

ACLU LEADERSHIP REJECTS STAFF DEMANDS TO CONDEMN U.S. ROLE IN ISRAEL'S GAZA WAR

More than 650 ACLU staffers signed a petition calling on the organization to decry the ongoing war and divest from Israel.

Jonah Valdez

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ACLU Executive Director Anthony Romero speaks at the 2018 ACLU National Conference on June 11, 2018, in Washington, D.C. Photo: Paul Morigi/Getty Images

STAFFERS AT THE American Civil Liberties Union began to circulate an internal petition earlier this year urging its leadership to take a public stance against the U.S. support for Israel's war in Gaza and Israel's illegal occupation of Palestinian territories.

The petition – which also calls on the ACLU to disclose and divest potential investments in Israel and oppose U.S. military aid to Israel – cites previous moments in history when the ACLU condemned international events, such as its opposition to the Vietnam War and South African apartheid. As of early October, 681 staffers from across the free

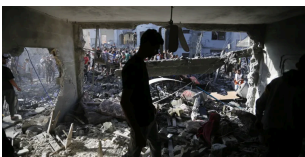
speech organization’s national office and local chapters had signed on to support the petition, about one-third of its overall staff.

In early October, the ACLU’s national board of directors convened to vote on the petition. The governing body rejected the staffers’ calls with a 50-4 vote and one abstention, according to documents obtained by The Intercept. This week, after continued requests from staffers, ACLU leadership also rejected requests for a town hall meeting where staffers could hear leaders’ reasons for dismissing the petition.

ACLU leadership explained its rejection to staff in a memo, sent by Board President Deborah Archer and Executive Director Anthony Romero, stating that while the organization is committed to fighting for the free speech rights of those who are protesting around the war in Gaza, “a position on the war is not needed to carry out this essential domestic work.”

Several months before the vote, Romero had recommended against the petition, stating that “weighing in on this international matter is beyond the ACLU’s remit,” the memo said.

Archer and Romero also stated that the ACLU does not have “an overall framework or guiding principle for deciding which conflicts or countries to engage in a consistent or justifiable manner” around the issue of human rights violations. “The ACLU lacks expertise and staff dedicated to this region or conflict, and does not have a staff presence in the region,” the memo continued. The Intercept also obtained a document highlighting executive leaders’ recommendations against the petition. The document includes statements from board **members**, executive directors of local ACLU affiliates, and a breakdown of the ACLU’s investments in Israeli companies.



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A key part of the staff petition was the demand for divestment from “any company that profits from the Israeli government’s human rights violations – including but not limited to companies providing offensive weaponry, policing, and surveillance technology,” following the model set during the South African divestment movement.

In its October memo, the ACLU leadership said that divestment would have “very significant deleterious impact on our investment portfolio, including an impact on our achieving diversity of holdings, an impact on

our overall investment return, and our need to sell our substantial illiquid assets at a significant discount.”

A detailed internal report shared with The Intercept said that approximately 1.5 percent of the ACLU’s investment holdings are in aerospace and defense companies, including shares in U.S. defense giants such as Lockheed Martin and Boeing, and another 0.5 percent are in Israeli companies, but that the broad working relationships between many American companies, such as Microsoft and Google, and Israel or Israeli companies makes it difficult to determine the exact parameters of divestment.

ACLU leadership also claimed it lacked a framework or principle to decide which countries to divest from due to human rights issues.

FOLLOWING THE EARLY October vote rejecting their petition, **members** of the Palestine Solidarity Working Group Steering Committee, made up of ACLU staffers behind the effort, committed to continue fighting for their demands.

In an email sent to signatories, petition organizers wrote that they “stand on the right side of history in demanding that the ACLU use its resources, expertise, and mandate to oppose our government’s complicity in one of the worst atrocities of the 21st century,” adding that the 681 signees make up more than 30 percent of all ACLU staff.

The email also included a call to action: all the recipients were asked to email ACLU leadership requesting a town hall to discuss the board’s decision. ACLU leaders rejected this request, saying that the organization was prioritizing “election-related work,” according to another leaked email. When organizers asked for a town hall to be held after the upcoming election in November, they say they were turned down again.

Petition organizers decried a “lack of transparency from Executive Leadership” in an email on Monday viewed by The Intercept. Despite the leadership’s decision to “limit an organization-wide reckoning with the ACLU’s role in this moment,” the committee wrote that it would continue to push for action.

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In a statement sent to The Intercept, an ACLU spokesperson said the organization has not adopted a policy addressing Israel’s war in Gaza,

stating that “it is not the ACLU’s practice to take positions on overseas conflicts.”

“The ACLU’s core mission is to promote civil liberties and civil rights in the United States,” the statement read. “This includes the ACLU’s active engagement on domestic issues involving civil rights and civil liberties, such as the right to free speech and the rights of protestors. It is why the organization has been, and will remain, outspoken about its opposition to actions that violate the free speech rights of Americans who support or oppose the war.”

The spokesperson declined to comment on the board’s vote on the petition but acknowledged “the diversity of perspectives” at its 53 state affiliates and 2,200 national staff **members**. “Divergent viewpoints and vigorous dissent and debate makes us stronger as an organization,” the statement said.

WHILE ACLU LEADERSHIP said that the organization has “no framework” to address the war in Gaza, the petition argues that the organization is mandated by its own policies to do so. The steering committee pointed to ACLU Policy #401 which governs the organization’s “role in international civil liberties and human rights matters.”

The petition points to a specific part of the policy that evokes the Foreign Assistance Act of 1961 which mandates that the U.S. must halt foreign aid to “to countries whose governments engage in a consistent pattern of gross violations of internationally recognized human rights.” The ACLU policy states that “all foreign policy aid legislation” should include language similar to the Foreign Assistance Act. Several times throughout the past year, Sen. Bernie Sanders, I-Vt., used the same 1961 law in a [motion](#) that would have frozen U.S. aid to Israel over mounting evidence of human rights abuses, such as Israel’s [blockade of aid](#) to Palestinians in Gaza.

“While we commend the ACLU for its work addressing repression of pro-Palestine speech, state and private actors will continue to censor and crack down on pro-Palestine advocacy until we address its root cause: U.S. complicity in the Israeli government’s war crimes,” the petition read.

The petition leans on the ACLU’s past actions on international relations, such as its resolution from 1985 that called for total divestment from companies who do business in or with South Africa to oppose its racist apartheid regime.

“Because of its commitment to civil rights, human rights and civil liberties, and its respect for international law, the ACLU believes that government should not engage in any action that reinforces and intensifies the apartheid system and denies the most elementary rights to South Africa’s black majority,” the resolution read.

A pair of separate ACLU resolutions from the 1970s opposing the Vietnam War included an exhaustive list of human rights and free speech violations committed by the U.S. in Southeast Asia, but also enumerated domestic U.S. violations, such as attacks on anti-war protesters, **members** of the media, and academic freedoms in college campuses. The resolution called for immediate end to the war and “the immediate withdrawal of all United States troops from Southeast Asia.” The resolution also urged all of its affiliates and **members** to call on their congressional leaders to end the war. The ACLU had also been involved in lawsuits against the U.S. military draft and repression of anti-war protests.

The petition’s authors drew through lines with repression faced by pro-Palestinian protesters, quoting its 1970s resolutions: “The factors that led the ACLU to enact Board Policy #H-123 opposing the Vietnam War apply with equal, if not greater, force here: U.S. military support for Israel’s assault on Gaza has had ‘many adverse domestic consequences,’ including ‘a highly detrimental effect on civil liberties.’”

“It is long past time for the ACLU to condemn U.S. complicity in Israel’s genocidal war on Gaza, oppose legislation supplying the Israeli government with more U.S. weapons, and disclose and divest from companies profiting from the Israeli government’s human rights violations,” the petition continued. “As a staunch defender of civil and human rights for all, the ACLU has a responsibility to take the actions urged above. If the ACLU fails to act during this pivotal moment, our organization risks damaging its credibility and undermining the very principles it advocates for.”

Update: October 22, 2024, 7:00 p.m. ET

The section of this story quoting from leaked emails was revised to include additional details about the staff demands of ACLU leadership.

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