ABOUT CIR:

“OVER THE YEARS, CIR’S PLAN HAS WORKED WELL, AND 1999 WAS SUCH A BANNER YEAR FOR THE GROUP THAT IT MERITED A NOD AS RUNNER-UP FOR THE NATIONAL LAW JOURNAL’S 1999 LAWYER OF THE YEAR. SEVERAL CONSERVATIVE GROUPS ARE FIGHTING SIMILAR BATTLES . . . BUT CIR HAS BEEN ESPECIALLY EFFECTIVE, CAREFULLY SELECTING BOTH ITS BATTLES AND THE CIRCUITS THEY FIGHT THEM IN, WITH AN EYE TO VICTORY.”

NATIONAL LAW JOURNAL

ABOUT U. S. V. MORRISON:

“It was the most striking decision in the past 65 years curbing congressional power to invade the states’ traditional domain over violent crime and other local matters.”

NEWSWEEK

ABOUT CIR’S LAWSUITS AGAINST RACIAL PREFERENCES:

“The Center for Individual Rights ‘almost single-handedly shifted the landscape’ against affirmative action.”

RICHMOND TIMES-DISPATCH (QUOTING THE ABA JOURNAL)
IR’s eleventh year was marked by two very significant Supreme Court victories, which greatly furthered the cause of limited, constitutional government.

In *U. S. v. Morrison*, the Court agreed with CIR that Congress exceeded its constitutionally enumerated powers when it passed the Violence Against Women Act. And in *Reno v. Bossier Parish*, CIR succeeded in striking down the 25-plus year practice of the Justice Department of forcing certain voting jurisdictions to gerrymander minority-voting districts.

Consistent results such as this are impressive by any measure but certainly in light of CIR’s small size and budget. Together, *Morrison* and *Bossier* challenge the ability of two different branches of the federal government to interfere with state law first, in the area of local election boundaries and second, in the area of welfare and criminal law. Victory in these cases will block the ability of Washington-based interest groups to impose their agendas on the fifty states by acting through an all-too-often compliant Congress and executive branch.

CIR’s challenges to illegal government race engineering continued to pay huge dividends in 1999. Long articles in *The New York Times Magazine* and *Time Magazine* proclaimed a new “social consensus” on affirmative action (a consensus, we humbly point out, that would not have arisen but for CIR’s landmark 1996 victory in *Hopwood v. University of Texas*).

Against a backdrop of growing public disenchantment with race preferences, CIR continued to litigate its two cases against the University of Michigan. Thanks to documents CIR obtained through court-ordered discovery, the University of Michigan now must defend the wholesale gerrymandering of racial outcomes at every stage of its admissions process.

In truth, the University’s hard-line stance all but guarantees that CIR’s two cases will be the “test” cases that settle the question of racial preferences once and for all, both legally and in the public’s mind. This development is all to CIR’s advantage, as the University could not have constructed an admissions system more at odds with the law — and more offensive to principles of individual merit — if it tried.

Just as the government endeavors to equalize outcomes among racial and ethnic groups, too frequently it attempts to stifle speech and expression deemed offensive to certain favored groups. The First Amendment remains
an important battleground on which to challenge expansive views of state authority. While the government is being forced (albeit grudgingly) to accept various mechanisms of individual choice in public life (school vouchers being a prime case), frequently it subjects individual choice involving religious beliefs to different and more onerous standards.

As in previous years, a good part of CIR’s litigation activities in 1999 were devoted to challenging this tactic, which nearly always violates the First Amendment. In Columbia Union College v. Clarke, CIR continued to press its legal challenge against the State of Maryland’s decision to prohibit CUC — a Seventh-day Adventist college — from receiving state financial support routinely extended to other private schools (including many Roman Catholic colleges) on the spurious grounds that Seventh-day Adventism is too religious.

CIR carried its defense of CUC to the Supreme Court. Although the Court denied review at this time, its decision provoked a strenuous dissent by Justice Clarence Thomas. The case has been remanded to the trial court for further fact-finding, and we expect it to find its way again to the Supreme Court in the next year or so.

In addition to defending religious expression against government discrimination, CIR continues to actively defend the right of organizations and individuals to express politically incorrect views. For example, we recently took up the case of David Deming, a University of Oklahoma geology professor who was the unhappy object of numerous sexual harassment complaints in reaction to a controversial letter he penned to the editor of his school’s student newspaper. We are happy to report that upon receiving a copy of CIR’s complaint, the university canceled its hearing.

And, CIR continued to press its claim against HUD officials who, in 1994, made a preliminary finding that three Berkeley, California residents had violated the Fair Housing Act (and threatened them with a $100,000 fine) for opposing the location of a federal subsidized housing project in their neighborhood. The officials appealed U.S. District Court Judge Marilyn Hall Patel’s ruling that their violation of the First Amendment was so egregious as to warrant holding them personally liable. The case now is before the U.S. Court of Appeals for the 9th Circuit.

Over the past year, CIR’s efforts to change the law (and to make sure the public understands why such changes are both necessary and good) have borne rich fruit. We owe our accomplishments, as always, to the dedication of the attorneys who devote millions of dollars worth of pro bono time to our cases; to the generosity and loyalty of our donors; and to our hardworking staff. To all of them we express our gratitude.

Terence J. Pell
Chief Executive Officer

Michael P. McDonald
Founder/Director of Litigation
United States Supreme Court


Outcome: Loss.


Outcome: Loss.


Outcome: Victory.


Outcome: Victory.


Outcome: Victory.
Federal Appellate Courts


Status: Pending. Appeal of district court decision, denying adequate relief on remand, pending.

Maitland v. University of Minnesota, No. 4-93-25 (D. Minn. Mar. 29, 2000), appeal filed, No. 00-2192 (8th Cir. Apr. 29, 2000). Civil Rights; Equal Protection. Challenging 1989 consent decree whereby the University of Minnesota agreed to distribute $3 million to female faculty members to remedy alleged gender disparities in salary.

Status: Pending. Defendant's appeal of district court order denying motion to dismiss plaintiff's Title VII claims and Section 1983 claims before U.S. Court of Appeals for the 8th Circuit.


Status: Pending. Trial held in abeyance while plaintiffs appeal pre-trial orders that: (i) denied plaintiffs' claims for injunctive relief, (ii) de-certified plaintiff class, and (iii) held that Justice Lewis Powell's opinion in Regents of the University of California v. Bakke would control the case.


## ABOUT GRATZ and GRUTTER:

“Many civil rights lawyers agree that the University of Michigan could be the Alamo of affirmative action, the place where they make their last stand. If affirmative action at Michigan can’t survive these assaults, it’s probably doomed at every other state campus in the nation.”

*Time Magazine*

## ABOUT WHITE v. JULIAN:

“The federal antidiscrimination juggernaut stumbled recently, tripped up by an impediment called the First Amendment.”

*Wall Street Journal*


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. Cross-appeals on questions of liability and claims for injunctive relief before U.S. Court of Appeals for the 9th Circuit.

### Federal District Courts

#### Affordable Housing Development Corp. v. City of Fresno, No. CIV F-97-5498 OWN SMS (E.D. Cal. filed May 12, 1997).

Freedom of Speech. Defending neighborhood homeowner sued by low-income housing developer for federal housing discrimination because of statements made regarding proposed housing project.


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 financial aid benefits extended to other religiously affiliated schools.


Civil Rights; Equal Protection. Challenging U.S. Air Force’s “8(a)” minority contracting set-aside program on behalf of manufacturer of flight simulators.

Status: Pending.


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).


Civil Rights; Equal Protection. Challenging minority set-aside in public elementary magnet school.

Outcome: Victory. Case settled prior to trial. School board prohibited from using race in pupil assignments.

Status: Pending. Defendant's motion to dismiss Title IX claims granted and motion to dismiss Equal Protection claims denied on Mar. 24, 2000.


ABOUT DEMING:
"MY ATTORNEYS ARE TO BE THANKED FOR DOING THE ENTIRE UNIVERSITY A SERVICE BY DEFENDING THE UNIVERSITY'S VALUES BETTER THAN IT DID."

CHRONICLE OF HIGHER EDUCATION (QUOTING PROFESSOR DAVID DEMING)

State Courts and Administrative Proceedings


Outcome: Victory. Complaints dismissed.

Lamprecht v. Federal Communications Commission. Civil Rights; Equal Protection. Petition for review challenging FCC regulations requiring the auctioning of contested radio licenses, in case where FCC had already been found to have engaged in unconstitutional gender discrimination, 958 F.2d 382 (D.C. Cir. 1992).

Outcome: Settled.


Outcome: Loss. N.Y. Court of Appeals upheld lower court dismissal of case.

ABOUT MIAMI WRESTLING:
"THESE STUDENTS WERE THE VICTIMS OF AN INJUSTICE.... IT WAS WRONG TO PROMISE MALE ATHLETES AN OPPORTUNITY TO PLAY A SPORT FOR FOUR YEARS AND THEN YANK THAT SPORT OUT FROM UNDER THEM."

BILL KOCH, CINCINNATI POST
CIR Publications, 1999–2000 (Selection)


Public Appearances

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

- The Federalist Society National Lawyers Convention
- The Federalist Society Student Leadership Conference
- Federalist Society Lawyers Division Chapters in: Atlanta, Chicago, Washington, D.C., Boston, Orange County, Sacramento
- Federalist Society Student Division Chapters at: Case Western University, Yale University, University of Notre Dame, Georgetown University
- CATO Institute
- The Heritage Foundation
- National Association of Scholars
- American Political Science Association National Convention
- State Policy Network
- American Enterprise Institute
- Liberty Fund Colloquium
- The James Madison Institute
- The Manhattan Institute
- The Sutherland Institute
- New York University Law School
- Massachusetts School of Law
- Wellesley College
- Wheaton College
- Yale University
- University of Michigan
- National Wrestling Coaches Association Annual Meeting

CIR representatives also discussed CIR’s cases on nearly 100 television and radio programs, including:

- ABC’s Good Morning America
- ABC’s World News Tonight
- Cincinnati affiliates of ABC, CBS, NBC, & FOX Television Networks
- CBS’s 60 Minutes
- CBS’s Up to the Minute
- Fox News Channel’s Fox News Now
- MSNBC’s Morning Blend
- MSNBC’s Morning Line
- NBC’s Today Show
- Off The Fence with Armstrong Williams
- PBS’s Frontline
- Catholic Family Radio Network’s Dan Lungren Show
- CBS Radio Network
- NPR’s All Things Considered
- NPR’s Morning Edition
- Northeast Public Radio’s Fifty One Percent
- Oliver North Radio Show
- One-On-One Sports Network’s “Papa” Joe Chevalier Show
- Talk America Radio Network’s Right Side with Armstrong Williams
- Talk Radio Network’s Minyard & Minyard
- KSFO-AM’s Lee Rogers Show (San Francisco)
- KSLR-AM’s Take a Stand (San Antonio)
- KTKP-AM’s Austin Hill Show (Phoenix)
- WKRC-AM’s Women’s Talk Radio (Cincinnati)
- WWDB-AM’s Dom Giordano Show (Philadelphia)
News Coverage

CIR and its cases were covered in numerous articles and editorials. A sample of noteworthy articles follows:

Feature Article on CIR

Civil Rights


Federalism


Freedom of Speech and Religion


Title IX


Financial Information

Statement of Financial Position
MARCH 31, 2000 AND 1999

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>2000</th>
<th>1999</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and Cash Equivalents</td>
<td>$1,588,539</td>
<td>$1,091,089</td>
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<tr>
<td>Grants Receivable</td>
<td>78,288</td>
<td>1,079,000</td>
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<tr>
<td>Accounts Receivable and Deposits</td>
<td>15,661</td>
<td>9,298</td>
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<tr>
<td>Prepaid Expenses</td>
<td>19,347</td>
<td>16,843</td>
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<tr>
<td>Fixed Assets (Net)</td>
<td>64,251</td>
<td>69,205</td>
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<tr>
<td><strong>Total Assets</strong></td>
<td><strong>$1,766,086</strong></td>
<td><strong>$2,265,435</strong></td>
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<table>
<thead>
<tr>
<th>LIABILITIES AND NET ASSETS</th>
<th>2000</th>
<th>1999</th>
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<tbody>
<tr>
<td>Accounts Payable and Accrued Expenses</td>
<td>$77,951</td>
<td>$53,969</td>
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<tr>
<td>Net Assets - Unrestricted</td>
<td>$1,609,584</td>
<td>$1,015,453</td>
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<tr>
<td>Net Assets - Temporarily Restricted</td>
<td>78,551</td>
<td>1,196,013</td>
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<tr>
<td><strong>Total Net Assets</strong></td>
<td><strong>$1,688,135</strong></td>
<td><strong>$2,211,466</strong></td>
</tr>
<tr>
<td><strong>Total Liabilities and Net assets</strong></td>
<td><strong>$1,766,086</strong></td>
<td><strong>$2,265,435</strong></td>
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</tbody>
</table>

Statement of Activity
FOR THE YEARS ENDED MARCH 31, 2000 AND 1999

<table>
<thead>
<tr>
<th>SUPPORT AND REVENUE</th>
<th>2000</th>
<th>1999</th>
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</thead>
<tbody>
<tr>
<td>Contributions and Grants</td>
<td>$1,181,287</td>
<td>$1,368,829</td>
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<tr>
<td>Onetime Bequest</td>
<td>-</td>
<td>1,400,000</td>
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<tr>
<td>Attorneys' Fees</td>
<td>137,254</td>
<td>31,300</td>
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<tr>
<td>Interest and Miscellaneous Income</td>
<td>49,960</td>
<td>55,569</td>
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<tr>
<td><strong>Total Support and Revenue</strong></td>
<td><strong>$1,368,501</strong></td>
<td><strong>$2,835,698</strong></td>
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</table>

<table>
<thead>
<tr>
<th>EXPENSES</th>
<th>2000</th>
<th>1999</th>
</tr>
</thead>
<tbody>
<tr>
<td>Programs:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Litigation</td>
<td>$1,165,991</td>
<td>$956,300</td>
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<tr>
<td>Publications/Education</td>
<td>287,201</td>
<td>376,391</td>
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<tr>
<td><strong>Total Program Expenses</strong></td>
<td><strong>$1,453,192</strong></td>
<td><strong>$1,332,691</strong></td>
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<tr>
<td>Administrative</td>
<td>272,012</td>
<td>353,318</td>
</tr>
<tr>
<td>Fundraising</td>
<td>166,628</td>
<td>88,920</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>$1,891,832</strong></td>
<td><strong>$1,774,929</strong></td>
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</tbody>
</table>

Change In Net Assets | 2000          | 1999          |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Assets - Beginning</td>
<td>$2,211,466</td>
<td>$1,150,697</td>
</tr>
<tr>
<td>Net Assets - Ending</td>
<td>$1,688,135</td>
<td>$2,211,466</td>
</tr>
</tbody>
</table>

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
Staff

**Terence J. Pell** (Ph.D., Notre Dame, 1996; J.D. Cornell Law School, 1981; B.A., Haverford College, 1976) is CIR’s Chief Executive Officer. He is a member of CIR’s Board of Directors.

**Michael P. McDonald** (J.D., George Washington Law Center, 1982; B.A., Catholic University, 1978) is CIR’s Founder and Director of Litigation. 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.

**Ralph L. 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.

**Curt A. Levey** (J.D., Harvard Law School, 1997; M.S., Brown University, 1987; B.A. Brown University, 1984) is Director of Legal and Public Affairs. Formerly a clerk with Judge Richard Suhrheinrich of the U.S. Court of Appeals for the 6th Circuit, he joined CIR in 1998.

**Clori T. Jones** is CIR’s Administrative Assistant. She joined CIR in 1999.

**N. Joy Jones** (B.A., Taylor University, 1998) is CIR’s paralegal. She joined CIR in 1998.

**Izora D. Whitestone** is CIR’s Administrative Director. She joined CIR in 1999.

Law Clerks and Interns, 1999 - 2000

Emma Adams (Northwestern University)

Jowei Chen (Yale University)

Michael Fransella (Yale Law School)

Michael Griffin (George Washington University Law School)

Kristofo Hammond (Indiana University School of Law)

Monica Khetarpal (University of Illinois)

Steven Menashi (University of Massachusetts Dartmouth)

Kirk Morgan (Catholic University Law School)

James Vincente (Georgetown University Law Center)

Jay Wang (Georgetown University Law Center)

Liz Wang (University of Chicago)

Jeffrey Yousey (University of Chicago Law School)