

What is a Bill of Attainder?

A Bill of Attainder is a legislative act that **punishes a specific individual or group without a trial or judicial hearing.**

Out of a concern for due process and the separation of powers, the United States Constitution expressly forbids Bills of Attainder, whether at the federal or state level. In U.S. history, six acts of Congress have been overturned because they were determined by the courts to be Bills of Attainder.

The prohibition on Bills of Attainder was included by the Constitution's framers because they witnessed how such bills were abused by the British monarchy and Parliament to **punish dissidents, political rivals and popular movements**, often by taking property—or even by execution. The framers were determined that this brand of arbitrary justice would not take root here in the United States, where free expression and freedom of association were considered essential rights in a democracy.

A Bill of Attainder **punishes** a specific individual or group **without a trial** or judicial hearing—a concern for the separation of powers in clear **violation of the U.S. Constitution.**



An ACORN member and his son

How did Congress “de-fund” ACORN ?

Congress de-funded ACORN by adding a paragraph into a law that sets a temporary budget for all government programs. **The law bars ACORN—a community organization—and any allied or affiliated organizations from receiving any federal grants or funds or from participation in federal programs.**

Section 163 of the act reads: “None of the funds made available by this joint resolution or any prior Act may be provided to [ACORN] or any of ACORN’S affiliates, subsidiaries, or allied organizations.” This section constitutes a Bill of Attainder, which is unconstitutional. The Act is also unconstitutional because it violates the First and Fifth Amendments of the Constitution that protect the right of freedom of association and the right to due process and basic fairness.

Why is ACORN being attacked?

Congress de-funded ACORN in large part due to a **public relations campaign orchestrated by political forces that have persistently attacked and defamed ACORN and similar community groups or social justice organizations.** These forces are motivated by their hostility to ACORN’s tireless commitment to registering voters, particularly those poor and working Americans who have been consistently disenfranchised and excluded from the American political system.

Who is ACORN?

The Association of Community Organizations for Reform Now (ACORN) is the nation's largest and most successful community organization of low and moderate income families, with more than 500,000 members organized into over 1000 neighborhood chapters in 75 cities across the country. Since 1970 ACORN has been building solidly rooted and powerful community organizations that are committed to social and economic justice, and have taken action and won victories on thousands of issues of concern to our members.

ACORN's priorities include: decent and affordable housing, for first time homebuyers and tenants; living wages for low-wage workers; an end to predatory financial practices; public schools that work for all students; and a path to citizenship for new immigrants to this country. ACORN achieves these goals by building community organizations that have the power to win changes – through direct action, negotiation, legislation, and voter participation.

What is ACORN v. U.S.A?

ACORN v. United States of America is a civil action filed by the Center for Constitutional Rights (CCR) 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.

CCR filed a Complaint for Injunctive and Declaratory Relief, which would stop Congress from punishing ACORN by cutting its federal funds. The complaint claims that Section 163:

1. Violates the U.S. Constitution because it is a Bill of Attainder;
2. Violates plaintiffs' First Amendment rights; and
3. Violates the plaintiffs' Fifth Amendment right to due process protected by the Constitution.

The complaint also states that in passing the Act, Congress bypassed federal regulations that govern how Congress should address federal contractors or grantees who are accused of fraud or misconduct. Instead, Congress singled out ACORN and the other

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plaintiffs without a hearing before deciding to defund the organizations.

ACORN Institute, Inc. (AI) is a Louisiana-based non-profit that works on civil rights, employment, housing and social service issues in low-income communities. AI has a separate existence from ACORN and collaborates closely with ACORN to provide free tax preparation; benefits enrollment; foreclosure prevention services; and outreach and education activities such as financial literacy training in public housing projects.

New York ACORN Housing Company Inc., also a plaintiff in this case, manages over 140 buildings with 1200 apartments throughout New York City. In the last 3 years, they have purchased 3 separate housing developments from the U.S. Department of Housing and Urban Development (HUD), thereby preventing the eviction of residents of 345 apartments.

What YOU can do to help:

Call your representative *today* and tell them Congress can't be the judge, jury and prosecutor.

Everyone has the right to due process.

To learn more about
ACORN v. U.S.A:

Visit www.CCRjustice.org

CCR 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.