NEW CIVIL LIBERTIES ALLIANCE

Annual Report 2023

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2023: A Banner Year!

NCLA's most significant 2023 milestone occurred when Justice Kagan delivered a game-changing, unanimous victory in NCLA's first Supreme Court case, *SEC v. Cochran*. Then, within the space of three weeks last fall, the Supreme Court agreed to hear three additional original litigation cases brought by NCLA: *Relentless Inc. v. Dept. of Commerce* (on Oct. 13), *Murthy v. Missouri* (on Oct. 20), and *Garland v. Cargill* (on Nov. 3). This is an unprecedented achievement for a nonprofit law firm as young as ours, and it portends a tremendous 2024. These cases all involve issues pivotal to reining in unlawful administrative actions by federal agencies.

The Supreme Court ruled in *SEC v. Cochran* that individuals caught up in administrative adjudications need not undergo protracted, predestined-to-be-vacated proceedings before raising fundamental constitutional claims in federal district court. This victory had a broad impact which led to SEC's dismissing 42 pending enforcement cases in June, three of which were NCLA clients.

In its lawsuit, *Relentless Inc. v. Dept. of Commerce*, NCLA is challenging the *Chevron* judicial deference doctrine used by the lower courts to uphold a NOAA rule. Without Congressional approval, the National Oceanic and Atmospheric Administration began forcing herring fishing fleets to pay for onboard human observers to watch the fishermen fish. Abolishing deference has the potential to restore the separate legislative, executive, and judicial roles of our three branches of government.

In a January 2023 *en banc* decision in *Cargill v. Garland*, the full Fifth Circuit voted 13-3 that a law banning machine guns does not ban bump stocks and that ATF may not rewrite criminal law to do so. This crucial case will decide whether any federal agency has the authority to criminalize behavior without involving Congress.

In *Murthy v. Missouri*, NCLA represents four clients in a lawsuit brought against multiple agency heads and bureaucrats for censoring people's speech on Twitter, Facebook, and other social media platforms. The lower courts agreed with NCLA that these government officials violated the First Amendment by coercing or significantly encouraging social media platforms to censor our clients' lawful speech.

NCLA's 2023 accomplishments have set the stage for a watershed 2024 based on anticipated outcomes in these important Supreme Court cases. Thanks to all of you who have supported our efforts to bring these cases before the High Court.

This past year has been significant for NCLA outside the courtroom too. Our media and engagement activities are burgeoning, and we hit a new high-water mark by raising over $6.1 million. We also negotiated a new long-term lease that will move NCLA to a larger, more affordable office space across the Potomac River in Arlington, VA. Stay tuned for our new address in December 2024!

Mark Chenoweth
NCLA President

MEET OUR BRAVE CLIENTS WHO TOOK THEIR FIGHTS TO THE U.S. SUPREME COURT

Michelle Cochran

Targeted by SEC

Michael Cargill

Challenging ATF

Meghan Lapp

Fighting NOAA

Jay Bhattacharya

Silenced by the White House

NCLA CASES REACH THE SUPREME COURT

1. SEC Surrenders After Supreme Court Victory for NCLA

SEC v. Cochran

DUE PROCESS OF LAW

NCLA client Michelle Cochran bravely battled the Securities and Exchange Commission for seven-and-a-half years. Last April, Ms. Cochran unanimously won her argument at the U.S. Supreme Court, which held that she could bring "fundamental" constitutional challenges in federal court before enduring administrative adjudication.

This landmark ruling freed Americans trapped in interminable regulatory purgatory to seek relief in federal court from proceedings where the agency is prosecutor, judge, jury and first court of appeal—or as the high court put it, where "agencies, as currently structured, are unconstitutional in much of their work."

In June, SEC announced the unprecedented dismissal of 42 pending enforcement cases including Ms. Cochran's. This dismissal occurred over a year after SEC revealed that members of its enforcement staff had illegally downloaded and gained access to privileged adjudicative documents for years. SEC called it a "control deficiency." NCLA calls it Exhibit A on why administrative adjudication must end.

2. NCLA Fights *Chevron* Deference to Defend Judicial Independence

Relentless v. Department of Commerce

DUE PROCESS OF LAW

NCLA presents our *Relentless Inc. v. Dept. of Commerce* case before the Supreme Court this term, demanding an end to the unconstitutional *Chevron* doctrine and a NOAA rule requiring fishermen like our clients to pay for at-sea government monitors on their boats. Arguing in tandem with *Loper Bright Enterprises, et al. v. Raimondo*, where we filed an *amicus* brief, NCLA raises core problems with *Chevron* deference that Philip Hamburger has long emphasized.

First, employing such deference abandons a judge's duty to provide independent judgment. Second, when a federal court defers to an agency's legal interpretation, the litigants opposing that agency do not have their case judged by an impartial adjudicator. So, *Chevron*'s systematic pro-government bias denies due process of law to agency opponents.

The government must pay for any monitors it places on our clients' boats, like it did for years before NOAA introduced its rule. As our client Meghan Lapp says, "One abusive regulation like this can economically force vessels like ours out of a fishery we have sustainably harvested in for 40 years. Fishermen shouldn't be forced to pay out of pocket to expand a government program that the government doesn't have enough money to fund itself." Congress never gave NOAA the power to charge these costs.

3. NCLA Corrals Bump-Stock Ban Showdown with ATF at Supreme Court

Garland v. Cargill

SCOPE OF AUTHORITY

NCLA has fought the Bureau of Alcohol, Tobacco, Firearms and Explosives' unconstitutional bump-stock ban for five years in *Garland v. Cargill*. ATF issued its Final Rule in 2018 defining semi-automatic firearms equipped with bump stocks as "machineguns," which federal law prohibits. The rule required our client, Texas gun shop owner and Army veteran Michael Cargill, and all bump-stock owners, to either destroy their legally purchased devices, turn them in, or face a ten-year federal prison sentence.

In January 2023, NCLA convinced the U.S. Court of Appeals for the Fifth Circuit to shoot down ATF's unilateral ban. The Court's 13-3 bipartisan majority determined that the ban conflicts with the federal statute defining "machinegun." That ruling agrees with a subsequent decision by the U.S. Court of Appeals for the Sixth Circuit and an earlier one from the Navy-Marine Corps Court of Criminal Appeals, but it conflicts with Tenth Circuit and D.C. Circuit rulings.

The Supreme Court agreed to resolve this statutory interpretation issue. NCLA welcomes this opportunity to obtain a nationwide decision that will prevent the agency from criminalizing innocent Americans for owning devices deemed lawful by the Bush and Obama Administrations for over a decade.

4. NCLA's Landmark Social Media Censorship Case Arrives at Supreme Court

Murthy v. Missouri

FREE SPEECH

The U.S. Supreme Court is set to hear arguments over the Fifth Circuit's upholding of a Fourth of July preliminary injunction in *Murthy v. Missouri*, a case brought on behalf of NCLA clients Drs. Jayanta Bhattacharya, Martin Kulldorff, and Aaron Kheriaty, and Ms. Jill Hines.

The injunction would bar officials from the White House, CDC, FBI, Cybersecurity and Infrastructure Security Agency, and Surgeon General's office from coercing or significantly encouraging social media platforms to censor constitutionally protected speech. NCLA welcomes this opportunity to defend our clients' First Amendment rights.

The Biden Administration's censorship regime has successfully suppressed perspectives contradicting government-approved views on hotly disputed topics such as whether natural immunity to Covid-19 exists, the safety and efficacy of Covid-19 vaccines, the virus's origins, and mask mandate efficacy.

The vast, coordinated, and well-documented effort has silenced influential, highly qualified voices including doctors and scientists like Drs. Bhattacharya, Kulldorff and Kheriaty, as well as those like Ms. Hines who have tried to raise awareness of issues. NCLA believes the Justices are ultimately unlikely to permit the egregious First Amendment abridgements this case has exposed.

OUR CASES

NCLA Triumph in Unlawful Charter Boat Surveillance Rule Case Leads Government to Pay Attorneys' Fees

Mexican Gulf v. Department of Commerce

UNLAWFUL SEARCHES

In February 2023, NCLA convinced the U.S. Court of Appeals for the Fifth Circuit to set aside an unconstitutional National Marine Fisheries Service (NMFS) Final Rule that required 24-hour GPS tracking of recreational charter fishing vessels and reporting of confidential economic data. Then in November 2023, NCLA agreed to dismiss its motion for fees under the Equal Access to Justice Act in *Mexican Gulf Fishing Company v. U.S. Department of Commerce*.

In lieu of a court judgment on the pending motion, the U.S. Government has paid NCLA a $160,000 fee settlement. NCLA celebrates this just conclusion to our clients' long-fought battle against the Final Rule, along with Greg Grimsal and his colleagues at the New Orleans firm of Gordon Arata, who provided invaluable local counsel in the case.

Photo: Captain Allen Walburn, NCLA client

NCLA DEFEATS CALIFORNIA LAW CENSORING DOCTORS' COVID-19 MEDICAL ADVICE

Høeg v. Newsom

FREE SPEECH

Senior Judge William B. Shubb granted a preliminary injunction in our *Høeg v. Newsom* lawsuit, blocking California from implementing Assembly Bill (AB) 2098 against our clients. The controversial state law empowered the Medical Board of California to discipline physicians who "disseminate" information regarding Covid-19 that departs from the "contemporary scientific consensus."

We celebrated this victory with our clients, Board-licensed physicians Drs. Tracy Høeg, Ram Duriseti, Aaron Kheriaty, Pete Mazolewski and Azadeh Khatibi, whose First Amendment rights and Fourteenth Amendment rights to due process of law were violated by AB 2098.

Our clients in this case experienced threats from other doctors and individuals on social media to use AB 2098 to have their licenses taken away, an obvious attempt to suppress the doctors' speech. They were put between a rock and a hard place, fearing repercussions for acting in their patients' best interest by honestly giving them the information they believed their patients needed in order to make informed care decisions.

After NCLA's injunction, Gov. Newsom and the state legislature saw the writing on the wall. Rather than suffer further humiliation in federal court, they repealed AB 2098 in the Fall. This move implicitly conceded that AB 2098 was unconstitutional. The law's demise vindicated California patients' rights to hear doctors' sincere advice on medical matters, especially when the current "consensus" lags behind an individual doctor's knowledge, experience, and research, and cannot account for her or his patient's individual circumstances.

Photo: Dr. Azadeh Khatibi, NCLA client

NCLA Challenges Government's Censorship of Support Groups for Victims of Vaccine Injuries

Dressen v. Flaherty

FREE SPEECH

NCLA is leading a lawsuit against the government's ongoing efforts to shut down victim support groups on Facebook. NCLA's clients discovered that federal agencies are working in concert with social media companies and the Stanford Internet Observatory's Virality Project to monitor and censor online support groups catering to those injured by Covid-19 vaccines. This sprawling censorship enterprise has combined the efforts of numerous federal agencies and government actors—including within the White House—to coerce and induce social media platforms to censor, suppress, and label as "misinformation" speech expressed by those who have suffered vaccine-related injuries.

NCLA represents Brianne Dressen, Shaun Barcavage, Kristi Dobbs, Nikki Holland, Suzanna Newell, and Ernest Ramirez. All but Mr. Ramirez have suffered vaccine-related injuries. Mr. Ramirez lost his 16-year-old son to vaccine-induced cardiac arrest five days after Ernest, Jr. received the Pfizer vaccine. The First Amendment forbids the government from suppressing the speech and association rights of innocent victims who are just seeking to commiserate with other sufferers. Ms. Dressen volunteered for a Covid-19 vaccine trial and was diagnosed vaccine-injured by the National Institutes of Health.

Photo: Ernest Ramirez, Brianne Dressen and Nikki Holland, NCLA clients

NCLA Exposes U.S. State Department-Funded Censorship Regime

The Daily Wire v. State Department

FREE SPEECH

NCLA has launched a lawsuit on behalf of The Daily Wire and The Federalist to stop what appears to be one of the federal government's most egregious First Amendment violations in history. The State Department uses its Global Engagement Center to finance the development and promotion of censorship technology and enterprises, including working with third parties like NewsGuard and the Global Disinformation Index, both of which blacklist domestic news organizations.

These government-funded and government-promoted censorship technologies and enterprises target media outlets that oppose the government's narrative, like The Daily Wire and The Federalist. The intention is to suppress their views by depriving them of advertising. The blacklists seek to discredit and demonetize American media outlets they brand "risky" or "unreliable," aiming to redirect advertiser money and audiences to outlets that publish favored viewpoints.

This censorship regime violates the First Amendment rights of our clients, numerous similar outlets, and their readers. The State of Texas joins NCLA in this lawsuit, recognizing that the State Department lacks authority to fund and market censorship technologies for use against domestic targets.

NCLA Asks Supreme Court to Rein in Qualified Immunity for Officials Who Violate Speech Rights

Felkner v. Nazarian

FREE SPEECH

Faculty of the public Rhode Island College's Master of Social Work program were hostile to then-student William Felkner's political views, hindering his progression through the program for ideological reasons until the interim dean dismissed him entirely in 2008. The Supreme Court of Rhode Island later decided that Mr. Felkner presented sufficient evidence to establish that university officials had violated his rights to free speech and expression.

However, on remand, the Rhode Island Superior Court granted the RIC officials "qualified immunity" because it was not "clearly established" ahead of time that their conduct would violate Mr. Felkner's free speech rights.

This September, we petitioned the Supreme Court to hear *Felkner v. Nazarian* and abolish the standard for "qualified immunity" requiring law violations to be "clearly established" via prior court precedents before officials can be held accountable. We asked the Justices to decide whether deskbound officials legally deserve qualified immunity, when they have plenty of time to seek legal counsel before violating a student's First Amendment rights.

Photo: William Felkner, NCLA client

Federal Judge Enjoins, Vacates Education Dept.'s Discriminatory Fulbright Rule

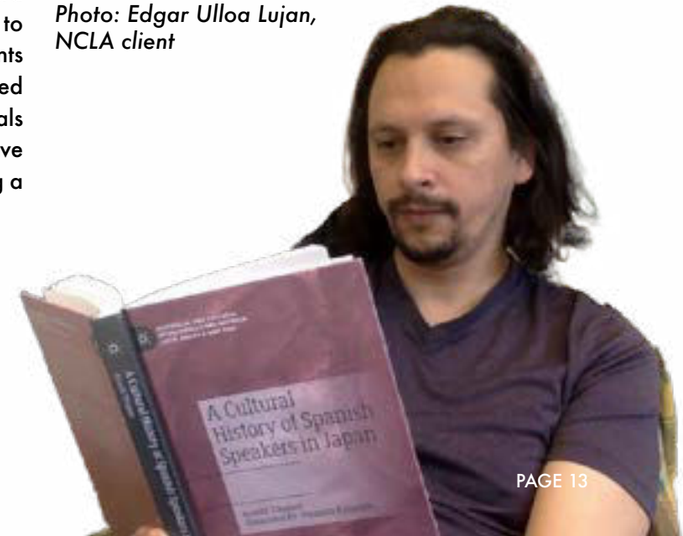
Lujan v. Department of Education

GUIDANCE ABUSE

NCLA brought a lawsuit on behalf of Edgar Ulloa Lujan, Samar Ahmad, and Veronica Gonzalez against the Department of Education's discriminatory evaluation process for the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship. The Department's "native language penalty" unlawfully disqualifies American citizens from the fellowship program if they immigrated here from non-English-speaking countries and fluently speak the language of their national heritage.

In March 2023, Judge David C. Guaderrama of the U.S. District Court for the Western District of Texas granted Ms. Gonzalez's motion for preliminary injunction in the case, vacating the "native language penalty" and finding that "the Department likely acted outside its statutory authority."

Photo: Edgar Ulloa Lujan, NCLA client



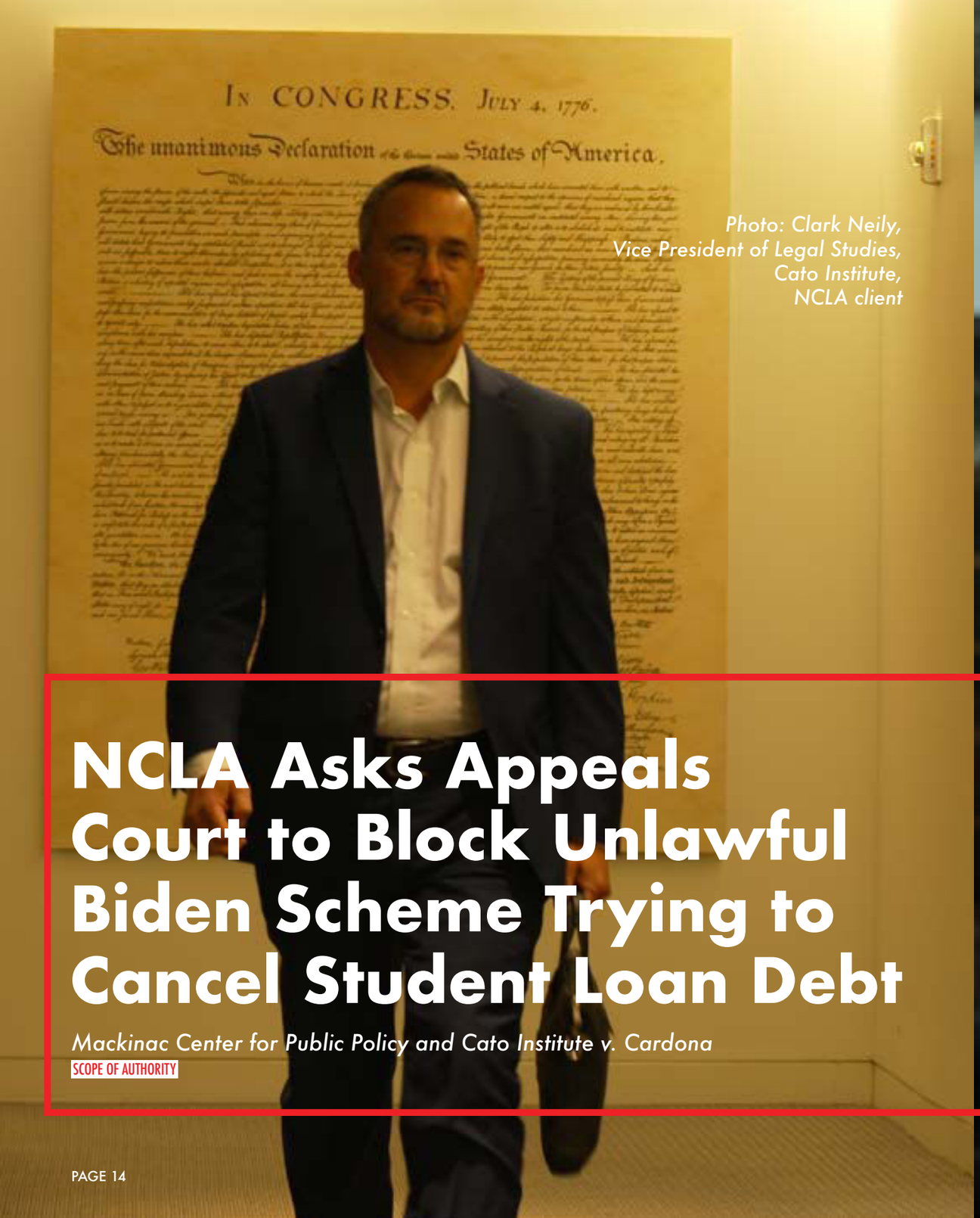


Photo: Clark Neily, Vice President of Legal Studies, Cato Institute, NCLA client

Photo: Joseph G. Lehman, President, Mackinac Center for Public Policy, NCLA client

NCLA Asks Appeals Court to Block Unlawful Biden Scheme Trying to Cancel Student Loan Debt

Mackinac Center for Public Policy and Cato Institute v. Cardona

SCOPE OF AUTHORITY

The Biden Administration's Department of Education has begun illegally wiping out $39 billion of student loan debt owed by more than 800,000 people under the Income-Driven Repayment (IDR) program by crediting non-payments during periods of forbearance as monthly payments via a "One-Time Account Adjustment."

In October 2023, NCLA filed an opening brief in our lawsuit for the Mackinac Center for Public Policy and the Cato Institute calling on the U.S. Court of Appeals for the Sixth Circuit to stop this scheme that disregards federal law, the Constitution, and the United States Supreme Court.

We argue the Department of Education's actions violate the Constitution's Appropriations Clause, which grants Congress near-exclusive authority to cancel debt owed to the Treasury. Instead of promulgating the plan through the required notice-and-comment and negotiated rulemaking process under the Administrative Procedure Act, the Department simply issued a press release that did not identify any laws to justify it.

NCLA is the only public-interest law firm continuing to wage, in this case as well as others, the fight against cancelling debt unlawfully.

Photo: Hon. Pauline Newman, NCLA client, with NCLA Senior Litigation Counsel Greg Dolin

NCLA BATTLES FEDERAL JUDGES' UNLAWFUL EFFORTS TO OUST RENOWNED COLLEAGUE

Newman v. Moore

DUE PROCESS OF LAW

The Judicial Council of the Federal Circuit unlawfully suspended Judge Pauline Newman from hearing new cases for at least a year, after ordering her indefinite suspension several months earlier without due process. We proudly represent Judge Newman in her fight against this shameful plot.

Judge Newman's indefinite removal from the bench is unprecedented in American judicial history. Throughout the process, the Judicial Council has changed the rationale for its actions and even altered the allegations leveled against her, all to accomplish a predetermined outcome.

In March 2023, the Judicial Council indefinitely suspended Judge Newman from hearing new cases before any formal investigation began. In violation of basic and fundamental due process requirements, Chief Judge Moore and the Judicial Council refused to transfer the investigation to another circuit court of appeals, despite the fact that all members of the Judicial Council are fact witnesses to the events at the heart of the dispute.

The Judicial Council's factually baseless and procedurally defective suspension of Judge Newman deprives her of the constitutional right and obligation to continue in office, and it violates the procedural due process protections built into the very statute and rules the Judicial Council is enforcing.

We responded by introducing challenges to Judge Newman's suspension at the Committee on Judicial Conduct and Disability and the U.S. District Court for the District of Columbia.

NCLA Convinces Sixth Circuit to Vacate Penalty Against Our Client, Sending Case Back to Transportation Department

Polyweave Packaging, Inc. v. Dept. of Transportation

SCOPE OF AUTHORITY

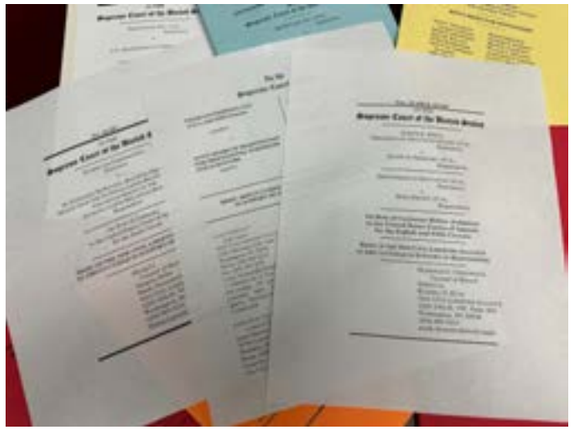
Representing Polyweave Packaging, Inc., NCLA petitioned the U.S. Court of Appeals for the Sixth Circuit to review an illegitimate 2021 decision by the Chief Safety Officer of DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA). The officer had affirmed allegations of wrongdoing by Polyweave and assessed a $14,460 civil penalty against the company, despite being a career civil servant who lacked appropriate authority to do so.

The Sixth Circuit vacated Polyweave's civil penalty in January 2023. PHMSA has since conceded that the Chief Safety Officer was not properly appointed when he issued his decision.

Photo: Neil Werthmann, Polyweave Packaging's President and owner, NCLA client

AMICUS BRIEFS

NCLA submitted 24 *amicus* curiae briefs in 2023, including several at the U.S. Supreme Court and many others addressing issues posed to various federal appeals courts nationwide. We challenged civil liberties abuses by federal powers like the Consumer Product Safety Commission, NOAA, and President Biden himself, as well as state and local authorities violating free speech and property rights. Most of these cases are still pending, but the facing page shows our 2023 *amicus* wins.



Our *amicus* brief in *Biden v. Nebraska* called on the Supreme Court to block the Biden Administration's illegal plan to cancel nearly a half-trillion dollars in outstanding federal student loan debt. The Justices took NCLA's advice and struck down that scheme.

We also filed an *amicus* brief in *Window Covering Manufacturers Association v. CPSC*, a case against a Consumer Product Safety Commission rule governing the length of cords for custom-made blinds. NCLA said the rule was invalid based on CPSC's failure to comply with the Consumer Product Safety Act and the Commission's unconstitutional structure shielding CPSC commissioners from at-will removal. We celebrated another win when the U.S. Court of Appeals for the D.C. Circuit ultimately vacated CPSC's rule in September.

In July, the U.S. Court of Appeals for the Fifth Circuit ordered the U.S. District Court for the Western District of Texas to grant a preliminary injunction in *Clarke v. Commodity Futures Trading Commission* against the agency's threatened crackdown on the PredictIt Market without clear explanation. The Fifth Circuit then deemed CFTC's conduct "likely arbitrary and capricious," agreeing with arguments made by our *amicus* brief for the case.

We also contributed *amicus* support to the *Loper Bright Enterprises v. Raimondo* lawsuit argued with our *Relentless Inc. v. Dept. of Commerce* challenge to *Chevron* deference. NCLA attorneys and supporters look forward to a mid-2024 decision hopefully sweeping that unconstitutional doctrine away.

NCLA submitted *amicus* briefs in several other Supreme Court cases as well. We asked the Justices to uphold a Fifth Circuit decision overturning SEC's unconstitutional in-house administrative prosecution regime in *Jarkesy v. SEC*, and protect judicial review by allowing a local business' lawsuit against a Federal Reserve regulation to go forward in *Corner Post, Inc. v. Board of Governors of the Federal Reserve System*.

Our Supreme Court *amicus* brief in *Consumer Financial Protection Bureau v. Community Financial Services Association of America* challenges the agency's funding method for violating the Constitution's Appropriations Clause. NCLA has filed a separate petition for a *writ of certiorari* in our case *Law Offices of Crystal Moroney v. CFPB* calling on the Supreme Court to rule against CFPB. We also filed a brief in *Allstates Refractory Contractors LLC v. Su* against the OSH Act of 1970 for unlawfully transferring lawmaking power to OSHA.

From district courts to the nation's highest court, we are just getting started.

AMICUS VICTORIES

U.S. Supreme Court (4)

- Joseph R. Biden, President, et al. v. Nebraska, et al.
- Loper Bright Enterprises, et al. v. Gina Raimondo, et al. (cert granted)
- Harry C. Calcutt, III v. Federal Deposit Insurance Corporation
- Starbucks Corporation v. M. Kathleen McKinney (cert granted) *

U.S. Courts of Appeals (5)

- State of West Virginia, et al. v. United States Department of the Treasury, et al. (CA11)
- Feds for Medical Freedom, et al. v. Biden, et al. (CA5)
- Kevin Clarke, et al. v. Commodity Futures Trading Commission (CA5)
- American Home Furnishings Alliance, et al. v. U.S. Consumer Product Safety Commission (CA5)
- Window Covering Manufacturers Association v. U.S. Consumer Product Safety Commission (CADC)

U.S. District Courts (1)

- In re Bystolic Antitrust Litigation (SDNY)

State Courts (1)

- TWISM Enterprises, LLC v. State Board of Registration for Professional Engineers and Surveyors (Ohio Sup. Ct.)

* NCLA's *amicus* brief in *Starbucks* was the only *amicus* brief filed in support of *certiorari*.

COMMUNICATIONS

MEDIA MOMENTUM

NCLA's media influence significantly grew in 2023, surpassing previous records in mentions, interviews, and audience reach. Stepped-up media outreach resulted in increased presence of NCLA in the press. Our cases make a lasting impression on audiences and inform the general public about the perils of the Administrative State on FOX, CNN, NBC, ABC, and in The Wall Street Journal, The New York Times, and The Washington Post, among other publications.

SOCIAL SURGE

NCLA's social media presence surged remarkably in 2023, adding more than 10K followers on X, Facebook, YouTube, and Instagram. Our concerted efforts to release more engaging content have resulted in substantial growth in engagement and impressions. NCLA's social media posts get thousands of retweets, fostering a vibrant civil liberties community online.

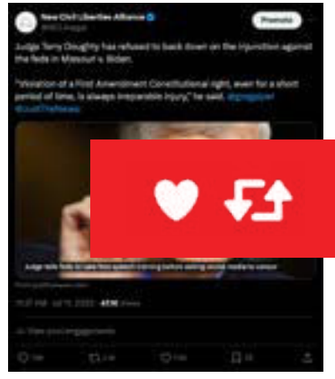
48K
FOLLOWERS ON SOCIAL MEDIA

TV HITS
211

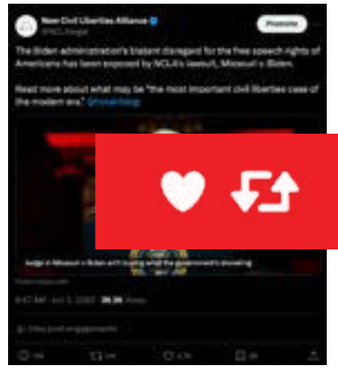
RADIO MENTIONS
2,671

ONLINE MENTIONS
13,119

PODCAST MENTIONS
118



7.2K Likes
2.1K Retweets



4.7K Likes
1.1K Retweets

Photo: NCLA President Mark Chenoweth testifies at the Oversight, Investigations, and Accountability Subcommittee Hearing, U.S. House of Representatives

NCLA has solidified its position as a prominent voice in the legal community, shedding light on significant infractions by the Administrative State.

NCLA CEO Philip Hamburger wrote illuminating WSJ op-eds highlighting our defense of free speech and our work to overturn *Chevron* deference. Senior Litigation Counsel Peggy Little published numerous pieces in prominent national outlets exposing SEC knavery. Litigation Counsel Jenin Younes wrote extensively on the unconstitutionality of social media censorship.

NCLA President Mark Chenoweth testified before a Congressional subcommittee, highlighting the ongoing government social media censorship epidemic. Our attorneys frequently address Administrative Law issues on panels at the top-tier think tanks and legal organizations—including the Federalist Society, Cato Institute, and AEI. These efforts only scratch the surface of the impact all NCLA litigators made on public discourse in 2023.

WSJ · REAL CLEAR POLITICS · THE HILL · The Sun New York · Yale Journal on Regulation · The Federalist · Bloomberg Law · DC Journal · George Magazine

DEVELOPMENT

"NCLA achieved historic milestones in 2023, notably with the game-changing victory in *SEC v. Cochran*.

The Supreme Court's decision to hear three more of our original litigation cases—*Relentless Inc. v. Dept. of Commerce*, *Garland v. Cargill*, and *Murthy v. Missouri*—highlights our steadfast dedication to safeguarding civil liberties.

Thanks to generous donor support, NCLA remains committed to fostering a fresh civil liberties movement aimed at reinstating Americans' fundamental rights."

Holly Pitt Young
Director of Development

"Thank you so much to Mark, Peggy, and the whole NCLA crew! They literally saved my life when they took me on as a client many years ago."
— Michelle Cochran
SEC v. Cochran

"I was really lucky to be a part of NCLA's lawsuit against censorship. I finally stopped being afraid to use my voice and my own perspectives."
— Azadeh Khatibi
Høeg v. Newsom

"NCLA has made hundreds of charter boat captains very happy, and I'm grateful for your legal representation. Your lawyers are the best!"
— Allen Walburn
Mexican Gulf v. NOAA

"My dad started a company in 1969. DOT's tribunals almost destroyed my family business. It's very emotional, and I can't say thank you enough to everybody at NCLA."
— Neil Werthmann
Polyweave Packaging v. DOT

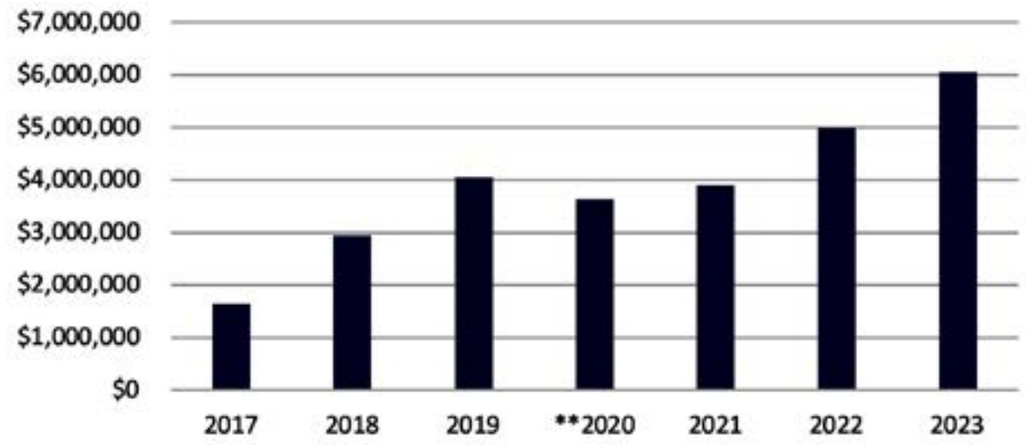
"NCLA is a powerhouse that is actually defending people against our big government."
— Michael Cargill
Garland v. Cargill

10% increase in individual donors from 2022

25% increase in online donors from 2022

23% increase in donations from 2022

NCLA Donations Over the Years



***NCLA did not accept any PPP funds for Covid-19 relief*

85+% of funds are used for legal representation, communications, and field operations

ENGAGEMENT

1. The Ginsburg-Scalia Fellowship

This year NCLA continued the Ginsburg-Scalia Fellowship, recruiting a new cohort of Fellows. The Ginsburg-Scalia Fellowship offers a summer program to law students exploring the denial of core constitutional rights by the Administrative State.

This year's Ginsburg-Scalia Fellows included students from law schools who were serving as summer associates at leading DC law firms. Most Ginsburg-Scalia Fellows go on to serve in appellate clerkships, and this year's class was no exception, having already received offers to clerk for the 2nd, 3rd, 4th, 5th, 6th, 7th, 9th, 11th, and D.C. Circuits.

2. The Student Note Contest

The NCLA Student Note Contest encourages scholarship on key administrative topics by current law students. Notes address unresolved legal issues, typically by presenting enough background information for a non-expert to understand and then proposing a solution.

The second year of NCLA's Student Note Contest saw the number of submissions double from last year. Justin Marks, of Ohio Northern Law School, was selected as the winner for his comment entitled, "Fighting a Foreseeable Fauci 'Fourth': A Fourth Amendment Take on Hypothetical 'Lock-Down' Orders."

3. The Hamburger-Frankfurter Debate

The Hamburger-Frankfurter Debate featured two prominent appellate constitutional litigators –Thomas Dupree of Gibson Dunn and Jonathan Brightbill of Winston & Strawn – engaged in an oral-argument-style debate on the question of whether *Chevron* deference should be scrapped or merely reined in.

More than 80 law students attended the debate and the reception afterward.

4. The Lunch and Law Speaker Series/CLE

NCLA continued our Lunch and Law Series in 2023, bringing together legal experts and clients to address the abuses of the Administrative State.

The year's most popular episodes were focused on NCLA's Supreme Court victory against SEC and our cases against government censorship.

In our second year of offering CLE courses, NCLA hosted courses taught by important thought leaders on topics involving the Administrative State, including Professors Paul and Julia Mahoney from the University of Virginia Law School.

5. NCLA Legal Clerkship Program

The NCLA Summer Legal Clerkship Program celebrated its fifth summer and the 2023 summer clerk class included an unprecedented number of students from prestigious schools.

Our 10-week program offered the clerks training by NCLA's litigators. Each summer clerk drafted briefs, crafted legal arguments, and prepared for hearings on behalf of clients.

NCLA focuses our recruiting on new law students because a student's first real-world experience with the practice of law can be deeply impactful, even formative.

6. The King George III and George Washington Prizes

In 2021, NCLA created and promoted a slate of awards highlighting egregious civil rights abuses, as well as the efforts to fight those abuses.

Attorney General Merrick Garland won the 2023 KGIII Prize as the biggest violator of civil liberties. Thousands enjoyed the NCLA contest on social media, resulting in the largest KGIII audience to date.

The winners of last year's George Washington Awards were: Allen Walburn for Client Bravery; Floyd Abrams for Outstanding Pro Bono Service; Nicolas Morgan, Paul Hastings LLP for Best *Amicus Curiae* Brief.

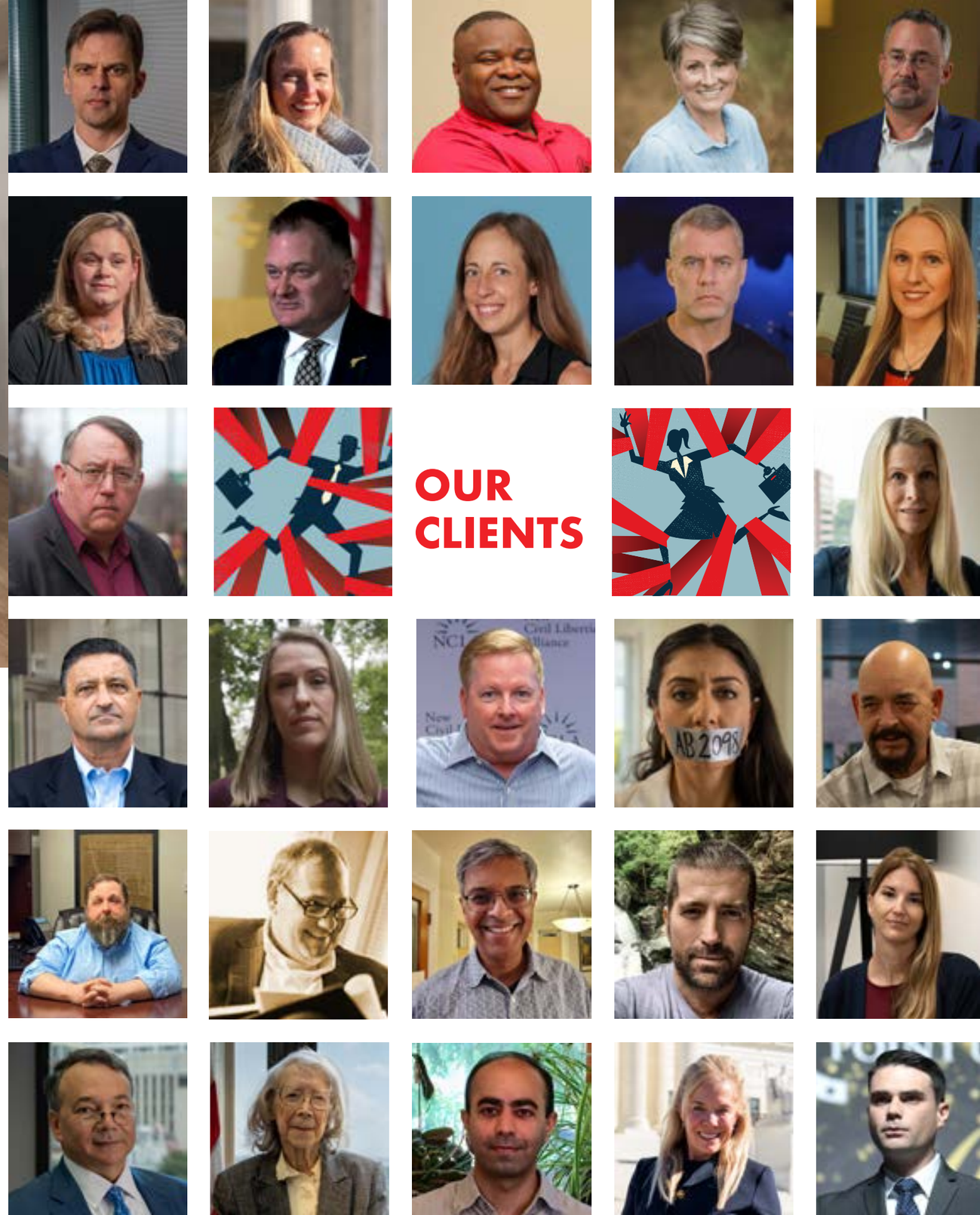
Photo: NCLA CEO Philip Hamburger (center) with Ginsburg-Scalia Fellows

OUR TEAM is on the move to Virginia in December 2024

Not included in the photo: Margot Cleveland, Greg Dolin, Sheng Li, Lia Palazzo, and Garrett Snedeker

OUR MISSION remains the same

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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