



CAMPAIGN FOR THE BILL OF RIGHTS

American Civil Liberties Union

FOUR PLANKS >>>>>>> American Civil Liberties Union

• At every inauguration since the founding of this country, the newly-elected President has sworn to "preserve, protect and defend the Constitution of the United States." But the Constitution and the Bill of Rights are not self-enforcing. Since its founding in 1920, the American Civil Liberties Union has dedicated itself to turning that 18th-century document into a living reality for all those who find themselves within our country's borders, or under our government's jurisdiction.

The American Civil Liberties Union is a nonpartisan organization -- neither liberal nor conservative, Democratic nor Republican. We have never endorsed or opposed a candidate for elected office. But four years ago, the American Civil Liberties Union was thrust into the Presidential campaign when then-candidate George Bush sought political advantage by accusing his opponent, Michael Dukakis, of being "a card-carrying member of the ACLU," and by grossly misrepresenting the Union's work.

I do solemnly swear that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

— Presidential Oath of Office

The truth is that the American Civil Liberties Union has always stood for the most traditional American values: Liberty, Justice and Freedom for All. Freedom of speech and association, religious liberty, privacy and personal autonomy, equal justice and due process of law -- these are the principles that animated and guided our nation's founders and are set forth in the Bill of Rights.

We believe that adherence to the spirit of those original American principles will make us a stronger and more just nation, and that a promise to make those principles real for all Americans ought to be a part of every political platform.

A new era has arrived. The revolutionary changes in Eastern Europe and the end of the Cold War have led the American people to shift their focus away from the international problems that consumed so much of our country's resources and attention over the past 50 years. Recent events in Los Angeles brought into sharp relief the enormous domestic challenges we face. The United States cannot afford to turn its back on these problems any longer.

The American Civil Liberties Union and its nearly 300,000 members call upon both major parties and all Presidential candidates to adopt these four planks:

ONE A NATIONAL CAMPAIGN AGAINST BIGOTRY AND RACISM

• The poverty rate for African Americans is **three times** that for whites, and **nearly half of all black children** are born into poverty.

• Educational opportunity is brutally unequal -- in Alabama, rich, predominantly white school districts spend \$2,483 a year per student while poor black districts have only \$165 to spend.

Almost 25 years ago, in the aftermath of a long, hot summer of destructive urban riots, the Kerner Commission concluded that "[O]ur nation is moving toward two societies, one black, one white -- separate and unequal." The Commission urged the country "to press for a national resolution," but its urgings have still not been heeded.

Although the crude legal barriers to equal opportunity that supported racism for nearly a century after the end of the Civil War were torn down many years ago, what

author and educator Jonathan Kozol has called "savage inequalities" are more deeply entrenched than ever -- in housing, education, employment, health care and the criminal justice system. These inequalities have engendered, particularly in the

• The American Medical Association concluded recently that race is the main factor in unequal access to health care. Of the more than 30 million people who have no health insurance, a disproportionate number are not white.

• Institutional racism permeates our criminal justice system. Police brutality is routine in minority communities. Although blacks are only 12 percent of drug-users, they are 38 percent of those arrested for drug offenses. One out of every four young black men is in prison, on parole or on probation -- more than are in college.

young among racial minorities, feelings of great despair, rage and hopelessness. If something is not done to address the severe disparities that permeate every institution in our country, Los Angeles is a glimpse of what our future will be.

These are not "black problems" for "Black America" or other racial minorities to solve all by themselves. They are problems for all of us, problems that affect and will increasingly affect all our lives. They are national problems requiring national solutions.

We have previously lacked the will to address these problems in a serious way. Now, today, we must summon the will. What is required is the kind of immense, comprehensive commitment of the kind we made when we established the Marshall Plan to reconstruct postwar Europe. For us to make such a commitment, we must recapture the sense of moral urgency that prevailed 30 years ago when we demolished the edifice of legal segregation.

For those who "have" in our society, this is not a matter of charity but of self-interest. If violence overtakes the nation, it will consume all of us; none of us will be safe. And if a significant segment of our population remains exiled from the realm of opportunity, we will not be able to compete economically as a nation. Our precious liberties and democratic way of life cannot survive if we do not finally fulfill the promises made by the post-Civil War amendments to the Constitution: the promise of full equality.

The history of racism in America is much longer than the history of our efforts to eradicate it. But we must not lose heart. We must build a society in which access to the basic necessities of life -- and to hope -- does not depend on skin color.

TWO CONSTITUTIONAL PROTECTION FOR A WOMAN'S RIGHT TO CHOOSE

• Since the Supreme Court's 1989 decision in the Webster case, anti-choice legislators across the country have introduced more than 750 laws restricting women's right to abortion. Many of these laws would recriminalize most abortions.

• If the Supreme Court's 1973 decision in Roe v. Wade is reversed, 14 million women of childbearing age in 11 states will be in imminent danger of losing their fundamental right to make personal decisions about whether and when to bear a child. These are states in which the governors and state legislators are strongly anti-choice.

• If abortion is recriminalized, it is estimated that thousands of women will require hospital treatment for botched, illegal abortions, and 1,000 will die during the first year. Many who survive will suffer lifelong medical problems, including infertility.

Since the Supreme Court's 1989 decision in the *Webster* case, anti-choice legislators across the country have introduced hundreds of laws making access to safe medical care increasingly difficult: mandatory waiting periods, parental notification/consent laws, laws that compel physicians to give government-prescribed anti-abortion lectures, or that require married women to notify their husbands of their decision to have an abortion. Several states have enacted laws recriminalizing most abortions, thus turning back the clock to the days before *Roe v. Wade* when physicians, and sometimes patients, faced jail for performing or obtaining an abortion. Today, the Supreme Court is poised to take away a woman's fundamental right to make reproductive choices by further restricting access to abortion or even by reversing *Roe*.

Womens' right to control their reproductive system is essential to their full and equal participation in society. Without that control, women are not free to determine their own lives, to define for themselves the role through which they will contribute to society -- as mothers, workers, artists, scientists. For 20 years, self-determination for American women

has been possible, in part, through the availability of safe and legal abortions. For the majority, going back to the dark days of back alley butchering, is simply unthinkable.

Attitudes towards abortion are rooted in theological beliefs about the nature of the fetus from the earliest moments of conception. Not surprisingly, religious groups view the issue differently. While some religions teach that abortion is a sin and tantamount to murder, others teach that each woman must be free to make her own moral and ethical choices. Bans on abortion, or laws that restrict access to abortion, force all Americans by law to conform to particular religious beliefs that not everyone shares.

If *Roe v. Wade* is overturned, the constitutional right to abortion will not be the only casualty. Under *Roe*, "freedom of personal choice in matters of marriage and family life" is a privacy right that is constitutionally protected. *Roe* has been the foundation upon which other freedoms have been recognized, including the right to be free from forced sterilization or court-ordered abortion. If *Roe* goes, so go these other rights.

The Freedom of Choice Act elegantly and simply reaffirms a woman's right to choose to end a pregnancy prior to fetal viability. Congress must pass this legislation, and it must be signed into law, with no weakening amendments.

THREE A REALISTIC APPROACH TO CRIME AND PUNISHMENT

• **The United States now leads the world in incarceration.** With more than one million people behind bars, we imprison 426 per 100,000 people compared to South Africa, the runner-up, with 333.

• **Harsh, mandatory sentencing laws have caused our prison population to double in the past decade.** Congress has passed 60 of these laws, mainly for drug offenses. As a result, more than half the inmates in the federal prison system are drug offenders, and most of them committed non-violent crimes. The cost: \$20 billion a year. At the same time, only four percent of the estimated 6.5 million Americans who are addicted to drugs have access to publicly-funded treatment programs.

• **The prison explosion is placing enormous burdens on state budgets.** It is estimated that states will require an extra \$35 billion to build and operate prisons over the next five years just to keep up with the incarceration rate.

Fear of violent crime grips the citizenry, from our largest urban centers to our rural areas. For too long, our elected leaders have played upon that fear, especially during election years. "If only we could unshackle the police, impose longer sentences, abolish parole and build more prisons, crime could be controlled," they proclaim. But while such "solutions" may win votes, they have little, if any, impact on the crime rate. Thousands of new laws have increased sentences, expanded the use of the death penalty and eroded civil liberties. Yet these measures have failed: Instead of making us crime free, they have just made us less free.

The truth is there is no significant correlation between building prisons and controlling crime. The reasons are simple. First, crime rates correlate, not with the rate of imprisonment, but with the proportion of young people in the population and the percentage of those young people who are unemployed, uneducated and face a bleak future.

Second, most violent criminals do not even reach the criminal justice system. More than 35 million serious crimes are committed each year in the U.S., but only about three million result in arrest, and only several hundred thousand in imprisonment. Sentencing policies address the wrong end -- and only one tiny piece -- of the problem. The cry for more prisons and harsher sentences is used by some politicians to divert an anxious public's attention -- and public resources -- away from the real problem.

It's time to get serious about crime and punishment. Every community must have adequate police services. Our courts must have the capacity to deliver justice *and* swift and certain punishment when warranted. Prison space must be reserved for truly violent offenders; for nonviolent offenders, the use of alternative sanctions must be expanded.

Today, many in the law enforcement community agree that constitutional rights are no impediment to effective law enforcement, so we must stop scapegoating the Constitution. More and more law enforcers also agree that we must stop squandering limited resources on ineffective measures and respond instead to the social problems that are the breeding grounds of crime: joblessness, broken families, poor education, inadequate housing. We must stop treating drug abuse as a crime and treat it, instead, as the public health problem it is.

It has become fashionable in some circles to claim that the social programs of the 1960s and '70s "didn't work." What is crystal clear today is that the crime control policies of the 1980s have not worked. New approaches, based on new premises, are needed.

FOUR A BILL OF RIGHTS FOR ALL WORKING PEOPLE

The largest group of forgotten people in this country consists of non-unionized, private sector employees -- 80 percent of the American workforce. Victims of the 19th century "employment-at-will" doctrine, they can be fired for any reason, or for no reason at all. They can be subjected to tests and searches that are degrading and unrelated to the work they were hired to perform. They can be punished for engaging in legal activities in the privacy of their own homes. Employees need and deserve protection against such unfair and arbitrary denials of their rights, which often leads to widespread human suffering. Researchers have found a strong connection between job loss and alcoholism, mental illness and even suicide.

• In Pennsylvania, an employee was fired because he pointed out serious safety defects in his employer's products. At least 200,000 Americans are unjustly fired every year.

• In California, a job applicant was denied a job because he refused to answer questions about his sex life on a "psychological test." At least two million job applicants are required to take such tests every year.

• In Indiana, a worker was fired because she smoked cigarettes in her own home. At least 6,000 American companies now punish employees for private behavior, such as drinking any alcohol or riding a motorcycle.

American institutions have, thus far, failed to address the problem of workplace rights. The Bill of Rights does not apply to privately-owned businesses, and our courts have been unwilling to offer legal protection to private sector employees. While federal and state legislation have addressed the problem of job discrimination based on race, gender, religion and disability, other important issues like privacy, free speech and due process have not been treated seriously. Organized labor has traditionally been the chief defender of people's rights at work. But the percentage of American workers represented by unions has declined to only 16 percent, leaving the vast majority of workers unprotected.

Although many employers argue that expanding legal rights in the workplace would make American industry less competitive, the evidence shows otherwise. The success of companies that have adopted enlightened personnel policies confirms that people work more productively in environments where their rights are respected.

American workers need their own Bill of Rights that provides for freedom of speech, the right to organize, the right to privacy, fair and equal treatment and legal protection.

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As we approach the millenium, our country faces a time of both danger and opportunity. If we do not confront the social disintegration that has been worsened during the past decade, we are looking at a future of violence and repression that will ensnare all of us in its web. If we do not become responsive to the demands of all our citizens--women, men, minorities, artists and working people of every sexual orientation--for liberty and respect, opportunity and hope, the United States will cease to be an inspiring beacon of freedom, creativity, enlightenment and great achievement, and will instead become a symbol of despair, destructiveness and decline.

Let us look for guidance to the original principles upon which this nation was founded: the principles enshrined in the Bill of Rights.

◀ SUPPORT THE BILL OF RIGHTS PLANKS ▶

Please complete the message below and mail this brochure to the delegation, from your state, to your political party's National Convention. You can obtain that address from:

REPUBLICAN NATIONAL COMMITTEE
310 First Street, S.E.
Washington, DC 20003
(202)863-8550

DEMOCRATIC NATIONAL COMMITTEE
430 South Capitol Street, S.E.
Washington, DC 20003
(202)863-8000

GET MY MESSAGE!

I am a registered _____. I urge you to "Campaign for the Bill of Rights" in this Presidential election year by supporting inclusion of the four planks of the American Civil Liberties Union in our party's platform.

TO: The _____ delegation to the _____ Party National Convention.
my state Democratic/Republican

FROM: _____
my name (in print)

My signature _____

My address _____