country is a matter of growing concern for the Jewish community. Utilizing misleading practices, some of these groups misrepresent themselves as Jews in an effort to enhance their proselytizing efforts.

Jewish organizations and community centers have been frequent foci of these groups, as have college campuses. Particularly disturbing have been efforts to convert vulnerable populations, including recent immigrants, youth, and the elderly in nursing homes.

The leadership of each major stream of Judaism - Conservative, Orthodox, Reconstructionist, and Reform have publicly and unequivocally rejected the "Hebrew-Christian" movement's claim to be a form of Judaism, and have objected to their disguised effort to proselytize and convert Jews.

The JCPA condemns the use of Jewish symbols and practices as deceptive and inappropriate in the marketing of Christian religious groups as legitimate forms of Judaism.

The community relations field should continue to monitor missionary Christian groups, including "Hebrew-Christians", educate Jewish and non-Jewish leaders about the practices of missionary Christian activities, particularly among vulnerable groups such as new immigrants, and the elderly, urge telephone directories to enforce their rules prohibiting false or fraudulent representations in their publications and to discontinue listing "Hebrew-Christian" congregations under 'synagogue' listings, and instead place them under less misleading designations, and develop mechanisms to support, and to provide expertise to Jewish organizations and institutions including synagogues, community centers, cemetery associations, camps, schools, campus, immigrant and senior citizen groups to evaluate, and where appropriate, amend membership or admission criteria to enable the exclusion of those groups or individuals whose purported membership is for the purpose of promoting conversion of the Jews to Christianity or for other ulterior motives antithetical to the mission of that Jewish organization or institution. (Resolution adopted in June 2002).