

House Ban on Acorn Grants Is Ruled Unconstitutional

By JANIE LORBER

WASHINGTON — The federal government must continue to provide grant money to the national community organizing group Acorn, a federal court ruled Friday, saying that the House violated the Constitution when it passed a resolution barring the group from receiving federal dollars.

A judge at the United States District Court in Brooklyn issued a preliminary injunction that nullifies the resolution and requires the government to honor existing contracts with the group and review its applications for new grants unless the Obama administration appeals the decision.

The court ruled that the resolution amounted to a “bill of attainder,” a legislative determination of guilt without trial, because it specifically punishes one group.

That provision plays a crucial, but rarely necessary, role in maintaining the balance of powers, said Eric M. Freedman, a professor of constitutional law at Hofstra Law School. “It says that

the Congress may not act as judge, jury and executioner. That is precisely what the Congress sought to do in this case, and the district court was entirely right to enjoin it.”

In the opinion, Judge Nina Gershon wrote of Acorn, “They have been singled out by Congress for punishment that directly and immediately affects their ability to continue to obtain federal funding, in the absence of any judicial, or even administrative, process adjudicating guilt.”

The Justice Department said it was still reviewing the ruling Friday night.

Judge Gershon’s opinion made a point of separating the court’s ruling from the controversy surrounding Acorn, which is short for Association of Community Organizations for Reform Now.

The House acted after the organization came under fire for a series of embarrassing scandals, most notably the disclosure by conservative activists of videotape showing Acorn counselors giving mortgage advice to people posing as a pimp and a prostitute

interested in setting up a brothel. Even before that, Republicans attacked the group, accusing it of voter registration fraud in 2008.

Jules Lobel, a lawyer at the Center for Constitutional Rights, which brought the suit on behalf of Acorn, said the resolution was the first time Congress had ever singled out one group for punishment. “Whenever you challenge a statute of Congress, it’s always a significant political battle,” Mr. Lobel said.

The chief executive of Acorn, Bertha Lewis, issued a statement calling the ruling a victory for the group and “the citizens who work through Acorn to improve their communities and promote responsible lending and homeownership.”

In a lawsuit filed last month, Acorn argued that it was penalized by Congress “without an investigation” and had been forced to cut programs that counsel struggling homeowners and to lay off workers.

John Schwartz contributed reporting from New York.

