

CIR

ANNUAL REPORT 1997-1998

ABOUT CIR:

"IF INFLUENCE IS MEASURED BY IMPACT ON THE LAW RATHER THAN BY PARTNERSHIP DRAWS OR INVITES TO CUSHY ABA CONFABS, THE CENTER'S THREE MIKES ARE AMONG THE MOST IMPORTANT LAWYERS IN TOWN."

NATIONAL JOURNAL

ABOUT CIR'S LAWSUIT AGAINST THE UNIVERSITY OF MICHIGAN:

"JENNIFER GRATZ'S LAWSUIT CHALLENGING THE UNIVERSITY OF MICHIGAN'S UNDERGRADUATE ADMISSIONS POLICY IS A WIN-WIN PROPOSITION FOR OPPONENTS OF AFFIRMATIVE ACTION PROGRAMS AND A SIGNIFICANT HEADACHE FOR THEIR DEFENDERS."

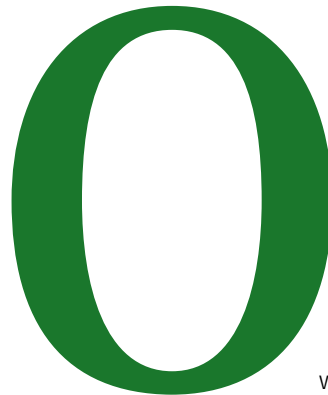
WASHINGTON POST (EDITORIAL)

ABOUT CALIFORNIA PROPOSITION 209:

"WITHOUT DISSENT OR COMMENT, THE (SUPREME) COURT LEFT INTACT A FEDERAL APPEALS COURT RULING THAT SAID: 'THERE IS SIMPLY NO DOUBT THAT PROPOSITION 209 IS CONSTITUTIONAL.'"

BALTIMORE SUN

The Year in Review



Over the past twelve months, CIR has made further progress toward its long-term objective--the re-invigoration of meaningful constitutional constraints on government. CIR has pursued this objective in cases involving a broad range of issues, from federalism to free speech and the free exercise of religion. As in the preceding year, though, CIR's chief priority has been civil rights litigation.

A year ago in these pages, we expressed the hope that CIR would live up to the promise of its best-known legal victory, *Hopwood v. State of Texas* — the Fifth Circuit's 1996 decision that the Constitution prohibits the University of Texas from considering race in student admissions. In placing race beyond the reach of the state, *Hopwood* well-nigh defines CIR's civil rights agenda. CIR has continued to pursue this agenda with considerable success.

In *Reno v. Bossier Parish*, the U.S. Supreme Court sharply curtailed the federal government's ability to bludgeon state and local jurisdictions into adopting racially gerrymandered voting districts. In *Coalition for Economic Equity v. Wilson*, in which CIR represented the sponsors of California's Proposition 209, the Ninth Circuit sustained the popularly enacted ban on state and local race preferences as plainly constitutional. We owe these two splendid victories in no small measure to Michael A. Carvin, a frequent CIR *pro bono* counsel and a member of its Board of Directors, who argued both *Bossier* and *Coalition for Economic Equity* for CIR's respective clients.

Also in 1997, CIR filed three cases, *Smith v. University of Washington* and a pair of cases against the University of Michigan (*Gratz v. Bollinger* and *Grutter v. Bollinger*), that seek to extend the principles of *Hopwood* to other educational institutions and judicial circuits. The Michigan cases in particular garnered enormous public attention and demonstrated that *Hopwood* was anything but a passing blow to the existing preference regime. The *Washington Post* and other national publications compared CIR and its legal strategies to the long, methodical litigation campaign of the NAACP Legal Defense Fund, Inc. to end state-imposed segregation, culminating in *Brown v. Board of Education*.

The comparison seems exaggerated. Affirmative action preferences are odious and destructive, but they are not Jim Crow. The supporters of contemporary forms of state-sponsored race discrimination are more pathetic than menacing. Suing them requires confidence and resolve (along with substantial resources), but obviously nothing like the courage it took to fight segregation in the old South.

In both instances, however, the same formal principle is at stake. "Distinctions by race are so evil, so arbitrary and invidious that a state bound to defend the equal protection of the laws must not invoke them in any public sphere," Thurgood Marshall wrote in his briefs in *Brown v. Board*. CIR subscribes to this principle.

Like the NAACP of old, moreover, CIR seeks to advance this principle by building precedent on precedent (its own accomplishments, and those established by others). Witness, for example and in addition to the *Hopwood* "clones" in Washington and Michigan, CIR's role as plaintiffs' counsel in *DynaLantic Corp. v. U.S. Department of Defense*. This case, a frontal attack on federal race-based contracting set-asides, seeks to apply and extend the Supreme Court's 1995 decision in *Adarand v. Peña*, which held that race-based set-asides are virtually always unconstitutional.

Unfortunately, some of the most egregiously illegal racial preference programs are widely perceived to be immune from legal review in light of *Hopwood* because they are enshrined in now decades-old collusive legal settlements and consent decrees. To address this problem, CIR is pursuing challenges to two consent decrees, one covering a state university system, *Tompkins v. Alabama State University*, and the second concerning a secondary school system, *Ho v. San Francisco Unified School District*. Through these cases, CIR hopes not only to remove existing consent decrees as an obstacle to colorblind policies, but also to cut off a possible future escape route to compliance with the post-*Hopwood* standard.

These strategies have prompted our critics to charge that CIR is committed to an agenda of "judicial activism." As commonly understood, however, the phrase describes litigation that aims to expand government's reach and to institute ambitious social engineering scheme, typically without a plausible constitutional warrant. CIR, in contrast, seeks to *limit* such schemes, based on the clear warrant of the Fourteenth Amendment.

The NAACP Legal Defense Fund, Inc. eventually sacrificed its commitment to official colorblindness in — truly activist — lawsuits for school busing and racial preferences, the better to accommodate the changing demands of its constituency. In contrast, CIR is a litigation boutique, not the legal spearhead of a social movement. CIR has no reason to sacrifice or subordinate constitutional principle to constituency demands because it has no constituency — only clients. In litigating civil rights cases, we seek to enforce constitutional principles and to obtain relief for our clients. We have not the slightest inclination to design appropriate student admission systems for universities in Texas, California, Washington, or Michigan, far less to subject these institutions to judicial management. University administration is for university administrators—provided they do not base their decisions on race.

Above all, CIR's civil rights agenda is based not on beliefs about the role of race but rather about the role of government in a free society. Since politics is a divisive, zero-sum game, race must be placed beyond the reach of the state, and the baseline of strict government neutrality is the only means of accomplishing this goal. This is the point of official colorblindness.

In other words, CIR is committed to official colorblindness as one hugely important application of broader, more general principles of government neutrality and non-interference. These principles unite *Hopwood* and its progeny with CIR cases outside the civil rights arena. In *Columbia Union College v. Maryland*, for example, we are working to advance the principle, articulated prominently in our Supreme Court victory in *Rosenberger v. University of Virginia* (1995). That case, one of CIR's most important victories, established that the government may not exclude religious viewpoints and institutions from participating, on an equal footing with secular groups, in public funding schemes. Similarly, in *Brzonkala v. Virginia Polytechnic Institute*, which is awaiting a decision by the full Fourth Circuit Court of Appeals, CIR is attempting to re-invigorate long-ignored federalism constraints on congressional authority. And so on.

In the coming year and beyond, the fight to end state-sponsored race discrimination will continue to attract the lion's share of public attention — and of CIR's legal work. While the media, for the most part, have already found the University of Michigan guilty of race discrimination, a conclusive judicial resolution and remedial relief for CIR's clients, alas, lie well in the future. CIR will pursue these objectives as part of its larger and, we think, compelling agenda of subjecting a meddlesome government to constitutional limitations.



Michael P. McDonald
President



Michael S. Greve
Executive Director

Litigation Docket, 1997 - 1998

ABOUT *BOSSIER*:

"THE U.S. SUPREME COURT UNSHEATHED ITS CARVING KNIFE THE OTHER DAY AND WHITTLED A BIG STICK OF THE JUSTICE DEPARTMENT DOWN TO SIZE."

ATLANTA JOURNAL
(EDITORIAL)

United States Supreme Court

Reno v. Bossier Parish School District, 117 S. Ct. 1491 (1997). Civil Rights; Elections. Successfully challenged U.S. Department of Justice effort to force state and local governments to gerrymander election districts in order to maximize the election of minority representatives.

Outcome: Victory.

ABOUT *BRZONKALA*:

"THIS IS THE FIRST CASE IN THE COUNTRY IN WHICH THE VIOLENCE AGAINST WOMEN ACT HAS BEEN HEARD BY AN APPELLATE COURT AND IT IS BEING CLOSELY WATCHED BY WOMEN'S GROUPS AND LEGAL SCHOLARS."

ROANOKE TIMES

Federal Appellate Courts

Brzonkala v. Virginia Polytechnic Institute, 132 F.3d 949 (4th Cir. 1997), *vacated pending rehearing*, ___ F.3d. ___ (4th Cir. Feb. 5, 1998). Congressional Authority; Enumerated Powers. Defending black student athlete in civil suit against ill-founded charges of rape. Challenging 1994 Violence Against Women Act as unconstitutional exercise of Congress' authority beyond the scope of the Commerce Clause and Section 5 of the Fourteenth Amendment.

Status: Victory in district court. Reversal by three-judge panel vacated by Fourth Circuit *en banc*; oral argument held before *en banc* court; awaiting decision.

Coalition for Economic Equity v. Wilson, 122 F.3d 692 (9th Cir. 1997), *cert. denied*, 118 S. Ct. 397 (1997). Civil Rights; Equal Protection. Represented sponsors of the California Civil Rights Initiative ("Prop. 209") as intervenor-defendants in lawsuit to enjoin Prop. 209 as unconstitutional.

Outcome: Victory. U.S. Court of Appeals for the Ninth Circuit denied Plaintiffs' request for re-hearing *en banc*. Plaintiffs' Petition for Writ of *Certiorari* before U.S. Supreme Court denied.

Columbia Union College v. Maryland Higher Education Commission, 988 F. Supp. 897 (D. Md. 1997), *appeal pending*. Free Speech; Free Exercise of Religion. Representing private college affiliated with Seventh-day Adventist church in lawsuit challenging Maryland's refusal, solely because of college's religious speech and beliefs, to accord it financial aid benefits extended to other religiously affiliated schools.

Status: Judgment by District Court in favor of defendants on appeal to Fourth Circuit.

ABOUT *GEE V. HUMPHRIES*:

"GEE MAY BE GUILTY OF POOR JUDGEMENT, BUT HE HARDLY DESERVES THE KIND OF CENSURE DIRECTED HIS WAY BY FLORIDA A&M PRESIDENT FREDERICK HUMPHRIES."

TALLAHASSEE DEMOCRAT
(EDITORIAL)

Gee v. Humphries, No. 95-40031-RH, ___ F.3d. ___ (11th Cir. Mar. 3, 1998), *appeal pending*. Freedom of Speech; Academic Freedom. Challenging state college's disciplinary measures against professor for "harassing" in-class remark as violation of First Amendment and Due Process Clause of the Fourteenth Amendment.

Status: Summary judgment for defendant affirmed on appeal. Petition for Writ of *Certiorari* to the U.S. Supreme Court to be filed.

ABOUT *HOPWOOD*:

"IN ITS REMARKABLE DECISION... THE COURT OF APPEALS HELD THAT RACE CONSCIOUSNESS WAS ACCEPTABLE ONLY TO REMEDY PRESENT EFFECTS OF PAST DISCRIMINATION."

HARVARD LAW REVIEW

ABOUT *LUTHERAN CHURCH V. FCC*:

"IN A DECISION THAT COULD HAVE FARREACHING IMPACT ON BROADCASTERS AND ON THE FUTURE OF AFFIRMATIVE ACTION, A FEDERAL APPEALS COURT HERE ON TUESDAY VOIDED A GOVERNMENT REQUIREMENT THAT RADIO AND TELEVISION STATIONS SEEK MINORITY JOB APPLICANTS."

NEW YORK TIMES

ABOUT *DOE V. HHS*:

"JUST LAST MONTH... THE NATIONAL INSTITUTES OF HEALTH AND THE U.S. DEPARTMENT OF AGRICULTURE SETTLED OUT OF COURT A CASE BROUGHT BY A WHITE TEEN-AGER EXCLUDED FROM A SUMMER CAMP AT TEXAS A&M UNIVERSITY."

WASHINGTON TIMES

Ho v. San Francisco Unified School District, 965 F. Supp. 1316 (N.D. Cal. 1997), *appeal pending*. Civil Rights; Equal Protection. Representing state board of education in lawsuit brought to terminate long-standing school desegregation order. Although initially allied with defendant school district, state board now opposes the racial preferences in school assignments mandated by the order.

Status: Case argued on April 15, 1998; Pending.

Hopwood v. State of Texas, 78 F.3d 932, (5th Cir.), *reh'g en banc denied*, 84 F.3d 720, *cert. denied*, 116 S. Ct. 2581 (1996), *remanded for further proceedings*. Civil Rights; Equal Protection. Successfully challenged racial preferences in landmark case against University of Texas Law School.

Outcome and Status: Victory. Petition for Writ of *Certiorari* to Supreme Court denied. Following remand, district court held that plaintiffs were entitled to \$1 in damages notwithstanding racial discrimination. Appeal from district court judgment to Fifth Circuit filed.

Lamprecht v. Federal Communications Commission, No. 98-1052 (D.C. Cir. filed Jan. 30, 1998). Civil Rights; Equal Protection. Petition for Writ of *Mandamus* filed on behalf of CIR client J. Thomas Lamprecht to compel FCC compliance with 1992 decision, 958 F.2d 382 (D.C. Cir. 1992), declaring unconstitutional FCC gender preference policy in awarding radio licenses.

Status: Denied without prejudice to refiling if FCC fails to take appropriate action by August, 1998.

Lutheran Church v. Federal Communications Commission, No. 97-1116, 1998 WL 168712 at *5 (D.C. Cir. April 14, 1998). Civil Rights; Equal Protection. Filed *amicus* brief challenging FCC regulations that required broadcasters to consider race in support staff hiring but forbade religiously-affiliated broadcasters from considering religion in such decisions.

Outcome: Victory. FCC regulations partly withdrawn and otherwise declared unconstitutional.

Scallet v. Rosenblum, No. 96-1138, 1997 WL 33077 (4th Cir. Jan. 29, 1997) (unpublished) (*per curiam*), *cert. denied*, 117 S. Ct. 2482 (1997). Freedom of Speech. Challenged University of Virginia's removal of teacher without due process for politically controversial, "communist" speech.

Outcome: Loss. U.S. Court of Appeals for the Fourth Circuit ruled that Scallet's speech was not the cause of his removal and that no genuine issue of material fact existed to warrant a trial. Petition for Writ of *Certiorari* denied.

Federal District Courts

Doe v. Department of Health and Human Services, Civ. No. 97-091 (S.D. Tex. filed Feb. 14, 1997). Civil Rights; Equal Protection. Challenging exclusion of Caucasian youth from minorities-only summer study program funded in part by the National Institute of Health and Texas A & M University.

Status: Pending. Federal defendants (Department of Health and Human Services, National Institute of Health, and Department of Agriculture) settled out of court; case proceeding against remaining defendants.

ABOUT THE UNIVERSITY OF MICHIGAN CASES:

"BECAUSE OF THESE SUITS, SCHOOL ADMISSIONS HAVE MOVED TO THE FOREFRONT OF THE AFFIRMATIVE ACTION DEBATE, AND THE CENTER IS BETTING THAT ONE OF ITS CASES WILL FORCE THE HIGH COURT TO REEXAMINE THE QUESTION WHETHER ADMISSIONS OFFICERS CAN EVER TAKE ACCOUNT OF RACE."

US NEWS AND WORLD REPORT

ABOUT SMITH V. UNIVERSITY OF WASHINGTON:

"IN MARCH, 1994 KATURIA SMITH WAS REJECTED BY THE UNIVERSITY OF WASHINGTON LAW SCHOOL. SHE FAILED, I BELIEVE, BECAUSE ON HER APPLICATION SHE CHECKED THE BOX IDENTIFYING HER AS 'WHITE' ... AMONG HER ATTORNEYS ARE MEMBERS OF THE D.C.-BASED CENTER FOR INDIVIDUAL RIGHTS."

NAT HENTOFF, WASHINGTON POST

DynaLantic Corp. v. U.S. Dept. of Defense, 937 F. Supp. 1 (D.D.C. 1996), *rev'd and remanded*, 115 F.3d 1012 (D.C. Cir. 1997). Civil Rights; Equal Protection. Challenging federal "8(a)" minority contracting set-aside program on behalf of manufacturer of flight simulators.

Status: Pending. District court decision dismissing case on grounds of mootness reversed and remanded with leave to amend complaint to include challenge of "8(a)" program as a whole.

Gratz v. Bollinger, No. 97-75231 (E.D. Mich. filed Oct. 14, 1997).

Grutter v. Bollinger, No. 97-75928 (E.D. Mich. filed Dec. 3, 1997). Civil Rights. Equal Protection. Challenging racial preferences in student admissions at the University of Michigan College of Literature, Sciences, and the Arts (Gratz) and the Law School (Grutter).

Status: Pending. Trials tentatively scheduled for 1999.

Kidd v. National Science Foundation, No. 97-2005-A (E.D. Va. filed Dec. 12, 1997). Civil Rights; Equal Protection. Of-counsel to graduate student challenging minorities-only graduate fellowship funded by the National Science Foundation.

Status: Pending.

Recycling Solutions, Inc. v. District of Columbia, No. 1: 96-CV-00170 (TPJ) (D.D.C. filed Jan. 31, 1996). Equal Protection; Civil Rights. Assisted in representing white-owned contractor in lawsuit against District of Columbia government after company had been denied city recycling contract because of race of its owners.

Outcome: Victory. Settled on eve of trial. Client received \$1.4 million in damages and attorneys' fees.

Reisner v. CUNY College, No. 95-CV-8087 (JSM) (S.D.N.Y. filed Sept. 20, 1995). Civil Rights; Equal Protection; Title VII. Challenged state college's refusal to hire non-minority applicant for position reserved for minorities.

Status: Victory. Settled on eve of trial for \$280,000 in damages, attorneys' fees, and costs.

Smith v. University of Washington Law School, Civ. No. C-97-335 (W.D. Wash. filed Mar. 5, 1997). Civil Rights; Equal Protection. Challenging racial preferences in student admissions at University of Washington Law School.

Status: Pending. Defendants' motions for summary judgment denied and plaintiffs' motion for class certification granted, 1998 WL 199286 (W.D. Wash. Apr. 22, 1998); trial scheduled for 1999.

Thorpe v. Virginia State University, CA No. 3: 96-CV-975 (E.D. Va. filed Dec. 3, 1996). Congressional Authority; Enumerated Powers. Represented black student athletes at Virginia State University sued under the Violence Against Women Act (VAWA). Argued that civil remedies under VAWA exceed Congress' power under the Commerce Clause and the Fourteenth Amendment.

Status: Victory. Settled prior to trial for minimal damages.

ABOUT *TOMPKINS V. ASU*:

"FEW CASES PUT AFFIRMATIVE ACTION IN AS STARK A LIGHT AS DOES THE JESSIE TOMPKINS CASE. IN A STATE WHERE 'WHITES ONLY' SIGNS HUNG OVER PUBLIC FACILITIES A FEW DECADES AGO, A WHITES-ONLY SCHOLARSHIP TURNS HISTORY ON ITS HEAD."

WALL STREET JOURNAL

Tompkins v. Alabama State University, No. 97-T-471-N (M.D. Ala. filed Mar 31, 1997). Civil Rights; Equal Protection. Challenging judicially mandated "whites only" scholarship at traditionally black university.

Status: Pending.

White v. Julian, 1996 WL 40192 (N.D. Cal. Jan. 12, 1996). Freedom of Speech. Seeking redress for threats of prosecution by officials of the Department of Housing and Urban Development leveled at private citizens who organized peaceful protests against federally supported housing programs.

Status: Pending. Defendants' motion to dismiss Bivens claims for damages denied. Defendants' motion to dismiss claims for injunctive relief granted.

State Courts

Aguilar v. Avis Rent-A-Car, 53 Cal. Rptr. 2d 599 (Cal. App. 1996), *rev. granted*, 921 P.2d 602 (Cal. 1996). Freedom of Speech. Filed *amicus* brief contesting court-ordered injunction prohibiting "offensive" epithets in the workplace as unlawful prior restraint of constitutionally protected speech.

Status: Pending.

Hampton v. National Research Group, Civ. No. B 107771 (L.A. Super. Ct. Aug. 23, 1996), *appeal pending*. Freedom of Speech. Filed *amicus* brief contesting court-ordered \$1 million damage award as unlawful restriction of constitutionally protected speech.

Status: Pending.

Maas v. Cornell University, ___ Misc. 2d ___ (N.Y. Sup. Ct. filed Aug. 1, 1995). Contesting, on contractual and other grounds, private university's sanctions against professor over ill-founded sexual harassment charges.

Status: Pending. Defendants' motion to dismiss granted in part by trial court; affirmed by appellate court. Appeal of dismissal of remaining counts pending.

Stoll v. N.Y. St. College of Veterinary Med. at Cornell Univ., 238 A.D.2d 38, 664 N.Y.S.2d 851, 122 Ed. Law Rep. (West) 770 (App. Div. 3d Dept. 1997), *leave to appeal dismissed* ___ 238 A.D.2d ___ (Mar. 31, 1998). Freedom of Information. Challenged university's denial of access to state college's sexual harassment records pursuant to New York Freedom of Information Law ("FOIL").

Outcome: Victory. Appellate court held that Cornell's contract colleges were "public entities" covered by FOIL.

ABOUT *MAAS V. CORNELL*:

"THE CASE READS LIKE A TWISTED VERSION ON THE SALEM WITCH TRIALS, ONLY THIS TIME THE 'WITCH' IS A PROFESSOR AT CORNELL UNIVERSITY AND HIS ACCUSERS ARE FORMER STUDENTS EGGED ON BY SOME MEMEBERS OF THE WOMEN'S STUDIES PROGRAM."

LINDA CHAVEZ, USA TODAY

Public Information

CIR Publications, 1997 - 1998 (Selection)

Hans Bader. "Should Harassment Law be extended to Public School?" *Legal Times*, Oct. 6, 1997, p. 22.

Hans Bader. "Free Speech and Hostile-Environment Harassment." *Free Speech and Election Law News* 1, No. 10 (Spring 1997): 5-12.

Hans Bader. "Free Speech Trumps Title VII Suits." *National Law Journal*, Sept. 24, 1997, Sec. A, p. 19.

Michael S. Greve. "Free Speech and Liberal Education." *Academic Questions* 10, No. 3 (Summer 1997): 24-33.

Michael S. Greve. "Vexed by the Text," review of *A Matter of Interpretation: Federal Courts and the Law*, by Antonin Scalia, *Reason* 29 (Dec. 1997): 45-48.

Terence J. Pell. "Harassment Laws Run Amok." *Intellectual Capital.com* (magazine on-line); available from <http://www.intellectualcapital.com>; Internet; accessed March 12, 1998.

Terence J. Pell. "Piscataway Milestone." *New York Post*, Nov. 22, 1997.

Terence J. Pell. "A More Subtle Activism at the OCR." *Academic Questions*, 10 (Summer 1997) No.3: 82-88.

Terence J. Pell. "Don't Force Diversity." *USA Today*, Mar. 28, 1997, sec. A, p. 12.

Terence J. Pell. "Here are Some More Quotas to Kill." *Weekly Standard*, July 28, 1997, 14.

Terence J. Pell. "Texas Must Choose Between A Court Order and a Clinton Edict." *Wall Street Journal*, April 2, 1997, sec. A, p. 15.

Public Appearances

CIR representatives discussed CIR's cases on numerous television and radio programs, including:

ABC's *World News Tonight with Peter Jennings* * NBC's *Nightly News with Tom Brokaw* * PBS' *News Hour with Jim Lehrer* * CNN's *Crossfire* * NPR's *All Things Considered* * NBC's *Weekend Today Show* * CNN's *Both Sides with Jesse Jackson* * *Politically Incorrect* * Court TV's *Burden of Proof* * Court TV's *Washington Watch* * Court TV's *Cochran & Co.* * CNN's *Headline News* * Fox News Channel * C-SPAN's *Washington Journal* * CNBC's *Rivera Live* * BET * BBC * Howard University Public TV's *Evening Exchange with Kojo Njambi* * John Carlson Show * Oliver North Radio Show * Mary Matalin Show (CBS Radio) * Mitch Albom Show (WJR Detroit) * WGBU Grand Rapids Public Radio * Davis Rankin Show (KURV Brownsville, TX) * Maryland Public Radio * KGVO Montana's *Today in Montana*

CIR representatives participated in numerous public debates and addressed audiences of journalists, attorneys, scholars, and students, including:

National Forum of Education Commissions of the States * Conservative Network * American College of Trial Lawyers * Federalist Society Lawyer's Division Chapters in: Dallas, Denver, Houston, Seattle, and Washington, D.C. * Federalist Society Student Division Chapters at: New York Law School, University of Colorado Law School, Houston Law Center, and Southern Methodist Law School * University of Idaho College of Law * University of Arizona Law School * St. John's College * American Council on Education *Educating One Third* conference * National Association of Scholars New York Chapter * Yale Law School * Columbia University Teachers' College * Knight Center for Specialized Journalism at the University of Maryland * American Council of Collegiate Registrars and Officers *After Hopwood* conference * Anti-Defamation League * Institute for Justice

Feature Articles on CIR & Friends

Terry Carter. "On a Roll(back)." *ABA Journal*, February 1998, 54.

Idris Diaz. "Mischief Makers: The Men Behind all Those Affirmative Action Headlines." *Black Issues in Higher Education*, Dec. 25, 1997, 22.

David Jackson. "Conservative Firm at Center of Civil Rights Debate." *Dallas Morning News*, Nov. 2, 1997, sec. J, p.1.

W. John Moore. "A Little Group Makes Big Law." *National Journal*, Nov. 15, 1997, 2323.

David Segal. "Putting Affirmative Action on Trial." *Washington Post*, Feb. 20, 1998, sec. A, p.1.

John A. Woods. "Firm Suing U-M Boasts String of Wins." *Ann Arbor News*, Nov. 30, 1997, sec. A, p. 1.

Civil Rights: Articles of Note

Ethan Bronner. "Group Suing University of Michigan Over Diversity." *New York Times*, Oct. 14, 1997, sec. A, p. 1.

Jonathan Chait. "TRB: Numbers Racket." *New Republic*, Dec. 22, 1997, 8.

Jim Christie. "Tough to Admit?" *Washington Journal*, May 8, 1997, 1.

Adam Cohen. "The Next Great Battle Over Affirmative Action." *Time*, Nov. 10, 1997, 52.

Nat Hentoff. "When Whites are Discriminated Against." *Washington Post*, Nov. 22, 1997, sec. A, p. 19.

June Kronholz. "Double Reverse: Scholarship Program for Whites Becomes a Test of Preferences." *Wall Street Journal*, Dec. 23, 1997, sec. A, p. 1.

Michael Lynch. "Courting Trouble." *Reason*, Aug/Sept. 1997, 50.

Larry Reibstein. "What Color is an A?" *Newsweek*, Dec. 29, 1997/ Jan. 5, 1998, 76.

Rene Sanchez. "Final Exam for Campus Affirmative Action?" *Washington Post*, Dec. 5, 1997, sec. A, p. 1.

"Son of CCRI." *Washington Times*, April 1, 1997, sec. A, p. 14.

"The Color of Her Skin." *Washington Times*, Oct. 17, 1997, sec. A, p. 20.

"The University of Michigan Case." *Washington Post*, Dec. 22, 1997, sec. A, p. 26.

Freedom of Speech/Free Exercise: Articles of Note

Eugene Volokh. "A National Speech Code From the EEOC." *The Washington Post*, Aug. 22, 1997, sec. A, p. 23.

"Affirming the Voters." *Wall Street Journal*, April 9, 1997, sec. A, p. 14.

Sexual Harassment: Articles of Note

Kit Lively. "Appeals Court Lets Former Student Sue Va. Tech. Over Alleged Rape." *Chronicle of Higher Education*, Jan. 9, 1998, sec. A, p. 50.

John Leo. "Every Man a Harasser?" *U.S. News and World Report*, Feb. 16, 1998.

Jeffrey Rosen. "Men Behaving Badly." *New Republic*, Dec. 29, 1997, 18.

Financial Information

Statement of Financial Position

MARCH 31, 1998 AND 1997

Assets	1998	1997
Cash and Cash Equivalents	\$ 890,650	\$ 523,793
Grants Receivable	195,000	245,000
Accounts Receivable and Deposits	8,206	2,540
Prepaid Expenses	4,855	15,175
Fixed Assets (Net)	91,363	126,628
Total Assets	\$ 1,190,074	\$ 913,136
Liabilities and Net Assets		
Accounts Payable and Other Accrued Liabilities	\$ 39,377	\$ 78,379
Net Assets - Unrestricted	918,497	543,446
Net Assets - Temporarily Restricted	232,200	291,311
Total Net Assets	1,150,697	834,757
Total Liabilities and Net Assets	\$ 1,190,074	\$ 913,136

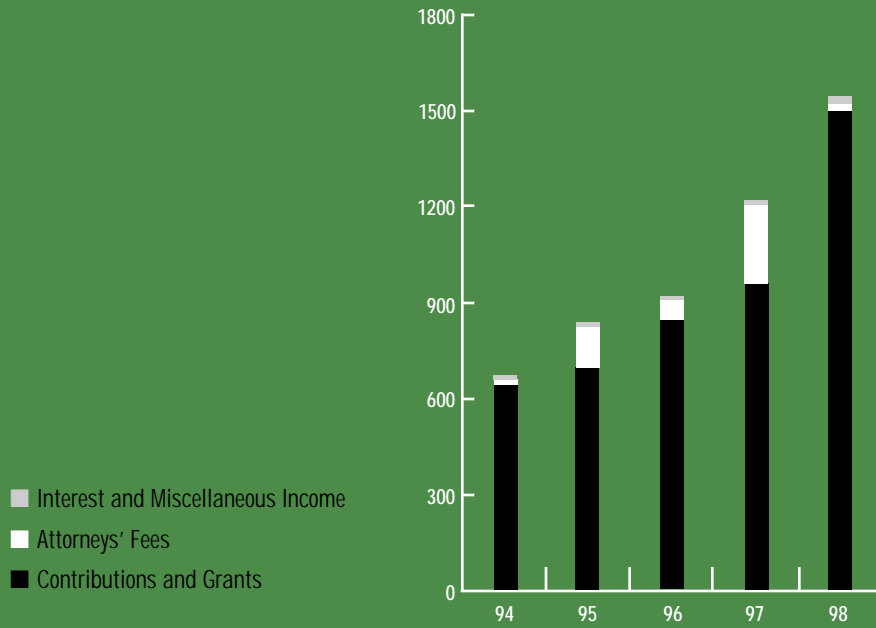
Statement of Activity

FOR THE YEARS ENDED MARCH 31, 1998 AND 1997

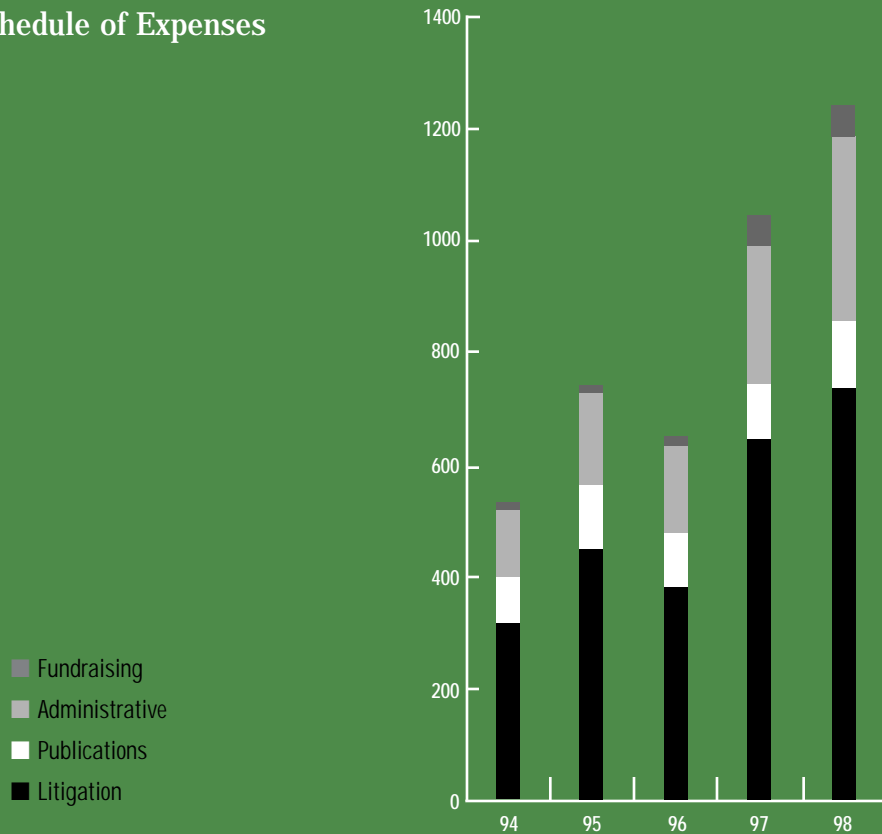
Support	1998	1997
Contributions and Grants	\$ 1,547,495	\$ 989,161
Attorneys' Fees	32,000	268,333
Interest and Miscellaneous Income	27,437	16,864
Total Support	\$ 1,606,932	\$ 1,274,358
Expenses		
Programs:		
Litigation	\$ 713,873	\$ 647,736
Publications/Education	207,492	104,715
Total Program Expenses	\$ 921,365	\$ 752,451
Administrative	275,385	245,822
Fundraising	94,242	56,400
Total Expenses	\$ 1,290,992	\$ 1,054,673
Change in Net Assets	\$ 315,940	\$ 219,685
Net Assets - Beginning	834,757	615,072
Net Assets - Ending	\$ 1,150,697	\$ 834,757

Figures are excerpted from audited financial report.
CIR's complete audit is available upon request from the Center's Washington, D.C. office.

Schedule of Support



Schedule of Expenses



The Center for Individual Rights

Staff

Michael P. McDonald (J.D., George Washington Law Center, 1982; B.A., Catholic University, 1978) is CIR's co-founder and President. He is a member of CIR's Board of Directors.

Michael S. Greve (Ph.D., Cornell University, 1987) is CIR's co-founder and Executive Director. He is a member of CIR's Board of Directors.

Michael E. Rosman (J.D., Yale Law School, 1984; B.A., University of Rochester, 1981) is CIR's General Counsel. Formerly a litigator with the firm of Rosenman & Colin, he joined CIR in 1994.

Terence J. Pell (Ph.D., Notre Dame, 1996; J.D. Cornell Law School, 1981; B.A., Haverford College, 1976) is CIR's Senior Counsel. He previously worked as an attorney with the firm of Arent, Fox, Kintner, Plotkin & Kahn and served as General Counsel and subsequently, Chief of Staff of the Office of National Drug Control Policy.

Hans Bader (J.D., Harvard Law School, 1994; B.A., University of Virginia, 1991) is CIR's Associate Counsel. He joined CIR in 1996 after a clerkship with U.S. District Judge Lawrence Lydick.

Ralph Casale (J.D., Cornell Law School, 1988; B.A., University of Chicago, 1983) is CIR's Senior Associate Counsel. Most recently a litigator with the firm of Tucker, Flyer and Lewis, he joined CIR in April 1998.

Ann H. Coulter (J.D., University of Michigan Law School, 1988; B.A., Cornell University, 1985) is CIR's Associate Counsel. She joined CIR in 1997 after working as a litigation associate for the firms of Cahill, Gordon & Reindel and Kronish, Lieb, Weiner & Hellman and as a Judiciary Counsel to U.S. Senator Spencer Abraham.

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Law Clerks and Interns, 1997 - 1998

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