About CIR:

“CIR would not think twice about representing a white male who had said something politically incorrect…. We would.”

Clint Bolick (Institute for Justice), *New York Times*

About CIR’s Lawsuits Against Racial Preferences:

*CIR “has led the legal assault against race-conscious college admissions.”*

*Chronicle of Higher Education*

About CIR’s First Amendment Lawsuits:

“The center...specializes in fighting ‘politically correct’ policies that it says violate freedom of speech or religion.”

*Chicago Tribune*
The Year in Review
2004 marks CIR’s 15th birthday. As we look back on this comparatively short history, we can take great satisfaction in many accomplishments. CIR has won four major Supreme Court victories outright and set several dozen major precedents at the Courts of Appeals. Each of these victories made fundamental changes to constitutional law that have measurably increased individual freedom.

CIR’s 1995 victory in Rosenberger v. University of Virginia started the Supreme Court down the road of government “neutrality” towards religion—neither including nor excluding religious organizations from government programs solely on the basis of their point of view. In U.S. v. Morrison, CIR helped restore vitality to the commerce clause, which is designed to limit Congress to regulation of truly national—not local—concerns. And CIR’s various free speech cases, starting with Silva v. New Hampshire, were some of the first successful challenges to draconian college speech, dress, and harassment codes.

But by far, CIR’s most enduring effort to date has been its effort to end the use of racial preferences. Beginning with our 1996 victory in Hopwood v. Texas, CIR’s sole objective has been a series of Supreme Court rulings striking down the use of race preferences in college admissions, government contracting, and government employment.

Last summer’s decisions in our two cases challenging the use of racial double standards by the University of Michigan—Gratz v. Bollinger and Grutter v. Bollinger—were a big step in that direction. The Court’s decisions reflected the relentless effects of a decade worth of litigation—nearly all of it brought by the Center for Individual Rights. In place of the usual fictions and pretenses intended to cloak racial preferences with respectability, the opinions reflected—even if they did not explicitly acknowledge—what CIR long has asserted: there is no principled justification for treating individuals differently on account of their race. While college officials may argue that race preferences are a political expedient, the Court confirmed that they never can be more than that.
The Court declared that a school may use race as one factor to ensure a racially diverse class, if it concludes that there is no other way to achieve diversity consistent with a school’s high academic standards. And the Court ruled that at best, race preferences are a temporary expedient that must be phased out within a twenty-five year period. Such qualifications and time limits underscore the lack of a firm constitutional foundation for racial double standards.

As a result of the Michigan rulings, schools across the country already are revising their admissions systems. Clearly illegal preferences are being jettisoned by the truckload. All uses of race are being closely scrutinized by university presidents and their nervous university counsel. No matter what they say in public, they well understand that a single lawsuit can force them into an expensive, long, and demoralizing legal battle the outcome of which can only be mixed.

CIR has achieved more than its share of decisive victories in its 15 years. It is regrettable that the Supreme Court did not see fit to end racial preferences once and for all as a matter of law. But the reality is that a political issue of this importance rarely can be “settled” by a single cataclysmic intervention by the Supreme Court. With or without the Supreme Court’s cooperation, the fact remains that CIR’s efforts over the last decade represent the most successful assault ever on racial preferences. In coming years, we will build on that record of success through continued legal challenges to racial preferences.

Even as it argued its Michigan cases before the Supreme Court, CIR was advancing the cause of individual rights and limited government in other areas. For example, CIR’s free speech and association cases challenge the increasingly popular idea that there are two First Amendments—one set of protections for those who espouse politically progressive views and another, weaker set for everyone else. CIR actively defends the right of organizations and individuals to express unpopular views, regardless of political outlook.

In September, CIR filed an exceptionally strong case on behalf of Steven Hinkle, a student at California Polytechnic State University (“Cal Poly”), who had the temerity to post a flier advertising a campus book talk by black conservative author Mason Weaver. For this, Hinkle was prosecuted by campus officials for disrupting a campus “event,” to wit, a group of students sitting nearby who were offended at the content of Weaver’s book. The First Amendment is utterly clear in prohibiting state suppression of speech based on point of view.

Central to CIR’s mission is exposing the government’s unconstitutional actions to public scrutiny—particularly when they deliberately are kept hidden by judicial sleight of hand. CIR continues to challenge consent decrees containing unconstitutional hiring
and promotion quotas, often negotiated behind closed doors by civil rights activists and compliant officials. It pressed ahead with one such case, Brennan v. New York City Schools, and looks forward to a resolution of this matter in the next year.

We take pride in the fact that despite CIR’s ripe old age, it hasn’t lost its edge. On what is a modest budget, CIR is fighting a dozen cases against powerful opponents with unlimited resources—the federal government; state governments; and large, prestigious state universities.

And yet, the tide is going our way. Not as quickly as we would have hoped, and not without setbacks, of course. But we are making a powerful point in the cases we bring and in the fact that we don’t back down. We believe that CIR has made its donors’ money go a very long way.

CIR’s programs fill a niche and serve important purposes. With respect to racial preferences, the conservative agenda pretty much is CIR’s agenda. It is a coherent, winning agenda; in fact, among the civil rights matters on CIR’s docket are virtually all the important cases in the country.

Though there are no guarantees in this business, CIR’s proven record of success and sound litigation strategy ensure that we’ll make further substantial progress toward the goal of non-discrimination.

We owe our accomplishments, as always, to the generosity and dedication of the law firms and attorneys who have provided CIR with millions of dollars of pro bono time; to the persistence of our donors who support our efforts through years of litigation; and to our hardworking staff. To all of them, we extend our profound gratitude.

Terence J. Pell
President

Jeremy Rabkin
Chairman of the Board

Outcome: Victory. Issue of injunctive relief and damages pending in District Court.

About Gratz:

“If you have a perfect SAT score, if you’re identified as a national student leader and you write an excellent essay, . . . you’ll come up with 19 points. If you’re a black applicant, you walk in the door with 20.”

Tom Brokaw, A Question of Fairness (NBC Special)

Challenged racial preferences in student admissions at the University of Michigan Law School.

Outcome: Loss.
Federal Appellate Courts


Outcome: Victory.

About Father Flanagan’s:
“The American Civil Liberties Union and the Center for Individual Rights are representing the Southeast Residents’ Group, who have characterized the lawsuit as an affront to First Amendment rights.”


Outcome: Victory. District Court dismissed lawsuit against the clients. Denial of attorney’s fees appealed.


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 Smith:
“The first time that a Federal Appellate Court has applied the guidelines for race-conscious admissions that were articulated by the U.S. Supreme Court last June.”

Roll Call

Chronicle of Higher Education

Status: Victory. U.S. District Court granted summary judgment in favor of CIR client Travis Compton. Jury found in favor of 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.

About Brennan:

“Quotas are what Washington is determined to impose on the schoolchildren of New York City, irrespective of the danger of putting unqualified people in charge of school boilers.”

New York Post (Editorial)


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

Outcome: Victory. Settlement agreement reached in which the University guaranteed Hinkle the right to post flyers on the same terms as everyone else.

About Hinkle:

A Cal Poly V.P. stated “that the white conservative [student] should have known that his very presence in the multicultural center would set off a, quote, ‘collision of experience.’”

Tony Snow, Fox News Sunday


Outcome: Victory. Settlement agreement reached, in which the University agreed not to determine salaries on the basis of gender.
Sypniewski v. Warren Hills Regional Board of Education, 307 F.3d 243 (3rd Cir. 2002), cert. denied, 123 S. Ct. 2077 (2003). Freedom of Speech. Representing student who was suspended for wearing a T-shirt with the word “redneck” in a First Amendment challenge to the school district’s dress code and racial harassment policy.

Status: Pending on remand to U.S. District Court to determine extent of shirt’s disruption in school. School’s petition seeking Supreme Court review of its loss in 3rd Circuit Court of Appeals denied.

**About Sypniewski:**

“It just shows you individual rights count.”

Thomas Sypniewski, Sr., *New York Times*


Status: Pending.

**About Worth:**

“The suit contends that HUD uses preferential hiring goals for women and minorities indiscriminately.”

*Wall Street Journal*
Public Information

Public Appearances

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


Radio and Television

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

CIR Publications (Selection)


News Coverage

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

**Feature Articles on CIR**


**On CIR and Freedom of Speech**


On CIR and Civil Rights


Martha Montelongo. “No Longer ‘We, the People.’” Washington Post, June 29, 2003.


## Financial Information

### Statements of Financial Position
March 31, 2004 and 2003

<table>
<thead>
<tr>
<th>Assets</th>
<th>2004</th>
<th>2003</th>
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</thead>
<tbody>
<tr>
<td>Cash and Cash Equivalents</td>
<td>$ 694,121</td>
<td>$ 1,042,648</td>
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<td>Investments</td>
<td>934,261</td>
<td>697,413</td>
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<td>Accounts Receivable</td>
<td>54,131</td>
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<td>Prepaid Expenses</td>
<td>6,954</td>
<td>11,509</td>
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<td>Property and Equipment (Net)</td>
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<td>19,951</td>
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<tr>
<td>Deposit</td>
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<td>17,075</td>
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<tr>
<td><strong>Total Assets</strong></td>
<td><strong>$ 1,741,698</strong></td>
<td><strong>$ 1,839,439</strong></td>
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<table>
<thead>
<tr>
<th>Liabilities and Net Assets</th>
<th>2004</th>
<th>2003</th>
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<tr>
<td>Accounts Payable and Accrued Expenses</td>
<td>$ 32,439</td>
<td>$ 55,511</td>
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<tr>
<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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<tr>
<td>Net Assets—Unrestricted</td>
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<td>1,712,439</td>
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<tr>
<td>Net Assets—Temporarily Restricted</td>
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<td>50,000</td>
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<td><strong>Total Net Assets</strong></td>
<td><strong>$ 1,677,564</strong></td>
<td><strong>$ 1,762,439</strong></td>
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| **Total Liabilities And Net Assets** | **$ 1,741,698** | **$ 1,839,439** |

### Statement of Activities
For the Years Ended March 31, 2004 and 2003

<table>
<thead>
<tr>
<th>Support</th>
<th>2004</th>
<th>2003</th>
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<tr>
<td>Contributions And Grants</td>
<td>$ 1,177,645</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>47,636</td>
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<td><strong>Total Support</strong></td>
<td><strong>$1,267,264</strong></td>
<td><strong>$1,563,454</strong></td>
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<thead>
<tr>
<th>Expenses</th>
<th>2004</th>
<th>2003</th>
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<td>Program:</td>
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<tr>
<td>Litigation</td>
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<td>$ 862,018</td>
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<td>Publications/Education</td>
<td>272,264</td>
<td>173,072</td>
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<td><strong>Total Program Expenses</strong></td>
<td><strong>$ 896,403</strong></td>
<td><strong>$ 1,035,090</strong></td>
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<td>Administrative</td>
<td>112,076</td>
<td>198,196</td>
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<td>Fundraising</td>
<td>343,660</td>
<td>448,365</td>
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<td><strong>Total Expenses</strong></td>
<td><strong>$ 1,352,139</strong></td>
<td><strong>$ 1,681,651</strong></td>
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<table>
<thead>
<tr>
<th>Change In Net Assets</th>
<th>2004</th>
<th>2003</th>
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<tr>
<td>Net Assets—Beginning</td>
<td>$ 1,762,439</td>
<td>$ 1,880,636</td>
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<tr>
<td><strong>Net Assets—Ending</strong></td>
<td><strong>$ 1,677,564</strong></td>
<td><strong>$ 1,762,439</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.*
The Center for Individual Rights

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. Formerly a litigator with the firm of Rosenman & Colin, he joined CIR in 1994.

Ralph L. Casale (J.D., Cornell Law School, 1988; B.A., University of Chicago, 1983) is CIR’s Associate General Counsel. Formerly a litigator with the firm of Tucker, Flyer and Lewis, he joined CIR in 1998.


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

N. Joy Jones (M.P.P., American University, 2004; B.A., Taylor University, 1998) is CIR’s Director of Development. She joined CIR in 1998.

Kalli Kokolis (B.A., University of Virginia, 2003) is CIR’s Legal Assistant. She joined CIR in 2004.

Law Clerks and Interns, 2003–2004

Pierre-Luc Arsenault (Harvard University Law School)
William Baude (University of Chicago)
Brian Ford (Georgetown University Law School)
Ryan Gavin (Georgetown University Law School)
Eliana Johnson (Yale University)
Andrew J. Patch (Stanford Law School)
Daniel Staroselsky (Georgetown University Law School)