



A World Without the ACLU *What America would look like without the ACLU to stand for liberty*

It wouldn't be a stretch to say that freedom in the U.S. is occasionally taken for granted. The rights Americans battled for so fiercely in the 20th century are second-nature to the Americans growing up in the 21st. Since 1920, when the ACLU was founded, and 1960, when the ACLU of New Jersey was established, the landscape for liberty in America has changed dramatically, for the better.

But progress did not come in one vast leap – it inched forward over decades, gradually and painfully, with the ACLU in front, leading the way.

For the ACLU-NJ's 50th Anniversary, we took a moment to reflect on our gains and considered what a world — or at least New Jersey — would look like without the work of the ACLU.

Free speech would be [censored]. Without the ACLU, the government could monitor our participation in ordinary political activities or force journalists to disclose their sources. Without an ACLU to challenge government retaliation, fear of punishment from authorities would force people inclined to speak out to walk on eggshells and stunt important debate. Without the ACLU, people would have to show proof of “good moral character” before distributing information, a practice that was commonplace in New Jersey until the ACLU stepped in. Without the ACLU, doctors could still face criminal charges for providing reproductive health care, and people swearing in public could find themselves cited for obscenity.

Freedom of religion wouldn't have a prayer. Without the ACLU, schools could still mandate “moments of silence” for prayer and allow religious lessons to seep into science classes. Without the ACLU, adoption agencies could still deny prospective parents the right to adopt children based on religious litmus tests. Without the ACLU, conscientious objectors would have had to choose between prison and the draft, regardless of their beliefs on fighting in combat. Without the ACLU, religious organizations would still be able to score sweetheart deals reducing their rent or enjoy favored status for state grants.

Women would still have to play a subservient role in society. Without the ACLU, women and girls would be kept off sports teams, barred from all-men's clubs, and forced to take their husbands' names. The right to abortion would be curtailed, and women would be kept in the dark about their birth control options because obscenity laws dictated that women's “delicate” natures wouldn't be violated with information about their rights. Women would be still punished, even losing essentials like car insurance or state services, for living with men out of wedlock.

Our government's business would be a much bigger secret. Nationwide, the ACLU has filed more Freedom of Information Act requests than any other organization. Without the ACLU to fight for strong open government laws, mountains of documents would still be buried away from the public. Government agencies could refuse to release important public records for no credible reason. Without ACLU investigations, Americans would be in the dark about programs to interrogate and torture suspects outside of the U.S., where the Constitution can't protect their rights. Government abuse in Abu Ghraib and Guantanamo Bay would still be classified secrets.

Our private business would be the government's business. Before the ACLU intervened, the government could arrest people for "fornication" in the privacy of their own homes and search the public's mail on vague, baseless suspicions. The government would be free to track our movements because there wouldn't be an ACLU to challenge warrantless surveillance and monitoring.

Young people's rights would not have matured. The ACLU made sure that students could exercise First Amendment rights inside the classroom and out. Before the ACLU became involved, students could be punished for staying silent during the Pledge of Allegiance or refusing to submit to blanket drug tests. Before the ACLU-NJ helped pass New Jersey's anti-bullying statute, New Jersey students had few protections against harassment in school. Because of the ACLU's work, young people's rights to education, medical care, and humane treatment in juvenile detention are protected.

Discrimination could be applied indiscriminately. The ACLU worked to pass New Jersey's Law Against Discrimination – one of the strongest anti-discrimination laws in the country – as well as the national Americans with Disabilities Act. Without the ACLU, gays and lesbians would have trouble adopting a child together and listing their partners on their medical insurance. The ACLU fought for protection of gay couples' rights under civil unions – a step toward the ultimate goal of marriage. Without the threat of looming ACLU litigation to enforce anti-discrimination laws, more people could get away with unequal treatment – whether it's in a public restroom or in a corner office.

The scales of racial justice would need even more balance. Although racial inequalities persist, the situation would be even worse without the ACLU. Beginning with our intervention against government raids targeting immigrants in factories during the 1920s, the ACLU has fought for equal treatment for all races. The ACLU ended miscegenation laws in *Loving v. Virginia* and helped desegregation become reality. Thanks to the ACLU, landlords now face punishment for making our neighborhoods more segregated by shooing away tenants based on their ethnic backgrounds. The government could still unreasonably deny people access to the ballot box based on their race or language proficiency, and New Jersey residents would lose one of the only independent checks monitoring the fairness of elections.

Conditions in prisons and jails would have gone from bad to deadly. By successfully challenging appalling and dangerous prison conditions, ACLU litigation has redefined the minimum standards for prisons and jails in the United States. Without our efforts, prisoners would have little power to challenge brutality, blanket strip searches and discrimination. Mentally ill prisoners, who are particularly vulnerable to abuse, would lack protection. Prisons could deny kosher meals

and forbid participation in services without the ACLU's unceasing defense of prisoners' religious freedom.

Police departments would have no one to police their power. The ACLU is one of the only strong checks on unlimited police power. Without our work, police could freely engage in racial profiling with fewer consequences, harass political groups because of their beliefs, ignore citizens' complaints altogether, enforce strict curfews, and stop people simply because officers deemed them "suspicious." We influenced many police departments to adopt the best practices in the field, improve their officers and make them more accountable to the people they serve.

Thanks to the ACLU and our many partners in advocacy, the America we know today looks much different from the America we knew yesterday.



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