



ACLU

AMERICAN CIVIL LIBERTY



WHAT DOES THE 'A' REALLY STAND FOR?

The ACLU has been pushing a radical liberal agenda for years, and despite the rare occasion that they get something right, they often take up anti-American causes.

by Matthew Vadum

Which major liberal advocacy group zealously guards workers' rights but won't lift a finger to help when workers suffer government-sanctioned discrimination as a result of affirmative action programs?

And which group protects the right of Muslim women to wear religious headscarves—even in jail—but erupts in apoplectic rage when nativity scenes and menorahs pop up on public property?

It's the American Civil Liberties Union, which has a rich and storied tradition—of not making any sense.

Even before President George H.W. Bush helped secure his 1988 election victory by noting in a televised debate that Democrat Mike Dukakis was a "card-carrying member of the ACLU," conservatives have long been suspicious of the Communist-founded ACLU—and for good reason.

Founded by radicals during the Progressive Era who simultaneously professed admiration for American ideals and for the totalitarian Soviet Union, the morally preening group, which risks the wrath of conservatives every year by manning an exhibit hall booth at the

Conservative Political Action Conference (CPAC) in the nation's capital, is a tangled mess of contradictions. This fair-weather friend of liberty claims to protect the U.S. Constitution and individual rights, but often adopts statist, Big Government positions on issues that would alarm the nation's founders. As a self-described progressive "social justice" organization, it believes in "welfare rights," which are figments of the liberal imagination unmentioned in the Constitution. It seldom defends private property rights or economic freedoms but creatively squeezes non-existent rights and liberties out of supposed emanations and penumbras in the Constitution.

In legal terms, the ACLU is a 501(c)(4) legislative lobbying group. Its litigation and outreach arm, the ACLU Foundation, is a legally separate 501(c)(3) organization. The ACLU claims to have more than 500,000 members and supporters, almost 200 staff attorneys and thousands of volunteer attorneys, and staffed offices in all 50 states, Puerto Rico and the District of Columbia.

The ACLU constantly applauds the growing power of the judiciary at the expense of elected lawmakers. It does not object to government control of education and is hostile to school voucher programs. It invents new

so-called rights on a regular basis and argues that the Constitution is a living, breathing document whose meaning changes with the seasons. It regards itself as an avant-garde crusader for unlimited abortion rights, polygamy and same-sex marriage and brags that it compelled the state of Alaska to give equal employment benefits to homosexual employees.

Regarding just about anything having to do with sex, the ACLU refuses to pass moral judgment. Columnist Deroy Murdock notes that the ACLU has supported the extremely controversial North American Man/Boy Love Association (NAMBLA) which "openly preach[es] pedophilia and arguably encourage[s] kidnapping, rape and murder," while being "energetically hostile" to the Boy Scouts of America.

The ACLU supported NAMBLA, which an Ohio court previously found complicit in a separate case of child rape for producing a how-to manual, when it was sued in federal court. Parents of Jeffrey Curley, a 10-year-old boy raped and murdered by a former NAMBLA member in 1997, filed a wrongful death suit against the group but dropped it last year after a key witness was ruled unfit to testify. "There was never any evidence that NAMBLA was connected to the death of Jeffrey Curley," ACLU lawyer Sarah R. Wunsch told the *Boston*

American Civil Liberties Union Executive Director Anthony Romero has accused the Bush administration of approving the torturing of terror detainees. The ACLU has repeatedly taken stances that go against American interests. (Reuters/Jonathan Ernst)



Scott Cozza, right, of the Scouting for All organization, leads a protest outside of the National Council Conference of the Boy Scouts of America in Philadelphia, demanding that the BSA allow homosexuals to be scout leaders. The ACLU has backed gay-rights groups and other liberal organizations in their fights against the Boy Scouts. (AP/Mark Stehle)

Globe. “It’s been our view that for the last eight years, it’s been the First Amendment that’s been the defendant in this case. In America, there’s freedom to publish unpopular ideas, and that’s what this case was about.”

Yet, Murdock writes, the ACLU looked down upon the Boy Scouts, “an organization that tries to turn boys into men, with sex alien to the process.” The ACLU could not abide the fact that San Diego allowed the group to lease and manage parkland, because it considers the Boy Scouts to be a religious organization and hostile toward homosexuals. Although the Scout Oath requires the scout to promise to do his “duty to God,” and Scout Law requires him to be “reverent,” the Boy Scouts had not barred other groups from using the park and had even allowed the San Diego Gay Pride Festival to be held there. The ACLU won in court, and the Boy Scouts were forced to leave the park.

Conservatives are often galled, and rightly so, by the ACLU’s moral pretensions and lofty rhetoric. In its 2007 annual report, the group uses the same kind of soaring, inappropriately internationalist language one might expect to hear from President Obama or George Soros: “The battle to keep America safe and free is, at its heart,

a battle to bring America back to the vision and ideals embraced by our Founders and enshrined in our Constitution: separation of powers, democratic actions and the honor of fundamental rights. These are the things that make us free, that *show the world* that we are honorable and decent, that *bring the support of our allies* and the *respect of those who might be tempted to oppose us*” [emphasis added].

The ACLU, a reliable booster of international law, doesn’t seem to understand that the Constitution was not created primarily to impress foreigners, allies, potential adversaries and residents of Manhattan’s ideologically homogeneous Upper West Side. It was created to provide a framework for the nation to be governed, with specified limits on the exercise of government power.

SCHIZOPHRENIC AGENDA

The group’s inconsistencies are the stuff of legend.

For example, the ACLU claims a special affection for the Bill of Rights, but strangely has long rejected the “individual rights” interpretation of the Second Amendment. The group would make the amendment effectively a dead letter because it believes it protects a

so-called collective right to keep and bear arms only in connection with a state militia. After the Supreme Court slapped down this implausible view last year in the *Heller* case, the ACLU stuck to its guns, saying it disagreed with the court. The group added, somewhat disingenuously, that it takes no position on the issue of gun control. “In our view, neither the possession of guns nor the regulation of guns raises a civil liberties issue,” the ACLU stated on its website.

Although conservatives have strongly criticized the ACLU for decades, and the group historically supported the Fairness Doctrine, it generally does defend the free expression of ideas.

Some conservatives don’t like that it defends pornography, but occasionally the ACLU pleasantly surprises conservatives. Colorado state Sen. Greg Brophy, a Republican, had jokingly suggested he wanted an “ACLU-SUX” vanity license plate. He was taken aback when the ACLU offered to defend his right to express that sentiment on a license plate. When state officials seized the medical records of talk radio host Rush Limbaugh in a drug investigation, the ACLU filed a friend-of-the-court motion arguing the officials had overreached. “For many people, it may seem odd that the ACLU has come to the defense of Rush Limbaugh,” said Howard Simon, executive director of the Florida ACLU. “But we have always said that the ACLU’s real client is the Bill of Rights, and we will continue to safeguard the values of equality, fairness and privacy for everyone, regardless of race, economic status or political point of view.”

The group has also criticized proposed tobacco control legislation for curtailing advertisers’ right to free speech and has attacked various aspects of the freedom-limiting McCain-Feingold campaign finance law. However, it disdains public prayer even though the attendees at the Constitutional Convention prayed together.

The ACLU adores terrorists. At one point, Bernardine Dohrn, the unrepentant Weather Underground leader married to fellow terrorist Bill Ayers, sat on its advisory board.

In the 1980s, the ACLU defended the terrorist Palestine Liberation Organization when it tried to keep its



information office open in Washington, D.C., arguing the relevant issue was free speech and not national security. When Homeland Security Secretary Janet Napolitano unveiled her department's infamous "right-wing extremism" directive to law enforcement that lumped together neo-Nazis with limited government supporters and returning soldiers, the ACLU's Mike German, a former FBI special agent, was scathing. "Soon we'll all be radicals," German said. He also condemned the DHS document and other "threat reports that focus on ideology instead of criminal activity."

America is hopelessly, systemically racist, according to the group, which supports affirmative action on "racial justice" grounds and as a way for the country to atone for past sins. ACLU lawyer Chandra Bhatnagar insists that racial profiling of minorities by law enforcement "remains a widespread and pervasive problem throughout the U.S."

Like all good leftists, the ACLU believes that almost a century and a half after slavery was abolished, America remains vexed by "the continuing persistence of structural racism and inequality in this country." And like the radical leftist group ACORN, the ACLU indulges the fantasy that voting rights are constantly under attack in modern-day America. It wants all felons to vote too.

Speaking of felons, in July, the Pennsylvania branch of ACLU threw its lot in with the radical activist group ACORN. After the Pittsburgh district attorney filed charges against seven canvassers for falsifying voter registration forms, the ACLU claims the law was misapplied. Witold Walczak of the ACLU said, "They already charged the employees, and they've hinted they might go after ACORN next." Can't have that, can we?

The ACLU also encourages prisoners, whether in the U.S. or Guantanamo Bay, to engage in endless litigation against their jailers and considers overcrowding to be a kind of torture.

Although the ACLU claims to defend immigrants' rights and ascribes popular backing of stricter enforcement of immigration laws to "anti-immigrant hysteria," it has supported delivering young asylum seekers back into Communist tyranny. The group supported sending 6-year-old Cuban

refugee Elian Gonzalez back to Fidel Castro's Cuba in 2000, just as it argued 20 years earlier for the deportation of 12-year-old asylum seeker Walter Polovchak to the then-Soviet Union. Ultimately, Gonzalez was forced to leave but Polovchak was allowed to stay.

Although the Constitution clearly gives the federal government the power to defend the nation and repel invasions, the ACLU consistently gets in the way, siding with America's enemies and frustrating government efforts to secure the national border.

"The ACLU's intellectual incoherence seems to stem from the views of its principal founder and longtime leader ... an avowed anarchist, pacifist and Communist."

ACLU activists have reportedly monitored the activities of border-security groups along the U.S.-Mexico border and gone out of their way to help illegal aliens enter America. The group frequently goes to court in an effort to free undocumented immigrants from detention, and brags that it stopped the Department of Homeland Security from using Social Security "no-match" letters—letters employers receive when an employee's name does not match his Social Security number on an employment form, which can be a red flag that the employee is in the country illegally—for immigration enforcement purposes.

Morton Halperin, a former director of the ACLU's Washington office, made clear his contempt for intelligence agencies charged with protecting America's interests. He has said that the CIA's covert career service should be eliminated and called the agency "the subverter of everyone else's freedom." Halperin also said it was "an open question" whether the CIA might one day begin assassinating American citizens.

As part of a larger, vindictive campaign to pay back the architects of the Global War on Terror for making a good faith effort to defend America, the ACLU joined with liberal billionaire George Soros to demand that a so-

called truth commission be created to investigate enhanced interrogation techniques used against a handful of Muslim terrorists after the 9/11 attacks. On orders from Soros and his Open Society Institute, in the springtime Blue State Digital, a leftist communications firm that *BusinessWeek* called President Obama's "secret weapon," manufactured a website for a front group called the "Commission on Accountability" as part of Soros' push for political show trials.

The ACLU doesn't seem bothered by the fact that its demand is profoundly

un-American and is a kind of nihilistic political theater that was a characteristic of Stalin's Soviet Union and is frequently seen in banana republics. Although the group hasn't formally joined Soros' coalition, it uses similarly rabid rhetoric. Sounding like a radical anti-war protester, ACLU Executive Director Anthony Romero said July 22 that "the evidence is abundantly clear that the crime of torture was authorized at the highest levels of the Bush administration. ... Those who authorized, legally justified and carried out this dark spot on our nation's history must be held accountable."

There is little doubt that pressure from the ACLU and similar groups led to the Obama Justice Department's absurd decision (reported by the *Weekly Standard*) to order FBI agents to read Miranda rights to some detainees captured in Afghanistan. The ACLU also ignores the age-old principles of the law of war and argues that the United States shouldn't even be using military commissions to try terrorist detainees captured on the battlefield. "The military commission system directly violates America's most basic principles of democracy and justice," said Michael W. Macleod-Ball of the group's Washington legislative office.

Long before leaders of the Texas-



Barbara Curley, mother of 10-year-old murder victim Jeffrey Curley, stands next to photos of Jeffrey, at her home in Cambridge, Mass. Barbara and Robert Curley, parents of the 10-year-old boy who was killed on Oct. 1, 1997, filed a federal lawsuit against the North American Man/Boy Love Association (NAMBLA) and the Internet service provider that allegedly carries its Web site, claiming they are responsible for the boy's suffering and death. The ACLU supported NAMBLA in the case. (AP/Gail Oskin)

based Holy Land Foundation for Relief and Development, an Islamic charity that claimed to help Muslims in the Middle East, were convicted of funding Islamic terrorism in 2008, the ACLU represented Abdel-Jabbar Hamdan, a fundraiser for the group who was living in the United States illegally. The federal government said the group, which was shut down in 2001, directed millions of dollars to the Palestinian militant group Hamas, a government-designated terrorist group.

And even after the U.S. government met with some success in shutting down terrorist funding networks within the country, the ACLU accuses the government of discriminating against Muslims in its drive to stamp out those networks. Shutting down corrupt, pro-terrorist Islamic charities stigmatizes all Islamic charities, the group argues. "The government's actions have created a climate of fear that chills American Muslims' free and full exercise of their religion through charitable giving, or *Zakat*, one of the 'five pillars' of Islam and a religious obligation for all observant Muslims," the group pontificates in a recent report. ACLU ally David Cole, a Georgetown law professor, helpfully compares the crackdown on jihadi finance to tactics used during "the McCarthy era."

The same report also complained that in the Holy Land case the government designated the Coalition on American-Islamic Relations (CAIR) as an "unindicted co-conspirator" [see "Devil May CAIR," by Robert Spencer, July 2009]. The ACLU document naively treats the group as a legitimate participant in civil society, describing it as "America's largest Islamic civil liberties group."

In fact, terrorism expert Daniel Pipes has documented CAIR's extensive ties to terrorism. He points out that CAIR is on record supporting terrorists. When President Bush froze Holy Land assets, CAIR denounced the action as "unjust" and "disturbing." When those who carried out the 1993 bombing of the World Trade Center were convicted, CAIR called it "a travesty of justice." CAIR called it a "hate crime" when the so-called blind sheik Omar Abdel-Rahman, who conspired to bomb various New York City sites including the World Trade Center, was found guilty in court. The ACLU of Massachusetts criticized the government for having the temerity to charge the terrorist leader's attorney, radical activist Lynne Stewart, with providing material support for terrorism by passing a communique from her client to his fellow terrorists in Egypt.

The Bay State chapter called the prosecution "a chilling testament to what is being done to individual rights and to the rule of law itself in the name of 'fighting terrorism.'"

The ACLU also tries to undermine America's national security by creatively litigating against American companies. Using a litigation strategy perfected by the Center for Constitutional Rights, an anti-American public-interest law firm that makes the ACLU seem right-of-center, the ACLU sued aircraft maker Boeing on behalf of three suspected al Qaeda operatives transported by the CIA to Arab countries for interrogation. The lawsuit claimed a Boeing subsidiary helped the intelligence agency fly the detainees to Egypt and Morocco, knowing they would be tortured by authorities there under the CIA's "rendition" program. Romero said U.S. companies should not profit from a program that is "unlawful and contrary to core American values" and that such businesses "should be held legally accountable." The group is also hostile to the activities of Blackwater, a company that now calls itself Xe Services LLC and provides security for the U.S. military overseas.

COMMUNIST TIES

The ACLU's intellectual incoherence seems to stem from the views of its principal founder and longtime leader, Roger Nash Baldwin. The group was founded in 1920 by Baldwin, an avowed anarchist, pacifist and Communist.

Baldwin spoke highly of American rights and liberties while extolling the virtues of socialism. Government repression was acceptable in some circumstances, he believed, if it furthered revolutionary goals. In a 1934 article, he wrote "dictatorship" would be necessary "while the job of reorganizing society on a socialist basis is being done."

Baldwin seemed to recognize that socialist ideas were foreign to Americans who revered rugged individualism and maintained a healthy distrust of government power. In a 1917 letter on political strategy to journalist Louis Lochner, who was involved in a radical group, Baldwin urged subterfuge be used.

"Do steer away from making it look



like a Socialist enterprise,” Baldwin counseled. “We want to look like patriots in everything we do. We want to get a lot of flags, talk a good deal about the Constitution and what our forefathers wanted to make of this country, and to show that we are really the folks that really stand for the spirit of our institutions.”

The Harvard-educated Baldwin later broke with Soviet dictator Josef Stalin and Communism and purged Communists from the group’s leadership but didn’t seem to expel all of the intellectual baggage associated with them. In the early days of the ACLU, Baldwin had gushed over so-called scientific socialism. He wrote that Russia, at the time, was “a great laboratory of social experimentation of incalculable value to the development of the world.”

The ACLU now describes itself as America’s “guardian of liberty,” laboring to “defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States.” It claims to defend the rights of “segments of our population that have traditionally been denied their rights, including Native Americans and other people of color; lesbians, gay men, bisexuals and transgendered people; women; mental-health patients; prisoners; people with disabilities; and the poor.”

Despite being regarded by liberals as America’s foremost civil libertarian, Baldwin deferred to President Franklin Roosevelt when he interned thousands of Japanese-Americans during World War II. To Baldwin, who came of age during the Progressive Era, a time of open racism and belief in the power of eugenics, people with eye folds must not have counted for much.

Nowadays the ACLU stumbles from controversy to controversy, roughly following Baldwin’s playbook. It defends terrorists, illegal aliens and child molesters, while letting law-abiding Americans and victims of reverse racism fend for themselves. •

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THE TOWNHALL ON...

ACLU

“While it may be hard to believe the ACLU is wantonly endangering our troops, the facts at hand are troubling. For the very ACLU that can’t wait to protect the civil liberties of terrorists throughout the world is quite indifferent when it comes to the civil liberties of American soldiers who are risking their lives by being deployed in the War on Terror.”

A.W.R. Hawkins
Human Events

“The ACLU is getting a lot of credit these days for defending our precious First Amendment right to scribble sadistic child pornography”

Ann Coulter
Townhall.com

“There they are again, the American Communist Lunatics Union showing their true colors. I have yet to see where this organization of crackpots have stood up for a worthy cause. This band of nut jobs is another example of liberal left-wing ideals.”

“Diamondon”
The Fox Nation

