



*An Attack on the Rights of the Poor, Working Class*

# ACORN v. United States of America

## ACORN: Organizing Poor and Working Class Communities

The Association of Community Organizations for Reform Now (ACORN) was the nation's largest and most successful community organization of low and moderate income families with more than 500,000 members in over 1,000 neighborhood chapters in 75 cities across the country. Founded in 1970, ACORN was a powerful association of community organizations committed to social and economic justice that had won thousands of victories for its poor and working class members.

ACORN provided decent and affordable housing for tenants and first-time homebuyers, secured a living wage for low-wage workers, sought to end predatory lending practices, supported the public school system, and provided a path to citizenship for new immigrants. In addition, ACORN helped over 2 million people register to vote after 2003, raised the minimum wage to a living wage in dozens of communities across the country and assisted over 150,000 people file their tax returns.

## The Right-Wing Vendetta Against ACORN

In September 2009, right-wing activists released heavily edited videos showing ACORN employees providing misinformation on housing opportunities and tax preparation to who appeared to be potential clients. ACORN promptly terminated the employees involved, and the former Attorney General of Massachusetts, Scott Harshbarger, was hired to conduct an internal investigation and found that there was no illegal conduct. It was later revealed that the potential clients were actually conservative activists pretending to be community members and that the video was fraudulent. However, pressure against ACORN and the subsequent attack to defund the community organization continued to mount.

ACORN was targeted as part of an extreme right-wing agenda against progressive organizations working for open social change and justice for poor and working class Americans (individuals who have been consistently disenfranchised and excluded from the political and economic system). The

**“Congress bowed to FOX News and joined in the scapegoating of an organization that helps average Americans going through hard times to get homes, pay their taxes and vote.”**

—Bill Quigley  
CCR Legal Director

media campaign to destroy ACORN - orchestrated by political forces that have persistently defamed ACORN and similar community groups and social justice organizations - led several members of Congress to accuse ACORN of being a criminal enterprise. Shortly thereafter, Congress de-funded ACORN by passing a law to bar the organization and all its affiliated organizations and allies from receiving federal funding.

## Congress' Unconstitutional Attack

Though no ACORN corporation has ever been convicted of any state or federal criminal charges, members of Congress have repeatedly made bogus allegations that ACORN engaged in fraud, criminal conspiracy and money laundering. Congress has never held a hearing on ACORN, nor has it ever authorized any investigation into the community organization. After calls for an impartial investigation into federal funding awarded from 2005 to 2009 to ACORN, the Government Accountability Office issued a report in June 2010 finding no misuse of federal funds by ACORN. The report also found that ACORN provided “a wide range of public services.”

Congress acted as judge, jury and executioner by barring federal government funds without a fair investigation or trial. Congress violated the U.S. Constitution, the right to due process, the freedom of association and federal regulations that govern how it should address federal contractors or grantees accused of fraud or misconduct.



## The Devastating Effects of the De-funding of ACORN

As a result of Congress' actions, all pre-authorized federal funds were frozen and withdrawn and ACORN and all of its affiliates and allies were barred from applying for any more federal grants. As a result, many ACORN programs dependent on federal funds were promptly discontinued, and ACORN was forced to dismantle many of its offices across the country and filed for bankruptcy in November 2010.

Without federal funding, ACORN has been unable to work on behalf of poor and working class people across the nation. ACORN, its affiliated organizations and the communities they organize have been devastated.

## The case of *ACORN v. USA*

In November 2009, the Center for Constitutional Rights (CCR) filed *ACORN v. United States of America* on behalf of ACORN, ACORN Institute, Inc. and New York ACORN Housing Company, Inc. in the U.S. District Court Eastern District of New York.

**"When our backs were up against the wall, and no one else would come to our aid and help us, the Center for Constitutional Rights stood up and helped us fight the right-wing attacks that threatened to destroy our organization."**

**-Bertha Lewis, former CEO of ACORN**

CCR filed *ACORN v. USA* in order to stop Congress from cutting ACORN's federal funds. In March 2010, a federal judge found the Congressional ACORN funding ban unconstitutional and ordered the U.S. Government and several federal agencies to rescind orders cutting off funding to ACORN and its affiliates and allies. The U.S. Government appealed this order, and in August 2010, a 3-judge panel of the U.S. Second Circuit Court of Appeals reversed the decision of the District Court. After an unsuccessful attempt to obtain en banc review from the entire Second Circuit, in February 2011 CCR petitioned the United States Supreme Court to hear the case.

## **Tell Congress It Can't Be Judge, Jury and Executioner**

By singling out ACORN without so much as a single hearing, Congress has initiated an unconstitutional attack on poor people, on working people and on democracy itself.

**Write to your Congressional representative today and demand that they:**

1. Stand up for fairness;
2. Respect the Constitution;
3. End the defunding of organizations without respect for due process; and
4. Stop acting as judge, jury and executioner.

**visit: <http://ccrjustice.org/acorn>**