

ACLU HAS ALWAYS BEEN POLITICAL

Michael Powell has done some great work at the New York Times, and his lengthy 3615-word article on the ACLU that was published June 7 is no exception.

Bill Donohue knows the ACLU well. As part of his Ph.D. dissertation on the ACLU that he did at NYU, Donohue interviewed the founder of the organization in 1978. Donohue has also authored two books on the ACLU, as well as many articles and pamphlets. There are some aspects of the ACLU that Powell did not address but are worth mentioning.

“ACLU is Torn Over Free Speech Mission and New Voice” is the title of his story. In actual fact, from the very beginning the ACLU was never the kind of principled free speech advocate that many have long believed it was. Moreover, as Powell details, the “new voices”—meaning the unprincipled ones—are ascendant; the role of non-partisan civil libertarians is declining.

When Roger Baldwin founded the ACLU in 1920 (the current leadership falsely claims there were ten founders of the organization—there was only one), he did so to serve the interests of labor, using free speech as a means to that end. This explains why the ACLU did not protest the 18th Amendment legalizing Prohibition (which Baldwin later regretted) and why it sided with the Communist Party. In the 1920s, Baldwin went to the Soviet Union and published a book about his experience, “Liberty Under the Soviets.”

In 1934, when millions of Ukrainians were being massacred by Stalin, Baldwin wrote, “I champion civil liberties as the best non-violent means of building the power on which workers’ rule must be based...When that power of the working class is once

achieved, as it has been only in the Soviet Union, I am for maintaining it by any means whatever."

Donohue titled his first book, "The Politics of the ACLU," to challenge the myth that it has always been a principled civil liberties institution. To be sure, it has won many important victories, and it has long been home to some of the most distinguished civil libertarians in American history (e.g., the late Nat Hentoff and Alan Dershowitz), but there are also too many cases where it has patently violated its purported mission as a non-partisan watchdog.

In the 1930s, the ACLU threatened a libel suit against the American Mercury because it published an article that was critical of the organization. It led to quite a public dustup at the time when both the ACLU and the magazine decided to enlist the famous Baltimore journalist, H.L. Mencken, to review both sides and offer his assessment. He concluded that there was nothing libelous about the article and that the ACLU was not a non-partisan entity. For that he was called a "fascist" by some of the ACLU's leaders.

In the 1940s and 1950s, the ACLU moderated its policies, mostly in response to threats occasioned by World War II. For the first time, it balanced national security issues with individual rights, showing more deference to the former than ever before. It even went so far as to justify the internment of 110,000 Japanese Americans. To this day the ACLU falsely claims that it opposed the internment. The national organization did not; only the Northern California affiliate did.

From the 1960s to the turn of the century, the ACLU turned left again—taking up non-civil liberties issues such as economic justice. Its extremist positions on narcotics, pornography (including child porn), prostitution, students' rights, prisoners' rights, and the like, evinced an atomistic view of society, one that showed little interest in the need

to balance individual rights with individual responsibilities.

The ACLU did not become fully politicized until Anthony Romero took over as executive director in 2001. As the New York Times story demonstrates, the ACLU today has evolved into a highly partisan organization that balks at defending conservative speech while embracing the left-wing agenda. It talks more about white supremacy than it does civil liberties, traditionally understood.

Romero is driven by ideology and money. He is further to the left than any of his predecessors, and his fundraising ambitions make him sound more like an activist for the Southern Poverty Law Center than the ACLU.

Not surprisingly, religious liberty, which was never a priority, is now seen through the lens of the LGBTQ agenda, making it a threat to their “progressive” cause. The ACLU never lifted a finger to help falsely accused priests and it left unchallenged state restrictions on houses of worship during the pandemic. And, of course, it considers the rights of the unborn to be non-existent.

In other words, while there is some truth to claim that the ACLU is “torn over its free speech mission,” it is not exactly a 50-50 split. There are still some principled officials left, but most of them have departed. Just as the Democratic Party has moved sharply left, the ACLU has as well, even to the point of funding Democratic candidates for public office.

Baldwin, who started as a Communist sympathizer and moved toward the middle, would not recognize what it has become.

PUBLIC OPPOSES ABORTION-ON-DEMAND

Two recently released Gallup surveys on abortion show how mixed Americans are on this subject. One of them is titled, "Americans Still Oppose Overturning Roe v. Wade." This a gross simplification. Indeed, by analyzing Gallup's own data, the opposite case could also be made.

It is true that when asked whether Roe v. Wade should be overturned, only 32% agree; 58% disagree. But when the survey digs deeper, it finds something altogether different. For example, only 32% believe that abortion should be legal in all circumstances; 67% disagree. Of that last number, 48% say it should be legal in certain circumstances while 19% say it should be illegal in all circumstances.

With regard to the meaning of Roe v. Wade, Gallup says the ruling "specifies that states may *regulate* abortion before fetal viability in the interests of maternal health, but not ban the procedure before that developmental stage (its *italic*)." That is technically true. It is also intellectually dishonest.

In practice, Gallup knows very well that the way this ruling has been interpreted and applied in most parts of the country, Roe means abortion-on-demand. And that, according to its own data, is precisely what Americans reject.

So why would only a third of Americans want Roe overturned given their overwhelming opposition to what Roe, in practice, allows? That's because many, if not most, falsely believe that Roe does not permit abortion-on-demand.

Gallup admits that support for abortion falls off dramatically after the first trimester. In other words, the average American does not want an outright ban because that would mean

abortion in the early stages of pregnancy would also be illegal, hence the reluctance to overturn Roe. But the average American is also unhappy with totally unrestricted abortions, which is what Roe basically permits.

No one can make an informed decision on any subject unless the facts are made clear. When it comes to abortion, they rarely are.

FLAWED SURVEY ON TRANSGENDER RIGHTS

When the public is asked about the rights of Americans, from any demographic group, the issue is usually couched in terms of equality. But when it comes to the rights of transgender persons, there are two other variables that ineluctably come into play: equity and privacy.

Equality is not equity: it means sameness; equity means fairness. Giving all students the same grade is an example of equality and inequity. Privacy is self-evident.

A new Gallup poll on the rights of transgender persons taps measures of equality and equity, but neglects to tap the issue of privacy.

Asking respondents whether or not transgender persons should have a right to serve in the military is a measure of equality. Most Americans are predisposed to treating everyone equally, so it comes as no surprise that 7 in 10 adults say they favor allowing openly transgender persons to serve in the military.

Asking whether transgender athletes should only be allowed to compete against those of their same birth sex, or whether they should be allowed to compete against those who match their sex identity, is a measure of equity. Most Americans (62%) prefer the former choice, thus showing a preference for equity over equality. In other words, most do not think it fair that those who are born male should have the right to compete in sports against those born female.

Gallup did not ask about the privacy issue, namely, whether biological males who consider themselves to be female should have the right to use the same bathroom and shower facilities as females.

Previous Gallup polls on the restroom issue, taken in 2016 and 2017, showed that most Americans do not agree that those born of one sex should be allowed to use the same public restroom of those who belong to the opposite sex, though the margins were not great. In 2016, 50% said transgender individuals should use the public restrooms of their birth sex; 40% disagreed. In 2017, the respective numbers were 48% to 45%.

There are a few problems with these Gallup surveys.

For one, why didn't Gallup pose the question differently in 2016 and 2017? For example, why didn't it ask respondents whether they approve of those in grades K-12 using the same bathroom and shower facilities of those who belong to the opposite sex? Is there not a profound difference between adults using the same public restrooms as those of the other sex, and boys and girls using the same school bathrooms and shower facilities?

Second, if most Americans today are not in favor of allowing biological males to compete against biological females in sports, isn't it likely that an even higher percentage would oppose them showering together? Why didn't Gallup ask this question?

Allowing males to compete against females in sports, and to access the same locker rooms after competing, does violence to all three variables relevant to this discussion: equality, equity, and privacy.

Males and females are not equal in their biologically determined athletic attributes; allowing males to compete against females is patently unfair; and mixing the sexes in bathrooms and showers is a violation of privacy rights. No one should be afraid to call this for what it is—madness.

DISHONORING MARTIN LUTHER KING'S LEGACY

The legacy of Rev. Martin Luther King is being dishonored on a daily basis. Those who are trashing his noble record are not white supremacists; rather, they are professionals who claim to be fighting racism. These people work primarily in education, law, and the media. Regrettably, they are as heavily populated in the for-profit sector of the economy as they are the non-profit sector.

It was in King's 1963 "I Have a Dream" speech where he articulated his vision of America. While he made several references to problems that blacks were faced with, ranging from discrimination in public accommodations to police brutality, he did so against the backdrop of respect for the American commitment to liberty, equality and justice for all. Indeed, his "dream" was based on his conviction that these goals would eventually be reached.

Unlike today, where street anarchists and professional agitators are tearing down statues of American icons, King was

celebrating these heroic figures. He opened his speech by referencing the Emancipation Proclamation, calling its author (Lincoln) "a great American." He also credited the Founders, whom he called "the architects of our republic," for writing "the magnificent words of the Constitution and the Declaration of Independence."

King knew that the goals of these documents were a work in progress, but he was wise enough to know that the Founders gave us "this promissory note," without which appeals to liberty, equality and justice were impotent. "America has given the Negro people a bad check," he noted, but "we refuse to believe the bank of justice is bankrupt." He never gave up hope, insisting that "Now is the time to make justice for all of God's children." That was a very Christian response.

Now contrast what King said with what our new U.S. Ambassador to the United Nations recently said. Linda Thomas-Greenfield told reporters in New York City that "the original sin of slavery weaved white supremacy into our founding documents and principles." Wrong. It was our inalienable rights that were weaved into our founding documents and principles.

King would have been appalled. He had nothing but praise and admiration for our founding documents and principles. His problem was with our failure to make good on what they embodied, namely the contents of the American creed.

Indeed, it was precisely the documents and principles that galvanized him to act—they were, as he said, the "promissory note." If anything, the existential reality of white supremacy at the time of the founding was the complete opposite of what our creed entailed, and it was this inconsistency that he used, to great effect, to leverage the civil rights movement.

"I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

This classic statement by King is now seen as contemptible by those who promote critical race theory. The proponents expressly judge people by the color of their skin, treating the content of their character as meaningless. Their demonization of white people—asking them to repent for their alleged positions of privilege—is patently racist. To them, the individual does not count; only his collective ascribed status does. Ironically, that’s what the slavemasters believed about blacks.

Martin Luther King would be very happy with legislation recently passed in Idaho. This law prohibits public schools from teaching that “any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior.” Who objects? Critical race theory advocates. This explains why the entire Oklahoma City School Board of Education slammed a law that is based on the Idaho legislation. One critic said the non-discrimination law was done to “protect white fragility.”

The governor of Oklahoma, Kevin Stitt, sounded very much like King when he said, “I firmly believe that not one cent of taxpayer money should be used to define and divide Oklahomans by their race or sex.” He added that “We can, and should, teach this history without labeling a young child as an ‘oppressor’ or requiring he or she feel guilt or shame based on their race or sex.”

Rev. Martin Luther King sought to bring the races together. Today’s brand of “anti-racism and discrimination” activists seek to drive the races apart. In doing so they are at odds with the principles upon which our nation was founded. Indeed, they are fomenting racism, thus dishonoring King’s legacy.

THE THORNY ISSUE OF GAY PRIDE

To many Americans, gay pride month is about giving due recognition to lesbians, gays, bisexuals, transgender persons and queers (LGBTQ). These are Americans who have been marginalized because of their status and are seeking an end to it. To be sure, there is near unanimity that bullying of any kind is unacceptable and that unjust discrimination should not be tolerated. Beyond that, the issue gets thorny, though there is a reluctance on the part of elites to admit it.

Today more than ever before, gay activists have succeeded in gaining the support of a large swath of government officials, and an even bigger slice of corporate America. It does not exaggerate to say that these key decision-makers see no reason to tap the brakes on any issue of importance to the LGBTQ community. To that extent, the gay rights movement has been a stunning success.

The Biden administration led the way, offering full-throated support to gay pride month. For example, the U.S. Embassy to the Vatican flew a gay rainbow flag, and House Speaker Nancy Pelosi was front and center celebrating the “beauty, bravery and vibrancy” of this movement.

Similarly, corporate America has signed on to gay pride month in a way that is startling. The biggest banks, department stores, airlines, professional sports teams, liquor and beer companies, hotel chains, TV networks, newspapers, tech companies, and pharmaceutical houses are all on board without reservation. There’s the rub—without reservation.

It is one thing to recognize the equal dignity of all Americans—this is a staple of Catholic teachings—independent of their sexual orientation; it is quite another to endorse everything associated with the gay pride agenda.

For example, why is it necessary for those elites who want to

show respect for LGBTQ people to remain silent about the child abuse that is taking place in the name of gay pride? To be specific, anyone who sanctions sex transitioning for minors is promoting child abuse, whether it is intentional or not. Most teens who express a desire to transition will change their mind if given time. Moreover, hormone blockers are irreversible and the next step is sex reassignment surgery. From what we know, the results, in terms of wellbeing, are not auspicious.

Another issue that must be addressed is a close look at who the founders of the gay rights movement were and what they stood for. Their profile is not inspiring.

Harry Hay is regarded by many as the founder of the gay rights movement. He not only endorsed adults having sex with minors, he said the young men would love it. "If the parents and friends of gays are truly friends of gays," he said, "they would know from their gay kids that the relationship with an older man is precisely what thirteen, fourteen, and fifteen-year-old kids need more than anything else in the world." He was also a supporter of NAMBLA, the gay pedophile group.

Brenda Howard is responsible for the first gay pride march held in 1970. Known as the "Mother of Pride," the bisexual was a devotee of sadomasochism, bondage and polyamorous relationships. Gilbert Baker created the rainbow flag. He was an anti-Catholic bigot drag queen who went by the name "Busty Ross," a play on Betsy Ross.

Allen Ginsberg is known as among the first intellectuals associated with the modern gay rights movement. He was a strong defender of NAMBLA, the organization committed to normalizing child molestation. Larry Kramer founded ACT-UP, some of whose members crashed St. Patrick's Cathedral during a Sunday Mass and spat the Eucharist on the floor; Kramer was also a NAMBLA advocate. Harvey Milk, the famous San Francisco activist and politician, was heralded by President Obama.

According to the gay author Randy Shilts, who wrote a book about him, Milk also had sex with minors.

Last year, statues of iconic Americans were destroyed by urban anarchists. Every effort was made to eradicate historic figures from American history texts, and annual celebrations in their name came under fierce attack. The elites, almost without exception, stood by and watched; some applauded.

If these Americans are worthy of being scrubbed from our history, why should those who founded the gay rights movement not be excised as well?

Make no mistake about it, the Catholic League is opposed to censoring American history, regardless of the profile of those who shaped it. Ditto for those who crafted the gay pride movement. Even seriously flawed persons are capable of making notable public achievements. And judging those who lived long ago by today's standards smacks of ethnocentrism.

The duplicity, though, is repugnant. Why is it okay to trash Harry Truman but not Harry Hay? Those who launched the cancel culture—they are all on the left—cannot now claim that what they started should stop at their doorstep. If they want to recognize flawed gay leaders, let them recognize flawed American heroes.

The best path forward is to cancel the cancel culture and stop with selective moral indignation.