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NCLA Clears Way for Mass. Small-Biz Owners to Receive COVID-19 Relief Grants

Washington, DC (November 3, 2020) – Thanks to the swift action of the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, small businesses in Massachusetts still struggling due to COVID-19 shutdowns and restrictions can now apply for a relief grant—even if the applicant is party to litigation involving the Commonwealth, city or town in which it operates.

Massachusetts Growth Capital Corporation (MGCC), established by the Massachusetts legislature in 2010 to create and preserve jobs and small businesses, administers a \$50.8 million grant program to assist small businesses struggling during the COVID-19 pandemic. But MGCC had been disqualifying the small-business Petitioners of the [*Desrosiers v. Baker*](#) case because they are currently challenging Governor Baker’s Civil Defense State of Emergency and his COVID-19 Executive Orders in the Massachusetts Supreme Judicial Court.

Michael DeGrandis, NCLA Senior Litigation Counsel and lead counsel in the *Desrosiers* case, immediately contacted the Attorney General’s Office and the MGCC, objecting to a policy that punished small business owners simply for seeking to vindicate their civil liberties in court. The arbitrary policy prohibited all litigation involving the government—even where the applicant was on the same side as the Commonwealth or municipality.

The Petitioners, which include small business owners, church pastors, and the headmaster of a private school, assert (among other things) that Governor Baker’s declaration of a Civil Defense State of Emergency and his COVID-19 Executive Orders violate the separation of powers in the Massachusetts Declaration of Rights.

MGCC quickly agreed to remove the litigation prohibition, and it now encourages all small businesses to apply for the grant funds, especially those “whose owners are women, minorities, veterans, members of other underrepresented groups, who are focused on serving the Gateway Cities of Massachusetts, and those most negatively impacted by the COVID-19 pandemic. Preference will also be given to applicants that have not been able to receive aid from other federal programs related to COVID-19.”

Applications opened October 22, 2020 and will close on November 12, 2020. All applicants previously disqualified due to the litigation prohibition should reapply before the November 12th deadline.

NCLA released the following statement:

“The Petitioners are courageous people who have taken a principled stand on the side of the Constitution. It’s essential that NCLA protects their rights to have their case heard in court and to petition the government for a

redress of their grievances, without fear of reprisal. I am pleased that MGCC agreed to remove its ban on litigation involving the Commonwealth and expand access to grant funds to our clients and all other Massachusetts small businesses in the same situation.”

— **Michael DeGrandis, NCLA Senior Litigation Counsel**

ABOUT NCLA

NCLA is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar Philip Hamburger to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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