

CIR

The Center for Individual Rights

# About CIR

“Equal treatment under the law, and the protection of robust argument for advocates of every view, have been the leading concerns of my adult life. These principles I defended as chairman of the American Civil Liberties Union of Michigan, and for two decades as a member of the National Board of Directors of the ACLU. ... But my passion for equal treatment and liberty of speech have now a shield more deeply principled, more consistent, and more courageous. It is the Center for Individual Rights that wins my heart and speaks to my condition.”

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

“The final nail in ACORN’s coffin was the undercover video project by two conservative activists, Hannah Giles and James O’Keefe... these videos tore the mask off ACORN and allowed the American public to see what the group was all about.”

Matthew Vadum, *Senior Editor at the Capital Research Center, About CIR’s Defense of James O’Keefe*

“I absolutely adore CIR and will do anything to help. We’re political soul mates. I am a true believer in the cause of individual freedom. I am so grateful that you can focus and leverage the support of individuals to make a difference. It’s wonderful to have at least one organization in Washington, DC that I can trust.”

Harold A. Meyer, III, *Post Falls, ID, CIR Donor*

# The Year in Review

The Center for Individual Rights devotes itself exclusively to the uncompromising defense of individual liberties and limited government. The past year has reaffirmed our conviction that liberty needs a resolute advocate, and while the task of restraining government is more urgent now than ever, several noteworthy victories assure us that it is by no means impossible.

Perhaps the most significant constitutional victory during our last fiscal year was the Eleventh Circuit's ruling that the Patient Protection and Affordable Care Act, commonly known as "Obamacare," is unconstitutional. The majority opinion relied heavily on CIR's 2000 victory in *US v. Morrison*, one of only two modern cases that restrict Congress's authority under the Commerce Clause. Though *Morrison* is more than a decade old, the Eleventh Circuit cited the case eighty-nine times on the way to declaring that Obamacare exceeds Congress's Commerce Clause authority.

The Supreme Court promptly agreed to hear the government's appeal and scheduled an unprecedented three days of oral argument. Together with our co-counsel, former Solicitor General Theodore Olson, CIR filed an *amicus* brief on behalf of a half-dozen former attorneys general, solicitors general, and other Justice Department officials. Among the hundreds of such briefs before the Court, ours was the only one to make the case that the language of the Commerce

Clause, as originally understood – that is, as understood by the American people who ratified it – does not authorize Congress to require all individuals to buy health insurance. The Supreme Court is expected to rule by the end of June, 2012.

CIR also helped advance the principle of limited government last year in our case *LaRoque v. Holder*, which challenges the constitutionality of Section 5 of the Voting Rights Act. Section 5 requires many southern jurisdictions to "preclear" any change in voting procedure with the federal Department of Justice. In 2009, DOJ refused to allow the city of Kinston, North Carolina, to implement a nonpartisan voting system – the same system used by nearly every other local jurisdiction in the state. The Justice Department's ground for the refusal was that black voters benefit from the Democratic Party label.

Last year, the Court of Appeals for the D.C. Circuit resoundingly affirmed the right of CIR clients Stephen LaRoque and John Nix, and other individual citizens that we represent, to challenge the constitutionality of Section 5. The court recognized that individuals – not state officials – are the ultimate beneficiaries of limited government based on separate federal and state powers. On the basis of their personal interest in limited government, individuals have legal standing to challenge federal statutes that intrude on the Constitution's division between federal and state authority, even when state

or local officials refuse to do so.

As *LaRoque v. Holder* demonstrates, CIR's strategy of representing ordinary citizens may take time, but often it produces superior results. Establishing that Stephen LaRoque and others had standing to challenge the constitutionality of Section 5 took over a year. But it was the best way to press a case that raises the fundamental constitutional problem with Section 5: its requirement that state and local officials favor the interests of voters based on race. As dozens of previous cases attest, municipalities are reluctant to raise this issue, focusing instead on the less controversial coverage requirements of Section 5.

CIR pursues cases that others pass over because the clients cannot afford to pay or because their cases raise difficult claims. *LaRoque v. Holder* wasn't the only such case we litigated in 2011-2012. In November, we filed *Davis v. Guam*, a case that challenges a race-exclusive referendum sponsored by the Government of Guam.

When Arnold Davis, a longtime resident of Guam, tried to register to vote in a referendum designed to assess citizen views about Guam's relationship to the United States, he was turned away because he is not descended from a "native inhabitant," a term carefully constructed to exclude residents who are not Chamorro, the indigenous ethnic group. Though Guam is a protectorate of the United States and subject to the

Constitution and federal voting rights laws, the Department of Justice declined to challenge the plebiscite. Presently the case is before the federal district court in Guam, which is considering the defendants' motion to dismiss.

Representing average citizens in cases raising sharply-contested questions of individual rights can take many years. In 2011-2012, CIR's prior success in our long standing defense of state ballot initiatives ending racial preferences came under renewed attack in both Michigan and California.

Since 2007, CIR has been representing Michigan resident Eric Russell as an intervening party in *BAMN v. University of Michigan, et al.*, in which we are waging a long battle against legal challenges to Michigan's 2006 amendment banning racial preferences. Last July, a three-judge panel of the Sixth Circuit Court of Appeals ruled that the amendment is unconstitutional on the astonishing ground that prohibiting the use of racial preferences is itself racial discrimination. Together with the Michigan Attorney General, CIR urged the full Sixth Circuit to reverse the panel's erroneous decision.

In *BAMN v. Brown*, a challenge to California's Prop. 209, the same activist group that brought the Michigan case took aim at CIR's landmark precedent upholding the right of states to do away with racial preferences (*Coalition for Economic Equity et al. v. Wilson*). CIR filed an *amicus* brief in this second California case. Either it or the Michigan case

likely will go to the Supreme Court, where chances favor a definitive ruling making it clear that states indeed may amend their constitutions to eliminate racial preferences in state contracting, hiring, and school admissions.

This past year, CIR continued pressing ahead in our long standing effort to challenge state child protection laws that unconstitutionally deprive parents of the custody of their children. In *In Re Mays*, CIR successfully urged the Michigan Supreme Court to set aside a lower court ruling that deprived a father of custody of his children based not on his own actions but solely on those of the mother.

As we enter 2012-2013, CIR has many important cases that will occupy the federal courts. In addition to *LaRoque v. Holder* and *Davis v. Guam*, one of the most important is *Vera v. O'Keefe*, in which we are defending internet film maker James O'Keefe against an exceptionally vexatious suit by a former employee of ACORN – the “anti-poverty” group O'Keefe effectively ended with his filmed exposes. After we dueled with O'Keefe's opponents through a year of discovery, the case is now ripe for a decision on a motion for summary judgment.

Pre-trial work on cases such as *Vera v. O'Keefe* consumes hundreds of thousands of dollars and countless work hours, and often a court victory is years away. For the duration,

our generous supporters must take our opponents' conduct as a measure of the importance of our work: invariably, interest groups such as the ACLU and the NAACP Legal Defense Fund, Inc., intervene in our cases, and frequently we face dozens of lawyers representing multiple parties. Our opponents fight each case as if it were the last stand for expansive government authority. Of course, we wish they were right – and we cannot afford to think they are wrong.

This report recounts our exceptional record of success in the defense of individual rights over the last year. We owe our accomplishments, as always, to the generosity and dedication of the law firms and attorneys who provide CIR with millions of dollars' worth of *pro bono* time, to the courage and generosity of our donors and contributors, and to our hardworking staff. To all of them, we extend our warmest thanks.

Terence J. Pell,  
President

Jeremy Rabkin,  
Chairman

# Litigation Docket, 2011 – 2012

## U.S. Supreme Court

***Camreta v. Greene***, 131 S. Ct. 2020 (2011),  
No. 09-1454 (*amicus curiae*)

Civil Rights; Family Rights. CIR filed an *amicus* brief supporting the 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: Supreme Court declined to reach issue because child had moved to another state and was near the age of majority, rendering this case moot.

***Florida et al. v. U.S. Dept. of Health and Human Services***, S. Ct. No. 11-398 (*amicus curiae*)

Commerce Clause. CIR filed an *amicus* brief on behalf of former attorneys general, solicitors general and other Department of Justice officials arguing that Congress lacked authority under the Commerce Clause to require virtually all U.S. citizens to purchase health insurance.

STATUS: Pending.

## Federal Appellate Courts

***Blessing et al. v. Sirius XM Radio, Inc.***, (*amicus curiae*)

Civil Rights; Equal Protection. CIR filed an *amicus* brief challenging the constitutionality of a Federal District Court judge's order that the counsel appointed to represent the plaintiff class "fairly reflect" the racial and gender makeup of the plaintiff class.

STATUS: Pending.

***BAMN v. Brown***, 674 F.3d 1128 (9th Cir. 2012)  
(*amicus curiae*)

Civil Rights; Equal Protection. CIR filed an *amicus* brief in a case challenging the constitutionality of California's Prop. 209. In 1997, CIR successfully defended Prop. 209 (*Coalition for Economic Equity v. Wilson*, 122 F.3d 692 (9th Cir. 1997)), and its constitutionality was affirmed by the California Supreme Court in 2000.

STATUS: Victory. The Ninth Circuit reaffirmed its 1997 decision in *Coalition for Economic Equity v. Wilson*.

***BAMN v. University of Michigan et al.***, 652 F.3d 607 (6th Cir. 2011)

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, the Attorney General of the State of Michigan, 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 of the plaintiff's motion for reconsideration. On July 1, 2011, a three judge panel of the U.S. Court of Appeals for the Sixth Circuit struck down the amendment as violating the Fourteenth Amendment. The State of Michigan moved for a rehearing by the full Sixth Circuit *en banc*. The motion was granted and the hearing was held on March 7, 2012.

STATUS: Pending.

***LaRoque et al. v. Eric Holder***, 831 F.Supp.2d 183, 2011 WL 6413850 (D.D.C., December 22, 2011) (Civ. No. 10-0561 JDB).

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 2011, the District Court upheld the constitutionality of Section 5; shortly thereafter, the U.S. Court of Appeals for the District of Columbia Circuit granted CIR's motion for expedited appeal. In February 2012, the Department of Justice granted preclearance for the change to nonpartisan voting and then moved to dismiss the appeal as moot.

STATUS: Pending.

***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***, 650 F.3d 65 (2d Cir. 2011)

Civil Rights; Equal Protection. Representing school building superintendents 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. In May 2011, the Court of Appeals for the Second Circuit ruled that an employer must have a substantial basis in evidence for concluding that an employee has suffered illegal discrimination, and that the benefits will make those victims whole, before awarding preferential employment benefits.

STATUS: Victory on major issue, case remanded for further proceeding.

***Mueller v. Aufer, 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 has appealed.

***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: Victory. Case settled on favorable terms.

## Federal District Courts

***Davis v. Guam et al.***, No: 11-00035, (D. Guam, filed Nov. 21, 2011).

Civil Rights; Equal Protection; Voting Rights. Representing Arnold Davis, a United States citizen and resident of Guam who is being denied the right to vote in a referendum that will be held and administered by the Government of Guam, based solely on his race and ancestry. The referendum is designed by law to largely limit participation to descendants of the “Chamorro,” a term used to refer to indigenous residents of Guam.

STATUS: Pending.



***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's 2006 reauthorization of the Department of Defense program required attorneys to submit new evidence about 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.

***Juan Carlos Vera v. James O'Keefe, Hannah Giles, and Does 1-20***, 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 of ACORN employees assisting him and an accomplice

in setting up a fictitious brothel. In this case, a former ACORN employee sued O'Keefe for violating a state law that requires the consent of both parties before recording certain conversations.

STATUS: Pending.

## State and Other Courts

***In re Mays minors***, 490 Mich. 997, 807 N.W. 2d 304 (Mich. 2012) (*amicus curiae*)

Child Protection; Due Process. Filed an *amicus* brief in support of a Michigan father whose parental rights were terminated based solely on the conduct of the children's mother.

STATUS: Victory. The Michigan Supreme Court ruled that the trial court had prematurely, and without adequate or statutory basis, terminated the father's parental interests and remanded to the trial court.

# Financial Information

## Statements of Financial Position

MARCH 31, 2012 AND 2011

ASSETS	2012	2011
Cash and Cash Equivalents	\$2,080,581	\$2,385,423
Investments	500,060	-
Grants Receivable	-	55,000
Contribution Receivable	150,000	-
Accounts Receivable	464	-
Prepaid Expenses	37,542	34,740
Property & Equipment (Net)	5,526	7,161
Deposits	22,154	21,521
<b>Total Assets</b>	<b>\$2,796,327</b>	<b>\$2,503,845</b>

### LIABILITIES AND NET ASSETS

Accounts Payable & Accrued Expenses	\$250,440	\$32,693
Deferred Revenue	4,638	4,638
Security Deposit	4,638	4,638
Accrued Rent	129,359	133,778
<b>Total Liabilities</b>	<b>389,075</b>	<b>175,747</b>
Net Assets - Unrestricted	2,256,847	2,272,693
Net Assets - Temporarily Restricted	150,405	55,405
<b>Total Net Assets</b>	<b>\$2,407,252</b>	<b>\$2,328,098</b>
<b>Total Liabilities and Net assets</b>	<b>\$2,796,327</b>	<b>\$2,503,845</b>

## Statements of Activities

MARCH 31, 2012 AND 2011

SUPPORT	2012	2011
Contributions and Grants	\$1,760,492	\$1,075,166
Attorneys' Fees	4,255	104,838
Investment, Rent & Other Income	57,128	24,441
<b>Total Support</b>	<b>\$1,821,875</b>	<b>\$1,204,445</b>

### EXPENSES

Programs:		
Litigation	1,144,891	942,390
Publications/Education	258,240	218,220
<b>Total Program Expenses</b>	<b>\$1,403,131</b>	<b>\$1,160,610</b>
Administrative	104,840	141,228
Fundraising	234,750	250,211
<b>Total Expenses</b>	<b>\$1,742,721</b>	<b>\$1,552,049</b>

CHANGE IN NET ASSETS \$79,154 \$(347,604)

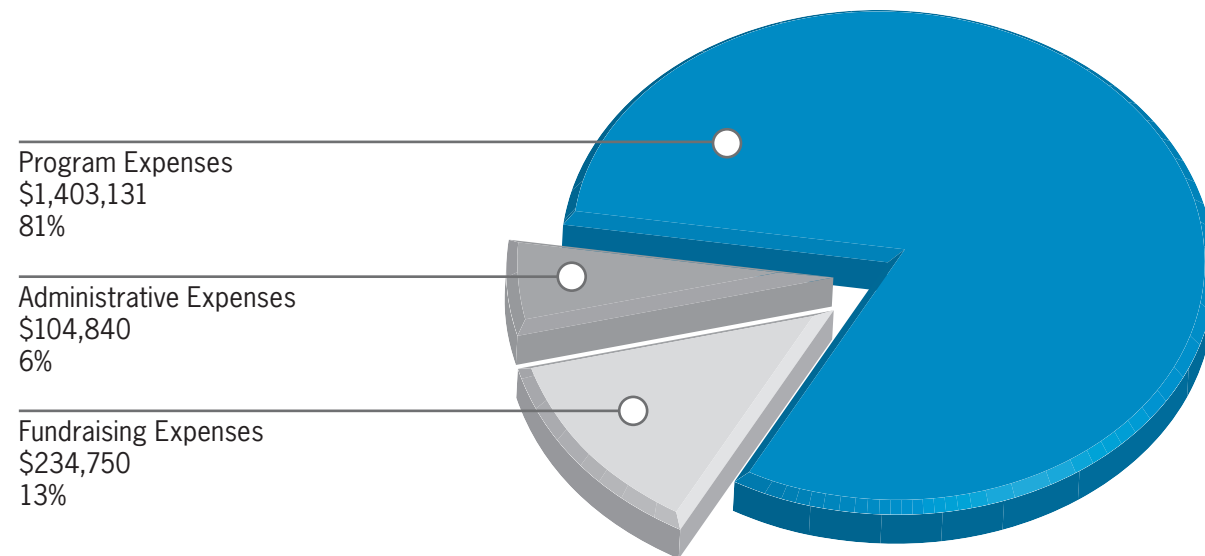
NET ASSETS - BEGINNING \$2,328,098 \$2,675,702

NET ASSETS - ENDING \$2,407,252 \$2,328,098

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

# 2012 CIR Operating Expenses

During the fiscal year ended March 31, 2012, CIR devoted 81% of its expenditures to direct litigation and related public education efforts.



# Public Education and Outreach

## Staff Articles

Michael E. Rosman. "Some Information and Belief about 'Information and Belief.'" *2011 Journal of the Professional Lawyer*.

Michael E. Rosman. *Arizona State Law Journal BLOG* discussion on September 5, 2011. Rosman's blog addressed: *Camreta v. Green and Standing Doctrine*.

Terence J. Pell. "Federal Lawsuit Challenges Race-Exclusive Vote in Guam." *HumanEvents.com*, November 23, 2011.

Michael E. Rosman. *PointofLaw.com* BLOG discussions on the landmark 2010 health-care reform law, the *Patient Protection and Affordable Care Act*, March 27, 2012 – April 2, 2012. Rosman's blog addressed: *The Individual Mandate and Some More Text to Ponder; The Limits of Limiting Principles; and The Necessary and Proper Arguments*.

## News Coverage

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

Adams, J. Christian. "Center for Individual Rights files Section 2 case in Guam." *ElectionLawCenter.com*, November 21, 2011.

Adams, J. Christian. "White Air Force Vet Prohibited from Registering to Vote Because of Race." *PJMedia.com*,

November 21, 2011 and *FreeRepublic.com*, November 22, 2011.

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

Anderson, David. "Nonpartisan case returns to U.S. District Court." *Kinston.com*, October 28, 2011.

Anderson, David. "Nonpartisan supporters expect Supreme Court showdown." *Kinston.com*, February 6, 2012.

Aguon, Mindy. "AG Files for Dismissal of Davis' lawsuit." *www.kuam.com*, December 2, 2011.

Bacon, James A. "Victimhood has its privileges." *The Washington Times*, January 16, 2012 and *baconsrebellion.com*, January 19, 2012.

Bader, Hans. "Obama Administration Ignores Illegal Racial Discrimination In Voting Against Whites, Koreans, and Filipinos in Guam." *BastiatInstitute.org*, November 29, 2011.

Barnes, Robert. "Voting rights challenged in series of lawsuits." *Rep-am.com*, February 10, 2012.

Baynes, Leonard. "The Necessity of Public Advocacy in the Law." *Jurist.org*, September 6, 2011.

Baynes, Terry. "With Friends like These." *Thomson Reuters News & Insight*, March 17, 2012.

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.

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

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

Davis, Dave. “Political synergism.” *Mvguam.com*, December 5, 2011.

Denniston, Lyle. “How urgent is the Section 5 issue?” *SCOTUSblog.com*, January 1, 2012.

Dube, Elliott T. and Michael O. Loatman. “Second Circuit Says Ricci Doesn’t Foreclose Black Firefighter’s Disparate Impact Lawsuit.” *The Bureau of National Affairs, Inc.*, August 23, 2011.

Editorial. “Nonpartisan suit a valid challenge.” *Kinston.com*, July 24, 2011.

Frankel, Alison. “Can federal judges order law firms to promote diversity?” *Thomson Reuters News & Insight*, December 19, 2011.

Greenfield, Daniel. “The Liberal Uses of Race.”

*Eurasiareview.com*, February 14, 2012.

Guthertz, Sen. Judi. “Our ‘outsider’ gets exploited by real outsiders.” *Mvguam.com*, December 15, 2011.

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

Hartwell, Ray. “Bowling to bigotry and Beijing.” *WashingtonTimes.com*, November 30, 2011.

Hasen, Rick. “U.S. Appeals Court rules in favor of nonpartisan advocates.” *electionlawblog.org*, July 10, 2011.

Hasen, Rick. “North Carolina Challenge to the Constitutionality of Section 5 Put on Expedited Schedule.” *Electionlawblog.org*, January 6, 2012.

Hasen, Rick. “DOJ Poised to Moot Kinston Case Challenging Constitutionality of Voting Rights Act.” *ElectionLawBlog.org*, February 3, 2012.

Hasen, Rick. “Would Preclearance Moot the Kinston Voting Rights Act Challenge?” *ElectionLawBlog.org*, February 6, 2012.

Hill, Justin. “Feds rethink stance on Kinston voting.” *Kinston.com*, February 2, 2012.

Hillyer, Quin. “Obama-Holder DoJ Embarrassed Again.” *Spectator.org*, February 13, 2012.

Matanane, Sabrina Sales. "Center for Individual Rights takes Guam to Court." *KUAM News*, November 21, 2011.

McNinch, Ron. "Inclusive discussions on status needed." *Pacific Daily News*, November 23, 2011.

Olsen, George. "Kinston non-partisan voting issue may end up in the U.S. Supreme Court." *Public Radio East*, August 5, 2011.

Orndorff, Mary. "Justice Department move might propel Shelby County, Ala., voting case to the U.S. Supreme Court." *The Birmingham News*, February 3, 2012.

Pacific News Center. "Class Action Challenges Guam's Decolonization Registry on Civil Rights Grounds." *PacificNewsCenter.com*, November 22, 2011.

Pringle, Brendan. "Conservatives under attack: Looking into a national trend." *Mustang Daily*, November 2, 2011.

Quintanilla, Ken. "Lawsuit filed against Guam Election Commission." *KUAM News*, November 22, 2011.

Sanger-Katz, Margot. "Justices Focus on Congress's Taxation Powers." *National Journal*, March 27, 2012.

Santos, Peter J. "Guam and Rice v. Cayetano." *www.mvariety.com*, November 29, 2011.

Taitano, Zita Y. "Plebiscite lawsuit filed." *MyGuam.com*, November 23, 2011.

Von Spakovsky, Hans. "DOJ Ignores Guam Voting Discrimination." *National Review Online*, November 22, 2011.

Von Spakovsky, Hans. "Guam Defends Racial Discrimination." *National Review Online*, January 3, 2012.

Von Spakovsky, Hans. "Reconsidering Section 5 of the Voting Rights Act." *National Review Online*, February 7, 2012.

Von Spakovsky, Hans. "Memo to Guthertz: Silence is Golden." *National Review The Corner*, March 23, 2012.

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

## Public Appearances

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

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.

Michael E. Rosman participated in a panel discussion sponsored by the Akron Law Chapter of the Federalist Society on Tuesday, September 20, 2011. His remarks addressed “Affirmative Action & State Anti-Preference Laws: The Dilemma of Legislating Equal Opportunity Under the Law.”

Michael E. Rosman delivered the keynote address at the Arizona State University Chapter of the Federalist Society on Thursday, October 6, 2011. His remarks addressed the *Brown vs. Entertainment Merchants Association* case regarding free speech and violent video games.

*Pacific News Center K57 Radio Interview* between Travis Coffman and former Congressman Robert Underwood about the class action lawsuit filed by the Center for Individual Rights against the Chamorro only vote, November 23, 2011.

Michael E. Rosman participated in a panel discussion sponsored by The Federalist Society & The Law Students for Reproductive Justice at Temple Law School in Philadelphia on February 13, 2012. The topic was “Feminism v. Federalism - *U.S. v. Morrison* Twelve Years Later: Did it Set Any Real Limits on Federal Power?”

Michael E. Rosman participated in a panel discussion at The Heritage Foundation on March 20, 2012. The topic was “ObamaCare in Briefs: the Brief Writers preview the Key Questions.”



# 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 at Claremont, 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 Principal of Sunlight General Capital LLC. 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, 2011-2012

**Christopher Nicholson**  
(Yale Law School)

**Richard Hanania**  
(University of Chicago Law School)

