ABOUT CIR:

CIR IS A “LITTLE GROUP THAT GOES AROUND THE COUNTRY INTIMIDATING UNIVERSITIES.”

U.S. REPRESENTATIVE JOHN CONYERS

ABOUT CIR’S LAWSUITS AGAINST RACIAL PREFERENCES:

“AS THE CLINTON ADMINISTRATION BATTLED TO SAVE AFFIRMATIVE ACTION, THE CENTER PRESSED ITS CASE IN FEDERAL COURTS ACROSS THE SOUTH, MIDWEST, AND WEST COAST – WITH CONSIDERABLE SUCCESS.”

WASHINGTON POST

ABOUT CIR’S LAWSUITS TO DEFEND THE FIRST AMENDMENT:

CIR “HAS WON PROMINENT CASES DEFENDING ACADEMIC FREEDOM AND RELIGIOUS EXPRESSION ON CAMPUSES AROUND THE COUNTRY.”

D.J. TICE (COLUMNIST), ST. PAUL PIONEER PRESS
From its founding thirteen years ago, CIR has vigorously defended individual rights by re-establishing principled, constitutional limits on government authority.

The need for a public interest law firm dedicated to restoring constitutional government remains as strong as ever. CIR’s brand of highly-visible precedent-setting litigation is the only realistic way to further the idea — and the reality — of limited government regardless what other issues pre-occupy the country.

CIR’s most visible effort to advance individual rights continues to be its ongoing challenge to state-sponsored racial preferences in public college admissions. Last year, CIR’s two cases against the University of Michigan advanced ever closer to the Supreme Court.

In December, we travelled to Cincinnati, where the full U.S. Court of Appeals sat in session to hear the appeals of the two trial court rulings in those cases. In May, the court voted 5-4 to uphold the use of race in admissions in the University’s law school admissions. As this decision directly conflicts with CIR’s 1997 Fifth Circuit victory in Hopwood v. University of Texas, we now are in a position to appeal the Michigan ruling to the U.S. Supreme Court.

Our goal continues to be to achieve a definitive ruling from the High Court that schools may not employ separate admissions standards for applicants of different races in order to achieve a desired racial mix of students. The Michigan cases offer the best chance in a decade to achieve that goal.

CIR filed several new cases this past year challenging another form of government favoritism — the selective use of anti-discrimination regulations by government officials to suppress the expression of viewpoints it deems offensive.

Each of these cases — Sypniewski v. Warren Hills School District, Willand v. Hennepin County Community College, Boys Town v. District of Columbia and Perez v. Sachem Quality of Life, Inc. — represent CIR’s ongoing effort to make sure the First Amendment protects all speech, not just the speech of the politically favored.

CIR enjoyed final and complete victory in one of its longer running, more celebrated cases last year, Hopwood v. University of Texas. Despite having won a definitive ruling in 1996 to the effect that UT employed illegal racial preferences, the state continued to battle CIR over damages and attorney’s fees for the next five years.
After the Fifth Circuit reaffirmed its initial judgment and the Supreme Court declined to review that reaffirmance, Texas finally agreed to pay CIR and co-counsel Gibson, Dunn & Crutcher the attorneys’ fees previously awarded by the court.

Partly as a result of that award, CIR reversed three years of deficit spending last year and posted a surplus of $400,000. Although CIR does not have an endowment, it does need to maintain a cash reserve adequate to its high stakes litigation. Extensive pre-trial discovery and trial costs often must be funded many years before attorneys’ fee awards arrive, (in the event we prevail).

CIR’s chief source of revenue — grants and contributions — increased by almost 80% last year. This was the result of a substantial number of generous, new donors as well as the overwhelming support of CIR existing donors. As a result, grants and contributions fully covered our operating expenses.

The loyal support of a steadily increasing number of friends will make it possible for CIR to continue to invest in the sort of precedent-setting litigation that will pay great dividends in years to come.

CIR has been fortunate to have had the dedicated help of pro bono attorneys, whose in-kind contribution of thousands of hours of legal time has made these kind of legal successes possible. Through their generosity, we have been able to provide legal services worth many times our budget.

In the coming year, we will petition the U.S. Supreme Court to review one or both of the Michigan cases. For though much of the country understands that the University of Michigan is guilty of race discrimination, conclusive judicial resolution and remedial relief for our clients must await action by that Court. Stay tuned.

Terence J. Pell
Chief Executive Officer

Jeremy Rabkin
Chairman of the Board
United States Supreme Court

Ashton v. City of Memphis, 281 F.3d 516 (6th Cir. 2002), cert. Petition filed, No. 01-1707 (May 20, 2002). Civil rights. Representing police officers who were subjected to discriminatory treatment and whose claims were dismissed for lack of Article III standing.

Status: Petition seeking Supreme Court review of Sixth Circuit judgment pending.

GRID Radio v. Federal Communications Commission, 278 F.3d 1314 (D.C. Cir. 2002), cert. petition filed, 70 USLW 3726 (May 9, 2002). Freedom of Speech. Representing owner and operator of low power, non-commercial radio station in challenge to Federal Communications Commission’s refusal to license “micro-broadcasters.”

Status: Loss in U.S. Court of Appeals for the D.C. Circuit. Petition seeking Supreme Court review of D.C. Circuit decision is pending.


Outcome: Victory.

Maitland v. University of Minnesota, 260 F.3d 959 (8th Cir. 2001), cert. denied, 122 S. Ct. 1300 (2002). 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. Back in District Court after U.S. Court of Appeals for the 8th Circuit affirmed lower court’s denial of defendants’ motion to dismiss and motion for partial summary judgment.

Federal Appellate Courts


Outcome: Victory. U.S. Court of Appeals for the 4th Circuit held that the “pervasively sectarian” doctrine was no longer good law and ruled for Columbia Union College.

Status: Pending. District Court struck down admissions system under which plaintiffs were rejected but upheld current, point-based system. Defendants’ and plaintiffs’ cross appeals pending before U.S. Court of Appeals for the 6th Circuit following en banc hearing in December 2001.


Status: Pending. District Court ruled that diversity is not a compelling state interest and that the school’s race-based admissions system was unconstitutional. U.S. Court of Appeals for the 6th Circuit reversed, 5-4. Petition seeking Supreme Court review under preparation.


Status: On appeal to U.S. Court of Appeals for the 9th Circuit following June, 2002 loss in U.S. District Court after trial on narrow tailoring.

Sypniewski v. Warren Hills Regional Board of Education, No. 01 CV 3061 (D. N.J. Sept. 4, 2001), appeal docketed, No. 01-3542 (3rd Cir. Sept. 21, 2001). Freedom of Speech. Representing student who was suspended for wearing a T-shirt with the word “redneck” in a First Amendment challenge to the school district’s dress code and racial harassment policy.

Status: Pending. Plaintiffs’ appeal of District Court decision pending following March 2002 argument before U.S. Court of Appeals for the 3rd Circuit.
United States v. Buculei, 262 F.3d 322 (4th Cir. 2001). Congressional Authority; Enumerated Powers. Submitted an amicus brief arguing that Congress’ authority to criminalize activity involving the crossing of state lines should be interpreted narrowly; and that Congress’ power to regulate the “channels” of interstate commerce should not extend to those who cross state lines with the intent of committing a traditional state crime.

Outcome: Loss in U.S. Court of Appeals for the 4th Circuit; court did not reach CIR’s challenge based on commerce clause on grounds that it had not been raised by defense counsel in lower courts.


Outcome: Loss. District Court injunction granting “cease and desist” order affirmed by U.S. Court of Appeals for the 6th Circuit.

White v. Lee, 227 F.3d 1214 (9th Cir. 2000). Freedom of Speech. Sought redress for threats of prosecution leveled by officials of the U.S. Department of Housing and Urban Development at private citizens who organized peaceful opposition to housing project.

Outcome: Victory. After win in U.S. Court of Appeals for the 9th Circuit and subsequent remand to District Court, defendants, most held personally liable, paid $340,000 in settlement.

Federal District Courts


Status: Pending. U.S. District Court granted summary judgment in favor of CIR client Travis Compton and other defendants. Plaintiffs’ motion to reconsider pending.


Status: Pending in District Court after victory on intervention issue in U.S. Court of Appeals for the 2nd Circuit.


Status: Pending in U.S. District Court after remand from win in U.S. Court of Appeals for the D.C. Circuit.


Status: Group’s motion to dismiss and/or for summary judgment pending in U.S. District Court.


Status: Group’s motion to dismiss pending in U.S. District Court.

**Willand v. Alexander**, No. 01-CV-1356 (D. Minn. filed July 26, 2001). Freedom of Speech. Representing professor who was suspended and subjected to a series of broad, vague speech restrictions because of speech college administrators considered offensive.

Status: Victory. Defendants agreed to judgement for plaintiff.

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**ABOUT FATHER FLANAGAN’S**

“THE SUIT OBVIOUSLY TRENCHES UPON FREE SPEECH AND ONE’S RIGHT TO PETITION THE GOVERNMENT.”

ROBYN BLUMMER (COLUMNIST), ST. PETERSBURG TIMES

**ABOUT PEREZ**

“They organized the Sachem Quality of Life Organization to petition their representatives for relief from a state of virtual anarchy. They have since been frustrated at every level of government.”

BOB WIEMER (COLUMNIST), NEWSDAY

**ABOUT WILLAND**

“One would happily believe . . . that these bufooneries simply cannot have occurred at a higher education institution supported with tax dollars.”

D.J. TICE (COLUMNIST), ST. PAUL PIONEER PRESS.
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


Freedom of Speech and Religion


**CIR Publications, 2001-2002 (Selection)**


**Public Appearances**

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

- American University
- Cincinnati Bar Association
- Federalist Society National Lawyers Convention
- Fordham University School of Law
- Georgetown University College
- Harvard Law School
- University of Chicago Law School
- University of Houston Law Center
- University of Minnesota Law School
- University of Tennessee College of Law
- University of Texas School of Law
- Washtenaw County (MI) Libertarian Party
- William Mitchell College of Law
- Federalist Society Student Division Chapters at University of Chicago, Georgetown University, and University of Baltimore

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

- NewsHour with Jim Lehrer, PBS
- 60 Minutes, CBS
- NBC Nightly News
- CBS Evening News
- Talk Back Live, CNN
- Hannity & Colmes, FOX News Channel
- Catherine Crier Live, Court-TV
- Tony Brown’s Washington Journal, CSPAN-I
- Up Front, KONG-TV (Seattle)
- Flashpoint, WDIV-TV (Detroit)
- BBC Radio
- National Public Radio
- CNN Radio
- Associated Press Radio Network
- Michigan Radio
- Sam Donaldson Show, ABC Radio
- Laura Ingraham Show, Westwood One
- Kyley & Boom Show, FOX Sports Radio Network
- Gary Nolan Show, Radio America
- Bob Grant Show, WOR-AM (New York)
- Alex Jones Show, KWNX-AM (Austin)
- Carl Wigginsworth Show, KTSA-AM (San Antonio)
- Jeff Fowler Show, KTRS-AM (St. Louis)
- KCMO-AM (Kansas City)
- KIRO-AM (Seattle)
- KPLU-AM (Seattle)
- WRCK-FM (Syracuse)
- WWJ-AM (Detroit)
### Financial Information

#### Statements of Financial Position
**MARCH 31, 2002 AND 2001**

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>2002</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and Cash Equivalents</td>
<td>$928,166</td>
<td>$385,893</td>
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<tr>
<td>Investments</td>
<td>885,799</td>
<td>963,000</td>
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<td>Accounts Receivable</td>
<td>68,439</td>
<td>77,919</td>
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<tr>
<td>Prepaid Expenses</td>
<td>18,350</td>
<td>24,147</td>
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<tr>
<td>Property &amp; Equipment (Net)</td>
<td>25,875</td>
<td>38,503</td>
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<tr>
<td>Deposit</td>
<td>16,590</td>
<td>16,118</td>
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<tr>
<td><strong>Total Assets</strong></td>
<td><strong>$1,943,219</strong></td>
<td><strong>$1,505,580</strong></td>
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<table>
<thead>
<tr>
<th>LIABILITIES AND NET ASSETS</th>
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</thead>
<tbody>
<tr>
<td>Accounts Payable and Accrued Expenses</td>
<td>$38,365</td>
<td>$55,203</td>
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<tr>
<td>Accrued Rent, current portion</td>
<td>5,284</td>
<td>5,283</td>
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<tr>
<td>Security Deposit</td>
<td>-</td>
<td>4,485</td>
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<tr>
<td>Accrued Rent, net of current portion</td>
<td>18,934</td>
<td>24,218</td>
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<tr>
<td>Net Assets - Unrestricted</td>
<td>1,818,827</td>
<td>1,366,391</td>
</tr>
<tr>
<td>Net Assets - Temporarily Restricted</td>
<td>61,809</td>
<td>50,000</td>
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<tr>
<td><strong>Total Net Assets</strong></td>
<td><strong>$1,880,636</strong></td>
<td><strong>$1,416,391</strong></td>
</tr>
<tr>
<td><strong>Total Liabilities and Net assets</strong></td>
<td><strong>$1,943,219</strong></td>
<td><strong>$1,505,580</strong></td>
</tr>
</tbody>
</table>

#### Statements Of Activities
**FOR THE YEARS ENDED MARCH 31, 2002 AND 2001**

<table>
<thead>
<tr>
<th>SUPPORT</th>
<th>2002</th>
<th>2001</th>
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</thead>
<tbody>
<tr>
<td>Contributions and Grants</td>
<td>$1,644,421</td>
<td>$1,051,502</td>
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<tr>
<td>Attorneys' Fees</td>
<td>419,141</td>
<td></td>
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<tr>
<td>Investment, Rent &amp; Other Income</td>
<td>46,214</td>
<td>121,995</td>
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<tr>
<td><strong>Total Support</strong></td>
<td><strong>$2,109,776</strong></td>
<td><strong>$1,173,497</strong></td>
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<table>
<thead>
<tr>
<th>EXPENSES</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Programs:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Litigation</td>
<td>$799,505</td>
<td>$953,435</td>
</tr>
<tr>
<td>Publications/Education</td>
<td>135,498</td>
<td>126,547</td>
</tr>
<tr>
<td><strong>Total Program Expenses</strong></td>
<td><strong>$935,003</strong></td>
<td><strong>$1,079,982</strong></td>
</tr>
<tr>
<td>Administrative</td>
<td>199,644</td>
<td>209,430</td>
</tr>
<tr>
<td>Fundraising</td>
<td>510,884</td>
<td>155,829</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>$1,645,531</strong></td>
<td><strong>$1,445,241</strong></td>
</tr>
</tbody>
</table>

| Change in Net Assets          | $464,245   | $(271,744) |
| Net Assets - Beginning        | 1,416,391  | 1,688,135  |
| Net Assets - Ending           | $1,880,636 | $1,416,391 |

Figures are excerpted from the audited financial report. Center for Individual Right's complete audit is available upon request from the Center's Washington, D.C. office.
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. Most recently 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 Associate General Counsel. Most recently a litigator with the firm of Tucker, Flyer and Lewis, he joined CIR in April 1998.

Hans F. Bader (J.D., Harvard Law School, 1994; B.A. University of Virginia, 1991) is CIR’s Senior Associate Counsel. After clerking for U.S. District Judge Lawrence Lydick, he joined CIR in 1996.

Curt A. Levey (J.D., Harvard Law School, 1997; M.S., Brown University, 1987; B.A. Brown University, 1984) is CIR’s 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.

Silvio A. Krvaric (J.D., Santa Clara University, 2000; B.A., Vesalius College, 1996) is CIR’s Associate Counsel. After clerking for the AIDS Legal Services at the Santa Clara County Bar Association, he joined CIR in 2001.

Christine M. van den Toorn (B.A., Washington and Lee University, 2001) is CIR’s Legal Assistant. She joined CIR in 2002.

N. Joy Jones (B.A., Taylor University, 1998) is CIR’s Director of Development. She joined CIR in 1998.

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

Law Clerks and Interns, 2001-2002

Simon Chin (Harvard College)

Michael Hoes (Northwestern University)

Barry Jacobs (Georgetown University)

Raza Lawrence (Harvard Law)

David Weigel (Northwestern University)

Greg Weston (Harvard Law School)

Sara Weyler (Grove City College)