

Judge Strikes Down Congressional Ban on Funding ACORN

March 10, 2010, New York, NY – Today, federal judge, for the second time, granted an injunction against Congress' unconstitutional de-funding of the Association of Community Organizations for Reform Now (ACORN) to apply to federal budget provisions signed into law by President Obama in December 2009 and ordered the United State of America and several named agencies to rescind orders cutting off funding to ACORN and its affiliates and allies. A preliminary injunction was won in December 2009 in the Center for Constitutional Rights' (CCR) case charging Congress with violating the U.S. Constitution's protections against Bill of Attainders and the First and Fifth Amendments in several recurring resolutions. Today's opinion extends that protection by ordering a permanent injunction and directing agency heads to disregard the provisions denying funding and to rescind the memos that implemented the Congressional action.

We are pleased with the ruling made by Judge Nina Gershon today. That Congress passed a budget, signed by President Obama, days after federal judge ruled bills of attainder unconstitutional shows just how intent these lawmakers are to target this one organization while violating their right to due process and freedom of association by targeting affiliated and allied organizations, as well. This is a rebuke of the smear tactics of the far right.

Jules Lobel, CCR cooperating attorney who argued the case:

This is why the Constitution contains a prohibition against Congress enacting a bill of attainder – to prevent Congress from acting as judge jury and executioner.

The new budget passed by Congress and signed by President Obama in December included three specific references targeting ACORN for de-funding. The plaintiffs are ACORN, the ACORN Institute, and the New York ACORN Housing Company. The suit is ACORN v. USA and was filed in federal court in the Eastern District of New York.

Said CCR attorney Darius Charney,

Members of Congress were found to have violated the Constitution by declaring an organization guilty of a crime and punishing it and its members without benefit of a trial, then underhandedly passed a new budget doing exactly the same thing. While this ruling may not be the end of the unfair targeting of ACORN, it is certainly a step in the right direction to protecting the fundamental right to due process. Today Court upheld the Constitution and the rule of law – the people will benefit from this exercise of our system of checks and balances.

The court's ruling stated, "I can discern no non-punitive rationale for a Congressional ban on [ACORN] from federal funding (page 22)." "Defendant Peter Orszag, in his official capacity as Director of the Office of Management and Budget, is hereby, permanently (1) enjoined from instructing or advising federal agencies to enforce any of the legislative provisions declared unconstitutional by this court;... (page 33)"

For more information, go to our [ACORN v. USA case overview page](#).

Jules Lobel is lead counsel in the case; other counsel include CCR Legal Director Bill Quigley and CCR Staff Attorney Darius Charney; CCR Cooperating Attorneys Bill Goodman and Julie Hurwitz of Goodman & Hurwitz, Detroit, MI; and attorney Arthur Schwartz of New York.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change.