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### The Next Four Years

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## INTRODUCTION

# The Next Four Years

By Stephen J. Wermiel



In a speech in June 1963, President John Kennedy reflected, “Life is never easy. There is work to be done and obligations to be met—obligations to truth, to justice, and to liberty.” He was speaking about the future of Berlin, but he might well have been looking into the future facing President Joe Biden.

A transition from one president to another always brings change, challenges, and chances to make a difference in the direction of the nation. Rarely, though, has the contrast been more dramatic or the need for change greater than in the turnover from the policies of the Trump administration to the hopes and expectations for the Biden administration.

For the Section of Civil Rights and Social Justice (CRSJ) of the American Bar Association, this is a time of both challenge and hope, a time for urgency and action. The past four years have undermined many of the policies and fundamental values for which the civil rights lawyers in this section have fought since the Section was created as the Section of Individual Rights and Responsibilities 55 years ago in 1966.

Sadly, just undoing the damage to civil rights and civil liberties that has been done in the last four years would, itself, be an ambitious agenda. President Biden signed more than two dozen executive orders in his first weeks in office, many of them rolling back Trump administration policies on immigration, health care, the environment, the military, and this country’s participation in international organizations and agreements.

Reversing the damage is not enough, however. There is urgent need to move forward, to use these four years to build a foundation for a more humane society that values the dignity and worth of all persons, that believes in equality for everyone, and that is committed to opportunity for all to have basic rights like food, shelter, guaranteed subsistence, and access to medical care.

In this special edition of *Human Rights* magazine, we have assembled an impressive group of authors to address some of the most pressing issues that need the attention of the Biden administration in the next four years. It was not possible to include every matter that is in need of attention and action. For the constraints of time and space, we had to pick and choose. In some instances, we omitted a topic because we have devoted other recent issues of the magazine to those concerns; for some topics, we simply could not make the space.

What follows are 11 essays on important and pressing issues with suggestions for how President Biden might prioritize the work that needs to be done—the CRSJ agenda for President Biden.

Some articles have a very specific focus on issue or subject areas. Our authors lay out an agenda for much-needed immigration reform, for example, not just undoing the hostile policies of the past but moving forward in progressive ways. Other articles lay out the need for

*continued on page 24*



## Introduction

*continued from inside front cover*

urgent action in the fields of health care, the environment, and income inequality.

Another set of articles focuses on priorities for specific communities and populations. We examine agendas for Native Americans in one article and the challenges that need to be addressed for LGBTQ+ communities in another essay.

In still another set of articles, our authors tackle concerns that cut across the challenges facing our democracy. One article tackles the important need to revive and focus enforcement of antidiscrimination laws that have languished for four years. Another shines the spotlight on policing and the many urgent calls for reform that have emerged from the Black Lives Matter movement and other forces. And, of course, given the democracy-stealing spectacle and threat of the last four years, but especially the last several months, we have an article on the need for voter protection and election reform.

The final two articles address fundamental concerns about our government that has been so badly undermined by the thousands of lies, deceptions, and lack of regular and honest channels of information during the Trump administration. One article focuses on the need to restore transparency to government decisions and operations, the need for open and honest accountability to public trust. The other article tackles the urgent need to restore the credibility of the Department of Justice, which should be a beacon of independent decision-making and prosecutorial judgment but which has, instead, been tarnished by the taint of politics and fealty to Trump.

There is so much more that we could address in this issue of the magazine. Our Human Rights Hero column recognizes the contributions of the many people who have fought in recent months to save our democracy. We must build on the work of these electoral officials, volunteers, and voting rights advocates. For many in this country, fundamental faith in the sanctity and fortitude of our democracy has been shaken to its core. It is not merely the false claims of election fraud or the startling attack on the U.S. Capitol. It is also the outrageous attacks suggesting fraud and illegality in

the efforts to enable millions of people to be able to vote safely and more easily through mail-in ballots. It is the resistance by so many vocal critics to efforts to accommodate extended voter deadlines because of the COVID-19 crisis. We have to find a way to restore faith that our democracy works and was built to withstand attacks on the fundamental right of people to participate through voting.

We have not discussed civic education in this issue. Fortunately, building on the strong focus on equality and diversity that current CRSJ Chair Angela Scott has brought, CRSJ Chair-Elect Beth Whittenbury will devote her attention in the next year to the importance of civic education. The timing for this focus could not be more crucial. It has been truly shocking to watch and hear the claims of election fraud and election steals, so much of which has been rooted in baseless conspiracy theories and fundamental lack of knowledge about how our system of government works. It was not simply that Trump fueled the false claim that Vice President Mike Pence could overturn the Electoral College vote, for example, it was that tens of thousands of people believed him.

We need to recommit to civic education in this country. It may not stop the conspiracy believers; sadly, nothing will. But we need a stronger base of people who understand both the nuts and bolts and the core values of our democracy. We need to teach the next generations of voters and leaders how to engage in civil discourse that starts from a premise of goodwill rather than from a base of distrust.

The articles in this issue lay out an ambitious agenda. We hope they serve as inspiration for the restoration of faith in democracy and for hope that our country can work to come back together in the next four years and beyond. There is much work to be done.

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## Rebuilding Trust

*continued from page 19*

overriding interest in seeing proposals that are under consideration but not yet finalized, even proposals that ultimately are rejected. The disclosure that, during the ebbing hours of the Trump presidency, some high-ranking Justice Department officials seriously discussed bringing known false claims of election fraud before the Georgia courts is manifestly the public's concern, even if the strategy was abandoned.

With the stroke of a pen, Biden could instruct executive agencies to cease relying on Exemption 5, while working through Congress to wipe it off the books.

### THE CHALLENGE AHEAD

Candidate Biden ran on a pledge to insulate the Justice Department and other executive agencies against political meddling, to fortify whistleblower protections, and to appoint a Commission on Federal Ethics with subpoena power to toughen enforcement of toothless anticorruption laws. On his first day in office, Biden signed an executive order requiring appointees to pledge to adhere to rigorous ethical standards, including honoring a "cooling-off" period before they can accept lobbying jobs. These are encouraging signs.

It is not enough for President Biden to deliver successful results. He must begin rebuilding the legitimacy of institutions torn down by decades of sustained antigovernment extremist rumor-mongering. The first step in rebuilding trust is, of course, to behave in a way that is worthy of trust. But the first step accomplishes little without the second: To be trusted, the new administration must not merely behave beyond reproach but must invite skeptics to look inside the process of governance to assuage their skepticism.

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