

CIR

The Center for Individual Rights

THE CENTER FOR INDIVIDUAL RIGHTS

The Center for Individual Rights (CIR) is a nonprofit civil libertarian law firm. CIR believes legally enforceable individual rights are the best way to preserve liberty in a system of democratic self-rule. CIR brings a handful of high profile lawsuits that focus public attention on cases where individual rights are at greatest risk and offer the best chance of strengthening legal protection for their exercise.

CIR provides free representation to deserving clients who cannot otherwise obtain or afford adequate legal counsel and whose individual rights are threatened. In light of its limited resources and charitable mission, CIR selects a small number of cases based on several criteria, principally the ability of the case to set landmark precedent protecting individual rights. In

addition, CIR looks for cases that fit well with its expertise, principally in the areas of race discrimination and free speech.

CIR is a nonprofit charitable organization. Contributions are tax-exempt under Section 501 (c)(3) of the Internal Revenue Code.

CIR successfully defended Anita MonCrief against a lawsuit designed to stop her from blogging about inappropriate actions of Project Vote, an ACORN affiliate for which she worked.



ABOUT CIR

“Liberty has many fair-weather friends, but too few stalwart defenders. CIR is a stalwart defender of liberty. It’s fought, intelligently and effectively, for liberty and constitutionalism in good times and bad, when hopes were high and when they seemed to be dashed, when the tide was running in and running out. All honor to CIR for holding aloft a standard for over two decades to which good citizens could repair.”

William Kristol, *Founder and Editor, The Weekly Standard*

“One of the labors of Hercules was to kill a creature with nine heads, the Hydra, which lived in a swamp. This was very hard to do because when Hercules chopped off one head, two grew up in its place. And so it has been with preference by race in all the nooks and crannies of American life – cut off one form of preference and two more devious forms sprout in its place. But Hercules found a solution. He took a burning brand and as he then cut off each head he seared its neck so that it could not sprout again. That burning brand, in the long labor to cut off the many heads of race preference, has been the Center for Individual Rights. The last head of the Hydra was immortal. The CIR will do to the root principle of race preference, one day, what Hercules did to that last head: like he, we will bury it securely under a great rock.”

Carl Cohen, *Professor of Philosophy, University of Michigan*

THE YEAR IN REVIEW

CIR's activities last year demonstrate once again the long-term value of an uncompromising defense of limited government based on individual rights. Almost phoenix-like, two CIR efforts from the 1990s again played an outsized role in taming government authority.

U.S. v. Morrison, a decade-old CIR Supreme Court victory, emerged as a critical legal precedent in the legal fight against the Patient Protection and Affordable Care Act, better known as "Obamacare." Each of the several judicial opinions striking down some or all of Obamacare devoted several pages (and several dozen citations) to the Court's 2000 ruling in *Morrison* that Congress lacks the authority under the Constitution to regulate purely in-state, non-economic activity.

In *Morrison*, the issue was Congress' enactment of the Violence Against Women Act, which purported to create federal penalties for non-commercial activity. Obamacare goes much further: it treats an individual's decision not to buy health insurance as an "activity," implausibly presumes that all such activity has an economic purpose, and then requires everyone to participate in interstate commerce by purchasing insurance.

CIR won a big victory in 2000 when the Court ruled that Congress overstepped its authority when it supplanted local authority with a new, federal remedy for victims of gender motivated crimes. The Court sensibly ruled that however pressing the problem of gender-related violence might be, our constitutional system leaves it to state and local governments to address it. For, as the Court has noted on other occasions,

our system of divided state and federal authorities is designed to serve one purpose: protecting individual rights against an ever-encroaching, all-encompassing federal government.

The continued vitality of *U.S. v. Morrison* as a legal barricade against expansive federal power reinforced the value of CIR's ongoing efforts to strengthen individual rights in the courts. Setting solid legal precedents that stand the test of time provides individuals with a legal means to challenge expansive government authority many years later. Though it requires patience, this approach may be the best and most reliable way to restore limited government.

Morrison wasn't the only decade-old CIR case that paid big dividends last year. In addition, the Court of Appeals for the Second Circuit issued a landmark ruling in *US v. New York City Department of Education*, a case that we've been litigating since 1999. The decision ended the ability of the Justice Department to coerce employers to settle discrimination complaints based solely on numerical disparities in racial representation. From now on, employers are liable for countersuits from nonminority employees unless they show that they had a "strong basis" for concluding that the numerical disparities were actually the result of illegal discrimination.

U.S. v. New York City was all the more important a victory because the opinion was authored by Judge Guido Calabresi, one of the most respected members of the Second Circuit and one often characterized as liberal in political and judicial outlook. CIR has always understood the cause of limited

“ It was an honor and pleasure to work with CIR in *United States v. Morrison* and to sit with Michael Rosman when he argued the case in the Supreme Court. Although I often disagree with CIR’s positions—for instance on the health care mandate—CIR always makes a good and necessary contribution to the debate. ”

—Charles Fried, *Beneficial Professor of Law, Harvard Law School*

government to be broader than the changing political tastes of this or that party. CIR looks for cases with strong facts that cut across ideological lines and we press the cause of limited, principled government with equal zeal regardless of the judge to whom our cases happen to be assigned.

Last year saw progress on several more recently filed cases. CIR moved forward in *LaRoque v. Holder*, our effort to topple Section 5 of the Voting Rights Act. Section 5 contains one of the most pernicious racial preferences now extant in federal law: Section 5 requires mostly Southern voting jurisdictions to preclear any changes in voting procedures and prohibits the Attorney General from approving such changes unless they maximize the ability of minority voters to elect their candidate of choice.

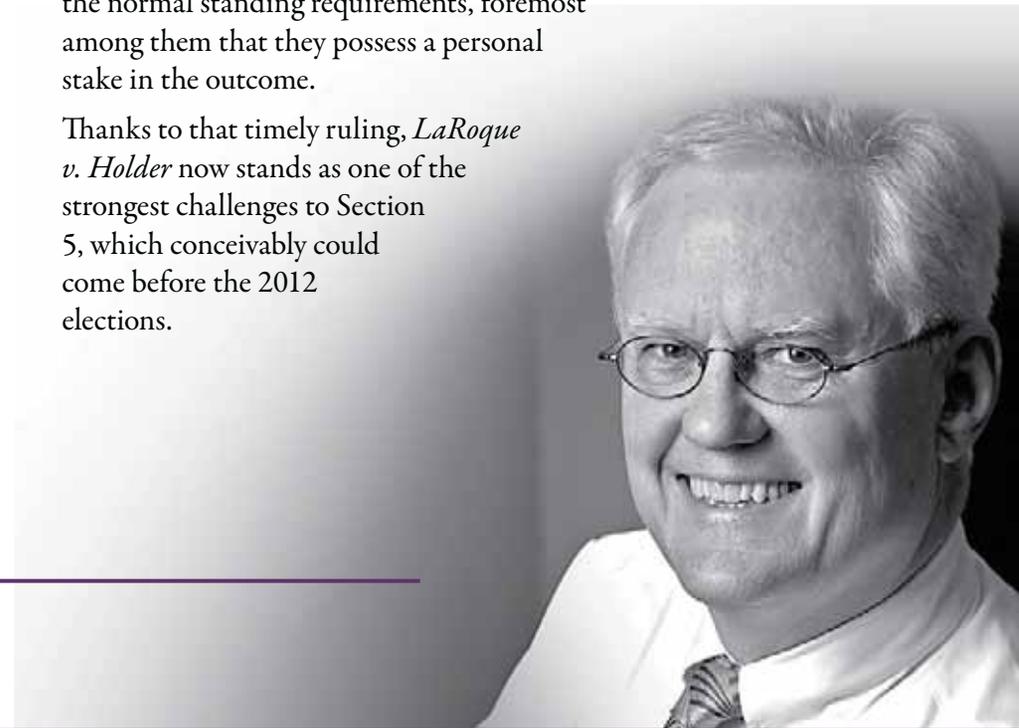
In 2010, CIR filed a challenge against Section 5 on behalf of Stephen LaRoque and several other citizens of Kinston, North Carolina, who were intent on getting the federal government out of the business of second-guessing local election laws based on increasingly politicized assumptions about the preferences

of minority citizens. In Kinston’s case, federal officials had determined that minority candidates were benefitted by running on the Democratic ticket and on that basis, forbade Kinston to do away with partisan labels.

Last year, federal Judge John Bates ruled that LaRoque and his fellow private citizens did not have the standing to challenge Section 5; only the City of Kinston could sue. CIR immediately appealed Bates’ decision to the U.S. Court of Appeals for the District of Columbia Circuit, which ruled that citizens may indeed challenge Section 5 so long as they satisfy the normal standing requirements, foremost among them that they possess a personal stake in the outcome.

Thanks to that timely ruling, *LaRoque v. Holder* now stands as one of the strongest challenges to Section 5, which conceivably could come before the 2012 elections.

Terry Pell,
CIR President



Last year also saw progress in CIR's continued defense of internet filmmaker James O'Keefe, whose undercover videos of ACORN exposed illegal and inappropriate activities at several of its offices. In return, O'Keefe faces multiple lawsuits alleging violation of state privacy laws. The intent of the suits was clear: to discredit O'Keefe and force him out of business with crushing legal expenses.

While we were able to successfully dispose of several cases in a matter of months, there remains one case in California in which O'Keefe is a defendant. We are using that case to challenge a particularly egregious state privacy law in California.

As interpreted by the California Supreme Court, this law prohibits a citizen from recording conversations with a public official unless the official gives explicit consent. And this requirement applies even to conversations that are entirely public in character, such as those at a traffic stop. The California privacy statute violates the First Amendment rights of citizens to make recordings of their public officials even in situations where there could be no expectation of privacy.

Professor Jeremy Rabkin,
Chairman of CIR's Board of Directors

Last year, CIR added another free speech case on behalf of a citizen blogger – Manhattan Institute scholar Theodore Frank, who was being unreasonably sued for libel as a result of an item on the blog to which he contributes, “overlawyered.com,” one of several blogs on the general topic of the high social and economic costs of America's legal system.

Several years ago, Frank posted an item about a settlement in one of the cases of noted airplane crash attorney Arthur Wolk. Frank correctly noted that part of the settlement included an agreement to seal a court order that was critical of Wolk's conduct in the case. Wolk sued Frank and all the other sponsors and participants in overlawyered.com for libel, demanding compensation for the “enormous” economic injuries he claims the article caused him. The case is now before the Third Circuit.

The O'Keefe and Frank cases are strategically important. Together, they help reinforce First Amendment protection for



“ CIR stands out for its thoughtful and principled representation of clients with tough and often pivotal cases. No grandstanding - just a genuine respect and concern for its clients and the issues. CIR has been in this for the long haul and remains steady and focused on matters of individual and national significance. ”

–Barbara Grutter, CIR Client, *Grutter v. Bollinger* at the U.S. Supreme Court (2003)

individuals who use blogs, YouTube videos, and other internet technologies to move important stories that traditional media organizations continue to shun.

As we enter 2011-2012, several major CIR cases will occupy the federal appellate courts. CIR continues to represent Eric Russell in *BAMN v. Granholm* in which the constitutionality of the Michigan Civil Rights Initiative is at issue. In 2011, a three-judge panel struck down the state amendment barring racial preferences. Now pending before the full U.S. Court of Appeals for the Sixth Circuit is a motion to re-hear the case.

CIR's cases raise fundamental issues about the authority of the federal government. As the pages of this report detail, CIR's cases are regularly featured in print, online, and broadcast stories. This level of coverage suggests popular interest in the project of re-limiting government through high-profile litigation.

This report sets forth CIR's solid record of success last year and makes clear why CIR's continued efforts are as crucial as ever. We owe our record of success first and foremost to our clients, whose fights for basic principles further democratic self-government. No less do we owe thanks to the law firms and attorneys who have provided CIR with millions of dollars' worth of pro bono assistance, to our exceedingly generous donors, and to our hardworking staff. To all of them, we extend our warmest thanks.



Terence J. Pell,
President



Jeremy Rabkin,
Chairman

CIR'S MISSION

Each year, CIR represents a handful of individuals in high profile cases raising important issues of individual rights. CIR concentrates its limited resources on three areas where the threat to individual rights is the greatest and where strategic litigation can accomplish the most: freedom of speech, civil rights, and limits on federal and state government.

Freedom of Speech and Religion

In recent years, the principle that individuals enjoy the freedom to express political views of every stripe has been steadily undermined through campus speech codes and harassment regulations, and more recently through discrimination investigations and malicious lawsuits designed to keep individuals under a legal cloud for years.

While they do not always directly prohibit speech, efforts of the latter sort utilize the power of the state to frustrate speech based on the speaker's point of view. Because of this, they often violate the First Amendment.

Of particular concern to CIR have been recent efforts to stifle citizen journalists who use internet blogs, YouTube videos, and other new media to publish stories not covered by the mainstream media. These individuals often lack the resources to mount legal defenses to the frivolous lawsuits directed their way and so are especially vulnerable to the use of malicious litigation to silence them.

CIR took on three cases defending internet bloggers and YouTube videographers: *Project Vote/Voting for America*,

Eric Russell, CIR's client in *BAMN v. Granholm*, continues his fight to defend Michigan Proposal 2, a ballot initiative passed by the voters of Michigan in November 2006, outlawing race and sex preferences.



“ The Center for Individual Rights has earned over the past generation its place as one of the premier institutions for litigating to limit the expansion of government power, as has become painfully evident in recent months, that threatens the liberty and prosperity of the nation. ”

—Richard Epstein, *Laurence A. Tisch Professor of Law, New York University School of Law*

Inc. v. Ashwanita MonCrief and John Doe; Vera v. O’Keefe, et al, and Wolk v. Olson, et al. CIR successfully halted a politically motivated lawsuit by ACORN brought to silence a former employee, Ashwanita MonCrief. After leaving the organization, MonCrief published articles critical of ACORN and Project Vote. In an effort to silence her, ACORN sued her for federal trademark infringement and misappropriation of trade secrets. CIR intervened quickly and filed a counterclaim based on the First Amendment. As a result, the suit was dismissed with prejudice.

CIR is also defending James O’Keefe, the young video filming sting artist, raising a constitutional challenge to a California statute which outlaws the videotaping of individuals without their consent, even in clearly public contexts. The statute prohibits, for example, a citizen from using his cell phone to videotape a police arrest on a public sidewalk. CIR believes such statutes are unconstitutional and hopes a win in this case will set a precedent with national significance.

And in *Wolk v. Olson*, CIR represented bloggers sued for defamation over a blog item published on *Overlawyered.com*. Our client, Ted Frank, a well-known blogger and adjunct fellow at the American Enterprise Institute and the Manhattan Institute, prevailed in the district court, but the plaintiff appealed.

CIR’s goal is to win a handful of strategically important cases designed to challenge the malicious use of privacy, libel, and trademark laws to silence

individual bloggers who lack the resources to mount an adequate courtroom defense on their own.

CIR isn’t in the business of providing free legal defense to every aspiring journalist who gets into trouble with a video camera. Nor are we about to start defending every blogger who gets sued for copyright infringement. But we are alarmed by the extent to which First Amendment protections are set aside whenever the journalist or blogger happens to use the internet.

Another focus of CIR’s free speech litigation is the defense of citizen ballot initiatives. In the last several years, a variety of interest groups and state officials have attempted to make it more difficult to change the law directly through ballot initiatives. In 2006, the people of Michigan amended their state constitution to prohibit “preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin.” After the Michigan Civil Rights Initiative passed, CIR defended the new constitutional amendment against a legal effort by BAMN, the ACLU, and the NAACP to block its enforcement on the grounds that ending racial preferences was itself illegal race discrimination. But the fight isn’t over.

The Michigan Amendment passed by a two-to-one margin in 2006. In attacking the Michigan ballot initiative (and others like it), BAMN is attacking an idea with very broad public support. The Sixth Circuit’s decision reflects the rear guard effort of several left-leaning judges to take away the ability of citizens to do away with racial preferences by

means of ballot initiatives. CIR's legal defense of the ballot initiative is ongoing (*BAMN v. University of Michigan*).

Wendell Phillips' sage quote, "Eternal vigilance is the price of liberty" remains as valid as ever as CIR finds itself having to weigh in once again to defend California's Civil Rights Initiative, Prop 209. The measure was passed in 1996 by a margin of 54% to 45% and prohibits preferences to anyone on the basis of "race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting." In 1997, CIR successfully defended Prop 209 and its constitutionality was affirmed by the California Supreme Court in 2000. The Left continues its assault on this successful ballot initiative and now seeks to use affirmative action to boost minority admissions throughout the University of California

system. Citizen initiatives and referenda such as Prop 209 are an effective means of trumping entrenched interest groups and bureaucratic resistance. This is precisely why the civil rights establishment is so eager to once again try to overturn Prop 209 in court – and why its defense is one of CIR's top priorities.

Civil Rights

Like the First Amendment, the Fourteenth Amendment was adopted to protect a natural right: that of citizens to be treated equally by their government regardless of race. If individual citizens do not have this natural right, all the denunciations of past laws mandating segregation lose their moral and

Terry Pell (far right) with Stephen LaRoque in Kinston, North Carolina. CIR's suit challenging the constitutionality of Section 5 of the Voting Rights Act, which requires some twenty mostly southern jurisdictions to pre-clear changes in voting procedures, including the drawing of Congressional districts, is the most important case on CIR's docket.



“ CIR is one of the leading conservative and libertarian public interest law firms in the country; the Center’s lawyers litigate and win tremendously important cases related to free speech, race preferences, voting rights, parental rights, federalism, separation of powers, and more. And without the Center, many leading recent precedents that protect Americans’ rights would not have been set. ”

—Professor Eugene Volokh, *The Gary T. Schwartz Professor of Law at the UCLA School of Law*

legal force; and if citizens do have this natural right, those of every race possess it in the same degree.

CIR’s civil rights cases are designed to get the government out of the business of granting preferential treatment to members of favored racial groups. Whereas civil rights leaders once sought equal treatment and redress for discrimination, now the civil rights movement seeks proportional representation by means of discriminatory policies under the guise of achieving “diversity.” Instead of judging individuals by the same standard regardless of race, officials employ separate, race-based standards to produce racially proportional outcomes in voting, university admissions, government employment, and government contracting.

CIR is particularly concerned with the use of the Voting Rights Act of 1965 to force state and local officials to ensure that voting procedures maximize the ability of minority voters to elect their candidate of choice. Whereas the Voting Rights Act was enacted to end racial discrimination, now it is being used to create a new form of discrimination.

CIR currently represents a group of citizens, voters, and candidates in Kinston, North Carolina, in a suit challenging the constitutionality of Section 5 of the Voting Rights Act. Section 5 requires mostly southern jurisdictions (and only those jurisdictions) to pre-clear changes in voting procedure with the Department of Justice. The law requires federal officials to deny preclearance to any change that does not maximize the ability of minority voters to elect their “candidates of

choice,” which government officials deem to be Democrats.

Though CIR’s mission is broader than a political spat between the two parties, we do have an interest in the use of unconstitutional federal authority to give one party a permanent, structural advantage over the other. The Kinston case is an opportunity to show how both Congress and the Obama Administration have subverted the Voting Rights Act’s original purpose in order to transform a federal law against race discrimination into a partisan political weapon. *LaRoque v. Holder* is probably the most important case on CIR’s docket, as it could both set an important precedent limiting Congress’ authority to use race to gerrymander local election districts, and it could do so in time to limit the use of race in the 2011-2012 redistricting cycle.

In addition to challenging racial preferences in elections, CIR continues its campaign of litigation against racial preferences in government hiring and promotion. *U.S. v. New York City Department of Education* challenges the use of consent decrees engineered by the Department of Justice that require local police, fire, and educational institutions to hire and promote on the basis of race even in the absence of any proven past discrimination.

CIR looks for cases that change the rules of the game in a fundamental way by tilting legal incentives in favor of individual rights and against expansive government power. The *New York City Department of Education* case does this in spades. While John Brennan and the other building

superintendents we represent certainly benefit personally from a victory, the real value of this case is the way it permanently reorders relations between employers and the government so as to protect individual employees from the careless decision by their employers to simply settle politicized discrimination claims by noisy interest groups by depriving other employees of benefits to which they are entitled.

Another important example of CIR's civil rights litigation is *Dynalantic Corp. v. U.S. Department of Defense*, an attack on the so-called "8(a)" program, the core of the federal government's race-based contracting set-aside programs, which we have been litigating since 1996. The U.S. Court of Appeals for the D. C. Circuit remanded the case with instructions to consider the constitutionality of the entire "8(a)" program, not just the particular contract challenged by our client, a manufacturer of flight simulators for the U.S. Air Force.

In addition to racial preferences in voting and employment, CIR has successfully challenged racial preferences in prestigious universities. Following its 1996 victory in *Hopwood v. Texas*, which struck down the dual admissions system of the University of Texas Law School, CIR challenged similar policies at the University of Washington (*Smith v. University of Washington*), the University of Michigan College of Literature, Science and the Arts (*Gratz v. Bollinger*), and the University of Michigan Law School (*Grutter v. Bollinger*). CIR's goal was to bring the issue of racial double standards to the U.S. Supreme Court.

In split rulings released in June 2003, the Supreme Court decided that while schools may take race into account in order to ensure a racially diverse class, they must also consider other contributing factors besides race and may not, in any event, use separate admissions standards for different racial groups. In the view of many observers, the Court did not so much enunciate a clear legal standard as postpone resolution of the issue to another day. CIR continues to seek cases to bring the next challenge to the use of racial preferences in college admissions.

Since the Supreme Court decided *Grutter*, CIR has filed nearly a half-dozen cases challenging illegal racial preferences. In 2007, the Court struck down two blatantly race-based school assignment plans: one in Seattle, Washington, and the other in Louisville, Kentucky. CIR promptly filed several new cases challenging racial balancing programs in secondary school systems (*Rau v. New York City Dept. of Educ.* and *Ng v. New York City Dept. of Educ.*, each of which eliminated a separate magnet school-related preference in New York City) and *Smith v. Virginia Commonwealth University, et al.*, which opened up a racially discriminatory high school summer journalism workshop to participants of all races.

Limits on Federal and State Government

The Founding Fathers realized a truth now widely ignored: liberty is endangered least by a dispersed government. Hence,

“ This is a big deal. I and other election law scholars believed that the Kinston case could well be a vehicle for the Supreme Court to finish the job it started in *NAMUDNO* and strike down section 5 of the *VR.A*. Kinston now becomes one to watch very closely over the next few months... (its) issues will be fast-tracked in the courts. ”

—Rick Hasen, Professor of Law, University of California at Irvine

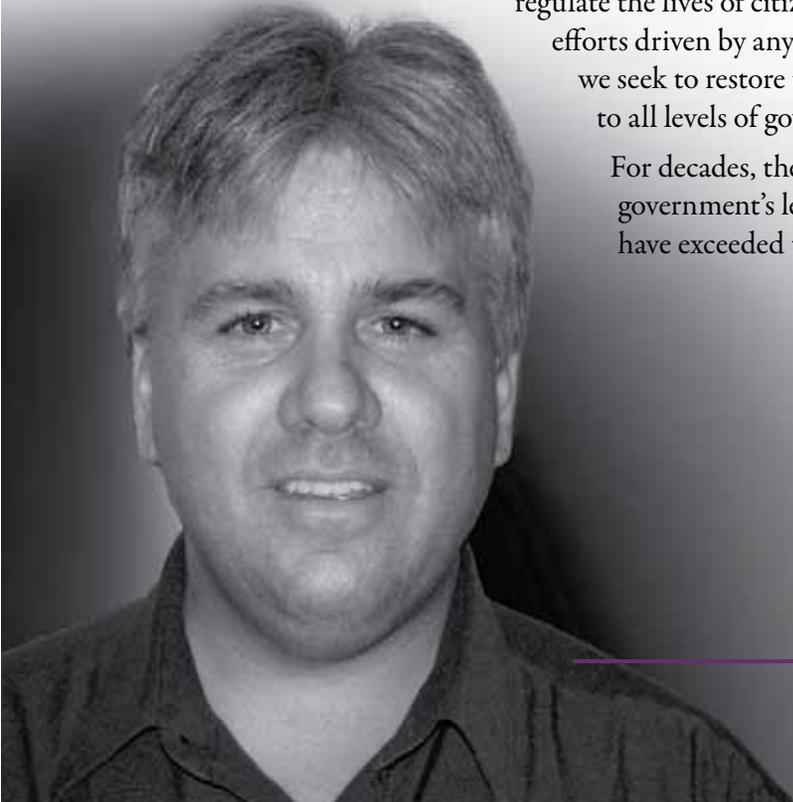
the Constitution grants the federal government only certain, enumerated powers, divided among three branches. All other powers are reserved to the states and individuals.

For some time, CIR has sought to restore a principled conception of the constitutional limits on government. In part, this idea is called “federalism,” sometimes misleadingly described as “states’ rights.” But for CIR, the main issue is not which government, federal or state, should regulate the lives of citizens, nor are our efforts driven by any particular ideology: we seek to restore the proper limit to all levels of government.

For decades, the federal government’s legislative activities have exceeded the powers given

to Congress by the Constitution. There simply is no support in either the letter or spirit of the Constitution for national laws regulating all parts of citizens’ lives. For example, in 1994, Congress enacted subtitle C of the Violence Against Women Act, which created a federal tort remedy for female victims of violence. Congress claimed authority to do so under the “Commerce Clause,” which permits it to regulate commerce among the states.

CIR mounted a successful constitutional challenge to part of the Violence Against Women Act on behalf of a Virginia Tech student. In its 2000 decision, the Supreme Court struck down this portion of the Violence Against Women Act. *U.S. v. Morrison* is one of the decade’s most important constitutional precedents, restoring critical constitutional limits on Congress’ power to regulate individual conduct. And its strategic value is now paying off more than ever.



CIR represents John Brennan and other New York City school building superintendents in challenging preferential benefits provided to minorities and women in a settlement agreement in which the U.S. Department of Justice charged the New York City Board of Education with “discrimination” in hiring and promotion of school custodians.

CIR filed an *amicus* brief in one of the strongest legal challenges to Obamacare so far: *Florida v. U.S. Dept. of Health and Human Services*. In our brief, we pointed out that in *Morrison*, the Supreme Court had held that the fact that some violence against women is related to interstate commerce does not justify a law that applies to all violence against women whether related to commerce or not.

As became clear in oral argument at the Court of Appeals, that last point is turning out to be crucial in the fight against Obamacare, for the law requires all individuals to purchase health insurance regardless of circumstances or motives.

As reported on National Review Online, observers in the courtroom that day called CIR's argument "devastating."

Morrison shows how a comparatively small investment in philanthropic capital can have outsized benefits in the long fight to restore the principle of limited government. While there are many worthy projects deserving of conservative and libertarian support, last year reaffirmed the importance of a small, nimble organization with its eye steadily on the big picture and a willingness to take a gamble on cases that run counter to conventional thinking about public interest litigation.

By defending strict limits on state interference with individuals, CIR is helping to revive the idea of self-government based on the right of individuals to control their own lives. The institutions of marriage and the family are one area of the law where state judges, legislators, and welfare officials have

set aside principled limits on state authority in order to further "progressive" views – including a novel conception of marriage itself. On the one hand, liberal state judges busy themselves rewriting the laws of marriage and child adoption to give individuals the widest latitude to avail themselves of the "rights" of marriage and family. Yet on the other hand, state child protection officials routinely sanction the traumatizing removal of children from traditional families for the slightest deviations from current fashions in education, child rearing, and even medical treatment.

As a result of the collapse of the traditional family structure, many children need protection, in varying degrees, from impaired or otherwise irresponsible parents. But too often, instead of grappling with the ways in which state judges and other officials have themselves undermined the family, and thus endangered children, those same officials have conferred new and unchecked powers on state child protection functionaries to intervene in family life.

CIR sued the Arapahoe County Department of Human Services in Colorado for its unconstitutional seizure of Joshua Raykin based on unsubstantiated claims of abuse by the boy's father. After being kept apart from his family for over a week, a court ordered the county to return Joshua. Shortly after filing suit, county officials agreed to settle the case on terms favorable to the Raykins. This was a step forward for parents' rights at the local level.

“ I am extremely proud that *Lamprecht vs. The FCC* was the first case that The Center for Individual Rights litigated. Providing an individual representation and expertise which lead to a victory over a federal agency such as the Federal Communications Commission, still, quite frankly, amazes me. I will always be grateful to The Center for Individual Rights. ”

—J. Thomas Lamprecht, *News & Views with Tom Lamprecht & Sadie Klaus, WTIB-FM, Greenville, NC*

But CIR's effort to restore principle to this area of the law is often an uphill battle. CIR submitted a key *amicus* brief in the *Camreta v. Greene* case, which was recently decided by the U.S. Supreme Court. We fought for a mother whose constitutional rights were violated when local child protective services seized her child in her elementary school without due process. The U.S. Supreme Court's decision ignored all of the Fourth Amendment issues we raised concerning Sarah Greene and her 9-year old daughter and dismissed the case on a technicality. CIR also continues to fight for the Muellers, an Idaho family who had their five-week-old daughter removed from their custody because an emergency room physician interpreted the mother's questions over the treatment of a fever as child endangerment. In 2007, the federal district judge hearing *Mueller v. Auker, et al.*, said what should have been said long ago – the state has no basis to displace the

right of parents to make difficult medical decisions unless the parents are ignoring a clearly less risky alternative.

In June 2010, an Idaho jury found neither the doctor nor the hospital liable. CIR moved to set aside the verdict and is appealing the case to the Ninth Circuit. There, CIR hopes to broaden and strengthen constitutional presumptions in favor of the right of families to make important medical (and other) decisions without state interference, particularly those decisions involving matters of judgment with no clearly reasonable (or unreasonable) choice either way. CIR will not give up and will continue to pursue cases with strong facts to protect the constitutional rights of families.

CIR's case on behalf of Boise, Idaho, mother Corissa Mueller (far left) and her family seeks to strengthen a federal constitutional right of families to make important medical decisions without state interference. Her infant daughter, Taige, was seized by police and given to state authorities in order to administer medical procedures without her consent. CIR's appeal for the Mueller family is pending at the Ninth Circuit Court of Appeals.



LITIGATION DOCKET, 2010 – 2011

U.S. Supreme Court

Camreta v. Greene, 131 S.Ct. 2020 (2011) (*amicus curiae*)

Civil Rights; Family Rights. Supporting mother of child who was seized at school without parental consent in violation of the Fourth and Fourteenth Amendments in suit against social worker and county sheriff. The Ninth Circuit held that the seizure violated the Fourth Amendment, but found the government actors had qualified immunity because the constitutional right at issue was not clearly established under existing law. The two officials appealed.

STATUS: Vacated and remanded. The Supreme Court held that it has the authority to review an immunized official's challenge to a constitutional ruling even though he was not held liable for money damages in the court below; however, the case was moot because the child was nearly 18 and had moved from the state, thus the Court vacated the part of the court of appeals' opinion addressing the Fourth Amendment issue.

Federal Appellate Courts

State of Florida et al. v. United States Department of Health and Human Services, et al., No. 3:10-cv-00091RV-EMT (N.D. Fla. filed March 23, 2010).

Civil Rights; Commerce Clause. Supporting states and individuals opposing the Affordable Care Act on the basis that Congress lacked the authority under the commerce clause to

require individuals to purchase health insurance.

STATUS: Pending.

BAMN v. University of Michigan, 539 F. Supp. 960 (E.D. Mich. 2008); 592 F. Supp. 948 (E.D. Mich. 2008); Nos. 08-1387/1389/1534;09-1111 (6th Cir.).

Civil Rights; Equal Protection. CIR represents Eric Russell, a Michigan resident who applied to the University of Michigan Law School in 2006. Multiple parties sought to challenge and/or delay Michigan's Proposal 2, a ballot initiative passed by the voters of Michigan in November 2006, outlawing racial and gender preferences. When the Governor and Attorney General of the State of Michigan, as well as the governing bodies of three universities and the plaintiffs, all stipulated to the suspension of Proposal 2's application to the universities' admissions and financial aid policies until July 2007, and the district court entered an order pursuant to that stipulation, CIR appealed the order to the Sixth Circuit and procured a temporary stay of the suspension order. The District Court upheld the constitutionality of Prop 2 and denied one plaintiff's motion for reconsideration. On appeal, the Sixth Circuit held that Prop 2 violated the Equal Protection Clause and was unconstitutional.

STATUS: Pending. The Attorney General has filed a motion for rehearing *en banc* before the entire U.S. Court of Appeals for the Sixth Circuit.

“ The only way to defeat the Left’s thugs is to stand up, fight back, and turn the tables. The victory for MonCrief, Graves, Bartle, Marcus & Garrett, and the Center for Individual Rights is a victory for all watchdogs targeted by the ‘community organizing’ racketeers. Be not afraid. ”

–Michelle Malkin, *MichelleMalkin.com*

Stephen LaRoque et al. v. Eric Holder, 755 F. Supp. 2d 156 (D.D.C. 2010).

Civil Rights; Voting Rights; Federalism. CIR is representing individual citizens, prospective candidates, referendum organizers, and a citizens group in a challenge to the constitutionality of Section 5 of the Voting Rights Act of 1965. The case grows out of a 2009 refusal by the Department of Justice to grant preclearance to the City of Kinston, NC, to implement a nonpartisan voting system employed by the large majority of other municipalities in North Carolina and approved by Kinston voters by a two-to-one margin. In December, 2010, the District Court dismissed the case for lack of standing; shortly thereafter, the U.S. Court of Appeals for the District

of Columbia Circuit granted CIR’s motion for expedited appeal. On May 6, 2011, the Court heard oral argument, and quickly reversed the District Court, holding that CIR’s clients have standing.

STATUS: Pending. Following our victory in the DC Circuit appeal, the court remanded the case to the District Court. The plaintiffs and the government have filed cross motions for summary judgment.

CIR client James O’Keefe, the young video filming sting artist, is raising a constitutional challenge to a California statute which outlaws videotaping people without their consent, even in clearly public contexts. *Vera v. O’Keefe* is currently pending in the District Court. CIR hopes a win in this case will set a precedent with national significance for free speech.



Miranda v. New York City Department of Education, (E.D.N.Y. filed June 6, 2006);

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), *on remand*, 448 F.Supp.2d 397 (E.D.N.Y. 2006), *order clarified on reconsideration*, 487 F.Supp.2d 220 (E.D.N.Y. 2007); --- F.3d ---, 2011 WL 1679850 (2d Cir. 2011).

Civil Rights; Equal Protection. Representing school building superintendents (“custodians”) 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.

Mueller v. Auker, et al., 2007 WL 627620 (D.Idaho, February 26, 2007); 576 F.3d 979 (9th Cir. 2009).

Civil Rights; Due Process. Representing parents whose infant daughter was seized by state authorities in order to administer medical procedures to which the mother had not consented, specifically a diagnostic test known as a lumbar puncture and the prophylactic administration of antibiotics.

STATUS: Pending. Prior to trial the state defendants settled. At the conclusion of a 3-week trial, the jury rendered a verdict in

favor of the remaining defendants. CIR’s appeal to U.S. Court of Appeals for the Ninth Circuit is pending.

Wolk v. Olson, et al., 2010 WL 3120213 (E.D. PA, August 2, 2010).

Free Speech, First Amendment. Representing Theodore Frank and David Nieporent, bloggers sued for defamation over a blog item published on Overlawyered.com.

STATUS: Pending.

Federal District Courts

Katherine Conway-Russell v. James E. O’Keefe, III, et al., Civil Action 10-cv-00276-TJS (E.D. PA, filed Jan. 21, 2010);

Association of Community Organizations for Reform Now (ACORN), Tonja Thompson and Shera Williams v. James E. O’Keefe, III et al., No. 24C09006238, (Circuit Court for Baltimore City, filed Sept. 23, 2009);

United States v. Robert Flanagan, Joseph Basel, James O’Keefe & Stan Dye., No. 10-12 (E.D. LA, filed January 25, 2010);

Juan Carlos Vera v. James O’Keefe, Hannah Giles, and Does I-20, No. CV 10-1422-L-JMA (S.D. CA, filed July 8, 2010).

First Amendment; Freedom of Speech. Representing James O’Keefe, who videotaped several encounters with employees of the Association of Community Organizations for Reform Now (ACORN), attempting to document illegal actions

“ *The Center for Individual Rights has justly earned its reputation as one of the toughest and most principled defenders of limited, constitutional government. It brings serious cases on behalf of real clients and it fights hard to win. Our work together in Rosenberger yielded a signal achievement—certainly one of the most important First Amendment cases in the last twenty years.* ”

—Professor Michael W. McConnell, *Director, Stanford Constitutional Law Center, Stanford University*

of ACORN employees assisting him and an accomplice in setting up a fictitious brothel. Later ACORN and several of its employees sued O’Keefe for violating state laws that require the consent of both parties before recording conversations. In a subsequent effort, O’Keefe attempted to film employees of Louisiana Senator Mary Landrieu responsible for answering telephone inquiries from constituents. O’Keefe was charged

with a misdemeanor of entering a federal building under false pretenses.

STATUS: Pending. The Maryland case was dismissed for failure to prosecute; the Pennsylvania case was settled; O’Keefe entered into a plea agreement in the New Orleans case; and the California case is pending in the district court.



CIR is defending the free speech rights of well-known blogger, Ted Frank, who is an adjunct fellow at the Manhattan Institute. An airplane-crash attorney decided to sue Frank, several co-bloggers on his popular Overlawyered.com website, and Reason magazine for libel.

Dynalantic Corp. v. U.S. Dept. of Defense et al., 937 F. Supp. 1 (D.D.C. 1996), *rev'd*, 115 F.3d 1012 (D.C. Cir. 1997).

Civil Rights; Equal Protection. Challenging U.S. Department of Defense minority contracting set-aside program on behalf of a small business that manufactures training simulators.

STATUS: Pending. After hearing oral argument on the parties' motions for summary judgment in August, 2004, the court ruled in August 2007 that Congress' 2006 reauthorization of the Department of Defense program required attorneys to submit additional briefs on the legal status of the set-aside program. In 2009, the court granted the government's motion to further supplement the record with evidence presented to Congress after the 2006 reauthorization. The proceedings are still pending in the district court.

Raykin v. Arapahoe County Department of Human Services et al., No. 10-cv-00908 LTB-KLM (D. Colo., filed April 22, 2010).

Civil Rights; Parental Rights. CIR sued the Arapahoe County Department of Human Services and several of their employees when they unconstitutionally seized Joshua Raykin and kept him from his family for over a week based on unsubstantiated abuse claims.

STATUS: Victory. Shortly after filing suit, county officials agreed to settle the case on terms favorable to the Raykins.

CIR's *U.S. v. Morrison* case is one of the decade's most important constitutional precedents, restoring critical constitutional limits on Congress' power to regulate individual conduct. In one of the strongest legal challenges to Obamacare so far, *Florida v. U.S. Dept. of Health and Human Services*, our *Morrison* victory at the Supreme Court has been cited in the oral arguments over 15 times and called "devastating" to Obamacare.



FINANCIAL INFORMATION

Statements of Financial Position

MARCH 31, 2011 AND 2010

ASSETS	2011	2010
Cash and Cash Equivalents	\$2,385,423	\$207,170
Investments	\$-	\$2,514,294
Grants Receivable	\$55,000	\$55,000
Accounts Receivable	\$-	\$-
Prepaid Expenses	\$34,740	\$34,984
Property & Equipment (Net)	\$7,161	\$10,610
Deposits	\$21,521	\$20,906
Total Assets	\$2,503,845	\$2,842,964
LIABILITIES AND NET ASSETS		
Accounts Payable & Accrued Expenses	\$32,693	\$38,533
Deferred Revenue	\$4,638	\$-
Security Deposit	\$4,638	\$-
Accrued Rent	\$133,778	\$128,729
Net Assets - Unrestricted	\$2,272,693	\$2,597,793
Net Assets - Temporarily Restricted	\$55,405	\$77,909
Total Net Assets	\$2,328,098	\$2,675,702
Total Liabilities and Net assets	\$2,503,845	\$2,842,964

Statements of Activities

MARCH 31, 2011 AND 2010

SUPPORT	2011	2010
Contributions and Grants	\$1,075,166	\$1,538,794
Attorneys' Fees	\$104,838	\$500
Investment, Rent & Other Income	\$24,441	\$135,539
Total Support	\$1,204,445	\$1,674,833
EXPENSES		
Programs:		
Litigation	\$942,390	\$1,322,416
Publications/Education	\$218,220	\$281,601
Total Program Expenses	\$1,160,610	\$1,604,017
Administrative	\$141,228	\$129,740
Fundraising	\$250,211	\$236,140
Total Expenses	\$1,552,049	\$1,969,897
CHANGE IN NET ASSETS	\$(347,604)	\$(295,064)
NET ASSETS - BEGINNING	\$2,675,702	\$2,970,766
NET ASSETS - ENDING	\$2,328,098	\$2,675,702

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.

PUBLIC EDUCATION AND OUTREACH

Staff Articles

Michael E. Rosman. “Counting the Days Gone By: A Eulogy for Former Rule 6(a)(2),” 159 *Pennsylvania Law Review*, Number 3, February 2011.

Michael E. Rosman. “No Ascendancy in this Court Case.” *The Washington Post*, February 5, 2011.

Michael E. Rosman. “Some Information and Belief about ‘Information and Belief.’” 2011 *Journal of the Professional Lawyer*.

News Coverage

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

Adams, J. Christian. “Bombshell: Justice Department Only Selectively Complies with Freedom of Information Act.” *PajamasMedia.com*, February 10, 2011.

Anderson, David. “U.S. Appeals Court rules in favor of nonpartisan advocates.” *EncToday.com*, July 9, 2011.

Associated Press. “Jury hears arguments in parents’ rights case.” *Fox12Idaho.com*, June 10, 2010.

Barnes, Robert. “Supreme Court confronts conflict between constitutional rights and protecting children.” *The Washington Post*, February 28, 2011.

Blinson, Delma. “Kinston voting rights case could have a big impact on Beaufort.” *BeaufortCountyNow.com*, Dec. 19, 2010.

Boone, Rebecca. “Idaho Jury hears arguments in parents’ rights case.” *Idaho State Journal*, June 10, 2010.

Breen, Tom. “N.C. lawsuit challenges part of Voting Rights Act.” *News-Record.com*, April 23, 2010.

Brennan, Ty. “Ruling raises questions about parental rights.” *KTVB News Channel 7*, July 1, 2010.

Brown, Ryan. “U.S. Appeals Court Overturns Michigan Ban on Affirmative Action at Public Colleges.” *The Chronicle of Higher Education*, July 1, 2011.

Brown, Wesley. “Oral arguments heard in case of nonpartisan voting.” *Kinston.com*, May 10, 2011.

“Center for Individual Rights Files Lawsuit Challenging Constitutionality of Section 5 of the Voting Rights Act.” *Holtzman Vogel PLLC Blog*, April 7, 2010.

Chambers, Jennifer, Robert Snell & Oralandar Brand-Williams. “State to fight ruling against ban on race in college admissions.” *The Detroit News*, July 2, 2011.

“CIR Challenges Section 5 of Voting Rights Act.” *NorthCoastOregon.com*, April 11, 2010.

Clark, Doug. “Kinston kicked again.” *News-Record.com*, December 17, 2010.

Clegg, Roger & Hans Von Spakovsky. “Some Good News Today.” *National Review Online “The Corner,”* April 7, 2010.

Conery, Ben. "Voters challenge feds on rights act: Partisan races forced on city." *The Washington Times*, April 8, 2010.

Coyle, Marcia. "Two Suits Challenge Heart of Voting Rights Act." *The Blog of Legal Times*, April 30, 2010.

Dalesio, Emery P. "Appeal revives NC challenge to Voting Rights Act." *RealClearPolitics.com*, July 8, 2011.

Denniston, Lyle. "New challenge to Sec. 5 Follow-up to Northwest Austin." *SCOTUSblog*, April 7, 2010.

Editorial. "Reversing Justice's race-based politics: Lawsuit challenges the bad part of the Voting Rights Act." *The Washington Times*, April 8, 2010.

Editorial. "Protecting Kids." *Las Vegas Review Journal*, March 7, 2011.

Frank, Ted. "Arthur Wolk v. Olson – Third Circuit Update." *PointofLaw.com*, October 25, 2010.

Gans, David H. "District Court Issues Opinion Dismissing Private Parties' Challenge to the Constitutionality of the Voting Rights Act." *TheUSConstitution.org*, December 21, 2010.

Hamblett, Mark. "Bias Case Remanded in Light of High Court's Reverse Discrimination Ruling." *New York Law Journal*, May 6, 2011.

Hart, Rep. Phil. "Hart defends tax fight." *The Spokesman-Review*, June 18, 2010.

Hasen, Rick. "Appeal Coming in Kinston Voting Rights Case." *ElectionLawBlog.org*, December 17, 2010.

HR World Editors. "The Top 20 Sexual-Harassment Cases of All Time." *Will Barnes Online.com*, September 19, 2010.

Irving, Brian. "NC city fights for right to hold non-partisan elections." *Liberty Point Nolan Chart*, April 14, 2010.

"It Could Happen to You: Idaho Parents Take Boise Hospital to Court Over Newborn's Forced Spinal Tap." *Legally Kidnapped.blogspot.com*, June 16, 2010.

Journal Now Staff. "Lawsuit over Kinston elections dismissed by federal judge." *Journalnow.com* (Winston-Salem Journal), December 17, 2010.

Kay, Lindell. "Sheriff seeks to end party power in local elections." *Jdnews.com*, November 7, 2010.

Koppel, Nathan. "Does the Constitution Protect O'Keefe's Surreptitious Recordings?" *Wall Street Journal Law Blog*, March 31, 2011.

Malkin, Michelle. "ACORN/Project Vote retreat from bully lawsuit against whistleblower." *MichelleMalkin.com*, April 8, 2010.

Mazzone, Jason. "The Diversity Honor Roll?" *balkin.blogspot.com*, March 18, 2011.

Michaels, Cash. "NC NAACP Monitoring Voting Rights Challenge, Week of April 22-28, 2010." *The Wilmington Journal*, April 22, 2010.

MonCrief, Anita. "Lawsuit Against Anita MonCrief dismissed." *HotAir.com*, April 6, 2010.

Netter, Sarah. "Idaho Parents Take Boise Hospital to Court Over Newborn's Forced Spinal Tap." *ABC News*, June 14, 2010.

"Obama Justice Dept. Declares Democrats Must Win in North Carolina City." *Obamaers Dot Com*, April 7, 2010.

Olson, Walter. "Agency Will Stop Treating Political Speech as Fair-Housing Violation." *Cato-at-Liberty*, May 25, 2010.

"Parental Rights Battle Goes to Federal Court." *KIVI TV.com*, June 23, 2010.

Reilly, Ryan J. "Citing 'Punk'd,' James O'Keefe Questions Calif. Recording Law in ACORN Sting Suit." *TPMMuckraker.talkingpointsmemo.com*, March 17, 2011.

Root, Damon W. "Conservatives v. Libertarians: The Debate over Judicial Activism divides former allies." *Reason*, July 2010.

Rosenberg, John. "The Lilly Ledbetter Chickens Come Home To Roost." *www.discriminations.us*, March 29, 2011.

"The Preclearance Problem: Is it time to retire the Voting Rights Act?" *Economist.com*, February 3, 2011.

Therolf, Garrett. "Housewife awarded \$110,000 after alleging government infringed on her free speech rights." *Los Angeles Times*, May 28, 2010.

Von Spakovsky, Hans. "Kinston Voting-Rights Case Heads to Federal Court." *National Review Online*, December 2, 2010.

White, Ed. "Mich. Ban on affirmative action may get 2nd look." *NewsTimes.com*, July 24, 2011.

Winger, Richard. "U.S. District Court Upholds Voting Rights

Section's Action on Partisan versus Non-Partisan Elections in Kinston, North Carolina." *Ballot-Access.org*, December 16, 2010.

Public Appearances

CIR representatives discussed CIR's cases on numerous broadcast programs in addition to other public appearances, including:

WPTF News Radio 680, *The Bill LuMaye Show*, Raleigh, NC, April 8, 2010.

KCBQ 1170 AM, *The Rick Amato Show*, San Diego, CA, July 29, 2010.

Heritage Foundation Fall 2010 Legal Strategy Forum, Washington, DC, Panel Discussion, "*Foxes Guarding the Hen House: Who Will Enforce the Voting Laws?*" October 20, 2010.

KTRH 740 AM, *Morning News with Matt Patrick*, Houston, TX, July 6, 2011.

WTIB 103.7 FM, *News and Views with Tom Lamprecht & Sadie Klaus*, Greenville, NC, July 11, 2011.

WTKF 107.1 FM, *Viewpoints with Lockwood Phillips*, Atlantic, NC, July 11, 2011.

Federalist Society Civil Rights Teleforum: Affirmative Action Litigation Update discussing litigation challenging state anti-preference laws (*BAMN v. University of Michigan*), Washington, DC, July 15, 2011.

CIR BOARD OF DIRECTORS

Jeremy A. Rabkin (Chairman) is a professor of International Law at the George Mason Law School. Professor Rabkin is an expert in government regulation, bureaucracy, public law and policy, and the judiciary. Professor Rabkin received his Ph.D. in Government from Harvard University in 1983.

Larry P. Arnn is president of Hillsdale College. Dr. Arnn previously served as the president of the Claremont Institute in Southern California. While there he was the founding chairman of the California Civil Rights Initiative (Proposition 209), which prohibits race preferences in state hiring, contracting, and admissions. Dr. Arnn has a Master's and Ph.D. in Government from the Claremont Graduate School.

Robert P. George is McCormick Professor of Jurisprudence and director of the James Madison Program in American Ideals and Institutions at Princeton University. In 2005, Dr. George won a Bradley Prize for Intellectual and Civic Achievement and the Philip Merrill Award for Outstanding Contributions to the Liberal Arts of the American Council of Trustees and Alumni. He is a graduate of Swarthmore College and Harvard Law School and earned a doctorate in Philosophy of Law from Oxford University.

James B. Mann, Esq. is CEO of IPPsolar, Inc. Previously, Mr. Mann served as director of Derivative Products Group of Société Générale, deputy assistant attorney general of the Tax Division of the U.S. Department of Justice, and general counsel of the U.S. Commission on Civil Rights.

He received an M.B.A. from Columbia University Graduate School of Business and a J.D. from Harvard Law School.

Arthur Stephen Penn, Esq. is the retired president of Elmrock Capital, Inc. Prior to founding Elmrock, Mr. Penn practiced law in New York City. He earned his J.D. degree from New York University School of Law in 1961 and his B.A. from Cornell in 1956.

James Piereson is president of the William E. Simon Foundation. He is the former executive director and trustee of the John M. Olin Foundation. Before joining the foundation in 1981, Mr. Piereson was a member of the Political Science faculty at the University of Pennsylvania.

Terence J. Pell, Esq. is president of CIR. Prior to working for CIR, Mr. Pell served as general counsel and chief of staff at the Office of National Drug Control Policy. From 1985 through 1988, Mr. Pell was a deputy assistant secretary for civil rights in the U.S. Department of Education. He received his law degree from Cornell University, a Ph.D. in Philosophy from the University of Notre Dame, and a B.A. from Haverford College.

Gerald Walpin, Esq. is a retired senior partner of KMZ Rosenman, formerly Rosenman & Colin, in New York. Mr. Walpin served as the inspector general of the Corporation for National and Community Service (CNCS) from January 2007 until June 2009. He received his law degree from Yale University.

STAFF

Terence J. Pell, Esq. (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, Esq. (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.

Christopher J. Hajec, Esq. (Ph.D., University of Miami, 1998; J.D., University of Pennsylvania Law School, 1990; B.A., University of Michigan, 1987) is one of CIR's Associate Counsels. After serving in the Judge Advocate General Corps of the U.S. Navy as a defense attorney and appellate government counsel, he joined CIR in 2004.

Megan B. Lott (B.A., The College of William and Mary, 1982) is CIR's Senior Director of Development. Formerly Senior Director of Development for the American Legislative Exchange Council, she joined CIR in 2008.

Allison McGuire (B.A., Ashland University, 2011) is CIR's paralegal and legal assistant. At Ashland University, she was an Ashbrook Scholar and Ashbrook Honor Cabinet Member at the John M. Ashbrook Center for Public Affairs. She joined CIR in 2011.

Michelle A. Scott, Esq. (J.D., Drake University Law School, 1995; B.A. Illinois Wesleyan University, 1992) is one of CIR's Associate Counsels. Formerly a litigation associate with Shapiro, Lifschitz & Schram, P.C., she joined CIR in 2005.

Law Clerks and Interns, 2010-2011

Christopher Nicholson

(Yale Law School)

Richard Hanania

(University of Chicago Law School)

CIR FIGHTS FOR FREEDOM

“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*

CIR remains a singularly effective and efficient institution. We measure our effectiveness not by the number of victories we win but by their legal and public significance. By that measure, CIR’s cases offer the prospect of further significant gains with a comparatively small investment of philanthropic capital.

In our first 22 years, CIR has won 32 landmark cases at the federal level which established key national precedents to protect individual rights. *Four of these victories have been at the U.S. Supreme Court.*

CIR’s cases demonstrate the continued importance of high profile litigation in strengthening individual rights.

When CIR wins, we set precedents that pay dividends and protect freedom for years to come.



The Center for Individual Rights
1233 20th Street, NW
Suite 300
Washington, DC 20036

Phone: 202-833-8400
Fax: 202-833-8410
E-Mail: genl@cir-usa.org
Web: www.cir-usa.org