



The Phyllis Schlafly Report

VOL. 22, NO. 5, SECTION 1

BOX 618, ALTON, ILLINOIS 62002

DECEMBER, 1988

The American Civil Liberties Union Policies

The American Civil Liberties Union (ACLU) became a big issue in the 1988 Presidential campaign after Democratic nominee Michael Dukakis identified himself as a "card-carrying member of the ACLU." It is important for all Americans to know what are the policies of the ACLU, and the best source is the ACLU itself. In mid-1988, the ACLU made available for purchase its own 576-page official "Policy Guide," which consists of policy decisions made by its national Board of Directors, its "ultimate policy-making body." All the quotations below are taken directly from this primary source.

Policy 3 sets forth the rationalization for its leftwing double standard. It recognizes the "right of all to advance their points of view" while asserting the ACLU policy to oppose those who express their views through "private pressure group activities inimical to civil liberties" (which translated, of course, means inimical to ACLU policies).

"Defending the right of all to advance their points of view by whatever nonviolent methods they may choose, however, does not mean that the ACLU should refrain from objecting when the likely consequences of private pressure group activities would be inimical to civil liberties . . ."

Policy 4 opposes any restraint on "obscenity, pornography or indecency" even for distribution to children. This policy also opposes any restraint on the distribution of materials which have criminally used children in their production. The ACLU takes the position that it is a civil liberties violation to punish porn retailers and exhibitors for "misjudging the age of a minor."

"The ACLU opposes any restraint on the right to create, publish or distribute materials to adults, or the right of adults to choose the materials they read or view, on the basis of obscenity, pornography or indecency. . . . Laws which punish the distribution or exposure of such material to minors violate the First Amendment . . . The ACLU believes that the constitutional guarantees of free speech and press apply to all expression and that all limitations of expression on the ground of obscenity, pornography or indecency are unconstitutional. . . . Distributors, exhibitors and retailers should not be obliged to risk punishment by misjudging the age of a minor. . . . There should not be a variable standard of obscenity for minors. . . . Statutes that restrict pornography on the ground that it

contributes to the subordination of women violate the free press and free speech guarantees of the First Amendment. . . . The ACLU believes that the First Amendment protects the dissemination of all forms of communication. The ACLU opposes on First Amendment grounds laws that restrict the production and distribution of any printed and visual materials *even when some of the producers of those materials are punishable under criminal law.*" (emphasis added)

The ACLU's **Policy 18** opposes the movie rating system which designates movies as G, PG, PG-13, R, and X. The ACLU also opposes all rock music rating and labeling.

"The Union opposes all industry sponsored rating systems for all communications media . . . Even though these pressures are not government imposed, their effect is to restrict the marketplace of ideas. . . . Experience has shown that ratings inevitably have serious chilling effects on freedom of expression. For example, movie contracts often prohibit directors from creating films that might receive an X rating; newspapers frequently segregate or refuse to accept advertising for X-rated films; and some subsidiary markets for films (hotel, airlines, pay television) frequently refuse to accept X-rated films. Similarly, many radio stations have announced that they will not play records bearing the advisory label. . . . The MPAA classification system presents a special civil liberties danger . . ."

Policy 47 makes clear that the ACLU's devotion to civil liberties does not extend to the personal right to own a gun. Despite the Second Amendment, the ACLU lawyers claim that "the possession of weapons by individuals is not constitutionally protected."

"Except for lawful police and military purposes, the possession of weapons by individuals is not constitutionally protected. Therefore, there is no constitutional impediment to the regulation of firearms. . . . With respect to firearms, the ACLU believes that this quality of dangerousness justifies legal regulation which substantially restricts the individual's interest and freedom of choice."

In **Policy 60**, the ACLU asserts the right of a classroom teacher to discuss "controversial issues without the assumption that they are settled in advance or that there is only one 'right' answer." The ACLU does not defend the civil liberty of a classroom teacher who asserts that many controversial issues

have, indeed, been settled and there is only one right answer.

"In the classroom, a teacher should promote an atmosphere of free inquiry. This should include discussion of controversial issues without the assumption that they are settled in advance or that there is only one 'right' answer in matters of dispute."

Policy 62 makes it clear whose civil liberties the ACLU will defend and whose it will not. The ACLU defends the right of public school personnel "to establish the curriculum," but the ACLU absolutely rejects the right of parents, either individually or in groups, to have any decision-making role.

"The professional staff, by virtue of its training and experience, has the right and responsibility to establish the curriculum, subject to the approval of boards of education and state departments of education. . . . Where parents, as individuals, or parent or other community groups raise the question of suitability of any material, out of concern for maturity level, morality, patriotism, literary merit, etc., the decision as to its acceptability should be vested in a representative professional committee."

Policies 75, 80 and 305 show how the ACLU wraps civil liberties rhetoric around its leftwing policy positions on education. The ACLU approves compelling all citizens to finance the current monopoly public school system and does not even mention granting parents the civil liberty to choose *which* public school their children attend. The ACLU aggressively opposes all plans to accord parents a real choice of schools, such as through vouchers or tuition tax credits.

"The ACLU endorses the concept of compulsory education and sees no threat to civil liberties in the fact of compulsion in this area. . . . Parents who choose to further the education of their children other than in the public schools are not, in our view, entitled to receive public monies in support of that private choice. We reject the various ways in which this has been suggested, among them: (a) monies payable directly to parents; (b) scrip ('vouchers') cashable by a school of the parents' choice; (c) monies paid on a per capita basis to schools for part or whole of that school's program; (d) tuition tax credits."

Policy 76 would deny school officials the ability to search school lockers for drugs.

"A student's locker should not be opened without consent except in conformity with the spirit of the Fourth Amendment, which requires that a warrant first be obtained on a showing of probable cause and particularly describing the things to be seized."

Policy 78 asserts that school libraries should be able to give any materials to children, no matter how young the child or how inappropriate the book, magazine or film.

"The library should not refuse access to books and other materials to students on the ground of a student's age, sex, race, ethnic group, or religion, and should not restrict access because of the alleged inappropriateness of the subject matter."

In **Policy 81**, the ACLU opposes Christmas and other religious observances in schools or on public property, even if paid for by private funds.

"The observance in public schools and on public property of such occasions as Christmas, Channukah, and

Easter as religious holidays is contrary to the separation principle. . . . The use of public funds or public property for the display of religious symbolism should be opposed as a governmental endorsement of religion. The use of public school buildings for the teaching of religion after school hours is similarly improper."

Policy 84 calls for removing the words "under God" from the Pledge of Allegiance to the Flag as unconstitutional.

"The insertion of the words 'under God' into the pledge of allegiance is a violation of the constitutional principle of separation of church and state."

Policy 88 urges the abolition of military chaplains.

"Abolition of the present program is required by the principle of the establishment clause of the First Amendment."

In **Policy 92**, the ACLU urges taking away all tax exemptions from churches as "a clear and flagrant breach" of the First Amendment (and the ACLU is now in court trying to deny the Catholic Church its tax-exempt status).

"The ACLU opposes tax benefits for religious bodies. The ACLU believes that government benefits, including tax benefits, are a clear and flagrant breach of the Establishment Clause of the First Amendment."

Policy 108 opposes the right of Congress to investigate for internal security purposes.

"The Union seeks the abolition of the House Internal Security Committee. . . . The Union has consistently asked the courts to declare the Committee's mandate unconstitutional."

Policies 120 and 312 put the ACLU on record in favor of making the entire Armed Services, as well as military registration and any possible conscription, sex neutral. The ACLU thinks it would be an advance for civil liberties if women were treated exactly like men in the military, including combat assignment.

"Any draft or registration system must be based upon clear, uniform, and detailed national standards for the classification of draft-age men and women which are non-discriminatory with respect to racial, economic, political and social status. . . . The ACLU opposes all forms of discrimination on the basis of race or sex within the services, either in equality of opportunity in training and assignments. . . ."

In **Policy 210**, the ACLU opposes laws prohibiting gambling, suicide, illicit sex, or drugs. The ACLU doesn't make any exceptions to this policy, not even for cocaine.

"The ACLU opposes the definition of behavior as criminal when such behavior, engaged in either alone or with other consenting adults, does not in and of itself harm another person, or directly force such person to act unwillingly in any way. Examples of behavior that should be exempt from criminal prohibition include, but are not limited to: gambling, attempted suicide, sexual relations, or the introductions of substances into one's own body. . . . No restraints of any kind should exist with respect to private sexual relations between or among consenting adults."

The ACLU's **Policy 211** calls for legalizing prostitution and terminating all state regulation of prostitution.

"The ACLU supports the decriminalization of prostitution and opposes state regulation of prostitution. The ACLU also condemns the abuse of vagrancy or loitering laws or licensing or regulatory schemes to harass and arrest those who may be

engaged in solicitation for prostitution. . . . Prostitution laws are also a violation of the right of individual privacy because they impose penal sanctions for the private sexual conduct of consenting adults. Whether a person chooses to engage in sexual activity for purposes of recreation, or in exchange for something of value, is a matter of individual choice, not for governmental interference. . . . Since the ACLU policy is that prostitution should not be made criminal, solicitation for prostitution is entitled to the protection of the First Amendment. . . . The ACLU reaffirms its policy favoring removal of criminal penalties for prostitution, and in support of total sexual freedom among consenting adults in private."

In **Policy 215**, the ACLU supports legalizing the cultivation, possession, use and sale of marijuana.

"The ACLU opposes laws which criminalize the cultivation, possession, use and sale or delivery of marijuana . . ."

Policy 216 opposes laws that prohibit public drunkenness and **Policy 217** opposes road blocks to catch drunk drivers.

"The ACLU takes the position that public drunkenness is not itself a sufficient justification for the deprivation of personal liberty. . . . Roadblocks where drivers are stopped for sobriety testing without probable cause violate Fourth Amendment principles."

The ACLU in **Policy 239** flatly opposes the death penalty.

"The ACLU opposes the death penalty because it denies equal protection of the laws, is cruel and unusual punishment, and removes guarantees of due process of law."

Policy 241 urges giving all convicted criminals the right to vote.

"Among the specific rights to which prisoners are entitled are the following: . . . the right to vote. Persons convicted of any offense, whether or not incarcerated, should not be deprived of the right to vote. Prisoners should be authorized to vote at their last place of residence prior to confinement . . ."

The ACLU in **Policy 242** opposes sentencing criminals to prison and prefers suspended sentences with probation so that criminals can be re-integrated into the community. The ACLU tolerates exceptions to this policy only for the most serious offenses, such as murder. (Rape is not mentioned as a serious offense.)

"A suspended sentence with probation should be the preferred form of treatment, to be chosen always unless the circumstances plainly call for greater severity. . . . The most appropriate correctional approach is re-integrating the offender into the community, and the goals of re-integration are furthered much more readily by working with an offender in the community than by incarceration. Probation should be authorized by the legislature in every case, exceptions to the principle are not favored, and any exceptions if made, should be limited to the most serious offenses, such as murder or treason."

In **Policy 261**, the ACLU ignores the individual's civil liberties when a city orders its entire water supply fluoridated and forces everyone to use fluoridated water.

"The fluoridation of public water supplies does not present an issue of due process . . ."

Policy 263 makes it clear that "civil liberties," ACLU-style, means the "civil liberty" of a woman to kill her unborn

baby "at any time," but does not include the unborn baby's right to life at any time. The ACLU also supports taxpayer funding for abortions.

"The ACLU asserts that a woman has a right to have an abortion . . . In pursuit of this right the Union asks that state legislatures abolish all laws imposing criminal penalties for abortions. The effect of this step would be that any woman could ask a doctor to terminate a pregnancy at any time. In turn, a doctor could accede to the woman's request in accordance with the physician's professional judgment without fear of criminal prosecution. . . . We believe that the abortion laws violate civil liberties in the following specific ways: . . . They deny to women in the lower economic groups the equal protection of the laws guaranteed by the Fourteenth Amendment, since abortions are now freely available to the rich but unobtainable by the poor."

Policy 264 is a detailed description of ACLU support for so-called gay rights proposals. The ACLU specifically supports giving marriage licenses to homosexual and lesbian couples in order "to qualify gay and lesbian couples for benefits and rights enjoyed by married persons," such as child custody, foster parenthood, and employee and income tax benefits.

"The right of individual privacy, free from government regulation, extends to sexual conduct, heterosexual or homosexual, of consenting adults. Thus the ACLU opposes criminal restraint on any homosexual behavior, between or among consenting adults in private, or in public unless the same restraint applies to heterosexual behavior. Criminalization of these acts is a violation of the right of individual privacy. . . . The ACLU opposes criminal restraints on public solicitation for private sexual behavior between or among adults of the same sex. . . . Just as governmental discrimination by race, alienage, religion or sex is a denial of equal protection, so too is governmental discrimination on the basis of sexual or affectional orientation. Homosexuality per se implies no disability that would justify such discrimination. The ACLU opposes the exclusion, deportation and refusal to naturalize homosexual aliens. Similarly, the ACLU opposes discrimination in public and private housing and accommodations, government benefits, occupational licensing, and government and private employment — including teaching of children and jobs requiring security clearance — simply because the person is a homosexual. . . . The ACLU opposes limitations on the custody and visitation rights of parents when such limitations are based solely on the parent's sexual orientation. The ACLU opposes governmental or private attempts to prevent homosexuals from speaking out about homosexuality and from forming and sustaining political and social groups on and off school campuses. The ACLU supports passage of legislation to eliminate government and private discrimination against homosexuals. . . ."

"The ACLU supports the legal recognition of gay and lesbian relationships. Such recognition is imperative for the complete legal equality of lesbians and gay men. To qualify gay and lesbian couples for benefits and rights enjoyed by married persons, including the right to become foster parents. [sic] Such legal recognition must include but not be limited to employee fringe benefits, insurance benefits, income tax benefits, visitation rights and when one's partner is hospitalized, survivorship and other economic rights. . . . The ACLU

supports the legal recognition of gay and lesbian marriage. Such recognition is imperative for the complete legal equality of lesbians and gay men and to qualify gay men and lesbian couples for all of the benefits, rights, and responsibilities of married persons."

In **Policy 268**, the ACLU opposes compulsory contact tracing for AIDS and insists on confidentiality even from spouses and sex partners.

"ACLU favors strict confidentiality protections of all sensitive personal information held by public health departments. . . . Compulsory sexual contact tracing with respect to AIDS raises grave civil liberties concerns because the major identifiable groups that are most at risk are deeply discriminated against."

Policy 306 supports Affirmative Action for all groups that have been discriminated against, including "the imposition of numerical remedies."

"Invidious discrimination includes, of course, not only discrimination on the grounds of race, sex, sexual orientation, age, religion, national origin, political persuasion, or physical or medical disability; it is practiced whenever any person is denied the chance to hold a job or to receive education or training or other benefit on the basis of some personal characteristic unrelated to job fitness or educational promise. All forms of invidious discrimination offend basic civil liberties . . . We reaffirm the continuing need for vigorous efforts to redress the adverse effects of racism and sexism and other forms of invidious discrimination in American society. Such efforts include special programs to seek out members of groups that have been subjected to invidiously discriminatory laws and customs, and, where necessary, to provide remedial education and training programs and financial aid. In addition, we support the imposition of numerical remedies . . ."

Policy 312a opposes making English our official language.

"The ACLU opposes proposed Constitutional amendments or legislation which would characterize English as the official language of the United States or any state or local jurisdiction."

The ACLU in **Policy 314** endorses the Equal Rights Amendment.

"The Equal Rights Amendment . . . is needed to end gross inequities in our legal system and to complete the job of making women full citizens under the Constitution. . . . The 1974 Biennial Conference endorses passage of the Equal Rights Amendment as a priority policy of the ACLU. The Union shall lend support to ERA ratification movements in each affiliate area where passage is pending to ensure the rapid ratification of this necessary human rights amendment. . . . The ACLU continues its policy of full support for ratification of the ERA. It joins those people who are fighting for extension of ratification time for the ERA as an absolute tactical decision. . . . In 1978, the ACLU adopted a policy opposing the holding of regional or national ACLU meetings in any state that has not ratified the Equal Rights Amendment. When the ERA failed to be approved by the necessary 37 [sic] state legislatures, but was about to be re-introduced in Congress, the ACLU said in 1983 that the boycott policy should be applied (1) to any state that rejects the ERA (assuming it is passed by the Congress) and, (2) after a reasonable period of time, to any other state that hasn't ratified the amendment."

Policy 315 endorses the trendy feminist proposal for wage-control called "comparable worth" (rather than the civil liberties of workers to be judged on individual merit).

"The current ACLU policy on sex discrimination and race discrimination in employment encompasses the concept of comparable worth as the essential next step in achieving full equality for women and minorities. . . ."

Policy 315 also endorses legislation to spend taxpayers' funds to finance secular day care centers for employed mothers only. The ACLU-style civil liberties policy on child care specifically excludes benefits to fulltime mothers and to employed mothers who use family-based child care or church-based day care.

"The ACLU endorses measures which would remove those barriers that have traditionally disadvantaged women in seeking and engaging in employment. The institution of government-supported voluntary child-care centers for children of working mothers would be a measure that would tend to eliminate one such barrier, provided however, that child care centers funded by tax monies, tax deductions or tax credits, must fit within ACLU church-state policy."

In **Policy 318**, the ACLU opposes workfare policies that require able-bodied adults to work as a condition for receiving welfare.

"The ACLU should seek to implement . . . elimination of 'workfare' under which welfare recipients are required to participate in a separate and unequal work force which does not receive appropriate payment for its labor . . ."

Policy 324 puts the ACLU on record as trying to abolish the Electoral College, the constitutional mechanism by which the United States has peacefully changed its Presidents 41 times over two centuries.

"ACLU believes that the electoral college from its basic conception was and is an undemocratic institution. . . . ACLU believes that the electoral college should be abolished and the President of the United States should be chosen by direct popular election."

The ACLU's Policy Guide, from which all the above quotations are taken, may be ordered from the American Civil Liberties Union, 132 West 43rd Street, New York, NY 10036, at \$16.

The ACLU claims a membership of 250,000 and is involved in 6,000 cases a year. It has received funding from the Rockefeller, Carnegie, Ford and Playboy foundations. It has active affiliates in all 50 states. For example, the ACLU's California branch wrote to all California legislators on May 26, 1988 opposing a pending sex education bill on the following ground: "It is our position that teaching that monogamous, heterosexual intercourse within marriage is a traditional American value is an unconstitutional establishment of a religious doctrine in public schools."

The Phyllis Schlafly Report

Box 618, Alton, Illinois 62002

ISSN0556-0152

Published monthly by The Eagle Trust Fund, Box 618, Alton, Illinois 62002. Second Class Postage Paid at Alton, Illinois. Postmaster: Address Corrections should be sent to the Phyllis Schlafly Report, Box 618, Alton, Illinois 62002.

Subscription Price: \$15 per year. Extra copies available: 50 cents each; 4 copies \$1; 30 copies \$5; 100 copies \$10.