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Acorn Sues Over Funding Vote in House

By [KAREEM FAHIM](#)

Saying a resolution by the House of Representatives that [barred Acorn from receiving federal aid](#) violated the Constitution by singling the antipoverty group out for punishment, lawyers for [Acorn](#) filed a lawsuit on Thursday that seeks to restore the financing.

The lawsuit, filed in United States District Court in Brooklyn, says that the Congressional resolution constitutes a “bill of attainder,” or a legislative determination of guilt without a trial. In the suit, Acorn, which came under fire especially from conservative critics after a series of embarrassing scandals, said it was penalized by Congress “without an investigation” and has been forced to cut programs that counsel struggling homeowners, and to lay off workers.

For example, it said, because of budget cutbacks, a first time homebuyer class in New York that enrolled 100 people in September enrolled only seven people in October, after the Congressional action.

“It’s a classic trial by the Legislature,” said Jules Lobel, a lawyer with the [Center for Constitutional Rights](#), which brought the suit. “They have essentially determined the guilt of the organization and any organization affiliated or allied with it.”

The suit represents the first legal response by Acorn to the Congressional action in September, when the House of Representatives added the financing prohibition to a bill on college lending.

Before the vote, the organization had come under heavy criticism by conservative groups amid allegations of voter registration fraud; critics intensified their attacks after Acorn counselors were videotaped giving mortgage advice to activists posing as a pimp and a prostitute interested in setting up a brothel. The counselors were fired.

The Obama administration has also distanced itself from Acorn, which is short for Association of Community Organizations for Reform Now.

Since 1994, the group has received about \$53 million in federal aid.

At the time of the House vote, Acorn said the action would have little impact, since the group receives most of its income from members and other supporters. But in the suit, the group said that many of those supporters had cut off their relationships with Acorn, for fear of being tainted.

In an affidavit attached to the lawsuit, Bertha Lewis, the chief executive of Acorn, said she “underestimated” the effect of the resolution. “It gave the green light for others to terminate our funds as well,” she said. “All of our state and local grants were frozen, as were most of our private foundation funds.”

And several applications made by Acorn for contracts with federal agencies have also been rejected, the suit said, including a \$780,000 grant for outreach to poor communities about asthma, and an application to set up public computer centers in five different cities.

The law suit names as defendants [Timothy F. Geithner](#), the treasury secretary; [Shaun Donovan](#), the secretary for Housing and Urban development; and [Peter R. Orszag](#), who, as the director of the [Office of Management and Budget](#), enforced the freeze on financing, the suit alleges.

Claims that lawmakers have violated the constitutional prohibition on bills of attainder are difficult to win, because courts have construed the clause as applying to punitive measures, according [Michael C. Dorf](#), a constitutional law professor at [Cornell University](#).

“Even though it’s certainly plausible to infer, given the politics and timing, that there was an aim to punish Acorn,” Professor Dorf said, “the government would undoubtedly defend on the grounds they can choose to fund or not to fund.”

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