ABOUT CIR:

“CIR [HAS] PROVEN THAT A SMALL BUT DETERMINED ORGANIZATION CAN USE THE LAW—AND
THE TRUTH—TO RIGHT A PERVASIVE WRONG.”

STANLEY KURTZ, NATIONAL REVIEW

“THE CENTER FOR INDIVIDUAL RIGHTS . . . IS POISED TO LEAVE A LASTING IMPRINT ON THE
DEBATE OVER RACE.”

LEGAL TIMES

“They’re very good lawyers. They do very good legal work. They are tenacious
opponents.”

JOHN PAYTON, LEAD COUNSEL FOR UNIVERSITY OF MICHIGAN

“Others might recoil at such provocative cases, but the lawyers at the Center
for Individual Rights have taken them on with relish.”

CHICAGO TRIBUNE
The Year in Review

CIR’s thirteenth year of operation was marked by a major step forward in its campaign to end the use of racial preferences in college admissions. In December, the U.S. Supreme Court agreed to hear CIR’s two cases challenging racial preferences in admissions at the University of Michigan Law School and undergraduate college.

For the first time in twenty-five years, the Court agreed to pass on the constitutionality of using different academic standards in order to assure racial diversity in education. This is the culmination of a litigation strategy begun over ten years ago, when CIR brought its first admissions case against the University of Texas Law School (Hopwood v. Texas).

At that time, CIR was the only group willing to tackle the use of race preferences. Now, the overwhelming majority of Americans think that race shouldn’t be a factor in admissions or employment. A July 2001 Washington Post survey showed that 93 percent of whites and 86 percent of African Americans were opposed to any use of race in admissions.

Spurred by CIR’s victory in Hopwood and its subsequent litigation, schools in five states have done away with all race preferences yet continue to enroll significant numbers of minority students. In fact, there is no institution of higher education in Florida, Georgia, Texas, California, or Washington that has underrepresented minority enrollment of less than ten percent—the minimum number Michigan has testified is necessary for the educational benefits of diversity. It turns out that it is possible to have diversity without illegally discriminating against applicants of any racial group.

It remains to be seen what the Supreme Court will do with the Michigan cases. In the long term, however, we predict that these cases will stand as a milestone in the long effort to get the government out of the business of preferring one race over the other, no matter what its motive. Regardless of the legal outcome, CIR’s high profile legal challenges have moved public opinion and more gradually, institutional practices, firmly away from the use of racial double standards.

In tackling the unconstitutional use of race preferences, CIR has taken on some of the most powerful and wealthy institutions in America—many of which have filed amicus briefs on behalf of the University of Michigan in these cases. But we will see these cases through to a successful conclusion.
Other significant legal victories are described in this report. Three in particular advanced CIR’s long-time strategic goal of re-establishing the idea that the First Amendment protects all points of view, not just the views of a politically favored class or group. *Sypniewski v. Warren Hills Regional School System, Father Flanagan’s Boys Home v. District of Columbia, et al. and Perez v. Posse Comitatus, et al.* represent tangible progress against the increasing use of speech codes, harassment policies, and federal discrimination laws to enforce adherence to a favored political agenda.

Strategic legal campaigns like CIR’s efforts to end race preferences and to reform First Amendment law do not just happen. They require careful, strategic case selection, tenacious lawyering, and years of patience in the face of many setbacks.

CIR is fortunate to have the pro bono assistance of superb lawyers. In the Michigan cases, Kirk Kolbo, R. Lawrence Purdy, and David Herr of the Minneapolis firm of Maslon, Edelman, Borman & Brand, L.L.C, undertook the trial and appellate litigation in enormous skill and dedication. Their efforts are representative of the generous assistance we have received from law firms and attorneys nationwide.

CIR will maintain its focus on civil rights and the First Amendment. At the same time, however, we will extend our agenda into other areas where individual rights are at risk. CIR has made it its business to bring the sort of high stakes lawsuits that both change the law and move public opinion in the direction of principled, constitutional limits on government action. In the past year, our Michigan cases, in particular, have shown the spectacular results that can be achieved through this effort. Our challenge will be to continue the momentum of our race preference litigation, while bringing the same energy to bear on other promising areas.

Terence J. Pell
President

Jeremy Rabkin
Chairman of the Board
**United States Supreme Court**

*Ashton v. City of Memphis*, 281 F.3d 516 (6th Cir. 2002), *cert. denied*, 123 S. Ct. 87 (2002). Civil Rights; Equal Protection. Represented police officers who were subjected to discriminatory treatment and whose claims were dismissed for lack of Article III standing.

Outcome: Loss. Petition seeking Supreme Court review of 6th Circuit Court of Appeals decision denied.


Outcome: Victory. Injunctive relief and damages pending.


Outcome: Loss.


Outcome: Loss. Owner’s petition seeking Supreme Court review of his loss in D.C. Circuit Court of Appeals denied.


Outcome: Victory.


Status: Pending on remand to U.S. District Court. School's petition seeking Supreme Court review of its loss in 3rd Circuit Court of Appeals denied.
Federal Appellate Courts


Outcome: Victory.

Miami University Wrestling Club v. Miami University, 302 F.3d 608 (6th Cir. 2002). Civil Rights; Equal Protection. Challenged elimination of men’s athletic teams to satisfy gender quota requiring equal athletic participation rates by male and female students.

Outcome: Loss.


Status: Pending. 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.

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
Federal District Courts


Status: Pending. U.S. District Court granted summary judgment in favor of CIR client Travis Compton and other defendants.

Brennan v. Ashcroft, No. 02-0256 (E.D. N.Y. filed Jan. 11, 2002).

United States v. New York City Board of Education, 260 F.3d 123 (2nd Cir. 2001). Civil Rights; Equal Protection. Representing white males challenging preferential benefits provided to minorities and women in settlement agreement in litigation in which U.S. Department of Justice charged New York City Board of Education with discrimination in hiring and promotion of school custodians.

Status: Pending in U.S. 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 victory on standing issue in U.S. Court of Appeals for the D.C. Circuit.

Maitland v. University of Minnesota, 260 F.3d 959 (8th Cir. 2001), cert. denied, 122 S. Ct. 1300 (2002). Civil Rights; Equal Protection. Challenged 1989 consent decree whereby the University of Minnesota agreed to distribute $3 million to female faculty members to remedy alleged gender disparities in salaries.

Outcome: Victory. Settlement agreement reached, in which University agreed not to determine salaries on the basis of gender.
**ABOUT PEREZ:**

"WE'RE CITIZENS FIGHTING FOR OUR CITIZENSHIP RIGHTS."

MARGARET BIANCULI, NEWSDAY

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Status: Victory.

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**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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Status: Pending in U.S. District Court for the District of Columbia.

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**ABOUT WORTH:**

"ONCE AGAIN...THE CENTER FOR INDIVIDUAL RIGHTS HAS SUCCEEDED IN USING THE GOVERNMENT’S OWN REPORTING REQUIREMENTS TO EXPOSE THE SHAMEFUL TRUTH OF SO-CALLED AFFIRMATIVE ACTION."

STANLEY KURTZ, NATIONAL REVIEW
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


CIR Publications (Selection)


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

Albany Law Review Annual Symposium * American Bar Association * American Philosophical Association * City Club of Cleveland * Colby College * Federal Bar Council Winter Conference * Federalist Society * Georgetown University Law Center * National Consortium on Racial and Ethnic Fairness in the Courts * South Asian Bar Association * State Bar of Michigan – Public Corporation Law Section * Supreme Court Institute for Teachers * University of Virginia Conference on Public Service & the Law * Washington Regional Task Force Against Campus Prejudice * Federalist Society Lawyers Chapters in Austin, Columbus, Dallas, Philadelphia * Federalist Society Student Chapters at American University, New York University, Tulane University, University of Chicago, University of Pennsylvania

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

## Financial Information

### Statements of Financial Position
**MARCH 31, 2003 AND 2002**

<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2002</th>
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<tbody>
<tr>
<td><strong>ASSETS</strong></td>
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<tr>
<td>Cash and Cash Equivalents</td>
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<td>Investments</td>
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<td>Accounts Receivable</td>
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<td>Prepaid Expenses</td>
<td>11,509</td>
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<td>Property &amp; Equipment (Net)</td>
<td>19,951</td>
<td>25,875</td>
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<td>Deposit</td>
<td>17,075</td>
<td>16,590</td>
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<td><strong>Total Assets</strong></td>
<td><strong>$1,839,439</strong></td>
<td><strong>$1,943,219</strong></td>
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<tr>
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<th>2003</th>
<th>2002</th>
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<tr>
<td><strong>LIABILITIES AND NET ASSETS</strong></td>
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<tr>
<td>Accounts Payable and Accrued Expenses</td>
<td>$55,511</td>
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<td>Accrued Rent, current portion</td>
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<td>5,284</td>
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<td>Security Deposit</td>
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<td>Accrued Rent, net of current portion</td>
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<td>Net Assets - Unrestricted</td>
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<td>Net Assets - Temporarily Restricted</td>
<td>50,000</td>
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<td><strong>Total Net Assets</strong></td>
<td><strong>$1,762,439</strong></td>
<td><strong>$1,880,636</strong></td>
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<tr>
<td><strong>Total Liabilities and Net assets</strong></td>
<td><strong>$1,839,439</strong></td>
<td><strong>$1,943,219</strong></td>
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### Statements Of Activities
**FOR THE YEARS ENDED MARCH 31, 2002 AND 2001**

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<thead>
<tr>
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<th>2002</th>
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<tbody>
<tr>
<td><strong>SUPPORT</strong></td>
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<td>Contributions and Grants</td>
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<td>Attorneys' Fees</td>
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<td>Investment, Rent &amp; Other Income</td>
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<td>46,214</td>
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<td><strong>Total Support</strong></td>
<td><strong>$1,563,454</strong></td>
<td><strong>$2,109,776</strong></td>
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<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2002</th>
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</thead>
<tbody>
<tr>
<td><strong>EXPENSES</strong></td>
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<tr>
<td>Programs:</td>
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<td>Litigation</td>
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<td>Publications/Education</td>
<td>173,072</td>
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<td><strong>Total Program Expenses</strong></td>
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<td>Administrative</td>
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<td>199,644</td>
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<td>Fundraising</td>
<td>448,365</td>
<td>510,884</td>
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<td><strong>Total Expenses</strong></td>
<td><strong>$1,681,651</strong></td>
<td><strong>$1,649,531</strong></td>
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<td>Change in Net Assets</td>
<td>$(118,197)</td>
<td>$464,245</td>
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<tr>
<td>Net Assets - Beginning</td>
<td>1,880,636</td>
<td>1,416,391</td>
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<tr>
<td><strong>Net Assets - Ending</strong></td>
<td><strong>$1,762,439</strong></td>
<td><strong>$1,880,636</strong></td>
</tr>
</tbody>
</table>

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 President. 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 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.


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, 2002-2003

Jon Book (University of Michigan)
Katherine Burchmore (Georgetown University Law Center)
Robyn Libow (Georgetown University Law Center)
John McNichols (University of Michigan Law School)
Anthony Sanders (University of Minnesota Law School)
Catherine Sevcenko (George Mason University School of Law)
Ollivia Sexton (Queen’s University, Ontario)