

AMERICAN CIVIL LIBERTIES UNION

The American Civil Liberties Union is the nation's foremost advocate of individual rights -- litigating, legislating, and educating the public on a broad array of issues affecting individual freedom in the United States. This is a general introduction and history to the ACLU, the first in a series of briefing papers. Other briefing papers, produced by the ACLU Office of Public Education, explain the organization's position on a range of specific civil liberties issues.

The American system of government is built on two basic, counterbalancing principles: 1) that the majority of the people, through democratically elected representatives, governs the country and 2) that the power of even a democratic majority must be limited to insure individual rights. In every era of American history, the government has tried to expand its authority at the expense of individual rights. The American Civil Liberties Union exists to make sure that doesn't happen, and to fight back when it does.

The ACLU is not a public defender like Legal Services or Legal Aid. It does not handle criminal cases or civil disputes or choose sides according to financial criteria. Nor do we take political sides; we are neither liberal nor conservative, Republican nor Democratic. The ACLU is a nonprofit, nonpartisan, 275,000-member public interest organization devoted exclusively to protecting the basic civil liberties of all Americans, and extending them to groups that have traditionally been denied them. In its almost seven decades in existence, the ACLU has become a national institution, and is widely recognized as the country's foremost advocate of individual rights.

THE ACLU MANDATE

The mission of the ACLU is to assure that the Bill of Rights -- amendments to the Constitution that guard against unwarranted governmental control -- are preserved for each new generation. To understand the ACLU's purpose, it is important to distinguish between the Constitution and the Bill of Rights. The Constitution itself, whose bicentennial we celebrated in 1987, authorizes the government to act. The Bill of Rights limits that authority.

What rights are guaranteed in the Bill of Rights?

First Amendment rights: These include freedom of speech, association and assembly, freedom of the press, and freedom of religion, including the strict separation between church and state.

Equal protection of the law: The right to equal treatment regardless of race, sex, religion, national origin, sexual orientation, age, physical handicap, or other such classification. These rights apply to the voting booth, the classroom, the workplace and the courts.

Due process of law: The right to be treated fairly when facing criminal charges or other serious accusations that can result in such penalties as loss of employment, exclusion from school, denial of housing, or cut-off of benefits.

The right to privacy: The right to a guaranteed zone of personal privacy and autonomy which cannot be penetrated by the government or by other institutions, like employers, with substantial influence over an individual's rights.

Expanding those protections: Although some segments of our population have traditionally been denied these rights, the ACLU works to extend protection to racial minorities, homosexuals, mental patients, prisoners, soldiers, children in the custody of the state, the handicapped, and Native Americans.

A BRIEF HISTORY

When Roger Baldwin founded the ACLU in 1920, civil liberties were in a sorry state. Citizens were sitting in jail for holding antiwar views. U.S. Attorney General Palmer was conducting raids upon aliens suspected of holding unorthodox opinions. Racial segregation was the law of the land and violence against blacks was routine. Sex discrimination was firmly institutionalized; it wasn't until 1920 that women even got the vote. Constitutional rights for homosexuals, the poor, prisoners, mental patients, and other special groups were literally unthinkable. And, perhaps most significantly, the Supreme Court had yet to uphold a single free speech claim under the First Amendment.

"We must remember that a right lost to one is lost to all. The ACLU remembers and it acts. The cause it serves so well is an imperative of freedom." --- William Reece Smith, Jr., former president, American Bar Association

The ACLU was the first public interest law firm of its kind, and immediately began the work of transforming the ideals contained in the Bill of Rights into living, breathing realities. Some highlights:

1920: The Palmer Raids

In its first year the ACLU worked at combating the deportation of aliens

for their radical beliefs (ordered by Attorney General Palmer), opposing attacks on the rights of the Industrial Workers of the World and trade unions to hold meetings and organize, and securing release from prison for the hundreds sentenced during the war for expression of antiwar opinions.

1925: The Scopes Case

When Tennessee's new anti-evolution law became effective in March 1925, the ACLU at once sought a test of the statute's attack on free speech and secured John T. Scopes, a young science teacher, as a plaintiff. Clarence Darrow, a member of the Union's National Committee and an agnostic, headed the ACLU's volunteer defense team. Scopes was convicted and fined \$100. On appeal, the Tennessee Supreme Court upheld the statute but reversed the conviction.

1933: The Ulysses Case

Federal Judge John M. Woolsey in New York rendered a historic anticensorship decision that admitted James Joyce's Ulysses into the U.S. after a long legal battle supported by the ACLU.

1939: Mayor Hague

Mayor Frank ("I Am the Law") Hague of Jersey City claimed the right to deny free speech to anyone he thought radical. The ACLU took Hague to the Supreme Court, which ruled that public places such as streets and parks belong to the people, not the mayor.

1942: Japanese Americans

Two and half months after Pearl Harbor, 110,000 Japanese Americans, two-thirds of whom were citizens, were evacuated from their West Coast homes and relocated in a series of inland U.S. concentration camps. The episode was a national tragedy, rightfully called by the ACLU "the worst single wholesale violation of civil rights of American citizens in our history." The strongest voices against evacuation and relocation came from the ACLU affiliates on the West Coast.

"The ACLU's 60-year guardianship of the Bill of Rights has done much to advance the cause of working men and women." ---Douglas Fraser, former president, United Auto Workers

1950: Loyalty Oaths

During the Cold War era after World War II, Congress and many state legislatures passed loyalty-oath laws requiring one group or another, particularly public school teachers, to swear that they were not Communists or members of any "subversive organizations." Throughout the decade the ACLU fought a running battle against the government's loyalty-security program.

1954: School Desegregation

On May 17, 1954, in *Brown v. Board of Education*, the Supreme Court issued its historic decision that segregation in public schools violates the 14th Amendment. The ACLU joined the legal battle that resulted in the Court's decision.

1960: Civil Rights Movement

From the first lunch counter sit-in in 1960 through the freedom rides and later mass marches, the ACLU supported the civil rights movement's goal of equality and its means of achieving that goal through peaceful demonstrations.

*"We in business applaud and share the ACLU's commitment to preserving the fundamental principles which have made this country work for over 200 years." ---
John H. Filer, former chairman, Aetna Life and Casualty*

1973: Impeach Nixon

The ACLU was the first major national organization to call for the impeachment of President Richard Nixon. The Union listed six grounds for impeachment affecting civil liberties -- specific, proved violations of the right of political dissent; usurpation of Congressional war-making powers; establishment of a personal secret police that committed crimes; attempted interference in the trial of Daniel Ellsberg; distortion of the system of justice; and perversion of other federal agencies.

1973: Abortion Decriminalized

In *Roe v. Wade* and *Doe v. Bolton*, the Supreme Court held that the constitutional right to privacy encompasses a pregnant woman's decision whether to bear a child or have an abortion. The ruling struck down state laws that had made the performance of an abortion a criminal act. The ACLU was and remains active in the courts to protect that right.

1981: Creationism in Arkansas

In Arkansas, 56 years after *Scopes*, the ACLU challenged a statute that called for the teaching of the biblical story of creation as a "scientific; alternative" to the theory of evolution. The statute, which fundamentalists saw as a model for other states, was ruled unconstitutional by U.S. District Judge William R. Overton. Creation-science, he said, was not science but religion, and could not constitutionally be required by state law.

1982: Voting Rights Extended

More than 15 months of grassroots lobbying by the ACLU and other groups paid off when the Senate, following the example of the House, overwhelmingly voted to renew the Voting Rights Act of 1965.

1987: Block Bork

The ACLU, changing a 51-year-old policy of neutrality on Supreme Court candidates, mounted a national campaign to defeat the nomination of Judge Robert Bork. Bork, the ACLU said, posed an extraordinary threat to fundamental liberties guaranteed by the Bill of Rights, and to the role of the Supreme Court as the guardian of those rights. A majority of Senators agreed and rejected his nomination.

1989: Fall-out From Attacks

Months after the ACLU had been attacked by George Bush during the presidential election campaign, 50,000 new members signed up in a surge of support for the organization.

1993: Resurgence of the Radical Right

Though the end of the Reagan-Bush era brought improved prospects for civil liberties at the federal level, numerous right-wing extremists saw opportunities for local organizing. The ACLU opposed the agenda of school boards dominated by extremists and challenged anti-choice anti-gay ballot initiatives.

Today: Staying the Course

The ACLU confronts both traditional and new threats to civil liberties on many fronts. Advanced technologies presage new systems that have the capacity to either diminish or expand rights. Meanwhile, our society's most intractable problems remain age-old ones: racism, sexism, homophobia and religious intolerance. The ACLU's mission remains realizing the promise of the Bill of Rights for all and expanding the reach of its guarantees to new areas.

HOW THE ACLU CHOOSES ITS CASES

The ACLU is frequently asked "Why did you defend that person or that group -- Nazis in Skokie, Illinois, the Ku Klux Klan, the Black Panthers?" The ACLU defends the right of people to express their views, not the views that they express. And historically, the people whose opinions are the most controversial or extreme are those whose rights are most often threatened. Believing that once the government is empowered to violate one person's rights it can use that power against everyone, the ACLU works to stop the erosion of civil liberties before its too late.

The ACLU cannot take on every worthy case. Instead, our lawyers select cases that will have the greatest impact, cases that will have the potential to break new ground and to establish new precedents that will strengthen the freedoms we all enjoy.

HOW THE ACLU WORKS

The ACLU is a 50-state network of staffed affiliate offices in most major cities, more than 300 chapters in smaller towns, and regional offices in Denver and Atlanta. Work is coordinated by a national office in New York, aided by a legislative office in Washington that lobbies Congress. The ACLU has more than a dozen national projects devoted to specific civil liberties issues: AIDS, arts censorship, capital punishment, children's rights, education reform, lesbian and gay rights, immigrants' rights, national security, privacy and technology, prisoners' rights, reproductive freedom, voting rights, women's rights and workplace rights.

The ACLU has more than 60 staff attorneys, who collaborate with at least 2,000 volunteer attorneys in handling close to 6,000 cases annually -- making the Union the largest public interest law firm in the nation. The ACLU appears before the U.S. Supreme Court more than any other organization except the U.S. Department of Justice.

*"So long as we have enough people in this country willing to fight for their rights, we'll be called a democracy." ---
ACLU founder Roger Baldwin*

The ACLU is governed by an 84-member Board of Directors which has one representative from each state affiliate and 30 at-large members elected by the affiliate and national boards. The affiliate boards, in turn, are elected by all ACLU members within the state. On a day-to-basis, each affiliate is autonomous and makes its own decisions about which cases to take and which issues to emphasize. They collaborate with the national office in pursuit of common goals.