



JUDGE CLINT BOLICK RESEARCH REPORT

PREPARED FOR THE STATE AND LOCAL ELECTION ALLIANCE

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EXECUTIVE SUMMARY

Justice Clint Bolick has served on the Arizona Supreme Court since he was appointed by Governor Doug Ducey in 2016. Bolick was Ducey's first Supreme Court appointment as governor. Ducey praised Bolick as "nationally renowned and respected as a constitutional law scholar and as a champion of liberty." In 2018, Bolick was retained for a six-year term by 71 percent of voters. He will be up for retention again on the November 2024 ballot and will reach the mandatory retirement age of 70 in 2027. Bolick continues to serve as a research fellow at the conservative think tank Hoover Institution, and teaches constitutional law every fall at Arizona State University's College of Law.

Prior to his appointment to the Supreme Court, Bolick was vice president at the Goldwater Institute. In 2007, Bolick joined the Goldwater Institute and launched their Center for Constitutional Litigation. In December 2011, *The New York Times*, wrote, "The Goldwater Institute, which plays an outsize role in setting the agenda in this state and has helped set up similar litigation outfits in other parts of the country, sees itself as a watchdog for conservative ideals, one that happens to have at its disposal a frenetic staff of lawyers hungry for courtroom battle." Conservative columnist George Will called Goldwater, "the gold standard of conservative think tanks."

Before joining Goldwater, Bolick spent three years working for the Alliance for School Choice, an organization he founded in 2004. In an interview with Education Week, Bolick said the Phoenix-based group would focus exclusively on promoting and protecting programs that provide school vouchers, tax credits, or other public funding of private schooling for disadvantaged students. In 2007, Alliance for School Choice moved to Washington D.C. and Bolick stepped down as president to be closer to family and to return to constitutional litigation.

From 1991-2004, Bolick worked at the Institute for Justice, an organization he co-founded with William Mellor III. With the Koch brothers, the Bradley Foundation, and the Scaife Foundation among their largest funders, the Institute for Justice was called "the most prominent and most effective" conservative legal organization. Bolick said they modeled the group after successful liberal public interest firms like the American Civil Liberties Union (ACLU). In 2001, the *Arizona Republic* wrote that IFJ sought to do for the political right "what the American Civil Liberties Union does for the political left: take aggressive stands in defense of its core values." In 2016, progressive news site ThinkProgress wrote, "One of IJ's core strategies is to find genuinely sympathetic plaintiffs who are harmed by economic regulations that sound ridiculous on their face, and then use them as vehicles to push sweeping changes to legal doctrine that mirror limits on state power repudiated during the New Deal."

Other career highlights for Bolick include an unsuccessful bid for the California State Assembly in 1980 and a stint as an advisor to President George W. Bush in 1999. From 1985-1986, Bolick was a special assistant at the U.S. Equal Employment Opportunity Commission, where he worked for and developed a friendship with U.S. Supreme Court Justice Clarence Thomas. Thomas is also godfather to Bolick's son. Bolick graduated from Drew University in New Jersey in 1979 and obtained his J.D. from the University of California at Davis in 1982. Bolick appears to have four children: two sons from a previous marriage, and a son and daughter from his current marriage to Arizona Senator Shawna Bolick.

Bolick is a legal "textualist" who believes a judge's role is to enforce the Constitution and laws that conform to the Constitution. After his appointment in 2016, Bolick said he would not shy away from "very vigorously enforcing the precious liberties that are contained in the Constitution." In 2003, Bolick left the Republican Party and has been a registered Independent since. He is widely known to hold Libertarian views.

TOP HITS

RULED IN FAVOR OF ARIZONA 'S EXTREME 1864 ANTI-ABORTION LAW

Summary: In a 2000 interview with NPR's Melinda Penkava, Clint Bolick predicted, that "if Roe was overturned that you would see a very dramatic backlash against this court expressed at the ballot box, and the justices have been very, very sensitive to that. It's not going to happen." In April 2024, nearly two years after Roe v. Wade was overturned by the U.S. Supreme Court, Bolick and his fellow justices gave Arizona the green light to enforce a long-dormant, 1864 law banning nearly all abortions. According to the [Associated Press](#), "The Arizona Supreme Court suggested in its ruling Tuesday that physicians can be prosecuted, though justices didn't say that outright."

- **In 2000, Bolick said, "If Roe was overturned that you would see a very dramatic backlash against this court expressed at the ballot box...It's not going to happen."** In a November 2000 interview with Melinda Penkava on NPR's "Talk of the Nation," Bolick said, "I think that if Roe was overturned that you would see a very dramatic backlash against this court expressed at the ballot box, and the justices have been very, very sensitive to that. It's not going to happen."
- **2024: Bolick voted with the majority in AZ Supreme Court ruling upholding Arizona's 1864 ban on abortions.** In April 2024, the [Arizona Republic](#) reported: "Justices John R. Lopez IV, Clint Bolick, James P. Beene and Kathryn H. King voted to enforce the 1864 ban. Lopez wrote the majority opinion. Chief Justice Robert M. Brutinel and Vice Chief Justice Ann A. Scott Timmer voted against enforcing the ban, with Timmer writing the dissenting opinion."
- **The Supreme Court suggested in its ruling that physicians can be prosecuted, though justices didn't say that outright.** According to the [Associated Press](#), "The Arizona Supreme Court suggested in its ruling Tuesday that physicians can be prosecuted, though justices didn't say that outright. 'In light of this Opinion, physicians are now on notice that all abortions, except those necessary to save a woman's life, are illegal,' and additional criminal and regulatory sanctions may apply to abortions performed after 15 weeks of pregnancy, the ruling said. The law carries a sentence of two to five years in prison upon conviction."
- **ACLU of Arizona: Even though the AZ Legislature removed the 1864 abortion ban, Arizonans could still lose access as early as September 26, 2024.** According to the [ACLU of Arizona](#), "The Arizona legislature passed a bill to remove the near-total abortion ban from the books, but this long-overdue repeal may not go into effect soon enough. Arizona could still lose access to abortion care as early as September 26. Until then, a 15-week ban and other restrictions will continue to burden patients and providers."
- **Some critics believed Bolick should have recused himself from ruling on the 15-week law, which his wife, lawmaker Shawna Bolick, cosponsored.** In a December 2022 TV news segment on KOLD, news anchors highlighted calls for Bolick to recuse himself from the case. During the segment, anchor Dennis Welch said, "State lawmaker Shawna Bolick co-sponsored an abortion bill that became law in 2022. It's the same law her husband and the rest of the state's highest court is now being asked to rule on."

2024 CAMPAIGN SEEKS TO OUST BOLICK OVER ABORTION RULING

Summary: Bolick will be up for retention on the November 2024 ballot. According to KJZZ, “The National Democratic Redistricting Committee, along with the group Planned Parenthood Votes will spend at least \$5 million encouraging voters to oust state Supreme Court justices in several states this November, including in Arizona.” In April 2024, Progress Arizona launched a campaign to deny new terms to Bolick and Justice Kathryn King who is also up for retention. In response to these efforts, in May 2024, Bolick wrote an op-ed accusing groups of “hijacking” the retention process, and vowing to protect it. “Even though I love it and am honored to hold it, I do not need this job. But we do need this system. And I will do everything I can to pass it intact to future Arizonans.” Bolick wrote.

- **In 2024, Progress Arizona launched a campaign to deny new terms to Bolick and Kathryn King over their votes to allow enforcement of AZ’s strict 1864 law on abortion.** According to the [Daily Independent](#), “The organization that supports progressive causes wants to convince voters to exercise a seldom-used right to reject a bid by a judge to be retained in office. If they are successful, that would end the tenure of Clint Bolick and Kathryn King, both appointees of former Republican Gov. Doug Ducey. Neither would comment on the effort. It also would clear the way for incumbent Democrat Katie Hobbs to name their replacements.”
- **Bolick: “...these groups are cynically harnessing anger over our recent abortion decision to replace us with justices who will rubber-stamp their ideological agenda.”** In an op-ed for the [Arizona Republic](#), Bolick wrote, “...But partisan special-interest groups are hijacking the retention process through a campaign against Justice Kathryn King and me called ‘Vote Them Out!’ — a slogan that packs with venom what it lacks in substance. Extending an effort from 2022 that led to the ouster of two highly qualified judges for purely political reasons, these groups are cynically harnessing anger over our recent abortion decision to replace us with justices who will rubber-stamp their ideological agenda.”
- **Bolick: “Even though I love it and am honored to hold it, I do not need this job. But we do need this system. And I will do everything I can to pass it intact to future Arizonans.”** In the op-ed, Bolick also wrote “That means I do not take a single moment for granted. I have paid it forward by mentoring hundreds of young women and men from high school to law school and beyond, some of whom are now themselves judges. I teach constitutional law every fall at Arizona State University... Even though I love it and am honored to hold it, I do not need this job. But we do need this system. And I will do everything I can to pass it intact to future Arizonans.”
- **Arizona Republicans are trying to eliminate judicial retention elections altogether, allowing judges to essentially have lifelong terms and stripping voters of the right to oust them.** According to the [Arizona Republic](#), “... a Senate resolution would do away with Arizona's judicial retention elections, allowing superior, appellate and Supreme Court judges to essentially have lifelong terms. ... The resolution would instead require judges to face a retention election if they fail to meet performance standards, commit a crime or face personal financial issues like bankruptcy or foreclosure.”

CONSISTENTLY OPPOSED MEANINGFUL CIVIL RIGHTS PROTECTIONS

Summary: Bolick poses as a champion for economically disadvantaged business owners, parents, and students. Yet many of these Americans also rely on the civil rights protections consistently rejected by Bolick. Since the early 1990s, Bolick has denounced any program giving women or people of color equal opportunity in hiring as a “quota” and insisted that such programs were detrimental to society. In 1992, Bolick said it was justifiable “to discriminate against people on the basis of sexual preference.” In 1993, Bolick led a successful smear campaign against Justice Department Civil Rights Division nominee Lani Guinier with blatant “racist” undertones. In 2013, Bolick celebrated the Supreme Court decision to gut the Voting Rights Act, calling it “a victory for Arizonans.” Bolick fought to prevent numerous Civil Rights bills from becoming law and he has called for the repeal of the landmark Civil Rights Act of 1964.

- **Bolick reduced any program giving women or people of color equal opportunity in hiring to a “quota” and insisted that such programs were detrimental to society.** In 1990, Bolick opposed legislative effort to restore job protections for women and minorities. In 1997, Bolick opposed a proposal to use statistics to demonstrate that minority groups have been unfairly excluded from obtaining government contracts. According to the [Los Angeles Times](#), Bolick called it “a facade for maintaining the status quo.” According to [The Washington Post](#), in 2001, Bolick said he was disappointed in the Bush administration for defending a federal program that encouraged awarding of contracts to minority-owned businesses. Bolick has said, “A ban on racial preferences will go a long way to remove the venom from race relations.”
- **In 1992, Bolick said it was justifiable “to discriminate against people on the basis of sexual preference.”** In September 1992, Newsweek quoted Bolick saying, Bias against gays, “while offensive, doesn't rise to the same level of outrage as race and gender... ‘There are greater justifications to discriminate against people on the basis of sexual preference.’”
- **1993: Bolick led successful smear campaign against Justice Department Civil Rights Division nominee Lani Guinier with blatant “racist” undertones.** In 1993, Bolick led the conservative opposition to the nomination of Lani Guinier, President Bill Clinton’s nominee to head the Justice Department’s Civil Rights Division. In May 1993, Bolick told the New York Times that he believed conservatives could inflict “a heavy political cost” over the nomination. The day after Guinier nomination, Bolick published an op-ed in the *Wall Street Journal*, calling her a “quota queen” who had “a serious problem with American democracy.” The label was denounced by numerous outlets as a “racist” play on the “welfare queen” stereotypes. Bolick suggested that his successful campaign against Guinier resulted in the Clinton Administration’s focus on “white males” instead for judicial nominations.
- **In 2013, Bolick celebrated the Supreme Court decision striking down Section 5 of the Voting Rights Act, calling it “a victory for Arizonans.”** In a June 2013 press release from the Goldwater Institute, Bolick stated, “What was enacted as an emergency measure in response to widespread resistance to black voting rights has long outlasted the emergency. Section 5 imposes heavy burdens on states that do not deserve them. By keeping some states in a perpetual penalty box and forcing them to seek Justice Department approval for the most basic government decisions, section 5 violates principles of federalism. Both the Constitution and other provisions of the Voting Rights Act will continue to protect essential voting rights. The Supreme Court has helped restore the proper balance between the federal protection of civil rights and state

autonomy. In particular, the decision is a victory for Arizonans. Arizona never should have been subjected to section 5 in the first place.

- **Bolick opposed civil rights laws that mandated and expanded equal rights under the law, and he called for the repeal of the landmark Civil Rights Act of 1964.** Bolick opposed the Civil Rights Act of 1990, the Civil Rights Act of 1991, and called for the repeal of the landmark Civil Rights Act of 1964. In April 1990, Bolick said of the 1990 proposal, “Policies that apportion benefits and burdens on the basis of race can only inflame racial tensions because they get people thinking about race instead of merit.” According to *The New York Times*, Bolick argued that the 1991 bill would result in hiring quotas so employers could avoid discrimination lawsuits. Bolick was reportedly “instrumental” in stalling passage of the 1991 Civil Rights bill. In January 1998, *The Journal of Blacks in Higher Education* reported that Bolick advocated for repealing the Civil Rights Act of 1964, which banned discrimination based on race, color, religion, or national origin in public facilities — such as restaurants, theaters, or hotels. Instead, Bolick has advocated for a “positive alternative civil rights agenda” that included school choice, welfare reform, “freedom from crime,” and “investment in human capital development.

TIES TO FAR-RIGHT EXTREMISTS AND WHITE SUPREMACISTS

Summary: To go along with his extremist beliefs on civil rights and equality, Bolick has cozied up to and defended white supremacists and far-right extremists throughout his career. That includes Bolick’s own wife, state senator Shawna Bolick, an election denier who was part of the attempt to overturn Arizona’s 2020 election results. In 2022, Shawna Bolick was photographed at a Proud Boys rally in Anthem, Arizona.

- **Bolick defended bill by former KKK member and Neo-Nazi David Duke meant to stop alleged discrimination against “hundreds of thousands” of white people in Louisiana.** In May 1990, the *Washington Times* reported, “Ill will pulsed through Louisiana yesterday as reaction spread to the stunning House passage of a bill by Rep. David Duke, a former Ku Klux Klansman, that attempts to overturn state affirmative action programs. [...] Mr. Duke said his goal was to stop discrimination that affects ‘hundreds of thousands’ of whites. [...] Clint Bolick, director of the conservative Landmark Center for Civil Rights, said the Duke bill was not much different from the Republican Party’s 1988 platform plank on affirmative action. ‘It’s a pretty mainstream approach by an obviously radical person,’ he said. ‘It would expose the hypocrisy of racial preference schemes that are disguised as affirmative action programs.’”
- **Bolick: “If they could only get over their addiction to racial quotas, to busing... David Duke would have no issues.”** In a 1991 CNN interview with Michael Kinsley, Bolick said, “The fact is that George Bush has no civil rights plan and Pat Buchanan has a disastrous civil rights plan, but I think that Bob’s point about David Duke is right. [then-NAACP President] Ben Hooks and his friends have created David Duke. If they could only get over their addiction to racial quotas, to busing... David Duke would have no issues.”
- **In 1990, White nationalist Charles Murray wrote the foreword to one of Bolick’s books.** According to a 1990 article in the *Washington Times*, Charles Murray wrote foreword to Bolick’s book *Unfinished Business: A Civil Rights Strategy for America’s Third Century*. The [Southern Poverty Law Center](#) labeled Murray a “white nationalist extremist” who used “racist pseudoscience and misleading statistics to argue that social inequality is caused by the genetic inferiority of the black and Latino communities, women, and the poor.” According to the *Miami*

New Times, “Murray is best known for his book *The Bell Curve*, which tries to use so-called science to argue that individuals from some races (the whiter ones) are more intelligent than those from others (the darker ones).” In 1995, Bolick expressed concern over how Murray’s book could impact Republican legislative efforts.

- **Bolick counted far-right U.S. Supreme Court Justice Clarence Thomas as a mentor and friend, and attacked the credibility of women who accused Thomas of sexual harassment.** Bolick counted U.S. Supreme Court Justice Clarence Thomas as a mentor and a longtime friend. According to [The Washington Post](#), Thomas is also godfather to Bolick’s son. Bolick worked under Thomas while at the U.S. Equal Employment Opportunity Commission from 1985-1986. According to the *Boston Globe*, in 1991, Bolick’s organization, the Landmark Legal Foundation, paid for Thomas’s hometown friends and family to travel to DC to boost his Supreme Court nomination. In 2018, *Arizona Daily Star* Columnist Tim Steller wrote, “Bolick, who had worked for Clarence Thomas in the Equal Employment Opportunity Commission, was among those who defended Thomas against accusations of sexual harassment by Anita Hill in 1991.” According to *The New York Times*, in 1991, Bolick attacked the credibility of Angela Wright, a woman who accused Clarence Thomas of sexual harassment, calling her “a disgruntled former employee.”
- **Bolick’s wife, state Senator Shawna Bolick, tried to overturn the results of the 2020 election and frequently shares belief that the 2020 election was “rigged.”** Clint Bolick is married to Shawna Bolick, a Republican state Senator who is an election denier known for her trying to overturn the results of the 2020 Presidential election. In 2020, Shawna Bolick was among 20 state legislators that signed a resolution calling on Congress to either accept 11 GOP electors for Trump or to nullify the votes for Biden until the legislature could conduct an audit. Bolick also signed onto a letter to then-Vice President Mike Pence asking him not to certify the 2020 results. In 2021, Shawna Bolick authored a bill that would have allowed state lawmakers to override the presidential choice of Arizona voters with a simple majority. Shawna Bolick has repeatedly posted false claims and misinformation online about elections.
- **After the 2020 election, Justice Clarence Thomas’s wife, conservative activist Ginni Thomas, pressed Shawna Bolick to overturn the 2020 election results for Donald Trump.** According to [The Washington Post](#), Ginni Thomas, the conservative activist and wife of Supreme Court Justice Clarence Thomas, “pressed Arizona lawmakers after the 2020 election to set aside Joe Biden's popular-vote victory” and choose “a clean slate of Electors.” *The Post* continued, “Shawna Bolick wrote back to Ginni Thomas on Nov. 10, 2020, ‘I hope you and Clarence are doing great!’ She gave Thomas guidance on how to submit complaints about any of her experiences with voter fraud in Arizona. Bolick, who is now seeking the Republican nomination to be Arizona's secretary of state, told *The Post* that she received tens of thousands of emails in the months after the election and responded to Thomas in the same way she responded to everyone else.”
- **In 2022, Shawna Bolick was photographed at a Proud Boys rally in Anthem, Arizona.** In a series of tweets in July 2022, an organization called “Arizona Right Watch” described a reproductive rights rally and counterprotest by the Proud Boys in Anthem, AZ. In a [July 10, 2022](#) post on X (formerly Twitter), Arizona Right Watch posted a photo of Shawna Bolick in the crowd at the counterprotest. What appears to be a Proud Boys flag can also be seen in the photo.

SHARED HARDLINE ANTI-IMMIGRATION VIEWS

Summary: Bolick has painted himself as a moderate on immigration issues. He opposed many of the extreme anti-immigration policies supported by his Republican peers and was a consistent critic of former Maricopa County Sheriff Joe Arpaio and his immigration sweeps. In 2013, Bolick co-authored a book with former Florida Gov. Jeb Bush exploring immigration reform ideas. Bolick cited one of his reasons for leaving the Republican party as its “strident” anti-immigrant policies. Still, Bolick shares many of the same views on immigration as hardline opponents.

- **In 2012, Bolick said Arizonans concerns about “illegal” immigration were legitimate and he disagreed with the Federal government’s handling of the border.** In September 2012, the *Arizona Republic* wrote, “Bolick said Arizonans have legitimate concerns about illegal immigration, and he agrees with those who believe the federal government isn't doing a good job policing the border.”
- **In 2008, Bolick said there was “no question” that a large number of “illegal immigrants” reside in Maricopa County and were “disproportionately associated with crime.”** In a 2008 [Goldwater Institute report](#), Bolick wrote, “No question exists that a large number of illegal immigrants reside in Maricopa County and that they are disproportionately associated with crime. Illegal immigrants make up approximately nine percent of the county’s population,”
- **Bolick said he opposed a pathway to citizenship because it was “very important to send a message that there are consequences for those who do come illegally.** In a March 2013 interview on NPR’s Morning Edition, host Steve Inskeep asked: “Clint Bolick, why not a path to citizenship?” Bolick replied: “We think that it's very important to send a message that there are consequences for those who do come illegally. To reward people who have come here illegally would create the exact kind of problem that we saw after the 1986 amnesty, which was more illegal immigration.”
- **Bolick called for limiting reunification system that allowed legal permanent residents and naturalized citizens to petition for family members to join them in the U.S.** In September 2012, the *Arizona Republic* wrote: “Bolick would like to see the family-based visa system limited only to parents and non-adult children. ‘Chain migration has been the 800-pound gorilla,’ Bolick said. ‘It shuts out people we desperately need.’”
- **In joint book, Jeb Bush and Bolick condemned the Affordable Care Act’s Medicaid expansion for providing coverage to the children of undocumented immigrants.** In 2013, Talking Points Memo wrote, “Seemingly out of nowhere, Bush condemns the Affordable Care Act's Medicaid expansion, recently accepted by his successor, Gov. Rick Scott (R-FL), for doling out ‘welfare’ to the children of illegal immigrants. ‘This is why the Obama administration's attempt to coerce states to adopt a major Medicaid expansion as part of its national health-care program had the effect of inflaming anti-immigration sentiment,’ he and co-author Clint Bolick write.” [Talking Points Memo, 3/5/13]

OPPOSED EFFORTS TO IMPROVE EDUCATION ACCESS

Summary: Bolick has spent his career attacking efforts to improve access and equality in education. Since the 1980s, he has worked to eliminate affirmative action programs nationwide. Bolick is a consistent critic of public education and has opposed efforts to increase their funding, while fighting to

expand school vouchers and school choice. Bolick made numerous remarks questioning desegregation efforts and calling for them to end.

- **Bolick built his career demonizing affirmative action and suggested affirmative action was a failed remedy for poor education.** In 1995, Bolick described himself as an “angry white male” during speech against federal affirmative action programs. According to a 1996 CNN interview, he believed that it was unfair for “disadvantaged people” to receive any kind of redress for past discrimination based on race or gender. In a 1997 [Los Angeles Times](#) article, Bolick recalled “No sooner did I arrive in college than I heard that I and everyone else who was white and male were privileged, and that others should be given preferential treatment regardless of what their socioeconomic status was. Knowing how much I was working and sacrificing, and how much my parents had worked and sacrificed, it seemed patently unfair.” Perhaps that early experience spurred Bolick’s crusade against affirmative action. In a 1997 interview with Jesse Jackson, Bolick said affirmative action was a “snake oil approach” to solving “serious problems in elementary and secondary education.”
- **Bolick denounced school desegregation efforts and called for an end to desegregation decrees.** In 1992, Bolick said busing, an effort to desegregate schools, had “destroyed school systems and communities around the nation. According to the Associated Press, in 1999, Bolick applauded the end of busing for integration in Charlotte, North Carolina, claiming that “busing has ravaged inner school districts all across the nation.” In 1994, Bolick praised the appointment of Judge David Tatel to the D.C. Court of Appeals but complained that the groundbreaking rulings that Tatel won on school desegregation gave courts too much power to effect social change. According to the *Baltimore Sun*, Bolick said, “It gives me tremendous pause as to whether he’d be an impartial jurist or a results jurist.” In 1999, Bolick said his organization’s goal (Institute for Justice) was to get a court to rule that charter schools didn’t have to be part of desegregation decrees. In a [2013 op-ed](#), Bolick said desegregation decrees only remained in place so that they could be used occasionally “to push a political agenda.”
- **Bolick is a fierce opponent of public schools, frequently disparaging the schools as inferior and praising efforts to expand school choice.** In a March 1998 interview, Bolick said his own children attended a public school. That didn’t stop him from regularly disparaging public education. In a May 1998 interview, Bolick said investing more money in D.C. public school would be like “throwing gasoline on a fire.” In May 1999, Bolick said public school districts could use “a serious dose of pain” to spur improvement. According to USA Today, in 2000, Bolick said public schools were the “greatest engine of racial inequality in our society today.” In a 2004 op-ed, Bolick wrote, “Sadly, the best thing going for the school-choice movement is the abysmal and declining quality of public education, particularly for minority children.”
- **Bolick a “prominent defender” of school vouchers nationwide.** In April 1997, the [Los Angeles Times](#) called Bolick a “prominent defender of school vouchers in the Cleveland and Milwaukee programs, where he represents low-income parents using state dollars to send their children to private schools.” Bolick believed school vouchers were a way to “improve the lot of disadvantaged youngsters,” according to *The Washington Times*. In 2004, Bolick launched the Alliance for School Choice to focus exclusively on protecting programs that provide vouchers, tax credits, or other public funding of private schooling for disadvantaged students. According to the National Journal, as a litigator with the Institute for Justice from 1991-2004, Bolick defended school voucher programs across the country, including in Arizona.

BIOGRAPHY

1957: Bolick was born on December 26, 1957 in Linden, New Jersey. [Washington Times, 6/13/96]

- **Bolick’s father died when he was 12 years old.** “He began his journey as one of the nation's earliest angry white males. The son of a welder with an eighth-grade education who died when Clint was 12, he contributed to the family's meager finances with a paper route and work in the local grocery store in Hillside, N.J.” [Los Angeles Times, [4/20/97](#)]

Bolick lives in Phoenix, Arizona. Though he is not listed by name in online property records, Bolick appears to live in Phoenix, Arizona. [Maricopa County Assessor’s Office, accessed [6/12/24](#)]

- **2001: Bolick moved to Arizona to open a state chapter of the Institute for Justice.** “The Institute for Justice, a public-interest law firm here that has battled both the Arizona Clean Elections law and a Donald Trump plan for a limousine parking lot in New Jersey, plans to open its first state chapter in Phoenix. Institute co-founder Clint Bolick will run the office while preparing for additional expansion of the 10-year-old libertarian institute. [...] Bolick, 43, has become familiar with Arizona while waging courtroom battles to defend the state's tax credit for scholarship fund donations and challenging the state's law that provides public funding for campaigns by imposing a surcharge on civil and criminal fines, as well as a fee on commercial lobbyists. [...] Bolick said Phoenix was chosen for the first state chapter because of the state's conservative political climate and the institute's ties to the Goldwater Institute, the libertarian think tank where he spent a sabbatical studying the political orientation of Bill Clinton's judicial appointees.” [Arizona Republic, 7/20/01]

Bolick described himself as a “non-believer.” “*Clint Bolick*: I happen to be a non-believer myself, and yet I hope that my sons will learn basic values, the golden rule, things that often are not taught in public schools, but that -- that really is beside the point. The point is: choices are placed at the disposal of parents.” [“Talk of the Nation,” NPR, 3/9/98]

- **Bolick: “I happen to be a religious non-believer.”** “On the other side is Clint Bolick, a conservative lawyer who filed the appeal in the Cleveland case, which likely will go to the Supreme Court. ‘I happen to be a religious non-believer, but I’ll tell you where I’m a convert. I’m a convert to Catholic schools in the inner city. When I walk down the hallways I see a crucifix on the wall but I also see education going on in a safe environment,’ says Bolick.” [Denver Post, 5/22/00]

EDUCATION

1979: Bolick graduated from Drew University. “When he left home to attend college at Drew University in Madison, N.J., in the mid-'70s, affirmative action efforts were beginning to gain steam. ‘No sooner did I arrive in college than I heard that I and everyone else who was white and male were privileged, and that others should be given preferential treatment regardless of what their socioeconomic status was. Knowing how much I was working and sacrificing, and how much my parents had worked and sacrificed, it seemed patently unfair.’” [Los Angeles Times, [4/20/97](#)]

- **Bolick enrolled in a teacher training course at Drew University and tried to replace a world history textbook with an Ayn Rand book.** “The story begins with Bolick revealing his libertarian idealism. At Drew University, he enrolled in a teacher-certification program and, as a part of his student teaching, tried to replace a ‘boring’ world-history textbook with Ayn Rand's *We the Living*.” [National Review, 4/21/03]
- **Bolick did his teacher training program at the College of St. Elizabeth.** “My college did not have a teacher-training program, so I did my teacher-training program in a reciprocal program at a school called the College of St. Elizabeth. That was a ... Catholic girls' school, so I was the only male in the school, which was kind of terrific.” [Arizona Capitol Times, 11/12/10]
- **Bolick “got a teaching certificate for social studies and interned at some inner-city high schools”** “In college, I had not planned to be a lawyer. I planned to go into politics and teaching. And I got a teaching certificate for social studies and interned at some inner-city high schools, which really radicalized me on the issue of education. I started reading Milton Friedman's theories on education, and that made me a voucher advocate. [...] And then I ended up actually student-teaching at a very affluent public high school, which was Summit High School in New Jersey. I was planning to teach history and found that I was spending most of my time correcting students' grammar. That really made me realize even in the better public high schools that the quality of education was alarmingly low.” [Arizona Capitol Times, 11/12/10]

1982: Bolick received his law degree from the University of California at Davis. “A 1982 graduate of the University of California at Davis, Bolick came to Washington as an assistant at the Equal Employment Opportunity Commission and forged a close friendship with then-chairman Thomas, who is the godfather to his youngest son.” [Washington Post, 6/6/93]

- **Bolick’s conservative outlook was forged by his experiences with “the tyranny of the Left” in law school at UC Davis.** The institute was founded in 1991 by Bolick and Mellor, two lawyers whose radical libertarian outlook was, in large measure, forged by the great campus ideological struggles of the 1970s. Bolick started law school at the University of California at Davis in 1979, a year after the Supreme Court ruled on Allan Bakke's claim that his being denied admission to the Davis Medical College of the University of California was the result of reverse discrimination. The Bakke case, in which the high court upheld the use of race in admissions policy, roiled the campus and had a profound effect on Bolick. ‘It was a really ideologically charged environment to go to law school,’ he says. ‘I witnessed, for the first time, the tyranny of the Left. The students were much more interested in repressing diverse ideas than engaging in debate.’” [Emerge, 9/30/96]
- **Bolick on his tenure at UC Davis: “If you expressed nonconventional views, you would be called a fascist or a racist.”** “He went on to study at UC Davis law school and drew the ire of fellow students for his opinions. ‘If you expressed nonconventional views,’ he recalls, ‘you would be called a fascist or a racist.’” [Christian Science Monitor, 12/31/97]
- **The Washington Post: Bolick attended the University of California-Davis “just as University of California Regents v. Bakke, the affirmative-action test case, was turning the school into a harbinger of campus multicultural resentment.”** “The subjects of Gang of Five--Ralph Reed, David McIntosh, Bill Kristol, Clint Bolick and Grover Norquist--share several key qualities in common. They flourished (and suffered ridicule) as conservative activists in college in the '70s. They went to Washington with Ronald Reagan in the '80s. And they were

marked indelibly by the legacy of the '60s, but not in the way one usually suspects of the right: These men come not just to bury the decade but in a sense to continue it—'bringing to their battles all of the hubris and irreverence and impatience for change that characterize the 1960s Leftists who came before them.' And there is another commonality: All were present at one of several ground zeros from which the conservative movement as we know it today exploded. Kristol, for instance, was among the first disciples of the conservative philosopher Leo Strauss to jump ship from academia to Washington. McIntosh studied at the feet of the luminaries of the then-nascent right-wing 'Law and Economics' movement at the University of Chicago Law School. And Bolick had the good fortune to be attending the University of California-Davis just as University of California Regents v. Bakke, the affirmative-action test case, was turning the school into a harbinger of campus multicultural resentment." [The Washington Post, [8/12/00](#)]

- **Bolick skipped his law school graduation ceremony because Ralph Nader was the speaker.** "In law school at UC-Davis, he skipped the graduation ceremony because the commencement speaker was Ralph Nader." [National Review, 4/21/03]

Bolick: "I am an unlikely judge... I was the first person in my family to graduate from college and was still repaying my loans when my oldest son started college." In an op-ed, Bolick wrote "I am an unlikely judge. My dad was a welder with an eighth-grade education who died when I was 11, and I was raised by a single mom. I was the first person in my family to graduate from college and was still repaying my loans when my oldest son started college. I never aspired to being a lawyer, much less a judge on one of the finest courts in the country." [Arizona Republic, [5/20/24](#)]

FAMILY

1996: Bolick was divorced with two young sons. "Family Status: Divorced; two sons, Evan, 12, and Todd, 7" [Washington Times, 6/13/96]

- **Bolick's first wife is Joanne Rhodes.** "*Evan Bolick*: My mom [Joanne Rhodes] is Jewish and big into the synagogue. My dad [Clint Bolick] is a fairly influential libertarian attorney. He's now a [Supreme Court] judge in Arizona. Your parents really drive what you become. [...] My parents were divorced and we were primarily raised by my mom. She's the number one influence in my life. Without her making Judaism a really important thing, it probably wouldn't have been as big of a thing in my life and in my children's life." [Washington Jewish Week, 4/27/23]

1999: Bolick's children attended public schools in northern Virginia. "*John McLaughlin*: Mr. Bolick, do your children attend private -- public or private schools? *Clint Bolick*: They attend public schools. *McLaughlin*: What schools? *Bolick*: Annandale High School, in one case, and Edgar Allan Poe Middle School in another, in Fairfax County, Virginia." ["John McLaughlin's One On One," PBS, 9/19/99]

Bolick is married to Arizona Senator Shawna Bolick. [AZ Mirror, [7/19/23](#)]

- **Bolick had a son, Ryne, with his wife Shawna.** "Jeanne and Paul's daughter Shawna and her husband Clint Bolick and their year-old son Ryne flew in from Phoenix, Ariz." [Daytona Beach News-Journal, 6/17/03]

- **Bolick had a daughter, Kali, with his wife Shawwna.** “I still can’t believe it is already December. We just celebrated Kali’s 1st birthday last month.” [The Desert Bolicks’ Family Website, [December 2005](#)]
- **Shawwna and Clint met in Washington at an event hosted by the Heritage Foundation.** “Shawwna and Clint Bolick met in Washington at an event hosted by the Heritage Foundation, a conservative research institute. They have long been friends with U.S. Supreme Court Justice Clarence Thomas — a godfather to one of Clint Bolick’s sons — and his conservative political activist wife, Ginni.” [Associated Press, [5/16/24](#)]

2010: Bolick’s kids ranged in age from five to 26. “I love hanging out with my kids. My kids range in age from five to 26. And my oldest son just moved to Arizona and is clerking for the Court of Appeals.” [Arizona Capitol Times, 11/12/10]

2021: Bolick’s son Ryne was president of Young Americans for Liberty at Arizona State. “A new student club, Young Americans for Liberty at ASU, is pushing for a new school policy and change to state law. Leaders of ASU College Republicans and College Republicans United also support what's known as ‘campus carry.’ ‘Because they are a public university, I believe students should absolutely have the right to bear arms on campus,’ said Ryne Bolick, president of ASU's Young Americans for Liberty chapter. [...] Bolick, who is the son of Secretary of State candidate and state Rep. Shawwna Bolick, R-Phoenix, and Arizona Supreme Court Justice Clint Bolick, is leading the effort on campus. The sophomore's ‘No. 1 goal’ is to get a campus carry policy in place before he graduates.” [Arizona Republic, 9/21/21]

- **In 2021, Ryne called on Arizona’s public universities to allow guns on campus.** “Ryne Bolick, 20, is the son of Arizona Supreme Court Justice Clint Bolick and Republican state Sen. Shawwna Bolick, who ran for secretary of state in the Republican primary. Ryne Bolick made headlines of his own last year when he called for the state’s public universities to allow guns on campus. The Show heard from the younger Bolick about why he registered as a Republican and what it was like to grow up with politically prominent parents.” [KJZZ, [10/21/22](#)]
- **Ryne Bolick called himself a “self-declared RINO.”** In an interview with KJZZ, Ryne Bolick called himself a “self-declared RINO.” Specifically, Ryne Bolick said, “I guess I’m a self-declared RINO in that matter that I am a registered Republican but don’t necessarily adhere to every single Republican value.” [KJZZ, [10/21/22](#)]

2024: Bolick’s son Evan is the general counsel for the Cato Institute. “Evan Bolick is the general counsel for the Cato Institute. He is responsible for overseeing all internal legal matters concerning the Cato Institute and developing policies and procedures to facilitate Cato’s growth.” [Cato.org, [accessed 5/19/24](#)]

2024: Bolick’s son Todd is the Field Director for the National Capital Area Council of the Boy Scouts of America. [Todd Bolick LinkedIn, [accessed 5/19/24](#)]

SHAWNNA BOLICK

Summary: Bolick moved to Arizona in 2001. A former staffer for the Heritage Foundation and then-Republican Senator Rick Santorum, Bolick has also been a consultant for the Alliance for School Choice and the Arizona Charter School Association. Bolick’s husband is Clint Bolick, an associate justice of the Arizona Supreme Court. After two narrow losses in 2010 and 2014, Bolick ran in a

different house district in 2018, ultimately winning her race by under 2,000 votes. In 2020, Bolick was allowed to remain on the ballot for reelection despite listing her home address as a UPS location by the Arizona Supreme Court, which did acknowledge it was an “erroneous” entry; the court did warn that anyone who tried the same thing in the future “flirts with disqualification.” In 2023, Shawna Bolick was appointed to the state Senate.

Electoral History

2023: Bolick’s wife Shawna was appointed to the state senate after a failed run for secretary of state. “Former state Rep. Shawna Bolick will return to the Arizona Legislature again as a senator following her unanimous appointment to LD-2 by the Maricopa County Board of Supervisors on Wednesday. [...] Bolick previously worked for Texas Gov. Rick Perry, is an advocate for school choice, and is the wife of Arizona Supreme Court Justice Clint Bolick. In 2022, she ran an unsuccessful campaign for Secretary of State, losing to former state Rep. Mark Finchem for the Republican nomination.” [The Center Square Arizona, 7/19/23]

AP: Shawna Bolick represents one of the most competitive districts in the state and is among Democrats’ top targets in 2024. “Democrats, meanwhile, have put the abortion ruling at the center of their quest to take control of the state Legislature for the first time in decades. Sen. Bolick, representing one of the most competitive districts in the state, is among their top targets. Bolick appeared to argue on the floor that a repeal would guard against extreme ballot initiatives to enshrine abortion rights, saying she wanted ‘to protect our state constitution from unlimited abortions.’” [Associated Press, [5/16/24](#)]

“In 2022, she sought the Republican nomination for Arizona secretary of state but finished third.” [3TV/CBS 5, [7/19/23v](#)]

Lost four-way primary in 2010; ran again in 2014. “Bolick lost a four-way primary for the district in 2010, but Republicans pinned their hopes on her to take out Meyer, who is likely to become the House Democratic leader in the next Legislature, if he survives the election.” [Arizona Capitol Times, 11/4/14]

- **2017: Bolick ran in different district after two defeats.** “The wife of an Arizona Supreme Court justice hopes voters in Glendale and north Phoenix give her a shot in her third bid for a seat in the Arizona House of Representatives. Shawna Bolick, a stalwart conservative, filed to run as a Republican in Legislative District 20 on Wednesday, launching the Vote Bolick political committee, according to a press release issued by consulting firm Grassroots Partners.” [Arizona Capitol Times, 11/8/17]
- **2018: After losing by 654 votes in 2010 primary and 2,585 in the 2014 general, Bolick won race by 1,869.** [Arizona Capitol Times, 6/10/19]

2020: Bolick remained on ballot despite listing address as a UPS store. “Bolick, who is running for a second term in her north Phoenix legislative district, was challenged because she listed her residential address as 610 E. Bell Road, 2-142, both on her nominating petitions and on her circulator verification forms. Then she declared ‘under penalty of perjury’ that the information was true. That address is a UPS store. As the wife of state Supreme Court Justice Clint Bolick, state law allows her to shield her home address on records maintained by the county as well as on state motor vehicle and voter registration forms.” [Arizona Republic, 5/4/20]

- **Arizona Supreme Court ruling limited candidates’ ability to shield address.** “Political candidates who circulate their own petitions can’t shield their address from the public, no matter

to whom they are married, the Arizona Supreme Court ruled Monday. The state's high court rejected claims by Republican state Rep. Shawna Bolick that she could use a UPS store as her address on all of her nominating papers for a second term because she is married to a state Supreme Court justice. The justices — with the candidate's husband, Clint Bolick, abstaining from the case — said laws shielding the addresses of judges and their families from public disclosure do not trump laws requiring those who circulate petitions to list addresses so they can be contacted. The ruling invalidates 290 of the signatures Shawna Bolick collected on petition sheets she personally circulated and submitted to the secretary of state.” [Arizona Daily Star, 5/12/20]

- **May 2020: Court allowed Bolick to remain on ballot.** “The court allowed Rep. Bolick to remain on the ballot. His recusal was based on a conflict of interest that he extended to any other case involving his wife's legal counsel, who represented the plaintiff in Dunn's challenge.” [Arizona Capitol Times, 5/13/20]
- **San Pedro Valley News-Sun Editorial: “Bolick...lied on her nomination papers...rulings have rewarded her for breaking the law...Bolick's office and...connections do not excuse her from following the laws...”** “No elected official is above the law — not the president, not members of Congress, and not state representatives such as myself. When leaders break the rules, they must deal with the repercussions. This system of accountability should apply to Rep. Shawna Bolick, who lied on her nomination papers when filing to run for office. Unfortunately for Arizonans, our highest court has given her a ‘Get Out of Jail’ free card. [...] Despite the blatant disregard for the law, both the Maricopa County Superior Court and the Arizona Supreme Court ruled in Bolick's favor. These rulings have rewarded her for breaking the law, and muddied the waters for future cases of wrongdoing.” [San Pedro Valley News-Sun, 5/19/20]
- **September 2020: AZ Supreme Court OK'd Bolick ballot spot in nomination form dispute.** “A court order allowing certain people to take their address out of public records does not mean they can hide it when they run for office, the Arizona Supreme Court ruled Tuesday. The justices, however, agreed to let this one slide and permit Rep. Shawna Bolick, R-Phoenix, to seek a second term in the Arizona House even though she listed a mailing address on the nomination papers where it asks for a street address. Chief Justice Robert Brutinel, writing for the court, said her ‘erroneous’ entry on the papers was not done with the intent to defraud voters. It also just so happens she is the wife of one of their colleagues. But the justices in Tuesday's ruling made it clear that anyone who tries this in the future — including Bolick — ‘flirts with disqualification.’ The decision has broader statewide implications. It could force future candidates who want to shield addresses — in order to preserve their right to privacy and protection from possible harassment — to forego public office.” [Sierra Vista Herald, 9/8/20]

Election Denial

2022: Shawna Bolick was spotted in the crowd at a Proud Boys rally in Anthem, Arizona. In a series of tweets in July 2022, an organization called “Arizona Right Watch” described a reproductive rights rally and counterprotest by the Proud Boys in Anthem, AZ. On July 8, 2022, ARW posted, “Heads up to the upcoming “We Will Not Go Back” protest for abortion rights happening in Anthem, AZ this Saturday, a local militia-friendly coffee shop has been organizing on Facebook and Nextdoor for people to patrol the protest.” On July 9, 2022, ARW tweeted, “A group of Arizona Proud Boys has been spotted marching towards the reproductive rights rally in Anthem.” Then, on July 10, 2022, ARW posted, “Also spotted with the crowd of Proud Boys and counter protesters patrolling the We Will Not Go Back rally at Anthem Memorial was Paul Alan Carver, the lead registered agent for a local III% group + candidate for

DVUSD school board, and Rep. Shawna Bolick” A photo of Bolick at the counter protest was also posted alongside the July 10 tweet. [X.com, @az_rww, [7/10/24](#)]

Dec. 2020: Shawna Bolick was one of 20 legislators that called on Congress to either accept Arizona’s 11 GOP electors for Trump or to nullify state’s electoral votes for Biden until Legislature could conduct a full forensic audit to resolve irregularities. “Bolick was also one of 20 Republican legislators who signed a resolution in December calling on Congress to either accept Arizona's 11 GOP electors for Trump or to nullify the state's electoral votes for Biden until the legislature could conduct a full forensic audit to resolve any irregularities with the election.” [Arizona Mirror, [6/22/21](#)]

Shawna Bolick signed a letter to then-Vice President Mike Pence asking him not to certify the 2020 election results. “Bolick signed a letter to then-Vice President Mike Pence asking him not to certify election results.” [The Copper Courier, [1/24/21](#)]

2021: Shawna Bolick authored legislation that would have allowed state lawmakers to override the presidential choice of Arizona voters with a simple majority. “Former lawmaker Shawna Bolick was chosen by the Maricopa County Board of Supervisors Wednesday to fill the vacant North Phoenix seat in the Arizona Senate left by the resignation of Republican Sen. Steve Kaiser. [...] In 2021 Bolick authored legislation that would have allowed state lawmakers to override the presidential choice of Arizona voters with a simple majority — something Republicans have held in the state for decades. Bolick’s proposal came just two months after receiving emails from Ginni Thomas, urging her to overturn Biden’s victory in Arizona. Ginni Thomas is married to U.S. Supreme Court Justice Clarence Thomas.” [AZ Mirror, [7/19/23](#)]

- **Bolick: “This bill will bring much needed transparency and accountability...creating a legislative check and balance over certifying presidential electors...”** “But Rep. Shawna Bolick, R-Phoenix, the lead sponsor of HB 2720, said her bill would restore public confidence in elections that Hobbs claims to want, ‘while creating a legislative check and balance over certifying presidential electors.’ ‘People need certainty, and this bill will bring much needed transparency and accountability to address some of these outstanding issues, while creating a legislative check and balance over certifying presidential electors,’ Bolick said in a written statement on her bill.” [Inside Tucson Business, [2/3/21](#)]
- **Said bill would “help secure, adjudicate and audit ballots with the hope of restoring confidence in our electoral process.”** [Tucson Weekly, [2/3/21](#)]
- **Bolick: “It is time for the Arizona legislature to regain the power it delegated to certify the electors...”** “It is time for the Arizona Legislature to regain the power it delegated to certify the electors, as stated in Article 2, Section 1 of the U.S. Constitution. HB 2720 allows the Legislature to revoke the secretary of state’s decision to certify an election but not to pick its own winner.” [Washington Examiner, [2/8/21](#)]
- **Bolick also advocated for a legislative committee that would decide on a slate of electors.** “In an op-ed about the bill, she advocated for a legislative committee that would instead review elections and decide on a slate of electors. The bill went nowhere, and Bolick has since walked back that plan. After the results of the Maricopa County audit were released, she called for a statewide election audit.” [KJZZ, [6/27/22](#)]

- **2021: Sierra Vista Herald: “Bolick...wants to allow the Arizona Legislature to overturn the results of a Presidential Election, even after the count was formally certified by the Governor and Secretary of State—and even after Congress counted the state’s electors.”** [Sierra Vista Herald, 1/29/21]
- **Capitol Media Services: bill “would appear to violate the Arizona Constitution...”** “That by itself would appear to violate the Arizona Constitution, which spells out when the Legislature is, in fact, in session and when it can act. More practically, Bolick's proposal does not explain how there even could be a majority vote if there is no formal, on-the-record vote at a nonexistent legislative session.” [Capitol Media Services, 1/30/21]

2020: Shawna Bolick promoted debunked conspiracy theory about 2020 election. “Bolick, who was reelected in November, promoted false claims about the 2020 election. Visit Business Insider's homepage for more stories[1]. A top Arizona Republican who promoted a debunked conspiracy theory about the 2020 election has introduced a bill that would allow legislators override the certification of the state's top elections official and effectively overturn the results of a future presidential election.” [Business Insider, 1/29/21]

- **Bolick doesn’t dispute her own reelection in November.** “Rep. Shawna Bolick, a Phoenix-area Republican, does not dispute her own reelection in November. But after Donald Trump lost his bid for another term, she sought to block electors from casting their votes for the winner, President Joe Biden, despite the election having already been certified by Arizona's Secretary of State.” [Business Insider, 1/29/21]
- **Bolick promoted “Sharpiegate” conspiracy theory.** “Bolick also promoted[2] ‘Sharpiegate[3],’ the false conspiracy theory that ballots were invalidated because poll workers gave Republican voters permanent markers instead of ballpoint pens.” [Business Insider, 1/29/21]
- **Bolick’s bill gave Legislature formal Power to revoke certified results of Presidential Election.** “Now the lawmaker, who chairs the Ways & Means Committee in the state house, is seeking to provide the legislature - narrowly controlled by Republicans - the formal power to revoke the certified results of a presidential election. In particular, HB 2720 states that the legislature ‘may revoke the secretary of state's issuance or certification of a presidential elector's certificate of election.’ Notably, the bill would not grant the lawmakers the power to overturn the result of elections for the legislature itself.” [Business Insider, 1/29/21]

Ginni Thomas e-mailed Shawna Bolick to press her to overturn the 2020 election for Donald Trump. “Virginia ‘Ginni’ Thomas, the conservative activist and wife of Supreme Court Justice Clarence Thomas, pressed Arizona lawmakers after the 2020 election to set aside Joe Biden's popular-vote victory and choose "a clean slate of Electors," according to emails obtained by The Washington Post. [...] The emails were sent to Russell Bowers, a veteran legislator and speaker of the Arizona House, and Shawna Bolick, who was first elected to the chamber in 2018 and served on the House elections committee during the 2020 session. [...] Bolick is married to Clint Bolick, an associate justice of the Arizona Supreme Court, who worked with Clarence Thomas early in his career and has said he considers the justice a mentor. Shawna Bolick wrote back to Ginni Thomas on Nov. 10, 2020, ‘I hope you and Clarence are doing great!’ She gave Thomas guidance on how to submit complaints about any of her experiences with voter fraud in Arizona. Bolick, who is now seeking the Republican nomination to be Arizona's secretary of state, told The Post that she received tens of thousands of emails

in the months after the election and responded to Thomas in the same way she responded to everyone else.” [Washington Post, [5/20/22](#)]

- **Shawna Bolick responded by directing Thomas to refer any complaints of fraud to the attorney general.** “Records show Bolick responded by directing Thomas to refer any complaints of fraud to the attorney general. Less than two months later, Bolick sponsored House Bill 2720, a wide-ranging election bill that included a provision giving the state legislature sweeping authority to disregard voters’ choice for president. In a key provision, the measure would have given lawmakers the power to ‘revoke the secretary of state’s issuance or certification of a presidential elector’s certificate of election’ by a majority vote at any point before the president is inaugurated. Bolick at the time protested that critics were twisting her bill’s intent, which she said was an effort to make the process more bipartisan and call the legislature into a special session.” [AZ Mirror, [5/20/22](#)]
- **Shawna Bolick: “The dishonest media wants to distract attention from election fraud & our efforts to secure elections. Let’s cut through the conjecture & put this to bed.”** “Bolick declined to comment for this story, but pointed the Arizona Mirror to a statement she posted to Twitter that attacks the media. ‘The dishonest media wants to distract attention from election fraud & our efforts to secure elections. Let’s cut through the conjecture & put this to bed,’ she wrote. Bolick also singled out local journalists for sharing the Washington Post story or other stories on the emails.” [AZ Mirror, [5/20/22](#)]

Shawna Bolick was previously chair of a American Legislative Exchange Council (ALEC) working group that partnered with GOP election attorneys including prominent denier Cleta Mitchell. “Bolick also was named as a chair for a working group created by the American Legislative Exchange Council, an organization that crafts model legislation for state legislatures to pass similar laws. The working group — where Bolick served as chair leading up to the 2020 election — partnered with GOP election attorneys, including Cleta Mitchell, one of the most prominent figures involved in Trump’s attempts to overturn the election results. Their objective, according to reporting by Documented, was to start a letter campaign, emailing secretaries of state “questioning the validity of an election.” The effort sought to engage state legislators nationwide and allow them “to kind of exercise their political muscle” by raising unfounded questions about the election. [...] In addition to Mitchell, the group worked alongside Hans Von Spakovsky, an attorney for the Heritage Foundation, which crafts election legislation for states and has bragged about its voter suppression efforts in the past. Trump named Von Spakovsky, who has for decades falsely claimed there is widespread voter fraud among Democrats, to the Presidential Advisory Commission on Election Integrity.” [AZ Mirror, [5/20/22](#)]

2022: Bolick said she would not have certified the results of the 2020 election if she were Secretary of State, even though it would have been against the law not to. “During a June debate, Arizona Horizons host Ted Simons asked each of the GOP candidates on stage the same questions: Would they have certified the election in 2020 – results that former President Donald Trump, then the Republican nominee, has falsely, repeatedly claimed were fraudulent? [...] State Rep. Shawna Bolick? ‘My opinion, at the time, I would not have certified it,’ she said. Bolick explained that she thought forensic audits — think the Senate’s flawed and discredited election review in Maricopa County — were necessary in all 15 Arizona counties before results should be certified. It bears repeating — that’s not actually an option. [...] ‘No, the statute is very clear that this is a mandatory responsibility by the Board of Supervisors and by the Secretary of State’s office,’ Lorick says. Nonetheless, here’s Bolick arguing in the debate that it was wrong of Hobbs to follow the law. ‘I don’t think she should have signed it right when she did. We did not have a full forensic,’ she said. Lane points out the obvious: ‘That’ve been

breaking the law.’ ‘Yeah. And that would have been fine,’ Bolick replied. ‘I would have been breaking the law at that point.’” [KJZZ, [7/19/22](#)]

Other Statements On Elections And Voting

After the 2020 election, Shawna Bolick said, “Those Zuck Bucks bought this election and rigged it against us”. “She has a lot to say about what she sees as failings of the last election, tiptoeing close to claiming it was stolen but not saying that outright ‘We do know the election officials colluded with the judiciary in 2020,’ Bolick told the Senate audience, without offering any evidence. She has said numerous times that the election was ‘rigged’ because of grants from private foundations, including one established by Meta founder Mark Zuckerberg, to help elections offices cover unexpected costs due to the COVID-19 pandemic. ‘Those Zuck Bucks bought this election and rigged it against us,’ she said at a debate sponsored by the Republican Party of Arizona.” [Arizona Republic, [7/13/22](#)]

Shawna Bolick called the 2020 election “rigged” as recently as May 2023 and once retweeted a post that stated “#JailtheSupervisors.” “The Mirror sent screenshots as well as screen recordings of Bolick’s Twitter captured by Twitter user Arizona Right Wing Watch to Supervisor Gates, Chairman Clint Hickman and Vice-Chairman Jack Sellers, asking if they were aware of Bolick’s views on Maricopa County’s handling of the election, her postings on conspiracy theories and if they had reviewed her social media. Only Hickman responded and he declined to comment. One post retweeted by Bolick included ‘#JAILTHESUPERVISORS’ while another called the work of the county ‘bogus.’ Bolick called the 2020 election ‘rigged’ as recently as May.” [AZ Mirror, [7/21/23](#)]

AZ Mirror: Shawna Bolick consistently retweeted content from pro-Trump news network that was known to push election misinformation. “Bolick also consistently retweets content from accounts linked to a Pro-Trump ‘local news’ network that has been known to push election misinformation as well as a website that has a notorious track record for publishing false information.” [AZ Mirror, [7/21/23](#)]

Shawna Bolick referred to Gov. Katie Hobbs as the “occupant” of the Governor’s office on multiple occasions and made similar comments about Secretary of State Adrian Fontes. “She has also referred to Gov. Katie Hobbs as the ‘occupant’ of the Governor’s Office on multiple occasions while making similar comments about Secretary of State Adrian Fontes, in some tweets as recently as last month.” [AZ Mirror, [7/21/23](#)]

September 2021: Bolick claimed a majority of voters “now believe cheating likely affected the outcome of the 2020 Election...” “And Bolick launched her own secretary of state bid with a statement in which she claimed a majority of voters ‘now believe cheating likely affected the outcome of the 2020 election’ -- without making clear that this is not at all true.” [CNN, 9/16/21]

Bolick: “It’s time to secure our elections once and for all...” “In a press statement announcing her campaign, Bolick touted herself as a leader in the legislature on the issue of election integrity. 'It's time to secure our elections once and for all and de-politicize the office of Secretary of State,' Bolick said. '51% of voters now believe cheating likely affected the outcome of the 2020 election. We must get to work immediately restoring trust and fixing the problems that, quite frankly, have been there for some time.’” [Arizona Mirror, 6/22/21]

2020: Bolick argued switching to all-mail ballot was more complicated, riskier, and less accurate than voting in person. “Bolick argued that switching to an all-mail ballot is more complicated, riskier and less accurate than voting in-person. She wrote that a ballot cast in-person is counted more accurately

and securely than one mailed, the voting by mail lends itself to fraud and confusion in part because the mail isn't secure, that it's more expensive, and the counties will need to hire and train more people to switch to a vote-by-mail system." [Arizona Capitol Times, 4/10/20]

- **Bolick: “A knee-jerk reaction to move to a mail-only election would lead to lengthy tabulation scenarios compromising the integrity of our elections.”** In an op-ed, Shawna Bolick wrote, “When a registered voter checks into their polling place, they show their government-issued ID so they can cast their ballot on a voting machine that has passed a logic and accuracy test performed by the Secretary of State’s Equipment Certification Advisory Committee. A ballot cast in person tends to be counted more accurately and more securely than one mailed. A knee-jerk reaction to move to a mail-only election would lead to lengthy tabulation scenarios compromising the integrity of our elections. Arizona already offers several methods to vote. Now is not the time to reduce our voting options to just one, especially during a national emergency when our voice truly counts.” [Arizona Republic, [4/2/20](#)]

PUBLICATIONS

Bolick has authored several books, including:

- *Unshackled: Freeing America’s K–12 Education System* ([2021](#)),
- *Immigration Wars: Forging an American Solution* ([2013](#)),
- *Two-Fer: Electing a President and a Supreme Court* ([2012](#)),
- *Death Grip: Loosening the Law’s Stranglehold Over Economic Liberty* ([2011](#)),
- *David’s Hammer: The Case for an Activist Judiciary* ([2007](#)),
- *Nikki’s Girl* (a fictional novel), ([2007](#))
- *Leviathan: The Growth of Local Government and the Erosion of Liberty* ([2004](#)),
- *Voucher Wars: Waging the Legal Battle over School Choice* (2003),
- *Transformation: The Promise and Politics of Empowerment* ([1998](#)),
- *The Affirmative Action Fraud* ([1996](#)),
- *Grassroots Tyranny: The Limits of Federalism* ([1993](#)),
- *Unfinished Business: A Civil Rights Strategy for America’s Third Century* ([1990](#)),
- *Changing Course: Civil Rights at the Crossroads* ([1988](#))

AWARDS

1997: Bolick received the Women’s Freedom Foundation’s Second Annual Leadership Award. [Arizona Supreme Court profile, [6/13/24](#)]

1999: Bolick was awarded the Thomas S. Szasz Awards for Outstanding Contributions to the Cause of Civil Liberties “1999: Jeffrey Schaler, for his leading role in the development of secular, autonomous self-help groups for people with problems related to drug use. Chip Mellor and Clint Bolick of the Institute for Justice, for their litigation and cutting-edge constitutional work in favor of economic liberty, property rights, and school choice.” [Center for Independent Thought, [accessed 5/18/24](#)]

2003: Bolick was recognized as a lawyer of the year by *American Lawyer*. “In 2003, American Lawyer recognized Bolick as one of the nation’s three lawyers of the year in light of his legal work in support of school choice.” [Arizona Business Gazette, 10/5/06]

2004: Bolick received the Lysander Spooner Award for Advancing the Literature of Liberty for his book *Leviathan*. “Leviathan (Hoover Institution Press, 2004), the latest book by Hoover fellow Clint

Bolick, was awarded the Lysander Spooner Award for Advancing the Literature of Liberty.” [Hoover Institution Press Release, 9/7/04]

2006: Bolick was awarded a \$250,000 Bradley Prize for outstanding achievement by the Lynde and Harry Bradley Foundation. “The Lynde and Harry Bradley Foundation announced today that one of the four 2006 Bradley Prizes to honor outstanding achievement will be awarded to Clint Bolick, the president and general counsel of the Alliance for School Choice, with special emphasis on helping low-income school children. [...] Along with three other recipients, Bolick will be presented the awards during a ceremony to be held at the John F. Kennedy Center for the Performing Arts in Washington, D.C. on Thursday, May 25. Each award carries a stipend of \$250,000.” [Lynde and Harry Bradley Foundation Press Release, 4/13/06]

2008: Bolick was named on Legal Times’ 90 Greatest DC Lawyers in Past 30 Years. [Arizona Supreme Court profile, [6/13/24](#)]

2023: Bolick won the ALEC Scalia Award for Restoring the Balance of Government. “On Thursday, as events began to wind down, there was one last hurrah as Arizona Supreme Court Justice Clint Bolick received the Scalia Award for Restoring the Balance of Government.” [American Legislative Exchange Council Press Release, 12/5/23]

PERSONAL IDEOLOGY

1993: US News & World Report Called Bolick The “Pre-Eminent Practitioner” Of Conservative Legal Activism. “Some Clinton critics are expanding the traditional liberal strategy of filing lawsuits to advance their causes. Conservatives experimented with the tactic during the 1980s, when they opened public-interest law firms around the nation as ideological mirror images to liberal civil-rights and civil-liberties groups that had litigated for decades Now, the conservative-activist approach is coming into its own, and its pre-eminent practitioner is Clint Bolick of the Institute for Justice. The Washington-based firm’s mission is opposing government infringement of individual rights, and some unlikely clients have climbed aboard its libertarian-leaning docket.” [US News & World Report, 1/18/93]

New York Times: Bolick a “nationally known legal activist” who helped advance an array of conservative litigation as co-founder of the Institute for Justice. “The four judges behind reviving the abortion ban included Clint Bolick, a nationally known legal activist who helped advance an array of conservative litigation as a co-founder of the Institute for Justice, a right-leaning public interest law firm based in Washington. He oversaw similar cases in Arizona at the conservative Goldwater Institute before being appointed by Mr. Ducey to the Supreme Court in 2016.” [The New York Times, [4/10/24](#)]

Bolick shared view that the Constitution is not a “living document” subject to change... Bolick: “Take the words of the Constitution literally...” “What worries the Left is that Bolick shares with Justice Clarence Thomas, a mentor of his, the view that the Constitution is not a ‘living document’ subject to changes in public opinion. ‘Take the words of the Constitution literally,’ he told KJZZ radio this week. ‘When judges stray from the text of the Constitution and supplant [it with] their own ideas, like changing the words ‘public use’ into ‘public benefit,’ they’re amending the Constitution. That, to me, is beyond the scope of proper judicial action.’” [National Review, [1/8/16](#)]

- **Bolick was a legal “textualist,” believing that a judge’s role is to enforce the Constitution and rule of law.** “One term that frequently arises in debates over judicial nominations and

decisions that does have great meaning is textualism. Indeed, textualist judges provide the greatest possible guarantee that the judiciary will safeguard the Constitution and rule of law. Textualism is easy to define yet often difficult to effectuate. It is grounded in the belief that the role of judges is to enforce the Constitution and laws that conform to the Constitution (which is, after all, why judges as well as other public officials take a constitutional oath). [...] The principal safeguard against judicial excesses is the appointment of judges who consider themselves genuinely bound to the important yet limited powers assigned to them. That in turn requires citizens who care about our freedoms and the rule of law to be informed and vigilant about who is appointed to federal and state judgeships, especially at the appellate levels. A professed and manifest devotion to textualism is a good proxy for fidelity to the rule of law—and a good insurance policy to perpetuate the precious freedoms we inherited.” [Hoover Institution, [2/27/18](#)]

2003: Bolick gave a lecture at the Bohemian Grove, a gathering called “the greatest men's party on Earth” where women were not allowed to be members. “Since the late 19th century, tycoons, politicians and artistic performers have flocked to the Bohemian Grove, a private, 2,700-acre forest 60 miles north of San Francisco. Here, cronies party their way through the 17-day summer festivities, which begin today. They gab. They drink. They urinate on trees. Hoover called these get-togethers ‘the greatest men's party on Earth,’ and older attendees aren't in any hurry to meddle with the secretive club's traditions. Women still aren't welcome as members. Overnight guests sleep in various lodges, or ‘camps,’ that look like relics of the railroad era. Newfangled gadgets such as cellphones are forbidden. And members are instructed not to talk about what goes on here. [...] The ‘Midsummer Encampment’ last year included a talk on the evolution of classic jazz, a magic show, an organ concert, an evening salute to Burt Bacharach, an afternoon of quintet for clarinet and strings, a slide show about Gens. Grant and Lee, skeet shooting, a lecture by Clint Bolick about vouchers, a talk about horse racing by jockey Chris McCarron, a talk by George Shultz titled ‘A Changed World,’ talks by Charlie Rose and William Safire, a fly-fishing demonstration, and a horse-racing play involving horses named Rocket Boy, Wonder Bra and Attila the Horse.” [Wall Street Journal, 7/16/04]

2024: Bolick said he’s mentored hundreds of young people, “some of whom are now themselves judges,” and co-founded a mentoring group for young female professionals. “That means I do not take a single moment for granted. I have paid it forward by mentoring hundreds of young women and men from high school to law school and beyond, some of whom are now themselves judges. I teach constitutional law every fall at Arizona State University. Every year I speak to dozens of student and community groups, and co-founded a mentoring group for young female professionals. My judicial assistant complains that I never say no, whether it is coffee meetings with aspiring judges, swearing-in officials and new lawyers, or performing weddings (my favorite part of the job, especially during COVID-19).” [Arizona Republic, [5/20/24](#)]

Arizona Republic Columnist EJ Montini: Bolick once dressed up with fake dreadlocks “dreadlocks as part of an ersatz Bob Marley Rastafarian get up, then stood on a stage and performed a juvenile reggae parody in which he denigrated, among others, Hillary Clinton, Barack Obama, John McCain, Democrats in general, and teachers unions.” Columnist EJ Montini wrote, “This is a man who, before becoming a justice, once festooned himself with fake dreadlocks as part of an ersatz Bob Marley Rastafarian get up, then stood on a stage and performed a juvenile reggae parody in which he denigrated, among others, Hillary Clinton, Barack Obama, John McCain, Democrats in general, and teachers unions. Bolick said that he and the other justices upheld that draconian territorial abortion ban weren’t making a policy decision, but simply following the law. Well, voters deciding to

retain — or not retain — judges, for whatever reason they choose, is also the law.” [Arizona Republic, [5/21/24](#)]

PERSONAL POLITICS

2000: Bolick was named one of the “Gang of Five” Leaders at the Center of the Conservative Crusade by author Nina Easton. In *Gang of Five: Leaders at the Center of the Conservative Crusade* Nina Easton writes, “Thoughtful and balanced portraits of five lively and influential conservatives, emphasizing their intellectual roots and the parts they have played in the increasing sway of conservative policies and politics in the US since before the Reagan presidency. The gang of five are journalist and pundit Bill Kristol (editor and publisher of *The Weekly Standard*), the Christian Coalition's Ralph Reed (now a political consultant), former Indiana congressman David McIntosh (now running for governor of Indiana), lawyer Clint Bolick (whose clients are the urban poor), and anti-tax activist Grover Norquist (who keeps trying to herd all the conservative factions into the same corral). Easton chose these five because they represent a range of thought across the conservative spectrum.” [Kirkus Reviews, 7/15/00]

1989: Bolick Called The Reagan Administration “A Wasted Eight Years” In Terms Of Establishing “A Positive Civil Rights Policy.” “Some conservatives are challenging Mr. Bush to go beyond merely staying the Reagan course. ‘The Reagan administration allowed the civil rights establishment to control the debate by constantly opposing [its] agenda but proposing nothing of its own,’ said Clint Bolick, director of the Landmark Center for Civil Rights. ‘The administration left itself very vulnerable to merely championing the rights of white firefighters.’ Recalling that Mr. Bush talked about freedom from crime as a civil rights issue during the campaign, Mr. Bolick said: ‘Bush has a tremendous potential here for completely bypassing the civil rights establishment. No one on the left is talking about personal security as a civil right.’ Mr. Bolick is not as laudatory as Mr. Reynolds about the accomplishments of the Reagan administration. Although he credits it with ‘reversing negative policies,’ he said, ‘In terms of achieving a positive civil rights policy, it was a wasted eight years.’” [Washington Times, 8/7/89]

1993: Bolick Endorsed Jack Kemp For President, Citing Concerns That The Republican Party Increasingly Appealed Only To “Middle And Upper Income Whites.” “The battle for the 1996 GOP nomination, already heating up in the shadow of the Bush debacle, will feature perhaps the most impressive crop of candidates ever in this century. Yet rarely has the best Republican choice seemed so obvious so far in advance of the election. It's not sage to make an endorsement at such an early stage, and important questions about Jack Kemp's qualities as a candidate remain unanswered. But at this point it appears Kemp holds the key not only to electoral success in 1996, but possibly to the Republican Party's survival. Most Republicans don't realize it, and none of them talks about it, but the party's most urgent priority is realignment. The party is dying. It currently appeals mainly to an ever-shrinking portion of the electorate: middle and upper-income whites. In 1992, that core proved inadequate, and it may never be enough to win a national election again.” [Clint Bolick Op-Ed, St. Petersburg Times, 3/28/93]

1995: Bolick said ballot initiatives to ban affirmative action would help Republicans win in 1996. “Clint Bolick, a leading architect of efforts to shut down the federal affirmative action machinery in Washington, D.C., agrees it is an issue perfectly crafted to bring Reagan Democrats into the Republican fold. ‘The more ballots this is on in '96, the better it will be for the Republicans,’ Bolick said.” [Newhouse News Service, 5/21/95]

1996: Bolick: “I’m delighted that attractive young women are joining conservative ranks.” “I don't get the point of John Podhoretz's denigration of the ‘Genetically Endowed.’ Personally, I'm delighted that attractive young women are joining conservative ranks, that 30 of them formed ‘No Left Turn’ and host fund- raising bashes for activist groups like my own Institute for Justice, and that they are bringing some fun and spirit to a movement that sometimes seems genetically dour.” [Clint Bolick Letter to the Editor, Weekly Standard, 6/10/96]

In 1999, Bolick said: “Conservatives are getting into the business of reaching out to poor people for the first time.” “It is a stance made possible, Mr. Bush's supporters say, by the failures of liberal approaches to compassion. ‘Conservatives are getting into the business of reaching out to poor people for the first time,’ said Clint Bolick, who directs the Institute for Justice, a libertarian public interest law firm in Washington. ‘The idea is not to fight the welfare-state programs of liberals with less generous similar programs, but to return freedom to people. Bush really understands this at a core level, and it serves the objective of softening conservatives' well-earned reputation for being ungenerous.’” [New York Times, 11/17/99]

2006: Bolick raised money for Ken Blackwell’s campaign for governor of Ohio. “National charter-school advocates are digging deep to help underwrite Ken Blackwell's gubernatorial campaign. No single issue has delivered more out-of-state \$10,000 donations than school choice. Blackwell has received more than \$100,000 from donors outside Ohio who favor voucher programs and taxpayer-funded private schools, according to a Plain Dealer analysis of \$10,000 contributors. ‘The school choice movement has no greater friend than Ken Blackwell,’ said Clint Bolick, president of Advocates for School Choice, a Phoenix-based lobbying group. Bolick, who also leads Alliance for School Choice, a nonprofit group, said he generally doesn't solicit peers for political donations. But he and others did just that beginning in February 2005 to gather money for the Republican primary. [...] But Bolick said his out-of-state associates who have donated \$70,000 to Blackwell so far do so as a reward for Blackwell's track record more so than anything he may do in office.” [Cleveland Plain Dealer, 7/24/06]

Bolick on the 2012 election: “Almost everyone believed that Romney was not only going to win, but win big, up until the day of the election.” “‘Almost everyone believed that Romney was not only going to win, but win big, up until the day of the election,’ says Clint Bolick, the libertarian attorney who now directs litigation at the Goldwater Institute in Phoenix and who co-authored Jeb Bush's new book about immigration reform. ‘My wife and other Tea Party types, they were telling me: ‘You've got to stop reading the New York Times. They're going to be wrong.’ Losing forced people into some serious soul-searching. I know some Tea Party folks are rethinking the issue now, and that conversation simply never happened before.’” [Slate, 5/2/13]

2012: Bolick raised money for Ted Cruz’s Senate campaign. “During Cruz's Senate campaign, Bolick urged friends to donate to the firebrand who had impressed him as a Supreme Court clerk. ‘Everyone's reaction was, ‘Who is Ted Cruz’” Bolick said. He recalls telling those friends that, if Cruz was elected, ‘you will never need to ask that question again.’” [Chicago Tribune, 5/16/13]

Donald Trump

2016: Bolick had “significant concerns about Trump’s temperament and fitness to lead.” “Like many libertarians and limited government conservatives, I had significant concerns about Trump’s temperament and fitness to lead. Nevertheless, Trump has been duly elected President, and all of us must hope that he governs wisely for the good of the country. With luck, he will surround himself with cool heads who will help him flesh out a pragmatic conservative governing agenda.” [Clint Bolick, Make the

Civil Rights Division Great Again? -- Notes on "This is What a Trump Civil Rights Agenda Should Look Like." The Federalist Society, [12/15/16](#)]

2018: Bolick said that Donald Trump's tone on immigration had improved since the 2016 election and his rhetoric was "less harsh than it was before." "*Ernest Hancock*: I would think the mindset is, you know, like Trump would say the same thing. Is he advocating no immigration? Or is he going, you know, the 'right' people, the white people? What is he saying anyway? *Clint Bolick*: You know, it's really hard to say. Since the election, his tone on reforming immigration has been more encouraging than it was during the campaign when it really just seemed like he was anti-immigration. For example, the Dreamers he now seems to be saying that he never meant to say that he was going to send them packing. *Hancock*: Except when he said he was sending them packing. *Bolick*: Yeah, exactly. So it's hard to know. We haven't seen a real a real plan submitted, but his rhetoric has been less harsh than it was before." [Declare Your Independence With Ernest Hancock, [1/2/18](#)]

2020: Bolick said that his 1980s lawsuit against Donald Trump was likely one of "many reasons" why he was never nominated for a federal judicial position. "*Jennifer Grossman*: That answers another big question that I had, which is why you haven't yet been nominated to the court of the United States. *Clint Bolick*: Well, I'm sure there are many reasons for that, but but suing Donald Trump is probably one of them." [The Atlas Society Asks Clint Bolick, [10/7/20](#)]

- **Bolick said the case against Trump was an "classic" example of "a schoolyard bully"... "He's a thug."** "Trump wanted Coking's house — not to live in, but as a place to park limousines for his casino next door. But Coking wouldn't let him have it. No way. No how. Never. 'It is a classic case of a schoolyard bully growing up,' said Clint Bolick, who co-founded the legal institute that defended Coking in a 1990s lawsuit with Trump and years later co-authored an immigration book with Bush, Trump's nemesis and Republican presidential opponent. 'He's a thug.'" [The Washington Post, [9/9/15](#)]
- **2017: Bolick: "Having sued Trump, myself, I don't expect to ever be on the shortlist, especially having beaten him."** "*Clint Bolick*: Having sued Trump, myself, I don't expect to ever be on the shortlist, especially having beaten him. But nonetheless, I would argue that it would be a good qualification. <inaudible> So I'm happy to say, unfortunately, I used the word to describe him in the Washington Post Trump Decembers ago." [Justice Clint Bolick, "The Free Market, Economic Liberty, and State Constitutions" University of Chicago Law, [1/31/17](#)]

Rudy Giuliani

2007: Bolick joined Rudy Giuliani's presidential campaign. "Mr. Giuliani has been working to show his commitment to school choice, and has attracted at least two well-known choice proponents to his campaign: Clint Bolick, who until recently was the president of the Phoenix-based Alliance for School Choice, and Nina S. Rees, the former head of the Education Department's office of innovation and improvement under President Bush. [...] Mr. Bolick, who isn't yet certain what his role with the Giuliani campaign will be, said he chose to work with the former mayor in part because he believes he's the candidate best positioned to use the issue of school choice to draw voters away from the Democratic nominee in the general election. 'I think it would be instinctive for him to go into the inner city' to seek out low-income parents who want options for their children, Mr. Bolick said, and 'essentially dare Democrats to come up with something better.'" [Education Week, 4/11/07]

- **Bolick served on the Giuliani Education Advisory Board.** [Rudy Giuliani Presidential Campaign Presidential, 12/12/07]

- **2007: Bolick and his wife donated \$550 to Giuliani’s campaign.** A review of campaign finance records found that in 2007, Clint Bolick and his wife, Shawna Bolick, donated a total of \$550 to Rudy Giuliani’s presidential campaign. [Federal Election Commission, accessed 5/7/24]

Barack Obama

2008: Bolick: “Barack Obama's grabbing of the golden ring proves once and for all that America is the land of opportunity, regardless of race. So the already thin case for racial preferences has evaporated.” “Barack Obama's grabbing of the golden ring proves once and for all that America is the land of opportunity, regardless of race. So the already thin case for racial preferences has evaporated. That is good news for blacks. Racial preferences are trickle-down civil rights, bestowing benefits on the most-advantaged members of preferred groups while leaving intact the underlying problems that cause racial disparities. Programs like school-choice and college admission policies that focus on disadvantage rather than race are far more effective in increasing the numbers of qualified minorities who can compete on an equal playing field. But Obama is bad news if he expands entitlements for health care, college, mortgages, and credit card debt.” [Clint Bolick Letter to the Editor, National Review, 11/6/08]

- **Bolick urged Obama to “inspire people and preach tough love” rather than “give vent to his inner ACORN and foment class division.”** “Blacks who hitched their wagon to the welfare state mired themselves in a cycle of poverty. Enterprise, education, and self-reliance are the keys to progress in America. It would be tragic if Obama replaced the keys with new shackles of dependency. Much depends on whether Obama is a statesman or a liberal ideologue. He has an unprecedented opportunity to heal racial division in America, to inspire people and preach tough love. Or he can give vent to his inner ACORN and foment class division. Let's hope he steers a course based on universal American values. If he does, he could be one of our greatest presidents; if not, a tragic missed opportunity.” [Clint Bolick Letter to the Editor, National Review, 11/6/08]

George W. Bush Appointees

2000: Bolick supported George W. Bush’s appointment of John Ashcroft as Attorney General. “Conservative groups expressed delight in the choice of Mr. Ashcroft. Clint Bolick, vice president for litigation for the Institute for Justice, a conservative public interest law firm, said the Justice Department was likely to undergo a change. ‘I do think that projecting forward from today we will see very different types of case being filed by the Justice Department, particularly in the areas of voting rights, employment and education.’ Mr. Bolick said there were several cases working their way toward the Supreme Court, among them appeals of circuit court decisions upholding affirmative action admissions programs at the University of Wisconsin and the University of Michigan. So far the Clinton administration had not taken an official legal position regarding those cases, but Mr. Bolick predicted that might change in the Bush administration. ‘We've got a number of areas where the Justice Department will be called upon to weigh in on the issue of racial preferences in higher education,’ he said.” [New York Times, 12/23/00]

- **Bolick: “John Ashcroft is a man who believes to the core of his soul in the civil rights laws of this country.”** “*Clint Bolick:* John Ashcroft is a man who believes to the core of his soul in the civil rights laws of this country. He signed the first hate crimes legislation in Missouri history. He voted for 26 out of 28 minority appointments of President Clinton to the Bench. The two he voted against-- one, Ronnie White, was opposed by 55 members of the United States Senate, including such moderates as Jim Jeffords and Arlen Specter. The other was withdrawn by President Clinton. He signed into law the Martin Luther King Birthday holiday in Missouri, which was contentious

elsewhere. This is a man who will restore integrity to the Justice Department, which desperately needs that integrity. What Elaine Jones doesn't like is that times have changed and that a majority of Americans think that the era of racial division ought to be over; so too does John Ashcroft. ["NewsHour with Jim Lehrer," PBS, 1/2/01]

- **Bolick: "First and foremost, we are looking for Ashcroft to make solid recommendations on judicial nominations."** "Ashcroft's confirmation battle was largely about future judicial appointments, said people on both sides of the fray. Judges are nominated by the White House with input from the attorney general. 'First and foremost, we are looking for Ashcroft to make solid recommendations on judicial nominations,' said Clint Bolick of the conservative Institute for Justice. 'If he did nothing else, we'd be satisfied he did that.'" [Kansas City Star, 2/17/01]

2001: Bolick praised George Bush's appointment of Linda Chavez as Secretary of Labor. "Once a liberal Democrat who worked for the American Federation of Teachers, Linda Chavez, President-elect Bush's pick as labor secretary, is now a staunch conservative who supports school vouchers. [...] 'This is a stellar nomination,' said Clint Bolick, vice president for litigation at the Institute for Justice, a libertarian public interest law firm. Bolick and other conservatives predicted that under Chavez, the Labor Department will scale back regulations -- including those committing federal contractors to affirmative-action programs -- they believe place a burden on employers." [San Francisco Chronicle, 1/3/01]

2001: Bolick supported the nomination of Ralph Boyd to lead the Justice Department's Civil Rights Division. "President Bush yesterday nominated a former federal prosecutor who aggressively pursued cases involving gangs and gun crimes in Massachusetts to head the Justice Department's Civil Rights Division. If confirmed by the Senate, Ralph F. Boyd would be the third black appointed to a high-ranking Justice Department post. [...] Clint Bolick, executive director of the conservative Institute for Justice who vigorously supported Mr. Ashcroft, described the Boyd appointment as 'an inspired nomination.' 'I do not know Ralph Boyd but I know he is very well thought of among conservatives in the Boston area,' Mr. Bolick said. 'His nomination puts a refreshing emphasis on law enforcement which was lacking during the Clinton years, where the nominees were steeped in ideology but not law enforcement.'" [Washington Times, 3/7/01]

2004: Bolick questioned Bush's appointment of Margaret Spellings as Secretary of Education. "With Margaret Spellings' nomination to succeed Secretary of Education Rod Paige, some school choice advocates are worried that their cause will get crowded out in President Bush's second term by a heightened focus on test-based accountability. As they lament the imminent loss of a secretary they considered a champion, many proponents of private school vouchers and other nonconventional educational options are withholding judgment on how forcefully Ms. Spellings is likely to support choice. But others, especially voucher proponents, are openly voicing concern that she will prove a much less passionate advocate than Mr. Paige. 'Rod Paige was a tough act to follow, but certainly the president could have chosen someone who has a strong track record on school choice, and Margaret Spellings does not,' said Clint Bolick, the president and general counsel of the Alliance for School Choice, a Phoenix-based organization that pushes for school voucher programs nationally. 'We are anxious to hear some concerted assurance that Secretary Spellings [would] pursue school choice and use her position as a bully pulpit for school choice as her predecessor did.'" [Education Week, 12/1/04]

Bill Clinton

1997: Bolick said he wanted to "trade" Bill Clinton in for President Colin Powell. "*Clint Bolick*: I do think it's 1997. We should have learned from history that treating people based on race or gender is

wrong. It is not just wrong when one person does it who happens to be white, it's wrong no matter who is doing it. We have got to move no to a merit system. I would agree with the woman who observed a moment ago about all the presidents being white. I personally would like to trade this one in for Colin Powell myself.” [“Talkback Live,” CNN, 6/11/97]

Party Evolution

1970s: Bolick became a Republican in high school. “I became a Republican in high school and became involved in the teenage Republicans, but had some deviant views such as support for legalization of marijuana and that sort of thing. It wasn't until college that I realized there was such a thing as libertarianism and that that really was more my philosophy than a down-the-line Republican.” [Arizona Capitol Times, 11/12/10]

1997: Bolick described himself as a libertarian who supported “individual initiative and opportunity” over “government-mandated solutions,” “Most of Bolick's clients are black. Yet most of his politics are scorned by traditional African American leaders. After all, this is the same Bolick whose legislative proposals inspired a federal version of CCRI in Congress, who supports stringent welfare reform, who sank President Clinton's nomination of Lani Guinier as the nation's chief civil rights enforcer by inspiring the tag ‘the quota queen,’ and whose younger son considers as his godfather Supreme Court Justice Clarence Thomas, a nemesis of civil rights and feminist groups. Bolick, a self-described libertarian who supports ‘individual initiative and opportunity’ over ‘government-mandated solutions,’ sees his legal efforts as a kind of put-your-money-where-your-mouth-is element too often missing on the Right. If programs such as racial preferences and welfare don't ease racial disparities, he reasons, then conservatives need to offer something else that does. In Bolick's mind, that answer comes from vigorous support of entrepreneurship and new educational opportunities in inner cities. He is a prominent defender of school vouchers in the Cleveland and Milwaukee programs, where he represents low-income parents using state dollars to send their children to private schools.” [Los Angeles Times, [4/20/97](#)]

- **Bolick referred to himself as a “big-government libertarian.”** “Bolick used to joke that he was a ‘bleeding-heart conservative.’ Now he prefers the oxymoron ‘big-government libertarian’ as a way to demonstrate that he values pragmatism over ideological purity.” [Los Angeles Times, [4/20/97](#)]
- **2001: Bolick described himself as a “compassionate libertarian.”** “‘We are pro-free enterprise,’ but not pro-big business,’ said Bolick, describing himself as ‘a compassionate libertarian.’ He said the institute is funded largely by conservative foundations, but also by about 8,000 individual donors.” [Arizona Republic, 7/20/01]

Bolick was a Republican until 2003, when he chose to become an independent. “In his application, Bolick said he was a Republican until 2003, choosing at that time to become a political independent.” [Arizona Capitol Times, [1/6/16](#)]

- **Bolick left the Republican Party “in protest over its anti-immigrant policies and the Iraq war.”** “A fierce defender of Clarence Thomas during his nomination battle, Bolick left the Republican Party not long ago in protest over its anti-immigrant policies and the Iraq war.” [New York Times, 4/17/05]

- **Bolick said he left the Republican Party over its “strident” position on immigration.** “Bolick, the co-author, also noted he had left the Republican Party a decade before over the “strident” position on immigration in his home state of Arizona.” [Miami Herald, 3/9/13]

2019: Bolick said that he had been a political independent since 2003 and maintained a “separation of powers” in his household between his work on the Supreme Court and his wife’s political career. “*Clint Bolick*: I have actually been an independent since 2003. So I have not been involved in Republican politics, but my wife is, and she is in her first term in the Arizona House of Representatives. As you know, there's a balance and separation of powers in our household. But, you know, it's really interesting, there are things that we can't talk about. There are things we can't talk about, even if she wasn't a legislator, because, you know, the internal workings of the court, I can't talk to you about that.” [Declare Your Independence with Ernest Hancock, [9/12/19](#)]

Other Notable Statements

1997: Bolick compared his legal work to Frederick Douglass and Martin Luther King. “But Clint Bolick, litigation director for the conservative Institute for Justice in Washington, said the type of legal work that he and [Lee] Parks practice has its roots in the civil rights movement. ‘Leaders from Frederick Douglass to Martin Luther King said civil rights protection must be universal,’ Bolick said. ‘So when the tide shifts to a new class of victims, one would hope lawyers are there to protect those victims, whatever their color.’” [Associated Press, 5/8/97]

Bolick described himself as a “freedom fighter” for disadvantaged Americans. “Bolick was in Dallas yesterday to address business leaders, educators and members of The National Center for Policy Analysis. During his visit, Bolick discussed child-centered education funding, parental choice, charter schools and privatized teacher-owned schools. Bolick also offered ideas concerning community renewal that included welfare revisions, community service and non-minimum wage jobs, child care and family tax credits ‘There are two keys to upward social mobility: enterprise and education,’ Bolick told almost 100 people during a luncheon at the Federal Reserve Bank of Dallas. ‘We as freedom fighters should remove barriers. The need to do something is urgent.’ That includes removing barriers in education and entrepreneurship that hinder American minorities who, despite tremendous growth and opportunities, are consistently left out of the American dream, Bolick said. [...] ‘Fighting for freedom is not for the faint of heart,’ Bolick said. ‘Freedom is right and freedom works.’” [Fort Worth Star Telegram, 10/22/98]

Bolick: “I very much believe that privacy is protected by the Constitution.” “*Clint Bolick*: I do think there are certainly differences that can take place among strict constructionists. For example, I consider myself one but I very much believe that privacy is protected by the Constitution. But what we mean by this term, 'strict constructionist,' is a judge who feels bound by the rule of law. That the Constitution does change in terms of the circumstances to which it applies, but the principles don't change and a judge is not free to substitute his or her principles for the principles that are in our organic law. Now the way to do that is to change the Constitution, not just to change the judges.” [“Talk of the Nation,” NPR, 11/1/00]

Bolick: “The object of American constitutional government is the preservation of individual liberty, and government at every level is a constant threat to that liberty.” “What can we do to fight the Leviathan? First, we should pay attention. The school board member or zoning commissioner often has more impact on the lives of ordinary people than does the president of the United States. We should get to know local officials and expend as much effort on local politics as we do on national politics. We also need to rediscover federalism. We must remember that the object of American constitutional

government is the preservation of individual liberty, and that government at every level is a constant threat to that liberty. In terms of fighting grassroots tyranny, we should look to state constitutions. Many state constitutions provide greater protections of liberty than does their national counterpart. Most important, we can fight back. Washington, D.C., remains an object of concern for those who value freedom. But the more dangerous bully may live closer than we think. Only by standing up against it can we hope to vindicate our own freedom and cause government officials to act like the public servants they are meant to be.” [Clint Bolick Op-Ed, Wichita Eagle, 9/21/04]

2011: Bolick cheered for “judicial activism,” especially from state courts. “Striking down laws that violate individual rights or exceed government authority was precisely the central role assigned the judiciary by our Constitution’s founders. As Alexander Hamilton observed in *The Federalist No. 78*, it is the judiciary’s duty ‘to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges amount to nothing.’ Hamilton warned that courts exercising executive or legislative powers would amount to judicial tyranny; but he believed that only the judiciary could be trusted to hold the other branches to the prescribed limits of their authority. State courts can and should be even more activist, for multiple reasons. Our Constitution contains protections of individual liberty and restraints on government power that are unknown to the federal constitution. State courts are free to interpret protections that exist in both constitutions more expansively than federal courts interpret the federal constitution. And unlike the federal and state governments, which possess broad police powers, state agencies and local governments possess only those powers expressly granted by statute.” [Clint Bolick, *Let’s Hear It for Judicial Activism*, Arizona Attorney, [February 2011](#)]

2010: Bolick said his favorite historical figure was Thomas Paine. “Q: Who’s your favorite historical figure? A: I guess I really have to go with my heart and say Tom Paine.” [Arizona Capitol Times, 11/12/10]

1997: Bolick was quoted as a “wine aficionado” who tours Sonoma Valley once a year in a *Reason* magazine article about interstate wine sales. “The resulting paucity of choices irritates wine aficionados like Clint Bolick, director of litigation at the Institute for Justice in Washington, D.C. ‘It’s extremely frustrating that you can mail-order almost anything, but you can’t mail-order your favorite wines,’ he says. ‘As with most other wine enthusiasts my tastes run to the small wineries. If there’s no mail-order business, the odds of finding my favorite wines in a Virginia ABC store are virtually zero.’ [...] Says Bolick, who tours Sonoma Valley wineries once a year, ‘I can carry extremely heavy luggage back from California.’ So far he has not spotted any wine-sniffing dogs at the airport.” [Reason, 11/1/97]

- **Bolick’s “favorite pursuits” were “scuba diving and sipping vintage Chardonnay.”** “Mr. Bolick, who makes \$110,000 a year with the Institute of Justice, seems to relish befuddling civil rights groups as much as he enjoys his favorite pursuits of scuba diving and sipping vintage Chardonnay.” [New York Times, 11/16/97]

CRITICISM

In 1997, NAACP deputy general counsel Theodore Shaw said, “I have serious problems with Clint Bolick, not because he has differing views, but because of his tactics... I think they’re unprincipled and divisive.” “Along the way, he has earned praise from many conservatives and contempt from liberals who accuse him of engaging in distortions and mudslinging. Many liberals still fume over the characterization of Ms. Guinier as a ‘quota queen,’ in a Wall Street Journal opinion piece Mr. Bolick wrote. And they suspect that Mr. Bolick was at the bottom of suggestions that Mr. Lee had acted improperly in trying to work out a consent decree involving hiring women by the Los Angeles Police

Department. ‘I have serious problems with Clint Bolick, not because he has differing views, but because of his tactics,’ said Theodore M. Shaw, deputy counsel-general of the NAACP Legal Defense and Educational Fund. ‘I think they're unprincipled and divisive.’ Mr. Shaw added: ‘I’ve engaged in a lot of discourse with him. I’ve been on panels with him and debated him. It’s only recently that I’ve come to the conclusion that I just don’t respect him.’” [The New York Times, [11/16/97](#)]

Los Angeles Times: “Most of Bolick’s clients are black. Yet most of his politics are scorned by traditional African American leaders.” “Most of Bolick’s clients are black. Yet most of his politics are scorned by traditional African American leaders. After all, this is the same Bolick whose legislative proposals inspired a federal version of CCRI in Congress, who supports stringent welfare reform, who sank President Clinton’s nomination of Lani Guinier as the nation’s chief civil rights enforcer by inspiring the tag “the quota queen,” and whose younger son considers as his godfather Supreme Court Justice Clarence Thomas, a nemesis of civil rights and feminist groups. Bolick, a self-described libertarian who supports ‘individual initiative and opportunity’” over ‘government-mandated solutions,’ sees his legal efforts as a kind of put-your-money-where-your-mouth-is element too often missing on the Right. If programs such as racial preferences and welfare don’t ease racial disparities, he reasons, then conservatives need to offer something else that does. In Bolick’s mind, that answer comes from vigorous support of entrepreneurship and new educational opportunities in inner cities. He is a prominent defender of school vouchers in the Cleveland and Milwaukee programs, where he represents low-income parents using state dollars to send their children to private schools.” [Los Angeles Times, [4/20/97](#)]

Los Angeles Times: “Bolick’s critics on the Left, however, see in his urban-guerrilla litigation a cynical attempt to dismantle government protections under the guise of helping the poor.” “Bolick’s critics on the Left, however, see in his urban-guerrilla litigation a cynical attempt to dismantle government protections under the guise of helping the poor. Elliot Minberg, general counsel to the liberal People for the American Way, says ‘Clint does a nice job of getting attention by doing things the press regards as counterintuitive.’ Minberg says ‘economic liberty’ should not be defined as a civil right alongside legal protections against ‘invidious discrimination’ based on race, sex and religion. [...] Some critics say Bolick has stumbled onto--and, in their minds, is exploiting--a potential divide between middle-class ethnic minorities, who benefit from race-based affirmative action programs, and the poor, who are less likely apply to a University of California, send a resume to a Fortune 500 company or secure a construction contract from the county.” [Los Angeles Times, [4/20/97](#)]

Former Arizona Daily Star Reporter Tom Collins: “You have a justice who thinks he can still act as a litigator, but who as a litigator is a particularly nasty guy.” Columnist Tim Steller wrote, “My former colleague Tom Collins reminded me and the public, via Twitter, of Bolick’s history in recent weeks. Collins, a Star reporter years ago, went on to law school and clerked for four years at the Arizona Supreme Court. He thinks Bolick has been given a free pass. Collins has worked for years as the director of the Arizona Citizens Clean Elections Commission and has clashed with Bolick in that capacity, but was not speaking for the commission about him. Before Collins was there, in 2011, Bolick was part of a legal team that sued the commission and its staff, both in their legal and personal capacities, over a campaign funding issue, representing a group founded by then Tucson Sen. Jonathan Paton. ‘They sought to have the commission and commission staff held personally liable,’ Collins noted. Of Bolick, he added, ‘You have a justice who thinks he can still act as a litigator, but who as a litigator is a particularly nasty guy.’” [Arizona Daily Star, 10/19/18]

Arizona Daily Star Columnist Tim Steller: “There is no reason that Clint Bolick, of all people, should be protected from politics when he eagerly launched partisan political attacks for years.” Columnist Tim Steller wrote, “There is no reason that Clint Bolick, of all people, should be protected from politics when he eagerly launched partisan political attacks for years. Many judges are political

animals, and they should be remembered as such, not revered as impartial the moment they don the robe.” [Arizona Daily Star, 10/19/18]

Arizona Republic Columnist EJ Montini: Bolick calls himself an Independent “but he’s fairly simpatico with ALEC, the Kochs and their ilk.” Columnist EJ Montini wrote, “Bolick is a very smart big shot litigator with the Goldwater Institute, where he has been since 2007. Technically, he calls himself an “independent” but he’s fairly simpatico with ALEC, the Kochs and their ilk. And if you look at Bolick’s record over the years you learn that he and the institution he has run have worked very hard to cut the benefits and/or funding from cops and firefighters, poor people and public school children. Now he is Gov. Ducey’s first appointment to the Supreme Court of Arizona. I guess this tells us a little bit about the people Ducey cares about as well.” [Arizona Republic, [1/6/16](#)]

Arizona Republic Columnist EJ Montini: If you look at Bolick’s record, you learn that “he and the institution he has run have worked very hard to cut the benefits and/or funding from cops and firefighters, poor people and public school children.” Columnist EJ Montini wrote, “Bolick is a very smart big shot litigator with the Goldwater Institute, where he has been since 2007. Technically, he calls himself an “independent” but he’s fairly simpatico with ALEC, the Kochs and their ilk. And if you look at Bolick’s record over the years you learn that he and the institution he has run have worked very hard to cut the benefits and/or funding from cops and firefighters, poor people and public school children. Now he is Gov. Ducey’s first appointment to the Supreme Court of Arizona. I guess this tells us a little bit about the people Ducey cares about as well.” [Arizona Republic, [1/6/16](#)]

Center for American Progress: “Far-Right legal activist” Clint Bolick coined the verb “to bork,” which meant to destroy a nominee by whatever means necessary. “To prove this point, he quotes the far-right legal activist Clint Bolick, who coined the angry verb ‘to bork,’ which meant to destroy a nominee by whatever means necessary. The line, he says, ‘from Bork to today’s ugly politics is a straight one.’” [Center for American Progress, 10/29/11]

Sen. John McCain criticized Bolick for not living in the “real world” over Bolick’s challenges to taxpayer subsidies to build a sports stadium. “In 2007, Bolick moved to the Goldwater Institute, Arizona’s free-market think tank, where he opened a litigation division that challenged taxpayer subsidies being provided to build a private sports stadium. That drew the ire of Senator John McCain (R., Ariz.), who denounced Bolick for not living in ‘the real world.’ Bolick also attacked the constitutionality of subsidies for solar energy, which drew the anger of solar supporter Barry Goldwater Jr., the son of the conservative patriarch after whom Bolick’s institute is named.” [National Review, [1/8/16](#)]

CAREER

1978: Bolick interned in Senator Orrin Hatch's office. “Bolick identifies 1978 as a seminal year. A summer intern in Sen. Orrin Hatch's office, he was drawn to the plight of Allan Bakke, a white student who applied to the University of California at Davis. Mr. Bakke was denied admission and then sued the school over its racial set-aside program. His case went to the US Supreme Court, and the ruling that he should be admitted became a seminal one, restricting the quota system. Viewing Bakke as a modern-day Rosa Parks, Bolick lauded the decision.” [Christian Science Monitor, 12/31/97]

1980: Bolick ran for the California state legislature as a Libertarian. “Now, in law school I went to the University of California at Davis, which was and is one of the most left-wing, hostile law schools in the country. And I ran in 1980. It was my one and only political race. I ran for the state Legislature as a Libertarian candidate and got 7.1 percent of the vote, which I consider to be very good. I got that out of my system. Since then I've sued them rather than being one.” [Arizona Capitol Times, 11/12/10]

1999: Bolick was an advisor to George W. Bush. “*John McLaughlin*: Now why do we need -- why does George Bush -- you're supposed to be an adviser to George W. Bush. Am I correct? *Clint Bolick*: I am.” [“John McLaughlin's One On One,” PBS, 9/19/99]

2006: Bolick joined Rose Law Group in Scottsdale “Clint Bolick will join Rose Law Group in Scottsdale in the spring as of counsel. He will focus his practice on constitutional law.” [Arizona Business Gazette, 10/5/06]

1982 – 1985: MOUNTAIN STATES LEGAL FOUNDATION

Bolick's first job was at the Mountain States Legal Foundation, a public interest law firm founded by Conservative beer magnate Joseph Coors and run for years by Reagan Administration's combative Interior Secretary James Watt. “He attended law school at the University of California at Davis a year after the Supreme Court ruled that it had to admit to its medical school Alan Bakke, a white man initially denied enrollment because of a racial quota program. His first job was at the Mountain States Legal Foundation, a public interest law firm founded by Joseph Coors, the conservative beer magnate, and run for years by James Watt, who later became the Reagan Administration's combative Interior Secretary.” [The New York Times, [11/16/97](#)]

Mountain States Legal Foundation advocated for limited government and free enterprise. “Bolick, a 1983 law school graduate of the University of California at Davis, has spent much of his legal career with organizations known for their battles with government over regulation. That included a stint at the Mountain States Legal Foundation which advocates for limited government and free enterprise, the Institute for Justice which describes itself as a ‘libertarian public interest law firm’ which sues over issues of school choice and property rights, and the Alliance for School Choice which has been at the forefront of using tax dollars for private and parochial school education.” [Arizona Capitol Times, [1/6/16](#)]

Bolick was a staff attorney at the Mountain States Legal Foundation from 1982-1985. [Arizona Supreme Court, profile, accessed [6/13/24](#)]

1985- 1986: U.S EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1985-1986: Bolick was a special assistant at the U.S. Equal Employment Opportunity Commission. [Arizona Supreme Court, profile, accessed [6/13/24](#)]

Bolick Worked For Clarence Thomas At The Equal Employment Opportunity Commission. “Clint Bolick, director of the Landmark Center for Civil Rights and an employee of Mr. Thomas' during his tenure as head of the Equal Employment Opportunity Commission, said Judge Thomas ‘assigns a high value to liberty.’” [Washington Times, 7/11/91]

- **Bolick: “Clarence Thomas Is My Mentor And A Friend.”** “*Clint Bolick*: Clarence Thomas is my mentor and a friend. I lived and died with him in this process.” [“Nightline,” ABC, 10/16/91]
- **Clarence Thomas Is The Godfather Of Bolick’s Son.** “But Washington lawyer Clint Bolick, a longtime friend of the justice whose son is a godchild of Justice Thomas', counters: ‘Some people think that . . . Clarence Thomas doesn't think race is a big problem in our society. But anyone who knows him will tell you that he is acutely aware of racism and . . . quite frankly, he hated his dealings with a number of people in the Reagan administration who he thought were racist.’ Mr. Bolick, who is white, also worked in the Reagan administration.” [Washington Post, 4/25/93]

1986: Bolick Represented White Teachers In Michigan Who Claimed They Were Illegally Laid Off While Minority Teachers Kept Their Jobs. “Liberals complain that Bolick's stances typically are unsympathetic to minorities. As an aide to Clarence Thomas in the mid-1980s at the U.S. Equal Employment Opportunity Commission, Bolick opposed quotas to resolve employment-bias claims. And he represented white Michigan teachers who charged they had been illegally laid off while minorities with less seniority kept their jobs, winning a 5-to-4 Supreme Court decision in 1986.” [US News & World Report, 1/18/93]

1986- 1987: U.S DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION

1986- 1987: Bolick was a staff attorney at the U.S. Department Of Justice, Civil Rights Division. [Arizona Supreme Court, profile, accessed [6/13/24](#)]

1988: Bolick Defended William Bradford Reynolds’ Tenure As Head Of The Department Of Justice’s Civil Rights Division, where Bolick worked as a special assistant to Reynolds. “Concluding 7 1/2 years as the Reagan administration's point man on civil rights, William Bradford Reynolds is leaving government the same way he came in: as a target of civil rights groups and a champion of conservatives. [...] Until 1981, the head of the division had been someone on whom civil rights leaders usually could rely to reflect their views. All of that changed when Reynolds arrived. ‘The NAACP would like the Justice Department’ civil rights division ‘to be an arm of the NAACP,’ said Clint Bolick, a former special assistant to Reynolds and now director of the Landmark Center for Civil Rights, a conservative litigating organization. ‘When he believes a civil rights violation has occurred, there's never been a more tenacious enforcer of the law than Brad Reynolds, but if he believes a violation has been cured or if there's no discrimination, he will not use the arm of the government to effectuate somebody else's agenda and that's what really rankles them,’ said Bolick.” [Associated Press, 11/14/88]

1988 -1991: LANDMARK CENTER FOR CIVIL RIGHTS

1988 -1991: Bolick was a director of the Landmark Center for Civil Rights. [Arizona Supreme Court, profile, accessed [6/13/24](#)]

Associated Press: Landmark Center for Civil Rights a “conservative litigating organization.” “Concluding 7 1/2 years as the Reagan administration's point man on civil rights, William Bradford Reynolds is leaving government the same way he came in: as a target of civil rights groups and a champion of conservatives. [...] Until 1981, the head of the division had been someone on whom civil rights leaders usually could rely to reflect their views. All of that changed when Reynolds arrived. ‘The NAACP would like the Justice Department’ civil rights division ‘to be an arm of the NAACP,’ said Clint Bolick, a former special assistant to Reynolds and now director of the Landmark Center for Civil Rights, a conservative litigating organization. ‘When he believes a civil rights violation has occurred, there's never been a more tenacious enforcer of the law than Brad Reynolds, but if he believes a violation has been cured or if there's no discrimination, he will not use the arm of the government to effectuate somebody else's agenda and that's what really rankles them,’ said Bolick.” [Associated Press, 11/14/88]

1990: Washington Post called Landmark Center for Civil Rights a “conservative legal group in Washington.” [Washington Post, [10/31/90](#)]

1991-2004: INSTITUTE FOR JUSTICE

1991: Bolick Left The Landmark Legal Foundation To Help Launch The Institute For Justice. “Clint Bolick is leaving the Landmark Legal Foundation's Center for Civil Rights, where he was director, to help launch a public-interest litigation firm, to be dubbed the Institute for Justice. The Washington shop, which opens its doors this fall, will provide legal and training services from a conservative-libertarian perspective. The foundation's civil rights expert for three years, Bolick -- whose new title is vice president and director of litigation -- also spent two years as a special assistant at the Justice Department and two more years as an aide at the Equal Employment Opportunity Commission. His partner and the new institute's president will be William H. (Chi) Mellor III, who now heads the Pacific Research Institute, a public-interest shop in San Francisco.” [National Journal, 7/20/91]

1995: Institute For Justice had a staff of “about a dozen mostly young employees” and focused on litigation. “The Institute for Justice, founded in 1991 by transplanted Coloradans William H. Mellor III and Clint Bolick, has a \$1.5 million budget and a similarly modest staff of about a dozen mostly young employees. It has kept its mission relatively narrow, focusing on issues such as property rights, school choice and affirmative action. The institute's leaders decided early on to ‘meld the philosophical with the practical,’ communications director Kramer said. Although its staff has helped draft legislation, such as the affirmative action rollback bill, Kramer said that the group doesn't actively seek a legislative role. Instead, the institute directs its energies to litigation and training. It has filed lawsuits to open the taxicab markets in Denver, Indianapolis and Cincinnati to greater competition; it has challenged the Davis-Bacon Act, which guarantees union-level wages on federal construction projects; and it has defended school choice programs in court. The institute also runs training seminars for law students in Washington and elsewhere. And it played a lead role in organizing opposition to Clinton's nomination of Lani Guinier to head the Justice Department's Civil Rights Division, eventually helping to force him to withdraw the nomination.” [National Journal, 7/8/95]

1996: *Emerge* Magazine called the Institute for Justice “the most prominent and most effective” conservative legal organization. “Of all the conservative organizations, the most prominent and most effective is the Institute for Justice.” [Emerge, 9/30/96]

1997: Bolick: “We have modeled ourselves after the most successful liberal public interest law firms.” “When Bolick took on the case of a handful of New Jersey property owners whose land was to be condemned by the state to build a limo parking area for a Donald Trump casino, the case wound up as the story line for several *Doonesbury* comic strips. ‘We have modeled ourselves after the most

successful liberal public interest law firms,' Bolick said. 'And part of that is finding sympathetic clients and outrageous fact patterns.'" [Media General News Service, 11/13/97]

1999: Bolick on the IFJ: "We bill ourselves as what the ACLU used to be." "But the Institute for Justice isn't your typical shrill group of Bible-thumpers or pandering politicians. It's an organization that claims to stand for the same principles as does the ACLU - the protection of individual liberty. Bolick says 'we bill ourselves as what the ACLU used to be,' implying that today's ACLU is more liberal than civil libertarian. Now, there is some truth to the fact that the ACLU in recent years has allowed liberal policy considerations to distract it occasionally from its defense of individual rights. However, the overwhelming majority of the actual legal work done by its 53 affiliate offices is in support of the Bill of Rights and not some Jerry Brown-like moonbeam agenda. And when pressed, Bolick admits as much. He says his Institute 'has made common cause with the ACLU in other contexts.' And Bolick enthusiastically supports the ACLU's position in every one of the recent cases I put to him, including: the ACLU's defense of the right to burn the flag; its fight against a public housing project in Chicago that required residents to submit to random police searches of their apartments; and its challenges to the lack of due process in civil forfeiture laws. Bolick also applauds the ACLU's challenge to bans on pornography over the Internet, its cases in support of homeowners who want to post political messages on their lawns, and its challenges to zoning restrictions on how many unrelated adults may live together in the same home." [Robyn Blumner Column, St. Petersburg Times, 7/4/99]

- **Bolick called the IFJ "An ACLU for real Americans."** "Q: What is the Institute for Justice's purpose? Bolick: We exist to protect individuals against the excesses of government regulation. You might call us an ACLU for real Americans. We seek to protect the forgotten civil rights, such as private property rights, freedom of enterprise, parental choice and autonomy and freedom of speech." [Pittsburgh Post-Gazette, 10/24/99]
- **Arizona Republic: IFJ "seeks to do for the political right what the American Civil Liberties Union does for the political left: take aggressive stands in defense of its core values."** "The Institute for Justice, a public-interest law firm here that has battled both the Arizona Clean Elections law and a Donald Trump plan for a limousine parking lot in New Jersey, plans to open its first state chapter in Phoenix. Institute co-founder Clint Bolick will run the office while preparing for additional expansion of the 10-year-old libertarian institute. It seeks to do for the political right what the American Civil Liberties Union does for the political left: take aggressive stands in defense of its core values. For the institute, those values center on defending individual businesspeople and property owners against what members believe is burdensome government regulation, and asserting parents' rights to use vouchers to send their children to private schools." [Arizona Republic, 7/20/01]

2001: IFJ opened an Arizona office, announced plans to use volunteer attorneys trained by the Institute to argue cases in state courts. "Next month, Mr. Bolick will move with his family to Arizona to set up shop in Phoenix, where he plans an official opening with the announcement that his group has taken on a new state case. Once the Arizona IJ chapter is secure, Mr. Bolick will expand IJ's sphere of influence by opening three more state chapters over the next two years. 'The launch of our state chapters will enable IJ to expand from a national organization into a truly nationwide public interest law firm,' said IJ President Chip Mellor, who joined Mr. Bolick in 1991 to found the firm. Mr. Mellor called the expansion a 10-year 'milestone' as well as a part of a long-term plan to broaden IJ's work in its core mission areas: economic liberty, school choice, private property rights and freedom of speech. The group also plans to expand its litigation into other areas such as taxpayer actions and voter initiatives. Never before, Mr. Bolick said, has there been a voice in state courts to litigate libertarian cases. Other groups like the ACLU, Ralph Nader's organization and environmentalists, he added, have long been

active in state courtrooms, where they have used a massive army of volunteer attorneys to take up their causes around the country. IJ, which has trained approximately 500 students and attorneys in its own unique brand of public interest practice, plans to use those folks much in the same way. They also plan to develop state contacts at local think tanks and the Federalist Society to help put their network in place, said Mr. Bolick.” [Washington Times, 7/22/01]

- **2001: Bolick moved to Arizona to open a state chapter of the Institute for Justice.** “The Institute for Justice, a public-interest law firm here that has battled both the Arizona Clean Elections law and a Donald Trump plan for a limousine parking lot in New Jersey, plans to open its first state chapter in Phoenix. Institute co-founder Clint Bolick will run the office while preparing for additional expansion of the 10-year-old libertarian institute. [...] Bolick, 43, has become familiar with Arizona while waging courtroom battles to defend the state's tax credit for scholarship fund donations and challenging the state's law that provides public funding for campaigns by imposing a surcharge on civil and criminal fines, as well as a fee on commercial lobbyists. [...] Bolick said Phoenix was chosen for the first state chapter because of the state's conservative political climate and the institute's ties to the Goldwater Institute, the libertarian think tank where he spent a sabbatical studying the political orientation of Bill Clinton's judicial appointees.” [Arizona Republic, 7/20/01]

2003: Bolick: “I wish there was a vast right-wing conspiracy. But, in fact, the resources among conservative groups are so finite that we have to specialize.” “But Mr. Bolick of the Institute for Justice argues that the groups involved in the effort have no choice but to rely on the same philanthropies and to try to coordinate their activities. ‘Corporate America is emphatically not interested in supporting the fight against racial preferences,’ Mr. Bolick says. ‘Most foundations,’ he adds, ‘are liberal to begin with, and, of those who support conservative groups, only a handful have been supportive of this issue.’ ‘I wish there was a vast right-wing conspiracy,’ he says. ‘But, in fact, the resources among conservative groups are so finite that we have to specialize.’” [Chronicle of Higher Education, 4/4/03]

2003: Bolick said IFJ was “focused on building a case in the court of public opinion.” “The conservative public interest law firm that challenged affirmative action at the University of Michigan is vowing to monitor academia's responses to Monday's Supreme Court rulings. The group, the Center for Individual Rights, also promises further lawsuits against institutions that overstep the rulings' limits on considering race in university admissions. [...] Clint Bolick, a vice president at the Institute for Justice, another conservative public interest law firm, said there were differences in the kinds of cases the two organizations seek out. ‘[Center for Individual Rights] would not think twice about representing a white male who had said something politically incorrect, in violation of a speech code,’ Mr. Bolick said. ‘We would. They are more aggressive about taking on political correctness. We're more focused on building a case in the court of public opinion.’” [New York Times, 6/25/03]

Think Progress: “One of IJ’s core strategies is to find genuinely sympathetic plaintiffs who are harmed by economic regulations that sound ridiculous on their face, and then use them as vehicles to push sweeping changes to legal doctrine that mirror limits on state power repudiated during the New Deal.” “One of IJ’s core strategies is to find genuinely sympathetic plaintiffs who are harmed by economic regulations that sound ridiculous on their face, and then use them as vehicles to push sweeping changes to legal doctrine that mirror limits on state power repudiated during the New Deal. As Bolick notes in his not-so-subtly named book *Death Grip: Loosening the Law’s Stranglehold over Economic Liberty*, one of his early cases involved a businessman who tried to start a cab company that served a low-income neighborhood, but then got tripped up by licensing regulations that are hard to

defend as good policy. Yet these sympathetic plaintiffs are often cat's paws for a much more sweeping agenda seeking to invalidate much of American law." [Think Progress, [1/6/16](#) (archived)]

Funders: Koch, Bradley, Scaife

Bolick Raised "Several Hundred Thousand Dollars" From The Koch Brothers To Start The Institute For Justice. "Clint Bolick and William L. Mellor III are fellow travelers on the conservative policy circuit. After getting their tickets punched in appointive posts in the Reagan Administration, both moved on to the think-tank sector. Bolick became director of the Landmark Center for Civil Rights, a Washington fount of criticism of affirmative action, and Mellor became president of the Pacific Research Institute for Public Policy, a libertarian outpost in San Francisco. When they decided last year that Washington needed a public-interest law firm to fight for choice in schools and to protect property rights, they faced the question of finding startup money. They found their answer in the nation's heartland. Wichita, Kan., is the home of the Charles G. Koch, the David H. Koch and the Claude R. Lambe Charitable Foundations, philanthropies whose influence within Washington's Beltway undoubtedly exceeds their fame. Known collectively as the Koch (pronounced coke) family foundations, the three funds constitute an ocean of conservative cash. [...] Mellor and Bolick did not leave Wichita empty-handed. Their pilgrimage was rewarded with several hundred thousand dollars for their Institute for Justice and a three-year commitment of financial help, Mellor said." [National Journal, 5/16/92]

- **New York Times: Bolick and Mellor persuaded Charles Koch to give them \$350,000 per year in seed money from his private foundation.** "After stints in Washington with the Reagan administration, in which Mellor was a deputy general counsel at the Department of Energy and Bolick was an assistant at the Equal Employment Opportunity Commission (then led by Clarence Thomas), the two men, in 1991, persuaded Charles Koch, an oil and gas magnate, to give them \$350,000 a year in seed money from his private foundation to start the Institute for Justice." [New York Times, 4/17/05]
- **Emerge: The "overwhelming majority" of IFJ's funding came from the Koch brothers.** "Besides being bound by philosophy and by shared members, this network also is linked by its members' dependence on the same sources of funding. An examination of documents, including tax records and annual reports, plus interviews with officials of these conservative groups indicate that they are heavily dependent on contributions from a few Right-wing tax-exempt foundations that also spread their money around to various hard-Right causes. The extent to which these conservative organizations depend financially on Right-wing foundations is staggering. In 1992 -- the latest year for which complete records are compiled -- 85 percent of the Institute for Justice's revenue of slightly more than 1 million came from these foundations. The overwhelming majority -- 700,000 -- was furnished by trusts controlled by Charles G. and David H. Koch, of Wichita, Kan., who make their money in oil and natural gas, and whom Forbes magazine once described as two of the richest men in America." [Emerge, 9/30/96]

1995: Institute For Justice Was Funded By The Bradley Foundation. "The Institute for Justice has an annual budget of roughly \$1.5 million, Bolick said. A litigation-based organization, it supports such issues as school choice, welfare reform and private property ownership. The institute receives support from foundations, including Milwaukee's Bradley Foundation, Bolick said." [Madison Capital Times, 7/4/95]

- **2003: Bolick praised the Bradley Foundation's continued funding of the IFJ.** "Clint Bolick is one of the lawyers who defended Milwaukee's voucher program. The Bradley Foundation, he

said, was ‘willing to get into the trenches with their philanthropy.’ In 1990, ‘there was not a single urban choice program. Bradley created something out of nothing.’ To the present day, Bradley continues to fund Bolick’s public-interest law firm, the Institute for Justice, which is defending school voucher programs nationwide.” [National Journal, 4/26/03]

1999: IFJ received funding from the Scaife Foundation. “Q: Where do you get your funding?
A: We are supported by tax-deductible contributions from thousands of individuals around the country, as well as a number of philanthropic foundations. Many of them are conservative or libertarian, but increasingly we’re receiving support from all across the philosophical spectrum. Q: And you’ve come to Pittsburgh because Richard Mellon Scaife brought you in as part of his vast right-wing conspiracy, or what? A: On the contrary, ha ha ha. We’ve been very pleased at different times to receive support from the Scaife Foundation, but our support base is extremely broad and diversified. We’ve been very careful never to link our funding to our work. We’re a very independent organization that stands by its principles over and over again.” [Pittsburgh Post-Gazette, 10/24/99]

2004 -2007: ALLIANCE FOR SCHOOL CHOICE

2004: Bolick launched Alliance for School Choice and Advocates for School Choice. “On a date chosen for its symbolism, veteran voucher litigator Clint Bolick last week announced the launch of two national organizations that will press for more publicly financed programs that help parents pay for private schooling. Depicting voucher proponents as ‘heirs to the battle for Brown v. Board of Education,’ Mr. Bolick chose May 17—the 50th anniversary of the historic U.S. Supreme Court decision that struck down racially segregated public schools—to unveil the Alliance for School Choice and its lobbying arm, Advocates for School Choice. [...] The new, Phoenix-based nonprofit groups will focus exclusively on promoting and protecting programs that provide vouchers, tax credits, or other public funding of private schooling for disadvantaged students, Mr. Bolick said.” [Education Week, [5/26/04](#)]

- **Bolick retained his affiliation with the Institute for Justice as counsel for strategic litigation.** “Bolick was a cofounder of IJ in 1991 and most recently headed up its efforts to start state chapters around the country (he has since become president of School Choice Alliance, retaining an IJ affiliation as counsel for strategic litigation).” [National Journal, 10/11/04]

2004: Bolick hired a sitting Wisconsin state representative as director of state projects at Alliance for School Choice. “State Rep. Scott Jensen (R-Town of Brookfield) has taken a new job extolling the benefits of charter schools and private school vouchers, riling critics who contend that could conflict with his constituents’ interests. Jensen recently was named a director of state projects for the newly formed Alliance for School Choice, a Phoenix-based outfit with the mission of opening private education to disadvantaged children. The position will allow him to ‘play the role of Johnny Appleseed’ in other states, working with grass-roots organizations that are trying to enact school choice programs, Jensen said. He stressed that he will not work for the alliance in Wisconsin, as the state already has charter schools and a voucher program in Milwaukee. He also will not be a lobbyist, he said. [...] Jensen’s new boss at the alliance, Clint Bolick, said there’s no conflict between Jensen’s new job and his post in the Legislature. ‘Most legislators are lawyers and yet they vote on issues of concern to the legal industry,’ said Bolick, who is also a lawyer and defended Milwaukee’s voucher program before the Wisconsin Supreme Court. ‘Scott will not be lobbying in Wisconsin or undertaking any school choice activities in Wisconsin at all,’ Bolick said. ‘Rather, what he’s doing is sharing his expertise on the issue with people outside of Wisconsin, and that’s not even close to being a conflict.’” [Milwaukee Journal Sentinel, 8/13/04]

- **Bolick stood by Scott Jensen even after he was convicted of felony misconduct in office.** “Rep. Scott Jensen said Monday he intends to resign his seat in the state Assembly next week after a jury convicted him of felony misconduct in office for using state workers as secret campaign operatives on the taxpayer's dime. [...] Jensen also serves as a projects director for the Phoenix-based Alliance for School Choice, which pushes legislation allowing parents to send their children to private schools with state money. Jensen's position calls for him to build public support for voucher schools around the country. The group's president, Clint Bolick, said in a statement the group stands behind Jensen. ‘Like his constituents who have stood by him during this ordeal, we know Scott as a man of great integrity, wisdom and commitment to disadvantaged school children in Wisconsin and throughout the nation,’ the statement said.” [Associated Press, 3/13/06]
- **Bolick: “The Alliance for School Choice will continue to employ Scott Jensen so long as he is eligible to work and has not exhausted his right to appeal the verdict against him.”** “Apparently, the alliance wasn't too bothered by the Brookfield Republican's legal troubles. The board for the \$7 million non-profit met last week to discuss Jensen's future with the group in light of his three felony convictions earlier this year for directing legislative staffers to campaign on state time. Afterward, Clint Bolick, the group's president, put out this statement: ‘The Alliance for School Choice will continue to employ Scott Jensen so long as he is eligible to work and has not exhausted his right to appeal the verdict against him.’” [Cary Spivak and Dan Bice Column, Milwaukee Journal Sentinel, 3/25/06]

2004: Bolick said Alliance for School Choice had a \$6 million annual budget. “At its most recent national convention, the NEA introduced a \$1-per-member increase in dues for each of the next five years, which will generate \$40 million for political activity. (By contrast, the Alliance for School Choice, the leading national pro-school-choice organization, has an annual budget of \$6 million, which must be raised from voluntary contributions.)” [Clint Bolick Op-Ed, National Review, 10/11/04]

2005: Wal-Mart heir John T. Walton donated over \$1 million to the Alliance for School Choice. “One of the world's richest families picked Phoenix attorney Clint Bolick's non-profit group as recipient of memorial donations for Wal-Mart heir John T. Walton. Bolick is a conservative activist with a national reputation as a fighter for education reform and the rights of small-business owners. Walton died Monday after the experimental aircraft he was piloting crashed in Wyoming. Walton sat on the board of directors and was a \$1 million contributor to the Alliance for School Choice, founded in 2004 by his friend Bolick. ‘This is not the way we'd like to have people come to make contributions to us,’ Bolick, 47, said Tuesday. ‘It's a touching and typical gesture on John's part.’ [...] Bolick doesn't know how much money to expect in memorial donations. ‘That's going to take a long time to shake out,’ Bolick said. ‘No amount of money will make up for the loss of John Walton and his leadership and vision for school choice.’” [Arizona Republic, 6/29/05]

2007: Alliance for School Choice moved to Washington, DC and hired a new president. “Given the choice, an advocacy group for private school vouchers would rather be in Washington. The Alliance for School Choice will move its headquarters from Phoenix to the nation's capital and has hired a new president and added a lobbyist to represent the 3-year-old group in federal policy. ‘It recognizes the growing role that the alliance plans to play in D.C.,’ said Clint Bolick, who will leave his post as the group's president amid the changes. The alliance wants to be near Capitol Hill while Congress considers changes to the No Child Left Behind Act so it can promote its agenda of expanding parents' options for transferring their children out of struggling schools. Congress is scheduled to reauthorize the law this year.” [Education Week, [1/24/07](#)]

2007: Bolick stepped down as president of Alliance for School Choice. “As I pack my office in anticipation of stepping down as Alliance for School Choice president and the Alliance’s move to Washington, DC, I’m filled with mixed feelings: looking back with intense pride over the first three years of the Alliance; optimism about Charles Hokanson, my successor as Alliance president; and excitement about the future of the school choice movement. [...] Though my three years at the Alliance have been extremely rewarding, the burden of constant travel weighs heavily on a family with young children. (By the way, so far all of my kids have attended only public schools from kindergarten through college—unlike nearly everyone I’ve ever debated about school choice.) And the lure of my first profession, constitutional litigation, has been omnipresent. So I am leaving but will not be far away: I’ll be launching the Center for Constitutional Litigation at the Goldwater Institute, and will serve of-counsel to the Rose Law Group (which is different from the more-famous Rose Law Firm) in Scottsdale, which will allow me to continue working on national issues.” [Clint Bolick, Parting Shots, Alliance for School Choice, [April 2007](#)]

2007-2016: GOLDWATER INSTITUTE

1996: Bolick served as an Olin Fellow at the Goldwater Institute studying the federal judiciary. “Clinton judges are more friendly to criminal defendants, more open to novel legal theories and more likely to side with the plaintiffs in civil lawsuits,” says Clint Bolick, vice president of the Institute for Justice, now studying the federal judiciary as the Goldwater Institute's Olin Fellow.” [Cleveland Plain Dealer, 3/29/96]

- **Arizona Republic: Bolick spent a sabbatical at Goldwater “studying the political orientation of Bill Clinton's judicial appointees.”** “Bolick said Phoenix was chosen for the first state chapter because of the state's conservative political climate and the institute's ties to the Goldwater Institute, the libertarian think tank where he spent a sabbatical studying the political orientation of Bill Clinton's judicial appointees.” [Arizona Republic, 7/20/01]

2005: Bolick was a senior fellow at the Goldwater Institute. The Goldwater Institute, a Phoenix-based conservative think tank, has named 17 senior fellows, including Vernon Smith, Nobel Prize laureate and former University of Arizona professor who is now professor of economics and law at George Mason University. The senior fellows, each nationally recognized experts in fields ranging from economics to constitutional law, will support the institute by assisting with research and participating in roundtables, forums and conferences. New fellows who live in Arizona include Robert C. Balling, professor of geography and former director of the Office of Climatology at ASU; Clint Bolick, president of the Alliance for School Choice and co-founder of the Institute for Justice; and David Schmitz, professor of philosophy and economics at the UA.” [Arizona Republic, 1/29/05]

2007: Bolick departed the Alliance for School Choice to launch the Center for Constitutional Litigation at the Goldwater Institute. “The alliance established its headquarters in Phoenix, where Mr. Bolick lives, when it hired him to start the group. The location worked well because Arizona is a hotbed for charter schools and other forms of educational choice, said Mr. Bolick, who spearheaded litigation that led to the 2002 U.S. Supreme Court ruling that tuition vouchers for students in religious schools were constitutional. Mr. Bolick worked in Washington for the Institute for Justice at the time. Once Mr. Bolick decided to return to his law practice—‘personnel and administration are not my passions in life,’ he said last week--the alliance found that the best prospects to lead the organization lived in Washington. [...] Mr. Bolick will stay in Phoenix, where he plans to return to litigating by launching the Center for Constitutional Litigation at the Goldwater Institute, a think tank.” [Education Week, [1/24/07](#)]

2007: Bolick said he enjoyed litigation and relished the thought of “suing bureaucrats” in his role at the Goldwater Institute. “An interview with the top Goldwater staff members reveals their passion for litigation. Goldwater president Darcy Olsen tried to explain lawsuits are a last resort, not a source of enjoyment. But she was corrected immediately by Goldwater attorney Clint Bolick. ‘Oh, I do!’ Bolick said, clearly relishing the battles he's taking on. Bolick waged legal war for years at another conservative group, then backed away from court cases for three years to take a job promoting charter schools. He joined Goldwater a year ago as chief litigator. ‘I began to miss the courtroom and suing bureaucrats,’ he said. [...] Bolick hopes to gain the same victories at Goldwater as he did during the Bailey case, when he was with the Washington, D.C.-based Institute for Justice. Goldwater plans to take about six cases a year, each carefully chosen to win the most public support and to gain the most legal ground. Bolick, a 49-year-old Phoenix resident, even assembled a booklet that instructs like-minded organizations on how to start their own litigation centers that will help champion conservative causes. About a half-dozen groups are exploring the idea, he said.” [East Valley Tribune, 11/18/07]

2008: Bolick: “We are the first free-market policy organization in the nation to establish a litigation center.” “Bolick: We are the first free-market policy organization in the nation to establish a litigation center. Already, I believe Maine has established one, and we expect there will be probably a half-dozen more in the next year or two around the country, so we're really excited about that. But Darcy is absolutely right: Public policy remains the central core of this organization, and we're just there to provide the stick to Darcy's carrot.” [Arizona Republic, 9/28/08]

The Goldwater Institute was primarily known for issuing policy papers until Bolick joined and opened a litigation practice. “The Goldwater Institute was known as the Arizona libertarian think tank that mainly issued policy papers. Then came Clint Bolick. Then came the lawsuits. The institute's Center for Constitutional Litigation, with Bolick as director, opposed public subsidies to a mall in Phoenix. It fought for parents to get public records from a school district near Wickenburg. It defended a tattoo parlor in Tempe. In the three years since Bolick arrived to create the litigation department, it has been involved in 16 lawsuits and racked up a handful of victories. Bolick is seen as a champion for taxpayers and small businesses. ‘I think it's incredibly important for the little guy to stand up to government tyranny, and the courtroom is the most level playing field to do that,’ the 52-year-old says. ‘If we don't represent people whose basic rights have been violated, then no one will.’” [Arizona Republic, 12/27/10]

- **Bolick: “There is no government we won't sue if they cross the line.”** [Arizona Republic, 12/27/10]

2011: Bolick described Goldwater Institute litigation “like a skunk coming to a picnic. We ruin everything.” “The Goldwater Institute, which plays an outside role in setting the agenda in this state and has helped set up similar litigation outfits in other parts of the country, sees itself as a watchdog for conservative ideals, one that happens to have at its disposal a frenetic staff of lawyers hungry for courtroom battle. ‘There are lots of cozy deals in Arizona, just like everywhere else,’ Mr. Bolick said. ‘The last thing you want is for us to find out. It's like a skunk coming to a picnic. We ruin everything.’” [New York Times, [12/25/11](#)]

AZ Mirror: Goldwater Institute a “powerful special interest group with a long history of working to privatize public schools and one of the parties challenging Prop. 208.” “Ducey has now appointed five of the seven justices, which included several controversial picks, such as Clint Bolick, who spent nearly a decade as a litigator for the Goldwater Institute, a powerful special interest group with a long

history of working to privatize public schools and one of the parties challenging Prop. 208.” [AZ Mirror, [3/15/22](#)]

New York Times: The Goldwater Institute “sees itself as a watchdog for conservative ideals, one that happens to have at its disposal a frenetic staff of lawyers hungry for courtroom battle.” “The Goldwater Institute, which plays an outside role in setting the agenda in this state and has helped set up similar litigation outfits in other parts of the country, sees itself as a watchdog for conservative ideals, one that happens to have at its disposal a frenetic staff of lawyers hungry for courtroom battle.” [New York Times, 12/26/11]

Arizona Republic: “In case after case, Goldwater is winning its conservative fights in the courtroom. The legal rulings are restricting governments' influence over businesses and charter schools and limiting how cities can use taxpayer funds.” “In case after case, Goldwater is winning its conservative fights in the courtroom. The legal rulings are restricting governments' influence over businesses and charter schools and limiting how cities can use taxpayer funds. With each successful legal battle, the institute has become a bigger hurdle for any municipal or state leader who wants to promote a policy that conflicts with the institute's conservative philosophy. Using the law to muscle Arizona's policymakers has proved an effective strategy for a group that used to rely on writing papers to encourage change.” [Arizona Republic, 3/28/10]

Conservative Columnist George Will: Goldwater Institute “the gold standard of conservative think tanks.” Columnist George Will wrote, “Regarding the former, Bush's critics should read "Immigration Wars," the book he co-wrote with Clint Bolick of the intellectually impeccable Goldwater Institute, the gold standard of conservative think tanks. Bush and Bolick favor less immigration for family reunification (an idea opposed by many Hispanic activists), more for meeting workforce needs (high-skilled and entrepreneurial immigrants, as well as seasonal workers), and a path to legalization but not citizenship for those here illegally. If these ideas, put forward by persons with Bush's and Bolick's conservative pedigrees, are grounds for political excommunication, Republican presidential politics is going to be a sterile process of serial tantrums by veto groups.” [The Washington Post, [2/26/24](#)]

Arizona Republic Columnist EJ Montini: Goldwater Institute even more conservative than the American Legislative Exchange Council (ALEC). Columnist EJ Montini wrote, “Gov. Doug Ducey has decided that the newest member of the Arizona Supreme Court will be the conservative Goldwater Institute, the even more conservative American Legislative Exchange Council and the right-wing billionaire out-of-state brothers, Charles and David Koch. Wait...didn't the press release from the governor's office say that he named as the latest Supreme Court judge an attorney named Clint Bolick? Yeah. Same thing.” [Arizona Republic, [1/6/16](#)]

2004- PRESENT: HOOVER INSTITUTION

2004- Present: Bolick was a Hoover Institution research fellow. “In Leviathan: The Growth of Local Government and the Erosion of Liberty (Hoover, 2004), Clint Bolick, a Hoover research fellow, examines the tremendous growth of local government and how it affects the ordinary citizen. Although much of our attention is focused on the size and leadership of the federal government, Bolick argues it is the size of local government that should be of concern.” [Hoover Institution Press Release, 7/28/04; Hoover Institution website, accessed [6/12/24](#)]

2019- PRESENT: ARIZONA STATE UNIVERSITY COLLEGE OF LAW

Since at least 2020, Bolick has taught courses at Arizona State University’s Sandra Day O’Connor College of Law. Since at least 2020, Bolick has taught courses at Arizona State University’s Sandra Day O’Connor College of Law. [Arizona State University website, accessed [6/12/24](#)]

- **Bolick: “I teach constitutional law every fall at Arizona State University.”** “That means I do not take a single moment for granted. I have paid it forward by mentoring hundreds of young women and men from high school to law school and beyond, some of whom are now themselves judges. I teach constitutional law every fall at Arizona State University. Every year I speak to dozens of student and community groups, and co-founded a mentoring group for young female professionals. My judicial assistant complains that I never say no, whether it is coffee meetings with aspiring judges, swearing-in officials and new lawyers, or performing weddings (my favorite part of the job, especially during COVID-19). Even though I love it and am honored to hold it, I do not need this job. But we do need this system. And I will do everything I can to pass it intact to future Arizonans.” [Arizona Republic, [5/20/24](#)]

Bolick also served as a professor at the Univ. of Arizona’s College of law, and as a lecturer at the Harvard University John F. Kennedy School of Government. “Justice Bolick is a prolific author of a dozen books and hundreds of articles. Among his most recent books are *Immigration Wars: Forging an American Solution*, co-authored with former Florida Governor Jeb Bush; and *David’s Hammer: The Case for an Activist Judiciary*. He serves as an adjunct professor of constitutional law at the Arizona State University Sandra Day O’Connor College of Law and the University of Arizona James E. Rogers College of law, and has served as a lecturer at the Harvard University John F. Kennedy School of Government.” [azjustice44.com, archived [12/18/21](#)]

2016-PRESENT: ARIZONA SUPREME COURT

Bolick: “I have dissented more than any justice in the court’s history, though I have also written dozens of unanimous decisions.” In an op-ed, Bolick wrote, “I am the only independent ever appointed to the Arizona Supreme Court. I have dissented more than any justice in the court’s history, though I have also written dozens of unanimous decisions. I am especially passionate about our state constitution and have authored opinions vindicating its speech and privacy guarantees, among others.” [Arizona Republic, [5/20/24](#)]

Bolick said he would not “shy away from very vigorously enforcing the precious liberties that are contained in the Constitution.” “Bolick told The Arizona Republic he will be sworn at 10:40 a.m. at the Secretary of State's Office but will not yet take office. Bolick said he ‘will not shy away from very vigorously enforcing the precious liberties that are contained in the Constitution.’” [Arizona Republic, [1/6/16](#)]

Appointment and Retention

Bolick will reach the mandatory retirement age for judges in Arizona in 2027. “Bolick would reach the state's mandatory retirement age of 70 in 2027 and Brutinel in 2028, according to the court's website.” [Arizona Republic, [9/27/23](#)]

2016: Governor Doug Ducey appointed Bolick to the Arizona Supreme Court. “This morning, Arizona Gov. Doug Ducey announced the appointment of Clint Bolick to the Arizona Supreme Court. The appointment is notable in several respects. This is Ducey’s first Supreme Court appointment. In selecting Bolick, Ducey also went outside party ranks. (Ducey is a Republican; Bolick is an

independent.) [...] In making the appointment, Ducey praised Bolick as a ‘nationally renowned and respected as a constitutional law scholar and as a champion of liberty.’ According to Ducey, Bolick ‘brings extensive experience and expertise, an unwavering regard for the rule of law and a firm commitment to the state and citizens of Arizona. I’m confident Clint will serve impartially and honorably in this important role.’” [Washington Post, [1/6/16](#)]

- **Arizona Public Media: “Bolick’s appointment will place him in his first judicial job”.** “Goldwater Institute lawyer Clint Bolick was named to the Arizona Supreme Court Wednesday by Gov. Doug Ducey. Bolick’s appointment will place him in his first judicial job after he served for the last nine years as the Goldwater Institute’s vice president for constitutional litigation. Previously, Bolick co-founded the Institute for Justice and served as president of the Alliance for School Choice.” [AZPM, [1/6/16](#)]
- **Bolick replaced Justice Rebecca White Berch, who retired.** “On the court, Bolick will replace Justice Rebecca White Berch, who retired.” [AZPM, [1/6/16](#)]
- **Phoenix New Times: Some saw Bolick as an unusual choice given that he was not a sitting judge.** “A former crusading libertarian attorney, Bolick previously served as the vice president for litigation at the Goldwater Institute. In 2016, Ducey appointed him to the Arizona Supreme Court in the governor’s first opportunity to fill a vacancy on the high court, but some saw Bolick as an unusual choice given that he was not a sitting judge.” [Phoenix New Times, [11/27/18](#)]
- **Arizona Republic Columnist EJ Montini: Ducey has decided that the newest member of the Arizona Supreme Court will be the conservative Goldwater Institute.** Columnist EJ Montini wrote, “Gov. Doug Ducey has decided that the newest member of the Arizona Supreme Court will be the conservative Goldwater Institute, the even more conservative American Legislative Exchange Council and the right-wing billionaire out-of-state brothers, Charles and David Koch. Wait...didn’t the press release from the governor’s office say that he named as the latest Supreme Court judge an attorney named Clint Bolick? Yeah. Same thing.” [Arizona Republic, [1/6/16](#)]

2018: Education advocates campaigned against Bolick’s retention election. “Upset with a ruling that knocked a tax hike for education off the ballot, some education advocates are trying to get voters to turn one or two Supreme Court justices out of office in November. Teresa Ratti said the conclusion by the justices that the wording of the Invest in Ed initiative was misleading was ‘the exact same statement’ that came from the Republican-controlled Legislative Council which was tasked with writing an explanation of the proposal. ‘Do we really have a separate judiciary branch or is our judicial branch being controlled or influenced by the executive and the Legislature,’ she asked. So Ratti, a high school government teacher, is using a constitutional provision on how judges are chosen in Arizona to urge people to oust Clint Bolick and John Pelander. They are the two of the seven justices whose terms are up this year. Jennifer Hilsbos, who has been involved in this year’s spate of education advocacy at the Capitol, is focusing solely on Bolick.” [Arizona Capitol Times, [9/17/18](#)]

- **KJZZ: Opposition to Bolick came after he voted to keep the Invest in Education initiative off the ballot.** “On the flip side of the extremely crowded ballot that Arizona voters considered in November was a long list of judges up for retention. Two of them were Arizona Supreme Court Justices Clint Bolick and John Pelander. And though there was a late push of opposition against them — primarily because of their votes to keep the Invest in Education measure off the ballot — both easily won retention. But one change that will be happening on the court is a shift in chief justices, as Scott Bales will be succeeded by Robert Brutinel.” [KJZZ, [11/27/18](#)]

2018: Bolick won retention to the Supreme Court by a wide margin of 71 percent to 29 percent.

“The Arizona electorate has voted overwhelmingly in favor of letting a libertarian jurist keep his seat on the state's highest court. As the Arizona Republic reports, state Supreme Court Justice Clint Bolick handily won his judicial retention election yesterday by a lopsided margin of 71 percent to 29 percent.” [Reason, [11/7/18](#)]

Bolick will be up for retention on the November 2024 ballot. “Justices Kathryn Hackett King and Clint Bolick will be up for retention on the November ballot. On April 9, they were in the majority of the 4-2 opinion that upheld an 1864 law criminalizing most abortions, with no exceptions for rape or incest.” [KJZZ, [4/23/24](#)]

Conduct and Ethics

1997: Bolick took a lobbyist-sponsored junket to the Marianas Islands to discuss school vouchers and then penned op-eds defending the islands in conservative outlets. “Although they sound like a tropical paradise, the Mariana Islands are actually something close to the opposite. An American territory in the Pacific, just north of Guam, they have become a notorious haven for foreign-owned sweatshops in recent years. [...] Between 1996 and 1998, [lobbyist Patrick] Pizzella brought Republicans on regular jaunts to the islands--I spoke to eleven he'd personally invited. By The Wall Street Journal's estimate, more than 100 representatives, congressional aides, and activists accepted Preston Gates's invitations. Nor was it just Hill dwellers. Pizzella specialized in courting conservative intellectuals and journalists. In 1997 he organized a trip that included Clint Bolick (of the Institute for Justice), John Fund (of The Wall Street Journal), Kellyanne Conway (a pollster), Ron Bailey (of Reason), and Marc Lampkin (then general counsel to the House Republican Conference), among others. [...] For social conservatives, they highlighted the islands' growing church population. Pizzella even arranged for Bolick, a staunch proponent of school choice, to meet government officials to discuss the cnmi's interest in school vouchers. As David Cahn, a former consultant to the Marianas, puts it, ‘Pat's very effective. Visitors to the island seemed to get all the right information.’ There are several ways to measure the work Preston Gates did on the Marianas' behalf. For starters, consider the propaganda generated from just that one 1997 trip led by Pizzella. Bolick returned to defend the Marianas in editorials for Human Events and The Wall Street Journal.” [The New Republic, 6/18/01]

Bolick went on a Jack Abramoff junket to the Choctaw Reservation but claimed to have left early because he doesn't care for gambling or golf. “Over time, Abramoff's media management grew more sophisticated, and he dispensed largesse across conservative journalism. His junkets didn't just comprise meetings and site visits, they also included plenty of recreation time. Trips to the Choctaw Reservation, for instance, featured gambling at the Silver Star resort and rounds on a lush new golf course. Clint Bolick recalls, ‘I left the trip early, because it seemed to be so much about golf and gambling, activities I'm not much into.’” [The New Republic, 5/16/05]

2022: Bolick officiated a virtual NFT wedding organized by a private law firm. “Ryan and Candice Hurley had a ‘terrestrial’ wedding 14 years ago. On Feb. 4 they got married again, but this time it was their digital identities tying the knot in the metaverse. The Hurleys live in Phoenix, but their virtual avatars decamped to Decentraland, a computerized world, or metaverse, for their virtual wedding. Naturally, the pair owes their connection to another form of technology: they met on Match.com. [...] The nuptials were officiated by Clint Bolick, Associate Justice of the Arizona Supreme Court, who acknowledged he was outside his area of expertise. ‘I am not very tech savvy, so I'm not sure I fully understand what happened,’ he said. ‘When humans become a part of the metaverse two things follow them, romance and love. And I think that it's very exciting, they're not only romantic pioneers, but legal

pioneers.’ [...] The virtual wedding's design and documentation were organized by Scottsdale's Rose Law Group, which now has practices focused on Web3 and NFT Law” [Phoenix Business Journal, 2/5/22]

2023: Bolick attended a Diamondbacks playoff game in seats paid for by political consultant Chuck Warren. “Fans of both the Arizona Diamondbacks and Arizona public officials wanted to know: Was that really state Supreme Court Justice Clint Bolick and former Phoenix Councilman Sal DiCiccio with the great seats behind home plate for Wednesday's epic game? Indeed it was, as Bolick and DiCiccio confirmed. Which brings up another question: Who paid for the Bolicks' seats, which are among the most expensive at Chase Field? Bolick and his son, Ryne, sat in the first row of seats in the Batter's Box suite, and DiCiccio sat two rows behind them, all appearing in numerous TV shots during what is now considered a historic game. [...] Bolick, through Supreme Court spokesman Alberto Rodriguez, said he got the tickets from "close friends and am in the process of reimbursing them fully. We covered all our own costs. There were no freebies provided whatsoever.’ [...] DiCiccio said he figured that the phone call he received from The Republic on Thursday was about the seats. ‘I was on TV, I guess,’ DiCiccio said. He explained that the tickets came from Chuck Warren, a political consultant from The September Group, who does work in Arizona and Utah. Warren served as DiCiccio’s political consultant. DiCiccio said he did not reimburse Warren for the seats. But Warren, when reached by The Republic, said Bolick wrote a check for the \$200-apiece tickets for him and his son, and that he understood the check was on its way. The justice is his longtime friend who even officiated at the wedding of Warren's son and daughter-in-law, Warren said. Warren said he has hosted Bolick at a football game previously and this was the first time he invited him to a Diamondbacks game. ‘He always pays for the tickets,’ Warren said, “and he brings it up.” But it's not like the average fan could have picked up these tickets for \$200 each. Warren said that as a season ticket holder he receives an offer to buy suites ahead of playoff rounds. He took the Diamondbacks up on the offer for this game. Warren said he paid \$3,200 for the suite.” [Arizona Republic, 10/12/23]

- **Warren denied that he had interests before the Arizona Supreme Court and said he did not discuss politics or policy with Bolick at the game.** “He and Bolick don’t talk policy nor politics, Warren said, instead focusing on sports. Warren said he has never had a client with a case before the Arizona Supreme Court while Bolick has been on the bench. According to a biography posted on the website of a radio show he co-hosts, Warren’s past clients have included Blue Cross Blue Shield, Amazon and the Cancer Treatment Centers of America, all entities with Arizona presence. He has also represented the Republican Governor’s Association and the Republican National Committee. Warren helped organize the gubernatorial campaign for Kari Lake, the Republican nominee who lost a close election that she contested and who is now running for the U.S. Senate. Her case went up to the Arizona Supreme Court, which dismissed all but one of her claims. Warren said he had not worked with Lake ‘for some time.’ To Warren, the evening was simply two friends enjoying a baseball game. ‘You can make anything out of this you want,” he said. “I don’t know if he’s supposed to just stay home after work. Would that make everybody happy?’ Warren said he sat in the first row down the way from Bolick. He said his assistant handed out the seats randomly so it was just by chance that Bolick was seated in the first row. And in full view of the television cameras.” [Arizona Republic, 10/12/23]

August 2018: Bolick exchanged messages with Gov. Ducey advocating for the appointment of Maricopa County Attorney Bill Montgomery to fill Sen. McCain’s seat following his death. “Arizona Supreme Court Associate Justice Clint Bolick urged Governor Doug Ducey to appoint Maricopa County Attorney Bill Montgomery to the U.S. Senate two days after the death of John McCain. In text messages obtained by Phoenix New Times under state public records law, Bolick wrote to Ducey on August 27, asking him to tap the polarizing Republican prosecutor for McCain's Senate

seat. ‘I hope you will consider Bill Montgomery, one of the few who could fill Sen. McCain’s shoes,’ Bolick wrote. ‘He is respected by everyone, supported by all parts of the GOP, yet unfailingly conservative. Wicked smart, principled, West Point, very modest beginnings, young enough to be there for a long time. Can work across the aisle.’ ‘Bill has not asked me to do this; to the contrary it would require an appeal to his sense of duty,’ Bolick added.” [Phoenix New Times, [11/27/18](#)]

- **KJZZ: “Gov. Doug Ducey publicly made it clear that anyone who lobbied for themselves would be disqualified. But it was apparently acceptable for others to lobby on someone's behalf.”** “When it was publicly announced that Sen. John McCain had a severe form of cancer — glioblastoma — speculation began on who could possibly be appointed to McCain’s seat, if he were to pass away before the end of his term. Gov. Doug Ducey publicly made it clear that anyone who lobbied for themselves would be disqualified. But it was apparently acceptable for others to lobby on someone's behalf. Thanks to public records searching, Phoenix New Times has discovered that Arizona Supreme Court Justice Clint Bolick exchanged messages with Gov. Ducey advocating for the appointment of Maricopa County Attorney Bill Montgomery to the senate seat.” [KJZZ, [11/28/18](#)]
- **Bolick described Montgomery as “conservative to my libertarian yet there are few I respect more, very much in the mold of [former U.S. Senator] Jon Kyl.”** “Bolick described Montgomery as ‘conservative to my libertarian yet there are few I respect more, very much in the mold of [former U.S. Senator] Jon Kyl.’ He went on to wish Ducey good luck during the governor's re-election campaign and referred to his own then-upcoming judicial retention election. ‘It will be an honor to appear on the ballot with you this fall – good luck, we need you,’ Bolick wrote. In return, Ducey thanked Bolick and indicated that he, too, appreciates Montgomery. ‘Always value your advice and recommendations. I share your admiration of Bill. He is one of our finest,’ Ducey wrote. The governor ultimately appointed former Senator Jon Kyl to fill McCain's seat.” [Phoenix New Times, [11/27/18](#)]
- **Bolick said he was expressing his beliefs in his capacity as a private citizen.** “When asked about his comments, Bolick explained in an email that he was expressing his beliefs for the Senate appointment – as well as his political support for Ducey – in his capacity as a private citizen. Arizona's judicial ethics rules allow judges to privately express support and make political contributions, Bolick said. ‘I conveyed privately to the governor that I thought Bill Montgomery would make an excellent appointee as senator,’ Bolick wrote to New Times.” [Phoenix New Times, [11/27/18](#)]
- **Phoenix New Times: Montgomery has a record of opposing criminal-justice reform bills that could help reduce Arizona's incarceration rate.** Montgomery was first elected as Maricopa County attorney in a 2010 special election, and voters have re-elected him twice since then. He is a staunch opponent of marijuana legalization, medical or otherwise, and has a track record of opposing criminal-justice reform bills that could help reduce Arizona's incarceration rate, which ranks fourth-highest nationwide.” [Phoenix New Times, [11/27/18](#)]

ASSOCIATIONS AND BOARDS

2023: Bolick chaired the Maricopa County Commission on Trial Court Appointments. “The commission reviews applicants for trial judge openings and makes recommendations to the governor. By law, there are 10 public members from various professions and 5 attorney members. [...] The commission is chaired by state supreme court justice Clint Bolick. Bolick said although the members are volunteers, the position requires a tremendous amount of work. ‘This isn't just a show commission,’

Bolick said. ‘We dig deeply into all of the candidates' backgrounds and qualifications.’ Commission members do research on candidates, review their resumes and talk with people in the community about their qualifications and experience. Bolick said commissioners should practice fairness and common sense when reviewing applications. ‘I think that having a commission with members from diverse backgrounds and professions helps instill a sense of confidence in the judiciary,’ Bolick said.” [Arizona Republic, 2/27/23]

2015 – 2016: Bolick was a member of the Industrial Commission of Arizona. [Arizona Supreme Court profile, accessed [6/12/24](#)]

- **The Industrial Commission of Arizona oversees labor issues including workers' compensation claims, occupational safety, and, youth employment laws among other issues.** “The Industrial Commission of Arizona (ICA) was created in 1925 as a result of legislation implementing the constitutional provisions establishing a workers' compensation system. [...] The Industrial Commission retained both its responsibility as the file of record and its authority over the processing of workers' compensation claims. Since that time, the role of the Industrial Commission has included other labor-related issues such as occupational safety and health, youth employment laws, resolution of wage-related disputes, minimum wage, vocational rehabilitation, workers' compensation coverage for claimants of uninsured employers, insolvent insurance carriers, and self-insured employers.” [Industrial Commission of Arizona website, accessed [6/12/24](#)]

2014-2015: Bolick was co-chair of the Committee on Federalism for Gov. Doug Ducey's Transition Team. [Arizona Supreme Court profile, accessed [6/12/24](#)]

Bolick served on the board of several charter school organizations including BASIS Schools, Great Hearts Academies, Arizona School Choice Trust, and the Arizona Charter Schools Association. “Clint is vice president for litigation at the Goldwater Institute. He serves on the boards of the Arizona Charter Schools Association, BASIS Schools Inc., Great Hearts Academies, and Arizona School Choice Trust.” [Arizona Attorney, [March 2014](#)]

- Board Member, BASIS Schools, Inc., 2006 - 2016
- Board Member, Great Hearts Academies, 2005 - 2016
- Board Member, Arizona Charter Schools Association, 2006 – 2014
[Arizona Supreme Court profile, accessed [6/12/24](#)]

2006 – 2010: Bolick was a member of the U.S. Commission on Civil Rights' Arizona State Advisory Committee. [Arizona Supreme Court profile, accessed [6/12/24](#)]

2010: Bolick served on a citizens' committee to recommend a new Maricopa County Attorney. “The Maricopa County Board of Supervisors appointed a citizens' committee Monday to recommend a replacement for outgoing Maricopa County Attorney Andrew Thomas. [...] The citizens' committee consists of former state Rep. Steve Tully, former state Attorney General Jack LaSota, Mesa Mayor Scott Smith, Goldwater Institute attorney Clint Bolick and Salvador Ongaro, who leads a Latino legal organization.” [Associated Press, 4/26/10]

2009: Bolick was the principal legal advisor for the Save our Secret Ballot Coalition. [Washington Independent, 2/23/09]

2008: Bolick served on the board of the Arizona Charter Schools Association. “Clint R. Bolick, a veteran school choice lawyer who serves on the board of the Arizona Charter Schools Association, said the Walton Foundation has helped to ‘reinvigorate’ that group, which has seen wholesale changes in leadership and approach. ‘That has been enormously important in terms of self-regulation [of charters] and battling the education establishment beast,’ Mr. Bolick said. ‘It’s now a much stronger, much more sophisticated organization. I give them huge credit for that.’” [Education Week, 11/5/08]

1990s: Bolick resigned from the American Bar Association “because it got involved in civil rights legislation that I disagreed with.” “*Clint Bolick*: The ABA has elected in recent years to become an advocacy organization, rather than a professional organization. I resigned from the ABA a few years ago because it got involved in civil rights legislation that I disagreed with their position on it. Once it has made that choice to become an advocacy organization, I don’t think that it has a proper role in evaluating judicial nominations.” [“NewsHour With Jim Lehrer, PBS, 4/24/96]

1990: Bolick Resigned From The Board Of Street News, A Newspaper Sold By Homeless People. “Eight months ago, homeless men and women began hawking a new tabloid newspaper on the streets and subways of New York. The premise of Street News was the promise of self-reliance: Instead of begging for handouts, the paper’s vendors would sell something of substance and perhaps save enough money to get back on their feet. For some vendors, the promise is still alive. They are people like Larry Locke, who says he can make \$200 on his best days at his favorite corner, near Zabar’s on the Upper West Side, and Anthony and Lynn Serino, who saved \$475, enough to move into their own Brooklyn apartment But Street News is in trouble. Last week, eight salaried editorial employees walked out, protesting what they termed the poor financial management and ‘erratic and irresponsible behavior,’ of Hutchinson Persons, the 34-year-old rock musician from Elyria, Ohio, who founded Street News. Two of the five board members also resigned. [...] A board member who resigned, Clint Bolick, a Washington lawyer, said that while the newspaper was a great idea, its direction was unstable.” [New York Times, 5/24/90]

Bolick will be up for retention on the November 2024 ballot. “Justices Kathryn Hackett King and Clint Bolick will be up for retention on the November ballot. On April 9, they were in the majority of the 4-2 opinion that upheld an 1864 law criminalizing most abortions, with no exceptions for rape or incest.” [KJZZ, [4/23/24](#)]

2018: Bolick said voters should consider two main qualities when considering retaining judges—whether they are in the mainstream of legal thought and whether they are competent. Columnist Tim Steller wrote, “Among his characteristics, Bolick is also an especially open person for a judge, and he called me back Thursday to talk about his retention. He told me he thinks voters should consider two main qualities when considering retaining judges — whether they are in the mainstream of legal thought, and whether they are competent. [...] On politics, he said, voters should consider whether judges can divorce their political beliefs from the law, as he has. ‘I think there are judges who aren’t able to divorce the law from politics. I welcome the skepticism, but I also invite people to examine whether it’s true’ in his case, he said.” [Arizona Daily Star, 10/19/18]

Rules governing sitting judges prohibit them from soliciting donations to convince voters to keep them on the bench. “While Progress Arizona can raise funds to defeat them — Jackson said she does not know how much that will take — Paton said the rules governing sitting judges prohibit them from soliciting funds to convince voters to keep them on the bench. Instead, only someone acting as a “surrogate” for them can raise money for a campaign. Potentially more significant, the rules bar judges judge from speaking about or defending individual decisions. About the only option is the ability to respond to “false, misleading or unfair allegations” made against them during the campaign.” [Daily Independent, [4/22/24](#)]

Associated Press: “Voters rarely deny a sitting judge another term; only six have been unseated since Arizona adopted its judicial retention election system in 1974.” “A progressive group also launched a campaign targeting Justices Bolick and Kathryn King — both of them voted to restore the 160-year-old abortion ban and are up for retention election in November. [...] Voters rarely deny a sitting judge another term; only six have been unseated since Arizona adopted its judicial retention election system in 1974.” [Associated Press, [5/16/24](#)]

- **KJZZ: “Arizona voters have never unseated a Supreme Court justice.”** “Arizona voters have never unseated a Supreme Court justice. But after the state Supreme Court upheld a Civil War-era law that bans almost all abortions, down-ballot judicial retention elections in Arizona are attracting national attention.” [KJZZ, [5/20/24](#)]

2024: The NDRC and Planned Parenthood Votes planned to spend at least \$5 million encouraging voters to oust state Supreme Court justices in several states, including Arizona. “The National Democratic Redistricting Committee, along with the group Planned Parenthood Votes will spend at least \$5 million encouraging voters to oust state Supreme Court justices in several states this November, including in Arizona.” [KJZZ, [5/20/24](#)]

CAMPAIGN AGAINST BOLICK AND KATHRYN KING

April 2024: Progress Arizona launched a campaign to deny new terms to Justices Clint Bolick and Kathryn King over their votes to allow enforcement of AZ’s strict 1864 law on abortion. “Progress

Arizona is launching a campaign to deny new terms to two of the state Supreme Court justices who voted earlier this month to allow the 1864 law on abortion to once again be enforced in Arizona. And they're gearing up to kill a proposal by a Sierra Vista Republican to strip voters of that right. The organization that supports progressive causes wants to convince voters to exercise a seldom-used right to reject a bid by a judge to be retained in office. If they are successful, that would end the tenure of Clint Bolick and Kathryn King, both appointees of former Republican Gov. Doug Ducey. Neither would comment on the effort. It also would clear the way for incumbent Democrat Katie Hobbs to name their replacements." [Daily Independent, [4/22/24](#)]

- **Progress AZ campaign lead Abigail Jackson said Bolick's vote was not in line with what Arizona voters want.** "The Progress AZ campaign is led by Abigail Jackson. She said Monday that the effort is getting a lot of traction. Jackson didn't argue that the vote was unconstitutional, but said it is not in line with what Arizona voters want." [KJZZ, [4/23/24](#)]
- **KJZZ: Progress Arizona "hoping to do the unprecedented and unseat the sitting Supreme Court justices."** "Two Arizona Supreme Court justices are in the crosshairs of progressives this election season after they ruled to reinstate a territorial-era near total abortion ban in the state. Clint Bolick and Kathryn H. King are up for judicial retention votes this November — and now, the nonprofit Progress Arizona is mounting an organized campaign against them, hoping to do the unprecedented and unseat the sitting Supreme Court justices." [KJZZ, [5/1/24](#)]

Bolick: Partisan special-interest groups are "hijacking" the retention process through a campaign against Justice King and me called 'Vote Them Out!' ... "these groups are cynically harnessing anger over our recent abortion decision to replace us with justices who will rubber-stamp their ideological agenda." In an op-ed, Bolick wrote, "Fifty years ago, Arizona voters adopted then-state legislator Sandra Day O'Connor's proposed judicial merit selection system. It is one of our state's crown jewels, producing judges of great integrity, quality and fairness — while providing the means to vote out those who fail to meet the highest standards. But partisan special-interest groups are hijacking the retention process through a campaign against Justice Kathryn King and me called 'Vote Them Out!' — a slogan that packs with venom what it lacks in substance. Extending an effort from 2022 that led to the ouster of two highly qualified judges for purely political reasons, these groups are cynically harnessing anger over our recent abortion decision to replace us with justices who will rubber-stamp their ideological agenda." [Arizona Republic, [5/20/24](#)]

- **Bolick: "They claim the abortion decision reflected the court majority's policy preferences rather than the law. Nonsense. Serious commentators, liberal and conservative, who actually read the decision (which I encourage voters to do), agree it is solidly grounded in law."** In an op-ed, Bolick wrote, "Extending an effort from 2022 that led to the ouster of two highly qualified judges for purely political reasons, these groups are cynically harnessing anger over our recent abortion decision to replace us with justices who will rubber-stamp their ideological agenda. They claim the abortion decision reflected the court majority's policy preferences rather than the law. Nonsense. Serious commentators, liberal and conservative, who actually read the decision (which I encourage voters to do), agree it is solidly grounded in law. We had before us not a question of policy, or even of constitutionality, but simply whether the Legislature in 2022, following the U.S. Supreme Court's Dobbs decision, restored an earlier abortion restriction. After careful analysis, we concluded it did." [Arizona Republic, [5/20/24](#)]
- **Bolick: "We rule based on the law. I cannot count the number of cases in which I have voted against my policy preferences."** In an op-ed, Bolick wrote, "Shortly thereafter, the Maricopa County Republican Party executive committee 'censured' my court for ruling

incorrectly, in its view, on certain election challenges. They should debate with their ‘Vote Them Out!’ counterparts over whether we are a right-wing or a left-wing court. Hint: we are neither. We rule based on the law. I cannot count the number of cases in which I have voted against my policy preferences. One example is when Gov. Doug Ducey vetoed nearly two dozen conservative bills over a budget dispute with the Legislature. They were passed again, then challenged by the Arizona School Boards Association. We struck them all down because they were passed unconstitutionally as part of the budget rather than as standalone bills.” [Arizona Republic, [5/20/24](#)]

- **Bolick: “I never once had an ethics complaint. As a judge I have never ruled on the basis of politics — apparently, to my current detriment.”** In an op-ed, Bolick wrote “I chose a career in law over politics in large part because it has rules and guardrails. I am proud that in more than 30 years as a litigator, I never once had an ethics complaint. As a judge I have never ruled on the basis of politics — apparently, to my current detriment. I would rather go down in electoral flames than to compromise my constitutional oath.” [Arizona Republic, [5/20/24](#)]
- **Bolick: “That the groups challenging us call themselves progressive is ironic given the system they are attacking was a progressive reform” praised by the liberal Brennan Center.** In an op-ed, Bolick wrote, “That the groups challenging us call themselves progressive is ironic given the system they are attacking was a progressive reform. The liberal Brennan Center, much of whose work I greatly admire, remarked in a brief a decade ago that ‘Arizona’s merit selection system is widely regarded as succeeding in producing excellent judges.’” [Arizona Republic, [5/20/24](#)]
- **Bolick: “Weaponizing judicial retention will be a disaster... we cannot afford to have conscientious judges voted out for unpopular decisions.”** In an op-ed, Bolick wrote “Weaponizing judicial retention will be a disaster. I recall that while litigating a case in Texas, where judges are elected, the lawyers assembled for a hearing were all discussing whether they were current in their contributions to the judge before whom we were about to appear. [...] In our state, the people have the ultimate lawmaking power, including the ability to overturn our decisions. But we cannot afford to have conscientious judges voted out for unpopular decisions.” [Arizona Republic, [5/20/24](#)]
- **Bolick: “Until recently, I was undecided whether to seek retention.... But I cannot stand aside when our merit selection system is under attack.”** In an op-ed, Bolick wrote “Until recently, I was undecided whether to seek retention. After all, mandatory retirement means I am eligible to serve only three more years. But I cannot stand aside when our merit selection system is under attack. We cannot have judges looking over their shoulders to assess the political fallout of their decisions. If they do, it is game over for the rule of law.” [Arizona Republic, [5/20/24](#)]
- **Bolick: “Even though I love it and am honored to hold it, I do not need this job. But we do need this system. And I will do everything I can to pass it intact to future Arizonans.”** In an op-ed, Bolick wrote “That means I do not take a single moment for granted. I have paid it forward by mentoring hundreds of young women and men from high school to law school and beyond, some of whom are now themselves judges. I teach constitutional law every fall at Arizona State University. Every year I speak to dozens of student and community groups, and co-founded a mentoring group for young female professionals. My judicial assistant complains that I never say no, whether it is coffee meetings with aspiring judges, swearing-in officials and new lawyers, or performing weddings (my favorite part of the job, especially during COVID-19). Even though I love it and am honored to hold it, I do not need this job. But we do need this

system. And I will do everything I can to pass it intact to future Arizonans.” [Arizona Republic, [5/20/24](#)]

ARIZONANS FOR AN INDEPENDENT JUDICIARY EFFORT

2024: PAC called Arizonans for an Independent Judiciary launched to defend Bolick and King. “A political action committee made of a bipartisan group of judges and attorneys is defending the process of how most judges in Arizona are retained. The PAC recently launched a voter education website.

Timothy Berg with Arizonans for an Independent Judiciary said its members are concerned about efforts to not retain Justices Clint Bolick and Kathryn King. An initiative by Progress Arizona aims to oust the pair who joined on last month’s opinion allowing the 1864 near-total abortion ban to be enforceable.

They were not the only justices to vote that way, but are the only ones up for retention. Voters decide whether to retain judges every 6 years after their appointment Berg acknowledged politics play a role in picking judges, but argued voters should look at a judge’s qualifications rather than how they rule on an individual case.” [KJZZ, [5/8/24](#)]

GOP EFFORT TO ELIMINATE RETENTION ELECTIONS

A pending GOP resolution to eliminate judicial retention elections could keep Bolick on the bench even if voters choose not to retain him.

“A resolution awaiting approval from the state House could keep Arizona's Supreme Court justices on the bench, even if voters decide to reject them on the ballot in November. Democratic activists have encouraged Arizonans to vote against retaining Arizona Supreme Court Justices Clint Bolick and Kathryn H. King after they voted to enforce the 1864 abortion ban last week. But a Senate resolution would do away with Arizona's judicial retention elections, allowing superior, appellate and Supreme Court judges to essentially have lifelong terms. Currently, those judges are appointed through a merit selection process and face retention elections every four to six years. The resolution would instead require judges to face a retention election if they fail to meet performance standards, commit a crime or face personal financial issues like bankruptcy or foreclosure. [...] Gowan's resolution would apply retroactively, meaning any results from November's judicial retention elections would be thrown out. If voters chose not to retain Bolick and King but Gowan's resolution passed, they would remain on the bench.” [Arizona Republic, [4/19/24](#)]

Progress AZ also campaigned to kill Republican proposal to strip voters of the right to decide whether to retain judges in office or oust them.

“A political action group is launching a campaign to deny new terms to two of the state Supreme Court justices who voted to allow the 1864 law on abortion to once again be enforced in Arizona. The organization, called Progress Arizona, is also gearing up to kill a Republican legislator’s proposal to strip voters of the right to decide whether to retain judges in office or oust them.” [Arizona Daily Star, [4/22/24](#)]

- **KJZZ: Republican lawmakers “considering a resolution that would also go to the ballot in the fall asking voters to get rid of judicial retention elections altogether, except in limited circumstances.”** “At the same time, Republican lawmakers are considering a resolution that would also go to the ballot in the fall asking voters to get rid of judicial retention elections altogether, except in limited circumstances. It’s an idea that Democrats have pushed back against at the state Legislature.” [KJZZ, [5/1/24](#)]
- **Daily Independent: The proposal, if approved by voters, would be retroactive. “And that means King and Bolick would get to keep their seats — even if voters at the same election decided they should not.”** “The organization’s Abigail Jackson pointed out that the state Senate

already has approved a proposal by Sen. David Gowan to alter that system that now gives voters a regular chance to oust judges. Instead, a judge or justice's name would go on the ballot only if there had been some sort of incident, ranging from a felony conviction to personal bankruptcy, mortgage foreclosure, or if the Commission on Judicial Retention concluded their performance on the bench fell below standards. What's more significant is that Gowan's measure, if it were approved by voters in November, would be retroactive. And that means King and Bolick would get to keep their seats — even if voters at the same election decided they should not. SCR 1044 already was approved by the Senate on a 16-14 party-line vote. It now awaits debate in the full House. And, being a ballot measure, it would bypass Hobbs.” [Daily Independent, [4/22/24](#)]

- **Daily Independent:** “**This would be the first significant change in how judges are selected and retained since voters approved what is known as “merit selection’ in 1974.**” “This would be the first significant change in how judges are selected and retained since voters approved what is known as “merit selection” in 1974. Prior to that, judges were elected like all politicians. And that remains the case in counties of fewer than 250,000 residents. Under the new system, when a vacancy occurs, applicants are screened by special panels who make nominations to the governor who then must choose from that list. Voters then get to decide on a regular basis whether to retain or reject a request for a new term. If rejected, the process starts over again. Only six have been ousted in all that time, none from the Supreme Court. Members of the Arizona Judges Association want that changed and retained former state Sen. Jonathan Paton to lobby for them. Paton says most Arizonans are totally unfamiliar with the judges. And he pointed out in Maricopa County it is not unusual for the names of more than 50 superior court judges to be on the ballot.” [Daily Independent, [4/22/24](#)]
- **Daily Independent:** **The measure would essentially guarantee lifetime appointments – at least until mandatory retirement at age 70.** “What he got Gowan to sponsor would essentially be lifetime appointments — at least until mandatory retirement at age 70 — for any Supreme Court, Court of Appeals or superior court judge in larger counties unless they got into trouble and their names were placed on the ballot.” [Daily Independent, [4/22/24](#)]

ON RACE AND INEQUALITY

1989: Bolick Proposed School Choice, Welfare Reform, “Freedom From Crime,” And “Investment In Human Capital Development” As A “Positive Alternative Civil Rights Agenda.”

“Bolick, who was an assistant to William Bradford Reynolds, the assistant attorney general for civil rights in the Reagan administration, denounced the bills introduced in Congress and said, ‘We call upon the Bush administration to remain steadfast in opposition to this legislation.’ ‘We must go forward and set forth a positive alternative civil rights agenda,’ he said. Such an agenda, Bolick said, should include ‘a refocusing of affirmative action away from quotas and toward investment in human capital development,’ challenging licensing laws and other barriers to black entrepreneurial opportunity, free choice for parents among schools, helping people get off the welfare roles and promoting ‘freedom from crime.’” [Associated Press, 9/28/89]

1999: Bolick: “True affirmative action requires stricter, not more lenient, law enforcement in minority communities.” “On a broader scale, groups like the NAACP Legal Defense Fund are trying to abolish capital punishment on the basis of racial statistics, even though plentiful opportunities already exist to raise claims of racial bias in individual cases. Importing affirmative action into criminal law is toxic. Inevitably, it means that people (like Leviner) who are guilty of crimes will not pay the full cost of their crimes, to the detriment of everyone but most particularly inner-city minorities, who are disproportionately victimized by crime. It is true that racial ‘disparities’ exist in police stops, arrests and convictions. Reports suggest that one of every three young black male adults is in jail or on probation (in the nation's capitol, the figure is one in two). But the disparities are even greater for criminal victimization: blacks are 6.4 times more likely than whites to die by homicide. Indeed, homicide has become the leading cause of death among young black males. True affirmative action requires stricter, not more lenient, law enforcement in minority communities. As in other contexts such as employment and education, racial preferences in the criminal justice system treat symptoms rather than underlying problems. Just as adding points to students' test scores in the college admissions process does nothing to remedy problems in the K-12 education system, absolving criminals of the full consequences of their lawless behavior does not redress real problems in the criminal justice system. Indeed, it further injures the very racial groups who need effective law enforcement the most.” [Clint Bolick Op-Ed, Scripps Howard News Service, 5/9/99]

1995: Bolick described himself as an “angry white male” campaigning against affirmative action. “A conservative legal activist yesterday derided affirmative action as ‘trickle-down civil rights,’ but two black scholars said the current debate lacks historical context. Clint Bolick, vice president of the Institute for Justice, a conservative public interest think tank, said affirmative action ‘does in fact discriminate on the basis of race’ but fails to benefit the truly disadvantaged. Speaking at a forum at the National Press Club, Mr. Bolick ridiculed the Clinton administration for announcing that it may appoint a commission to review the administration's internal review of federal affirmative-action programs. ‘Isn't Washington wonderful?’ Mr. Bolick said. Mr. Bolick - who described himself as an ‘angry white male,’ adding at another point, ‘so you finally see him in the flesh’ - said if government must engage in social engineering, it would be more rational to base preferences on economic need. ‘It makes sense to target them . . . where the need is the greatest,’ said Mr. Bolick, who called enterprise zones a form of affirmative action, although most people do not think of it that way. He particularly espoused school vouchers as a way to improve the lot of disadvantaged youngsters. Such an approach ‘moves the debate

forward in a useful way,' said Mr. Bolick, who criticized 'affirmative action for billionaires.' He spoke at a panel discussion sponsored by the Center for Equal Opportunity." [Washington Times, 4/11/95]

TIES TO WHITE SUPREMACISTS

1990: Bolick defended a bill by David Duke to overturn Louisiana's affirmative action programs and end alleged discrimination against "hundreds of thousands" of white people. "Ill will pulsed through Louisiana yesterday as reaction spread to the stunning House passage of a bill by Rep. David Duke, a former Ku Klux Klansman, that attempts to overturn state affirmative action programs. [...] Mr. Duke said his goal was to stop discrimination that affects 'hundreds of thousands' of whites. A Republican candidate for the U.S. Senate, Mr. Duke was the grand wizard of the Louisiana Knights of the Ku Klux Klan in 1979 before he left to form the National Association for the Advancement of White People. [...] Clint Bolick, director of the conservative Landmark Center for Civil Rights, said the Duke bill was not much different from the Republican Party's 1988 platform plank on affirmative action. 'It's a pretty mainstream approach by an obviously radical person,' he said. 'It would expose the hypocrisy of racial preference schemes that are disguised as affirmative action programs.'" [Washington Times, 5/31/90]

- **Bolick Said NAACP President Benjamin Hooks "Created David Duke."** "As Congress prepares to reconsider civil rights legislation vetoed last fall by President Bush, groups pressing for passage of the bill find themselves facing a second and ultimately more crucial battle: one to define the image, agenda and relevance of the civil rights movement itself. [...] And others say the perceptions of civil rights stem from the degree to which the movement has come to rely on race-based remedies that in practice, if not in theory, often result in preferential programs. 'The insistence on quota-type remedies by the civil rights lobby is what keeps that issue alive,' said Clint Bolick, the white director of the Landmark Center for Civil Rights, a conservative legal group in Washington. 'Ben Hooks created David Duke, and we're going to see a lot more David Dukes until we finally move away from that issue.'" [New York Times, [4/3/91](#)]
- **1991: Bolick: NAACP President "Ben Hooks And His Friends Have Created David Duke."** "*Michael Kinsley*: Are you ready to abandon President Bush as a terminally Hooks-ite and go give your support to Pat or to David Duke? *Clint Bolick*: Not to Pat Buchanan. I wish another Republican would get into this race that would- *Kinsley*: What's wrong with the Pat? *Bolick*: I think that Pat does engage in race baiting on immigration issues and stuff like that. The fact is that George Bush has no civil rights plan and Pat Buchanan has a disastrous civil rights plan, but I think that Bob's point about David Duke is right. Ben Hooks and his friends have created David Duke. If they could only get over their addiction to racial quotas, to busing- *Kinsley*: Well, let me- *Bolick*: -David Duke would have no issues." ["Crossfire," CNN, 11/21/91]
- **1991: President Bush said Duke was unfit to hold public office after Duke equated the extermination of Jews in Nazi Germany with affirmative action programs.** "In his strongest comments to date on the Louisiana governor's race, President Bush said today that State Representative David Duke was a charlatan unfit to hold public office because he has espoused racist and neo-Nazi beliefs. The President's remarks came after a statement by Mr. Duke on Tuesday that equated the extermination of Jews in Nazi Germany with affirmative action programs in the United States. Speaking at a news conference in Washington, President Bush said: 'When someone asserts the Holocaust never took place, then I don't believe that person ever deserves one iota of public trust. When someone has so recently endorsed Nazism, it is inconceivable that someone can reasonably aspire to a leadership role in a free society.'" [New York Times, [11/7/91](#)]

1990: Charles Murray Wrote The Introduction To Bolick's Book *Unfinished Business: A Civil Rights Strategy for America's Third Century*. "One of the contributors to this campaign is sociologist Charles Murray, who wrote the graceful foreword to Mr. Bolick's book. He is author of the path-breaking studies that demonstrated the perverse disincentives to personal effort and self-improvement inherent in traditional anti-poverty programs." [Washington Times, 10/18/90]

- **1995: Bolick criticized Murray's *The Bell Curve* and said it could hurt Republican legislative effort.** "Clint Bolick, who torpedoed Lani Guinier as the 'quota queen' and is now crafting the coming Republican legislative assault on racial preferences, also thinks buying into 'The Bell Curve' would undermine that effort. 'I really worry that Republican motives have always been subject to suspicion, and this will make it only more so,' says Bolick, who argues that a conservative assault on affirmative action should be accompanied by an 'empowerment' agenda - school choice, tenant management of public housing and the elimination of barriers to minority entrepreneurship. 'I worry a book like this will make Republicans less likely to do that and I think it would be a terrible mistake.'" [Cleveland Plain Dealer, 2/5/95]
- **Murray's 1994 book argued that intelligence correlated to an individual's race, with those from races with darker complexions being less intelligent than their white counterparts.** "Charles Murray is best known for his book *The Bell Curve*, which tries to use so-called science to argue that individuals from some races (the whiter ones) are more intelligent than those from others (the darker ones). Actual scientists have called out the book as racist and stunningly dishonest and odious. Though Murray couches his book in the cold language of data analysis, it rests upon the same pseudoscientific foundations used for centuries by white supremacists." [Miami New Times, [3/7/18](#)]
- **The Southern Poverty Law Center labeled Murray as a "white nationalist extremist".** "Murray, who works for the conservative think tank American Enterprise Institute, is basically the Neil deGrasse Tyson of white, male supremacy. The Southern Poverty Law Center, the nation's premier hate-tracking nonprofit, has labeled Murray a 'white nationalist extremist' who uses 'racist pseudoscience and misleading statistics to argue that social inequality is caused by the genetic inferiority of the black and Latino communities, women, and the poor.'" [Miami New Times, [3/7/18](#)]

2001: Bolick defended John Ashcroft from accusations of racism but said he would not have appeared at Bob Jones University or given interviews to publications like *Southern Partisan* magazine. "Salon: Do you think that the charges that racism was involved in Ashcroft's opposition to Ronnie White would be ignored were it not for his speech at the historically racist Bob Jones University, his interview in Southern Partisan magazine, and his other links to neo-Confederate movement? Clint Bolick: I have concerns about Sen. Ashcroft's interview in Southern Partisan, and I would not appear at Bob Jones University, though conservatives -- especially religious conservatives -- have frequently done so. If I were his advisor, I would have told him not to do it. But doing an interview with a publication doesn't mean you endorse all of its ideas, and appearing at a university doesn't mean you believe in all its policies. I don't think those actions were in totally good judgment, but at the same time, he's done so much else for civil rights in his career. He co-sponsored congressional hearings on racial profiling, approved the state's Martin Luther King Jr. holiday and signed a state hate crimes law, which is more liberal than most of his colleagues. He also has supported several key African-American judicial appointments." [Salon.com, 1/16/01]

SHAWNNA BOLICK: ELECTION DENIER

2022: Shawna Bolick was spotted in the crowd at a Proud Boys rally in Anthem, Arizona. In a series of tweets in July 2022, an organization called “Arizona Right Watch” described a reproductive rights rally and counterprotest by the Proud Boys in Anthem, AZ. On July 8, 2022, ARW posted, “Heads up to the upcoming “We Will Not Go Back” protest for abortion rights happening in Anthem, AZ this Saturday, a local militia-friendly coffee shop has been organizing on Facebook and Nextdoor for people to patrol the protest.” On July 9, 2022, ARW tweeted, “A group of Arizona Proud Boys has been spotted marching towards the reproductive rights rally in Anthem.” Then, on July 10, 2022, ARW posted, “Also spotted with the crowd of Proud Boys and counter protesters patrolling the We Will Not Go Back rally at Anthem Memorial was Paul Alan Carver, the lead registered agent for a local III% group + candidate for DVUSD school board, and Rep. Shawna Bolick” A photo of Bolick at the counter protest was also posted alongside the July 10 tweet. [X.com, @az_rww, [7/10/22](#)]

Dec. 2020: Shawna Bolick was one of 20 legislators that called on Congress to either accept Arizona’s 11 GOP electors for Trump or to nullify state’s electoral votes for Biden until Legislature could conduct a full forensic audit to resolve irregularities. “Bolick was also one of 20 Republican legislators who signed a resolution in December calling on Congress to either accept Arizona's 11 GOP electors for Trump or to nullify the state's electoral votes for Biden until the legislature could conduct a full forensic audit to resolve any irregularities with the election.” [Arizona Mirror, [6/22/21](#)]

Shawna Bolick signed a letter to then-Vice President Mike Pence asking him not to certify the 2020 election results. “Bolick signed a letter to then-Vice President Mike Pence asking him not to certify election results.” [The Copper Courier, [1/24/21](#)]

2021: Shawna Bolick authored legislation that would have allowed state lawmakers to override the presidential choice of Arizona voters with a simple majority. “Former lawmaker Shawna Bolick was chosen by the Maricopa County Board of Supervisors Wednesday to fill the vacant North Phoenix seat in the Arizona Senate left by the resignation of Republican Sen. Steve Kaiser. [...] In 2021 Bolick authored legislation that would have allowed state lawmakers to override the presidential choice of Arizona voters with a simple majority — something Republicans have held in the state for decades. Bolick’s proposal came just two months after receiving emails from Ginni Thomas, urging her to overturn Biden’s victory in Arizona. Ginni Thomas is married to U.S. Supreme Court Justice Clarence Thomas.” [AZ Mirror, [7/19/23](#)]

- **Bolick: “This bill will bring much needed transparency and accountability...creating a legislative check and balance over certifying presidential electors...”** “But Rep. Shawna Bolick, R-Phoenix, the lead sponsor of HB 2720, said her bill would restore public confidence in elections that Hobbs claims to want, ‘while creating a legislative check and balance over certifying presidential electors.’ ‘People need certainty, and this bill will bring much needed transparency and accountability to address some of these outstanding issues, while creating a legislative check and balance over certifying presidential electors,’ Bolick said in a written statement on her bill.” [Inside Tucson Business, [2/3/21](#)]
- **Said bill would “help secure, adjudicate and audit ballots with the hope of restoring confidence in our electoral process.”** [Tucson Weekly, [2/3/21](#)]
- **Bolick: “It is time for the Arizona legislature to regain the power it delegated to certify the electors...”** “It is time for the Arizona Legislature to regain the power it delegated to certify the electors, as stated in Article 2, Section 1 of the U.S. Constitution. HB 2720 allows the

Legislature to revoke the secretary of state's decision to certify an election but not to pick its own winner." [Washington Examiner, 2/8/21]

- **Bolick also advocated for a legislative committee that would decide on a slate of electors.** "In an op-ed about the bill, she advocated for a legislative committee that would instead review elections and decide on a slate of electors. The bill went nowhere, and Bolick has since walked back that plan. After the results of the Maricopa County audit were released, she called for a statewide election audit." [KJZZ, [6/27/22](#)]
- **2021: Sierra Vista Herald: "Bolick...wants to allow the Arizona Legislature to overturn the results of a Presidential Election, even after the count was formally certified by the Governor and Secretary of State—and even after Congress counted the state's electors."** [Sierra Vista Herald, 1/29/21]
- **Capitol Media Services: bill "would appear to violate the Arizona Constitution..."** "That by itself would appear to violate the Arizona Constitution, which spells out when the Legislature is, in fact, in session and when it can act. More practically, Bolick's proposal does not explain how there even could be a majority vote if there is no formal, on-the-record vote at a nonexistent legislative session." [Capitol Media Services, 1/30/21]

2020: Shawna Bolick promoted debunked conspiracy theory about 2020 election. "Bolick, who was reelected in November, promoted false claims about the 2020 election. Visit Business Insider's homepage for more stories[1]. A top Arizona Republican who promoted a debunked conspiracy theory about the 2020 election has introduced a bill that would allow legislators override the certification of the state's top elections official and effectively overturn the results of a future presidential election." [Business Insider, 1/29/21]

- **Bolick doesn't dispute her own reelection in November.** "Rep. Shawna Bolick, a Phoenix-area Republican, does not dispute her own reelection in November. But after Donald Trump lost his bid for another term, she sought to block electors from casting their votes for the winner, President Joe Biden, despite the election having already been certified by Arizona's Secretary of State." [Business Insider, 1/29/21]
- **Bolick promoted "Sharpiegate" conspiracy theory.** "Bolick also promoted[2] 'Sharpiegate[3],' the false conspiracy theory that ballots were invalidated because poll workers gave Republican voters permanent markers instead of ballpoint pens." [Business Insider, 1/29/21]
- **Bolick's bill gave Legislature formal Power to revoke certified results of Presidential Election.** "Now the lawmaker, who chairs the Ways & Means Committee in the state house, is seeking to provide the legislature - narrowly controlled by Republicans - the formal power to revoke the certified results of a presidential election. In particular, HB 2720 states that the legislature 'may revoke the secretary of state's issuance or certification of a presidential elector's certificate of election.' Notably, the bill would not grant the lawmakers the power to overturn the result of elections for the legislature itself." [Business Insider, 1/29/21]

Ginni Thomas e-mailed Shawna Bolick to press her to overturn the 2020 election for Donald Trump. "Virginia 'Ginni' Thomas, the conservative activist and wife of Supreme Court Justice Clarence Thomas, pressed Arizona lawmakers after the 2020 election to set aside Joe Biden's

popular-vote victory and choose "a clean slate of Electors," according to emails obtained by The Washington Post. [...] The emails were sent to Russell Bowers, a veteran legislator and speaker of the Arizona House, and Shawna Bolick, who was first elected to the chamber in 2018 and served on the House elections committee during the 2020 session. [...] Bolick is married to Clint Bolick, an associate justice of the Arizona Supreme Court, who worked with Clarence Thomas early in his career and has said he considers the justice a mentor. Shawna Bolick wrote back to Ginni Thomas on Nov. 10, 2020, 'I hope you and Clarence are doing great!' She gave Thomas guidance on how to submit complaints about any of her experiences with voter fraud in Arizona. Bolick, who is now seeking the Republican nomination to be Arizona's secretary of state, told The Post that she received tens of thousands of emails in the months after the election and responded to Thomas in the same way she responded to everyone else." [Washington Post, [5/20/22](#)]

- **Shawna Bolick responded by directing Thomas to refer any complaints of fraud to the attorney general.** "Records show Bolick responded by directing Thomas to refer any complaints of fraud to the attorney general. Less than two months later, Bolick sponsored House Bill 2720, a wide-ranging election bill that included a provision giving the state legislature sweeping authority to disregard voters' choice for president. In a key provision, the measure would have given lawmakers the power to 'revoke the secretary of state's issuance or certification of a presidential elector's certificate of election' by a majority vote at any point before the president is inaugurated. Bolick at the time protested that critics were twisting her bill's intent, which she said was an effort to make the process more bipartisan and call the legislature into a special session." [AZ Mirror, [5/20/22](#)]
- **Shawna Bolick: "The dishonest media wants to distract attention from election fraud & our efforts to secure elections. Let's cut through the conjecture & put this to bed."** "Bolick declined to comment for this story, but pointed the Arizona Mirror to a statement she posted to Twitter that attacks the media. 'The dishonest media wants to distract attention from election fraud & our efforts to secure elections. Let's cut through the conjecture & put this to bed,' she wrote. Bolick also singled out local journalists for sharing the Washington Post story or other stories on the emails." [AZ Mirror, [5/20/22](#)]

Shawna Bolick was previously chair of a American Legislative Exchange Council (ALEC) working group that partnered with GOP election attorneys including prominent denier Cleta Mitchell. "Bolick also was named as a chair for a working group created by the American Legislative Exchange Council, an organization that crafts model legislation for state legislatures to pass similar laws. The working group — where Bolick served as chair leading up to the 2020 election — partnered with GOP election attorneys, including Cleta Mitchell, one of the most prominent figures involved in Trump's attempts to overturn the election results. Their objective, according to reporting by Documented, was to start a letter campaign, emailing secretaries of state "questioning the validity of an election." The effort sought to engage state legislators nationwide and allow them "to kind of exercise their political muscle" by raising unfounded questions about the election. [...] In addition to Mitchell, the group worked alongside Hans Von Spakovsky, an attorney for the Heritage Foundation, which crafts election legislation for states and has bragged about its voter suppression efforts in the past. Trump named Von Spakovsky, who has for decades falsely claimed there is widespread voter fraud among Democrats, to the Presidential Advisory Commission on Election Integrity." [AZ Mirror, [5/20/22](#)]

2022: Bolick said she would not have certified the results of the 2020 election if she were Secretary of State, even though it would have been against the law not to. "During a June debate, Arizona Horizons host Ted Simons asked each of the GOP candidates on stage the same questions: Would they have certified the election in 2020 – results that former President Donald Trump, then the Republican

nominee, has falsely, repeatedly claimed were fraudulent? [...] State Rep. Shawna Bolick? ‘My opinion, at the time, I would not have certified it,’ she said. Bolick explained that she thought forensic audits — think the Senate’s flawed and discredited election review in Maricopa County — were necessary in all 15 Arizona counties before results should be certified. It bears repeating — that’s not actually an option. [...] ‘No, the statute is very clear that this is a mandatory responsibility by the Board of Supervisors and by the Secretary of State's office,’ Lorick says. Nonetheless, here’s Bolick arguing in the debate that it was wrong of Hobbs to follow the law. ‘I don't think she should have signed it right when she did. We did not have a full forensic,’ she said. Lane points out the obvious: ‘That've been breaking the law.’ ‘Yeah. And that would have been fine,’ Bolick replied. ‘I would have been breaking the law at that point.’” [KJZZ, [7/19/22](#)]

1990: Bolick Said That Overturning *Roe v. Wade* Would Not Be A “Legal Revolution” Because Underlying Privacy Rights Would Be Preserved. “While *Roe* is likely to be overturned with the addition of a new justice, ‘it won’t be the legal revolution that people think it will, because the privacy right on which *Roe* was based will still be preserved,’ said Clint Bolick, director of the Landmark Center for Civil Rights. ‘No matter how many conservatives you appoint, that underlying principle will remain firmly embedded in American jurisprudence.’” [Washington Times, 7/23/90]

2000: Bolick: “If *Roe* was overturned that you would see a very dramatic backlash against this court expressed at the ballot box, and the justices have been very, very sensitive to that. It’s not going to happen.” *Melinda Penkava*: The case that comes up so often in the discussion about the next president appointing Supreme Court justices is *Roe v. Wade*, and currently there are six justices, six of nine, who say they agree with that, more or less. And two of those justices are Sandra Day O’Connor and John Paul Stevens, who are--they’re 70 and above, so retirement may be coming soon. So there we have--you could lose the majority for *Roe v. Wade* right there. What do you think the likelihood is that it would be overturned if you had two justices in, say, a George W. Bush administration who came on the court? Likelihood they’d take that on? *Clint Bolick*: I would say close to zero. *Penkava*: Really? *Bolick*: Absolutely. There were very similar scare tactics a few years ago. Again, we have to remember that seven out of nine justices currently on the court are Republican appointees, and this has never been a real partisan issue. For example, in the original *Roe vs. Wade* case, an appointee of President John F. Kennedy, Justice White, voted in the dissent against *Roe vs. Wade*. So partisan politics do not necessarily play a big role in this. When we came to the brink of having *Roe vs. Wade* overturned a few years ago, three Republican justices, Souter, O’Connor and Kennedy, came together and put *Roe* on a much stronger ground than it ever had been before. Previously, *Roe*--anyone who reads the *Roe* decision who has a legal education cringes, because of very difficult legal reasoning in that opinion, talking about relying on cases that talk about ‘penumbras of emanations’ and things like that. But what Justice Kennedy, Justice O’Connor and Justice Souter did was to say, ‘Listen, this decision, *Roe vs. Wade*, is a very important decision to a lot of people. As a matter of precedent we’re going to uphold it, and as a matter of individual liberty, we are going to reaffirm that decision.’ *Penkava*: Does that pass the strict constructionists’ muster, though? *Bolick*: Well, I personally think that it does, first of all, because it’s a very important precedent, but also because, in my view, government only has those powers that are expressly given to it. And the individuals reserve the rest for themselves. I think that if *Roe* was overturned that you would see a very dramatic backlash against this court expressed at the ballot box, and the justices have been very, very sensitive to that. It’s not going to happen.” [“Talk of the Nation,” NPR, 11/1/00]

- **Bolick on the prospect of overturning *Roe*: “It’s not going to happen.”** “*Bolick*: Ralph [Naes] is fearmongering, and the caller is absolutely right. He said it was absolutely certain a few minutes ago that *Roe vs. Wade* would be overturned. His group and others said exactly the same thing in the 1990s. It came up in the Doug Wilder for governor campaign in the mid-’90s. It never happened, and it’s not going to happen.” [“Talk of the Nation,” NPR, 11/1/00]

2001: Bolick said that the selection of an Attorney General would have no bearing on reproductive rights. “*Salon*: Ashcroft has strong religious convictions that have led him to conclude that abortion is murder. Is it fair to ask the question whether those beliefs would intrude on his ability to enforce laws that recognize abortion as a constitutionally protected right *Clint Bolick*: It’s always fair to ask the question. We have had attorney generals in the past who have opposed *Roe vs. Wade*, and really

nothing much has changed. Really, the only influence the attorney general would have on abortion is to make his or her views known to the Supreme Court. For the most part, the Justice Department runs on autopilot, with thousands of attorneys making the day-to-day decisions about which cases get pursued. Furthermore, an attorney general simply cannot refuse to enforce laws regarding people's rights. If he did, he would be impeached. It is important to both pro-choice and pro-life groups whether the attorney general is pro-choice or pro-life. In terms of the real world, however, there is simply not going to be much effect.” [Salon.com, 1/16/01]

2024 RULING

2024: Bolick voted with the majority in AZ Supreme Court 4-2 ruling upholding Arizona’s 1864 ban on abortions. “The Arizona Supreme Court ruled the 1864 territorial ban on abortions can be enforced, with four justices voting in favor of the ban, two voting against and one not voting. [...] Justices John R. Lopez IV, Clint Bolick, James P. Beene and Kathryn H. King voted to enforce the 1864 ban. Lopez wrote the majority opinion. Chief Justice Robert M. Brutinel and Vice Chief Justice Ann A. Scott Timmer voted against enforcing the ban, with Timmer writing the dissenting opinion.” [Arizona Republic, [4/9/24](#)]

- **AZ Mirror: Lopez, Beene, Bolick, and King "sought to establish legislative intent via the legislature’s history of anti-abortion stances and a provision added to the law’s underlying bill that explicitly stated the 15-week law doesn’t overrule the near-total ban from 1864."** “In a 4-2 majority opinion, Justice John R. Lopez IV wrote that the 15-week gestational ban doesn’t create any permission or right to an abortion. Instead, the law functioned to restrict abortion to the degree that lawmakers were able to under the protections of Roe v. Wade. But since that ruling was overturned by the U.S. Supreme Court in Dobbs v. Jackson Women’s Health Organization, the 1864 law should be upheld instead. Lopez acknowledged that ambiguity exists because the 15-week gestational ban appears to limit abortion up to 15 weeks, in direct conflict with the 1864 law which prohibits virtually all abortions. To resolve that conflict, Lopez and Justices James Beene, Clint Bolick and Kathryn King sought to establish legislative intent via the legislature’s history of anti-abortion stances and a provision added to the law’s underlying bill that explicitly stated the 15-week law doesn’t overrule the near-total ban from 1864.” [AZ Mirror, [4/23/24](#)]
- **The 1864 law predates Arizona’s statehood and provides no exception for rape or incest, allows abortions only if the mother’s life is in jeopardy.** “The law predating Arizona’s statehood provides no exceptions for rape or incest and allows abortions only if the mother’s life is in jeopardy.” [Associated Press, [4/10/24](#)]
- **Associated Press: The court suggested in its ruling that physicians can be prosecuted, though justices didn’t say that outright.** “The Arizona Supreme Court suggested in its ruling Tuesday that physicians can be prosecuted, though justices didn’t say that outright. ‘In light of this Opinion, physicians are now on notice that all abortions, except those necessary to save a woman’s life, are illegal,’ and additional criminal and regulatory sanctions may apply to abortions performed after 15 weeks of pregnancy, the ruling said. The law carries a sentence of two to five years in prison upon conviction.” [Associated Press, [4/10/24](#)]
- **AP: “Lawyers for Planned Parenthood Arizona said they believe criminal penalties will apply only to doctors. But the penalties also apply to providing abortion pills — the most common method in the United States.”** [Associated Press, [4/10/24](#)]

ACLU of Arizona: Even though the AZ Legislature removed the 1864 abortion ban, Arizonans could still lose access as early as September 26, 2024. “The Arizona legislature passed a bill to remove the near-total abortion ban from the books, but this long-overdue repeal may not go into effect soon enough. Arizona could still lose access to abortion care as early as September 26. Until then, a 15-week ban and other restrictions will continue to burden patients and providers. [...] Already, the Arizona Supreme Court ruled that a pre-statehood, near-total abortion ban from 1864 is enforceable. This decision compelled state lawmakers to finally repeal this archaic ban, but that bill did not include an emergency clause that would make it effective immediately. Weeks after the legislative repeal, the Arizona Supreme Court delayed enforcement of the near-total ban to grant Attorney General Mayes time to consider appealing the decision. Depending on when the legislative session adjourns, Arizona may briefly lose access to abortion services after September 26.” [ACLU Arizona, “Abortion In Arizona,” accessed [6/13/24](#)]

ACLU of Arizona: “Now, more than ever, the opportunity to enshrine the right to abortion in our state’s constitution has never been more necessary.” “Arizona voters understand that everyone deserves the freedom to make their own healthcare decisions, including when to start or grow their family. Now, more than ever, the opportunity to enshrine the right to abortion in our state’s constitution has never been more necessary.” [ACLU Arizona, “Abortion In Arizona,” accessed [6/13/24](#)]

2023: Critics initially called on Bolick to recuse himself from ruling on the abortion law, which his wife, lawmaker Shawna Bolick, cosponsored. “*Anchor*: As the state's highest court deliberates over Arizona abortion law we're learning of another possible conflict of interest. *Anchor*: One justice has already recused himself from the case, and as Dennis Welch shows us, critics are calling on another one to do the same. *Clint Bolick*: How do we follow the intent that the legislature actually told us to follow? *Dennis Welch*: State Supreme Court Justice Clint Bolick asking a question in a high stakes abortion case that he could have just as easily asked his wife. State lawmaker Shawna Bolick co-sponsored an abortion bill that became law in 2022. It's the same law her husband and the rest of the state's highest court is now being asked to rule on. *Diego Rodriguez (Attorney and Former State Lawmaker)*: It's the appearance of impropriety that we're always directed to avoid. *Dennis Welch*: Local attorney and former state lawmaker Diego Rodriguez said Justice Bolick should have already recused himself from this all-important case. At issue is whether a year-old law that limits abortions to 15 weeks should stand or whether a far more restrictive 160-year-old law should be reinstated. *Diego Rodriguez*: Just look at it from a commonsense point of view. If you were in a dispute with somebody, a good faith dispute between reasonable people, I don't think anybody would say they'd be okay with the spouse of their opponent being the judge who's making the decision. *Dennis Welch* In general judges are instructed to recuse themselves from cases there they might have a direct personal or financial interest. before this week's hearing even began the normally seven-member court was already down one justice. Anti-abortion Justice Bill Montgomery removed himself after activists accused him of being biased.” [“News 13 at 10pm,” KOLD, 12/15/23]

Shawna Bolick tweeted that she disagreed with the court’s abortion decision. “Sen. Shawna Bolick tweeted that she disagreed with the decision. Her husband, Supreme Court Justice Clint Bolick, joined with three other justices in finding that the 1864 law should be upheld. ‘It is time for my legislative colleagues to find common ground of common sense: the first step is to repeal the territorial law,’ Bolick wrote. She expressed support for the 15-week abortion ban that she and fellow lawmakers approved in 2022, although the bill specifically did not repeal the 1864 ban” [Arizona Republic, 4/9/24]

- **Shawna Bolick was one of two Republican Senators who voted to overturn the 1864 abortion ban.** “While a handful of Republicans sided with Democrats to repeal the ban, the vast

majority of legislative Republicans voted against the measure, and some of them excoriated the members of their own party that voted to repeal. The repeal passed through the House on April 24, by a vote of 32-28, with Republican Reps. Matt Gress of Phoenix, Tim Dunn of Yuma and Justin Wilmeth of Phoenix siding with Democrats. The Senate on Wednesday voted 16-14 to repeal the ban, with Republican Sens. Shawna Bolick of Phoenix and T.J. Shope of Coolidge voting alongside Democrats.” [AZ Mirror, [5/1/24](#)]

- **New York Times: Justice Bolick’s vote “could signal political trouble for his wife, Shawna Bolick…”**“The justice’s vote this week to uphold the 1864 abortion law could signal political trouble for his wife, Shawna Bolick, a Republican member of the State Senate who was appointed to fill a vacancy and could face a tight battle for election in November. Hours after the ruling on Wednesday, Ms. Bolick called in a post on X for the State Legislature to “find common ground of common sense” and repeal the law.” [The New York Times, [4/10/24](#)]

Former President Trump urged the state legislature to quickly scrap the 1864 law. “Some Republicans — including former President Donald J. Trump, who has taken credit for overturning Roe v. Wade — have urged the Legislature to scrap the 1864 law quickly, to try to head off a possible election-year backlash. But conservative politicians in Arizona and abortion opponents who filled the House gallery on Wednesday angrily denounced the repeal vote.” [The New York Times, [4/24/24](#)]

Associated Press: The ruling coincides with a ballot measure which could mean potentially record-breaking voter turnout that favored Democrats. “For Arizona specifically, the Supreme Court ruling collides with the ballot measure to set up potentially record-breaking voter turnout that’s expected to favor Democrats and could have significant implications for state politics, where Republicans hold a narrow majority in both the House and Senate. ‘If that issue gets onto the ballot, it is going to drive out the Democratic base, and potentially we lose the (state) House and Senate,’ Republican state Sen. Shawna Bolick, who is in a competitive race to hang on to her Phoenix district, said last month. Bolick was a sponsor of a failed bill in 2021 that would have subjected women and physicians to homicide charges in connection with abortions.” [Associated Press, [4/9/24](#)]

June 1995: Bolick asked Congress to “to make good on one of the most fundamental, but forgotten, civil rights: economic liberty, the right to earn an honest living in a chosen business or profession, free from arbitrary or excessive government.” “My name is Clint Bolick, and I am vice president and litigation director at the Institute for Justice. I am privileged to appear with my distinguished friend, Jack Kemp, and with three heroes in the battle for economic liberty, who my colleagues and I have had the honor to represent in the courtroom: Taalib-din Uqdah, Leroy Jones, and Art Pearson. I am here to ask you to make good on one of the most fundamental, but forgotten, civil rights: economic liberty, the right to earn an honest living in a chosen business or profession, free from arbitrary or excessive government regulation.” [Clint Bolick Testimony, House Small Business Committee Subcommittee on Regulation and Paperwork, 6/7/95]

- **Bolick proposed a law to require federal or state laws that restrain entry into business be narrowly tailored to a legitimate public health, safety or welfare objective.** “Clint Bolick, vice president of the Institute for Justice, said that economic liberty receives little protection in the courts. ‘Hence today the perverse anomaly that the right to receive a welfare check receives greater judicial protection than the right to earn an honest living,’ he said. Mr. Bolick recommended a statute that would require federal or state laws that restrain entry into business be narrowly tailored to a legitimate public health, safety or welfare objective.” [Washington Times, 6/8/95]

“ECONOMIC LIBERTY” CASES

1989: Bolick Won A “Slam-Drunk Victory” For “Economic Liberty” Winning A Case To Legalize Shoeshine Stands On DC’s Public Streets. A District of Columbia police officer saw Ego J. Brown shining shoes at his little stand on Connecticut Avenue recently and did not do anything about it. He only called, "How's business, Ego?" and waved a greeting. A few weeks ago the officer could have arrested Mr. Brown under an 85-year-old regulation against bootblack stands on public streets, a remnant of Jim Crow era efforts to restrict entrepreneurial opportunities for blacks. In a ‘victory for bootstraps capitalism,’ as civil rights advocates called it, the regulation was declared unconstitutional on March 21 after Mr. Brown sued the District of Columbia in Federal District Court, charging that the regulation was hurting his ability to earn a living. [...] For Clint Bolick, Mr. Brown's lawyer, and the Washington-based Center for Civil Rights, of which he is director, this was the first successful legal battle since the center opened a year ago. ‘We consider this a slam-dunk victory,’ Mr. Bolick said. ‘This is a significant first step in convincing the judiciary to take economic liberty seriously.’” [New York Times, 4/19/89]

1992: Bolick Represented A Hair Braiding Business Seeking To Overturn DC Cosmetology Licensing Requirements. “Having lost its first round in court, Cornrows & Co. today will argue before the D.C. Council that the Cosmetology Board is unfairly cutting into its hair-braiding business. Cornrows' owners, Taalib-Din Abdul Uqdah and Pamela Ferrell, have refused since 1980 to comply with the board's licensing requirements that demand 1,500 hours of training in a variety of hair and nail treatments. The owners argued that the requirements put an unnecessary financial burden on their hair-braiding business and have forced countless other entrepreneurs to operate illegally. [...] Mr. Uqdah and his attorney said the ramifications of their case extend beyond the upper 14th Street NW salon to occupational laws nationwide. ‘[The District Court's decision] shows how little protection is accorded to economic liberty. The right to work to earn a living is one of the least protected

constitutional rights today,' said Cornrows' attorney Clint Bolick. 'We have no objection to training requirements that are related to [Mr. Uqdah's] profession. What we object to are requirements that hair braiders have to learn how to paint nails and dye hair to do hair braiding,' Mr. Bolick said."
[Washington Times, 4/14/92]

1997: Bolick filed suit for the plaintiffs in *Cornwell vs. California Board of Barbering and Cosmetology*, a suit to loosen restrictions on hair braiding professions. "The dawn of welfare reform promises a long-overdue transition from dependency to work. But what if government blocks the door to the very entry-level jobs and businesses necessary to provide opportunities? A lawsuit filed today in federal court in San Diego poses that crucial dilemma. But it raises an even more fundamental question: Do Americans have any right at all to earn an honest living in a chosen profession -- or is that merely an entitlement which the state may confer or retract at its whim? Perversely, in a nation doctrinally committed to free enterprise, economic liberty today actually enjoys less protection than most government entitlements. If the government tries to halt some funding program, special-interest groups can tie it up in the courts. But when the state erects regulatory barriers to entry into businesses or professions -- no matter how oppressive or protectionist -- would-be entrepreneurs often have no legal recourse at all. That may begin to change with the case filed today, *Cornwell vs. California Board of Barbering and Cosmetology*. Though focused on one specific profession -- African hair-braiding -- its ramifications loom large for economic liberty. The plaintiffs are people who braid, lock or corn-row hair. They use no chemicals, but instead rely on natural hairstyling techniques that trace their origins back many centuries to Africa. They provide valuable training and employment opportunities, pay taxes and offer popular services to their patrons. They are also outlaws. Like many professions, hairstylists must seek licenses from the state, in this case the Board of Barbering and Cosmetology, or BBC. The board's regulations require 1,600 hours (nine months) of formal training in a prescribed program at approved cosmetology schools costing \$5,000 to \$7,000, followed by an examination. The training and examination cover myriad subjects, from chemicals and cosmetics to fingernails and antiquated hairstyles. About the only subject not covered at all is hairbraiding and other natural African hairstyles."
[Clint Bolick Op-Ed, San Diego Union-Tribune, 1/28/97]

- **Bolick: "The laws amount not only to economic suppression, but to cultural suppression as well."** "Cornwell, chairman of the Africana Studies department at San Diego State University and owner of Sisterlocks, a company that offers training courses in hair-locking techniques, said she is being denied the right to do business because she does not have a cosmetology license. 'The laws amount not only to economic suppression, but to cultural suppression as well,' said Clint Bolick of the Institute for Justice, a nonprofit public-interest law firm in Washington that filed the suit on behalf of Cornwell and the American Hairbraiders and Natural Hair Care Association, a Washington-based group that represents about 350 members throughout the country." [Copley News Service, 1/29/97]

2007: Bolick opposed the creation of the Downtown Phoenix Hotel Corporation, which issued hundreds of millions in revenue bonds to operate a Sheraton hotel. "Guess who owns the tallest hotel in Arizona: Westin? Hyatt? Ritz-Carlton? By 2009, the answer will be Phoenix, which will open a 31-story, 1,000-room hotel offering 'Sweet Sleeper' beds and other amenities. And if Mayor Phil Gordon has his way, Phoenix's hotel gambit may double in size soon thereafter. The initial hotel is designed to serve visitors to the city's expanding downtown convention center. Apparently, the private hotel industry, which is hardly averse to building in the Valley of the Sun, didn't detect quite the enthusiasm for downtown conventions that the politicians did. So the city formed an entity called the Downtown Phoenix Hotel Corporation, issued \$350 million in revenue bonds and made an agreement with Sheraton to operate a new hotel. [...] Cities sometimes provide decent public services, but they're typically awful at out-forecasting the private market in terms of business opportunities. That's why the

framers of Arizona's Constitution took multiple steps to prevent government from getting involved in the business arena. In addition to prohibiting corporate subsidies, the Constitution's gift clause forbids cities from 'becom(ing) a subscriber to, or a shareholder in, any company or corporation, or becom(ing) a joint owner with any person, company, or corporations.' Sounds exactly like what the city did in creating the Downtown Phoenix Hotel Corporation and getting into the hotel business. Except there wasn't anyone around to challenge the deal the first time around. But now there is." [Clint Bolick Op-Ed, Arizona Republic, 11/24/07]

2009: Bolick filed a lawsuit on behalf of a nail salon owner who was ordered to stop providing fish pedicures. "A Gilbert salon owner whose flesh-eating fish once nibbled the dead skin from her customers' feet is biting back after the Arizona Board of Cosmetology ordered a halt to the service. The Goldwater Institute filed a lawsuit Monday on behalf of Cindy Vong, owner of LaVie Nails & Spa at Ray Road and Val Vista Drive, saying the regulatory body overstepped its bounds when ordering her in January to stop the fish pedicures. Clint Bolick, the Goldwater Institute's director of litigation, could not be reached for comment Monday, but a statement from the group said the order 'violates Ms. Vong's freedom of enterprise under the state and federal constitutions.' 'The board knows nothing about spa fish therapy, so its reaction is to shut it down,' Bolick said in the statement. 'The board's action is more about protecting cosmetologists from competition than it is about protecting consumers against anything except wet feet and smooth skin.'" [East Valley Mesa Tribune, 11/30/09]

- **Bolick: "Nobody's forcing anyone to get a fish spa treatment, but they sure ought to have the right to do it."** "*Peter O'Dowd*: Vong's attorney, Clint Bolick, disputes the claim that spa fish put anyone at risk. Customers who use the service say Vong kept the fish tanks clean and regularly replaced the water. And Bolick says no one ever complained about getting sick. *Clint Bolick* The bigger picture is really the right to earn an honest living. *O'Dowd*: Bolick works for the Goldwater Institute, a libertarian watchdog group that fights government intrusion into private business. He's suing the state cosmetology board to reverse the ban, and already he's getting calls from business owners in other states who face similar restrictions. *Bolick*: Nobody's forcing anyone to get a fish spa treatment, but they sure ought to have the right to do it." ["All Things Considered," NPR, 4/16/10]
- **2013: A Maricopa County Superior Court judge ruled against Bolick in the fish pedicure case.** "A Maricopa County Superior Court judge ruled Monday the state can ban foot-flesh eating fish from pedicures because they can't be disinfected. Judge George Foster rejected the arguments from Clint Bolick of the Goldwater Institute that fish pedicures are different from traditional pedicure practices and they should be regulated differently. Bolick, whose organization filed suit on behalf of Chandler nail salon owner Cindy Vong, said he presented evidence from a British study and the U.S. Centers for Disease Control that there have been no documented cases of disease transmission in the world from fish pedicures. [...] 'The rules regarding pedicures did not contemplate the use of fish in pedicures,' Bolick said. 'They are actually right, you cannot disinfect a fish and so they are two separate things that should be regulated.' Bolick said the regulation is excessive." [Arizona Capitol Times, 3/18/13]

2011: Bolick: "The right to a welfare check today receives greater legal protection than the right to earn an honest living." "*Andrew Napolitano*: Clint, we all know about freedom of speech and freedom of the press and freedom of religion and the right to travel and the right to privacy. What about freedom to own a business? What about freedom to do with your property whatever you want? What about the right to invest and trade? Why aren't those rights, economic liberties, treated the same way by the government as the first set of rights which we usually call civil liberties? *Clint Bolick*: Well, they were intended to be. In fact, they were thought of as civil rights early in the years of our republic. And when

Americans think of their rights, certainly, they think of freedom of enterprise as one of the most important rights that we have. But they've been utterly destroyed, and you pointed out the right to a welfare check today receives greater legal protection than the right to earn an honest living. If the government tries to take away your welfare check, you can tie them up in knots with the legal services corporation, but if they destroy your business or take, license your occupation out of existence, there's almost no recourse.” [“Freedom Watch,” Fox Business, 5/23/11]

Tempe Tattoo and Piercing Studio

2007: Bolick sued the city of Tempe for refusing to allow a tattoo studio to open. “The Goldwater Institute is helping the owners of a tattoo parlor sue Tempe because the city is refusing to let them open a tattoo studio. Though cities have discretion to stop some kinds of businesses, the Phoenix think-tank claims Tempe has gone too far by blocking it solely on the stigma associated with the bodyart industry. The City Council voted unanimously to block a use permit a month ago after hearing from a neighborhood group that opposed the business on Scottsdale Road in north Tempe. The group argued the business would further degrade the public's perception of the area, partly because checkcashing, bail-bond, liquor and adult stores have clustered in the area. The city overreached its authority by blocking a business that meets all the city's legal requirements, said Clint Bolick, the Goldwater Institute litigation director. ‘If the city wants to enact a policy, it should enact a policy rather than making decisions on an ad-hoc basis,’ Bolick said. ‘Right now Tempe has no restrictions on tattoo studios, and we think that lumping tattoo studios in with undesirable businesses is irrational.’” [East Valley Tribune, 11/7/07]

- **Bolick said the city was engaging in unfair stereotyping against the tattoo studio.** “Now the prospective shop owners -- with the help of a pro bono legal services from the Goldwater Institute -- say they are victims of old-school stereotyping. The Gilbert couple has run a tattoo shop in Mesa for 14 years. ‘Nothing was brought up that suggested that this particular business, which has a very long and successful track record in Mesa, would produce any of the problems that were raised,’ said Clint Bolick, litigation director at the Goldwater Institute. ‘I think that the City Council was giving vent to fear and prejudice, rather than operating in conformity with the rule of law.’” [Arizona Republic, 11/7/07]
- **Bolick: “What's driving public policy here is a view that is unfair and obsolete.”** “A Tempe hearing officer granted the Prestons' initial request for a use permit. When that decision was appealed by the neighborhood association, the city's Development Review Commission also approved the Prestons. The couple have sunk a lot of money into the project. But the city council went against them. That decision got the attention of Clint Bolick, director of the Goldwater Institute's Center for Constitutional Litigation. ‘I would love to know how many of the people who were against the Prestons have kids or grandkids with tattoos,’ Bolick told me. ‘What's driving public policy here is a view that is unfair and obsolete. Not one comment at that meeting was directed at the Prestons. They were directed at people's perceptions of the tattoo industry. And that is unfortunate.’ [...] ‘Hopefully, we can make a precedent out of this case,’ Bolick said. ‘And while we joke a little about it, this guy played completely by the rules. Decisions like this are not supposed to be made based on stereotypes.’” [E.J. Montini Column, Arizona Republic, 11/8/07]

2009: Maricopa County Superior Court ruled that the Prestons permit to operate a tattoo parlor must remain valid. “After nearly a two-year battle, a Maricopa County Superior Court judge ordered this week that a Gilbert couple's permit to operate a tattoo studio in north Tempe remain valid But the

ruling also ordered the Tempe City Council to review its decision to revoke the permit and revote on the matter. Although Tom and Elizabeth Preston consider the court's decision an 'opening-round victory,' their permit to operate the business near McKellips and Scottsdale roads is still in jeopardy. 'These are legitimate entrepreneurs who ought to be welcomed into the neighborhood and not disparaged like they were lepers,' said Clint Bolick, Goldwater Institute attorney representing the couple. 'They were bullied.'" [Arizona Republic, 5/16/09]

- **Bolick said the decision “vindicates every Arizonan who ever has been subjected to an arbitrary decision by a government official.”** “Last week's ruling by Maricopa Superior Court Judge Robert H. Oberbillig in favor of Tom and Elizabeth Preston goes beyond rectifying their thwarted efforts to open a tattoo studio in Tempe. It vindicates every Arizonan who ever has been subjected to an arbitrary decision by a government official.” [Clint Bolick Op-Ed, Arizona Republic, 5/20/09]

Bolick: “In taking this case we want to emphasize that the law is meant to treat everyone equally and not to be politicized by folks who are basing their decisions on old, worn-out stereotypes.” “Tattoos have gone mainstream. Except, perhaps, in parts of Tempe. ‘In taking this case we want to emphasize that the law is meant to treat everyone equally and not to be politicized by folks who are basing their decisions on old, worn-out stereotypes,’ Bolick said. Last week, a Maricopa County Superior Court judge said that the Tempe council had improperly revoked the permit that the Prestons had been granted to open their studio. The judge sent the issue back to the council to reconsider its decision. It makes no sense for a city to spend money trying to keep out a legitimate business from which it could be collecting taxes. But that is the way of prejudice. [...] The Goldwater Institute's Bolick told me, ‘I would hope that the council would simply do the right thing and let the Prestons get on with their business. They've already made quite an investment in the property. But if the council decides that they won't do that and instead will deny the Prestons again, then we are prepared to go back to court.’” [E.J. Montini Column, Arizona Republic, 5/19/09]

2009: Judge Robert Oberbillig ruled that Tempe’s denial of the tattoo shop permit was “arbitrary and capricious.” “A Maricopa County Superior Court judge ruled Thursday in favor of a Gilbert couple's right to open a tattoo studio in Tempe. Judge Robert Oberbillig said that the Tempe City Council's decision in 2007 to revoke Tom and Elizabeth Preston's business-use permit was ‘arbitrary and capricious.’ The council ‘lacked credible evidence’ to revoke the permit, he wrote in a five-page opinion. Oberbillig reinstated the Prestons' permit and denied Tempe's claim that the city is immune to being sued for damages. The ruling is a win for small-business owners and ‘absolute jubilation’ for the Prestons, who invested nearly \$30,000 to open the business in 2007, said Clint Bolick, an attorney with the Goldwater Institute, a conservative think tank that represented the Prestons.” [Arizona Republic, 7/11/09]

2010: Bolick settled the case allowing the Prestons to open their tattoo studio. “A three-year legal battle has ended in a settlement, making way for Tom and Elizabeth Preston to open a tattoo studio in Tempe. The effort was derailed in 2007 when residents complained that the business would hurt their neighborhood-revitalization efforts and lower property values. [...] Clint Bolick, the institute attorney who represented the Prestons, said in a press release Thursday that he hoped Arizona cities would look to the Prestons' case and think twice about standing in the way of a legal business.” [Arizona Republic, 6/19/10]

2010: Bolick got a tattoo of a scorpion on the finger he uses to type legal briefs. “Clint Bolick, attorney and the director of the Goldwater Institute's legal arm, just got a bit tougher. A one-finger typist, Bolick got a tattoo of a blazing-red scorpion on the index finger he uses to type legal briefs.

Bolick made good on a personal vow to get the ink when Tom and Elizabeth Preston opened their tattoo studio in Tempe. The couple opened Body Accents Tattoo this month, and Tom Preston got to tattoo Bolick. Bolick successfully defended the Prestons in a three-year long legal battle to force Tempe to allow the Prestons to open their business. Although Bolick says he's pretty pleased with the body art, he's promised his wife this is his 'first and last' tattoo." [Arizona Republic, 9/29/10]

ALCOHOL-RELATED CHALLENGES

1996: Bolick filed a friend of the court brief in support of overturning Rhode Island's ban on advertising liquor prices. "A unanimous Supreme Court overturned Rhode Island's 40-year ban on advertising liquor prices yesterday but split over how broadly free-speech protections apply to discouraging legal vices. The court action could encourage opponents of Clinton administration efforts to limit tobacco marketing and advertising that children might see, though it does not directly address legal aspects of the proposal. 'Banning speech may sometimes prove far more intrusive than banning conduct,' Justice John Paul Stevens said in rejecting a 1986 Supreme Court opinion that the power to ban a vice includes the 'lesser power' to ban ads for a legal vice. The ruling, favoring discounters 44 Liquormart and Peoples Super Liquor Stores, overturned a 1st U.S. Circuit Court of Appeals decision for Rhode Island and the state Liquor Store Association, which opposes discounting. [...] 'The law was an egregious and obvious example of economic protectionism,' said Institute of Justice President William H. Mellor, who joined counsel of record Clint Bolick on a friend-of-the-court brief siding with discounters." [Washington Times, 5/14/96]

1999: Bolick filed a federal lawsuit challenging Virginia regulations restricting the sale of out of state wines. "Two Virginia wine lovers and several out-of-state wineries have brought a federal lawsuit challenging state regulations restricting the sale of wines made in other states. Robin Heatwole of Williamsburg, one of the plaintiffs in the suit filed Tuesday in U.S. District Court here, ordered a case of Napa Chardonnay last month from Miura Vineyards in California but was told that the vineyard couldn't fill her order. Miura Vineyards had ample supplies of wine to sell but couldn't ship the bottles because it lacked a Virginia distributor. Under state Alcoholic Beverage Control laws, non-Virginia wineries and breweries must have Virginia-licensed distributors to sell in the state. In-state wineries and breweries can sell all they want directly to customers, although they must use distributors to sell to stores and restaurants. The lawsuit, which Miura Vineyards also joined, contends that Virginia's regulations violate the Constitution by restricting interstate commerce. The other plaintiffs are Clint Bolick, a northern Virginia wine lover, and wineries in Texas and Oregon." [Associated Press, 11/17/99]

- **Bolick:** "These laws have nothing to do with promoting temperance and everything to do with protecting the parochial interests of liquor distributors." "Clint Bolick is one of the plaintiffs in the Virginia suit. A wine aficionado, he is also the litigation director for the Institute for Justice, a D.C. nonprofit, libertarian law firm and sort of a conservative counterpart to the American Civil Liberties Union. 'These laws have nothing to do with promoting temperance and everything to do with protecting the parochial interests of liquor distributors,' Mr. Bolick said." [Washington Times, 12/23/99]

2000: Bolick filed suit for small wineries against New York State seeking to overturn a law barring online wine sales. "Small wineries in California and Virginia sued New York State on Thursday, trying to topple a law that blocks wine sales over the Internet. The plaintiffs argued that New York's law is unconstitutional because it allows Internet sales within the state, while preventing out-of-state companies from shipping wine to New York. 'This is the oldest gambit of American politics - economic

protectionism,' said attorney Clint Bolick, who announced the suit under a banner reading 'Uncork Freedom.'" [Associated Press, 2/3/00]

- **Bolick: "These laws are designed to preserve the monopoly of liquor wholesalers who control all out-of-state wine in New York."** "The New York suit is the first such case filed since a U.S. District Court Judge in December struck down Indiana's law prohibiting its residents from buying out-of-state alcoholic beverages and having them shipped to their homes. Similar lawsuits were filed in Texas, Florida and Virginia last year. The suit alleges that New York wineries receive an unfair advantage in being able to sell directly to the state's consumers, while non-New York wineries cannot. 'These laws are designed to preserve the monopoly of liquor wholesalers who control all out-of-state wine in New York,' said Clint Bolick, litigation director at the Institute for Justice." [New York Newsday, 2/4/00]

2002: Bolick blamed liquor wholesalers for restrictions on wine sales and shipment. "The small wineries' backers also say the system is designed more to serve wholesalers than the public. 'In all the legislative fights, the teetotalers are often the face that's presented in support of protectionist bills, but it's the wholesalers who are coming up with the campaign contributions and the political muscle,' Bolick said. 'They are expending enormous resources to protect their monopoly.'" [Washington Post, 1/20/02]

2002: Bolick said it was nonsense to think that minors would order alcohol online. "New York wine lovers who want to buy directly from out-of-state vineyards - without going through local middlemen - will uncork their arguments in federal district court tomorrow, setting the stage for a battle over liquor sales that could affect alcohol control laws in at least 22 states and could go all the way to the U.S. Supreme Court. The oenophiles - actually a coalition of libertarians, small winery operators from around the country, and local wine lovers - are challenging New York state's Prohibition-era law that requires all liquor entering the state to be imported by licensed wholesalers. Currently, anyone ordering wine directly from an out-of-state winery by phone, fax, mail, or Internet, is breaking the law and is risking a fine or up to a year in jail. For consumers, overturning the law could result in lower prices, greater convenience, and wider selection. But on a broader plane, the law's challengers see it as an issue of economic liberty. The law's defenders, wholesalers such as Peerless Importers and Charmer Industries, contend it keeps a rein on sales and protects children. [...] Nonsense, says Clint Bolick, vice president of the libertarian Institute for Justice, who tomorrow is scheduled to argue the case in the U.S. District Court for the Southern District of New York. 'It just doesn't pass the red face test. It's simply not the way minors obtain alcohol.' Mr. Bolick said that the current law is a 'protectionist' arrangement that allows the liquor establishment to keep a stranglehold on the nation's second largest wine market after California." [New York Sun, 4/16/02]

- **Bolick: "Young people do not drink premium wines. They certainly don't binge drink premium wines."** "Mr. Bolick attacked the defense's assertion that the ban on direct shipments from out of state is a public safety issue. The defense has submitted evidence to the court that it claims proves that states with tight alcohol control laws like New York's have less binge drinking. 'The fact of the matter is that young people do not drink premium wines,' Mr. Bolick said. 'They certainly don't binge drink premium wines.'" [New York Sun, 4/18/02]
- **Bolick: "Most teenagers do not drink premium wine, [and] ordering online is cumbersome."** "Critics of Internet wine sales note how easy it would be for minors to get alcohol. But Bolick is skeptical that underage drinkers would turn to the sophisticated tastes of small wineries to fulfill their alcohol needs. 'Most teenagers do not drink premium wine, [and] ordering online is cumbersome,' Bolick said, because credit cards are necessary, waits are

required and any teenagers who ordered wine would have to be home to intercept deliveries.”
[National Journal, 10/22/03]

2002: A federal district court judge ruled in Bolick’s favor in the New York wine sales case. “A law banning out-of-state wineries from directly shipping their products to New York consumers is unconstitutional, a federal judge ruled Tuesday. U.S. District Judge Richard M. Berman made the ruling in a case brought by Swedenburg Estate Vineyards in Middleburg, Va., a small winery which produces about 2,500 cases of pinot noir, chardonnay and Riesling annually. [...] ‘There’s definitely light on the horizon for New York consumers,’ said Clint Bolick, vice president for the Washington-based Institute of Justice, which argued the case on behalf of Swedenburg. He said it was likely the U.S. Supreme Court would ultimately have to decide, since two federal appeals courts have reached opposite conclusions on the issue and several other cases are winding their way through the courts. Bolick said the New York case was ‘especially significant because the wholesalers seeking to protect their monopoly really circled the wagons in New York.’ ‘This was their biggest stand and they lost,’ he said.” [Associated Press, 11/12/02]

- **Bolick: “Corks are popping for hundreds of wineries across America that rely on direct shipping for sales.”** “A federal judge ruled Tuesday that New York state cannot stop wineries in the rest of the country from shipping wine directly to state residents in what vintners hailed as their biggest victory yet against such shipping bans. Developments in the case are being widely watched, as New York consumers make up the second-largest wine market in the United States behind California, which is also the country’s largest producer. Although lawsuits challenging direct shipping bans are pending in a number of states, New York is the largest market where such litigation is pending. ‘Corks are popping for hundreds of wineries across America that rely on direct shipping for sales,’ said Clint Bolick, vice president of the Institute for Justice, which argued for the wineries and consumers who filed the lawsuit. ‘It is the best news yet in the ongoing battle to permit direct shipping of wines to consumers.’” [Reuters, 12/11/02]
- **2004: An appeals court overturned the ruling allowing direct shipping of wine to consumers in New York in a decision Bolick called “profoundly anti-consumer and anti-free trade.”** “A federal appeals court yesterday upheld New York state’s ban on direct interstate shipment of wines to consumers, overturning a lower court ruling that the ban was unconstitutional. [...] The second circuit ruling will be appealed to the U.S. Supreme Court, said a spokesman for the Institute for Justice, a Washington, D.C.-based public interest law firm that brought the case on behalf of small wineries in Virginia and California and several New York consumers. ‘This decision will be a momentary blip on the legal radar screen,’ said Clint Bolick, an institute lawyer. ‘The liquor distributors who benefit from the state-imposed monopoly can hold off popping the champagne corks. The decision is profoundly anti-consumer and anti-free trade, and will not stand.’ The institute had argued that New York’s law violated the Commerce Clause, among other parts of the Constitution, and provided an unconstitutional advantage to New York’s wineries, which are allowed to sell directly to in-state consumers.” [New York Newsday, 2/13/04]

2003: Bolick filed a lawsuit challenging Arizona’s law prohibiting direct interstate shipment of wine to consumers. “A nonprofit law firm filed a lawsuit Tuesday challenging Arizona’s law prohibiting direct interstate shipment of wine to consumers. The Washington-based Institute for Justice sued the state in U.S. District Court, asking that the law be overturned. Currently, Arizona consumers can purchase wine over the Internet, by phone or by mail, but it must first be shipped to a distributor, which sends it to a retailer, before it can be sent to a customer. The Institute for Justice, which filed the lawsuit on behalf of a Leesburg, Va., vineyard, contends the law protects distributors and in-state liquor

producers, who are allowed to ship directly to Arizona buyers. ‘Our founders intended for America to be one big free trade zone. The conflicting maze of state regulations that limit free commerce in wine creates precisely the balkanized market the U.S. Constitution was written to prevent,’ said Institute for Justice attorney Clint Bolick in a written statement.” [Associated Press, 10/7/23]

- **Bolick: “We are trying to open up the Arizona market to thousands of wines that are excluded.”** “Clint Bolick, national vice president, said the statutes make it impossible for small, out-of-state wineries to compete. As a result, he said, wine buyers are unable to purchase obscure out-of-state labels. ‘We are trying to open up the Arizona market to thousands of wines that are excluded,’ Bolick said. ‘State laws are not supposed to purposefully favor in-state businesses over out-of-state ones. Our founders intended America to be one big free-trade zone.’” [Arizona Republic, 10/8/03]
- **Bolick: “The Internet has expanded consumer choices exponentially. But its great promise will be unfulfilled as long as states are allowed to erect parochial barriers to commerce in goods ranging from wine to automobiles to contact lenses.”** “Federal courts have struck down direct-shipment bans in Texas, Virginia, Texas, North Carolina, and Michigan. A forthcoming analysis by Mark Brnovich of the Goldwater Institute affirms that Arizona's law is constitutionally suspect as well. The issue appears destined for the U.S. Supreme Court. In the meantime, Arizona is surrounded by states (except Utah) that allow direct shipping. In a sea of consumer choices, Arizona stands out like a protectionist sore thumb. The Internet has expanded consumer choices exponentially. But its great promise will be unfulfilled as long as states are allowed to erect parochial barriers to commerce in goods ranging from wine to automobiles to contact lenses. In the service of economic protectionism, the costs of such barriers to both consumers and producers are enormous. Whether through judicial action or legislative reform, the time has come to uncork freedom for Arizona consumers.” [Clint Bolick Op-Ed, Arizona Republic, 10/20/03]

2004: The Supreme Court agreed to hear Bolick’s case challenging state laws prohibiting direct shipping of wine to consumers. “The Supreme Court said Monday it will hear appeals involving state laws preventing consumers from buying wine directly from out-of-state suppliers. The fight pits states and a network of alcohol wholesalers against wineries that want to sell over the Internet and by phone. It also pits one part of the Constitution against another, and both sides can point to recent court rulings for support. Consumers are caught in the middle, unable to order a favorite U.S. vintage because their home state supplier doesn't stock it, or forced to pay a hefty premium to a middleman if they can get the wine at all, lawyer Clint Bolick said. ‘It's protectionist, and it's discriminatory,’ said Bolick, who represents a family winery in Virginia that claims it cannot get its bottles to would-be buyers in New York.” [Associated Press, 5/25/04]

2004: Bolick said interstate wine shipping bans “really benefit big business, the liquor distributors who in New York are a multibillion-dollar oligopoly, and who they really hurt are the consumers and the small family-run wineries that cannot make it through the current system.” “*Nina Totenberg*: In her suit against New York state, Mrs. Swedenburg is joined by several New York residents who want to buy her wine and have it shipped to them at their homes. She'll represented in the Supreme Court today by her customer, Clint Bolick, of the libertarian public interest group, the Institute for Justice. *Clint Bolick*: The vast majority of wineries in America today are small family-run wineries, and direct shipping is their lifeblood. Right now, about half of the country, including New York, which is the second-largest wine market in the United States, are completely off-limits to them. If you're a consumer in New York, you can't even go to a winery and ship wine back to yourself. [...] *Totenberg*: But Clint Bolick of the Institute for Justice counters that state bans on interstate shipment of wine to consumers

are really aimed at protecting the economic status quo. *Bolick*: These bans really benefit big business, the liquor distributors who in New York are a multibillion-dollar oligopoly, and who they really hurt are the consumers and the small family-run wineries that cannot make it through the current system.” [“Morning Edition,” NPR, 12/7/04]

2004: Bolick argued the direct shipping of wine case in front of the US Supreme Court. “State laws barring people from buying wine directly from out-of-state suppliers should be struck down as unconstitutional, the Supreme Court was told Tuesday, as it heard arguments in a case that could lead to sweeping changes on how alcoholic beverages are regulated and sold. Justices heard arguments in three appeals involving laws in Michigan and New York that allow direct instate, but not out-of-state, shipments. The dispute pits regulators and wholesalers against out-of-state wineries that want to sell alcohol to consumers, mostly over the Internet or by phone. ‘A state power over alcohol has ebbed and flowed over the years, but one principle has remained constant: States may regulate alcohol by only one set of rules,’ said Clint Bolick, who represents a family-run winery in Virginia that says the laws are discriminatory.” [Associated Press, 12/7/04]

- **Bolick called his victory in the case “the best day for wine-lovers since the invention of the corkscrew.”** “The US Supreme Court was the toast of wine lovers Monday, after striking down state laws which bar consumers from buying bottles directly from wineries in another state. [...] Clint Bolick, counsel of the Institute for Justice said the ruling ‘is a victory for consumers and small business.’ ‘This is the best day for wine-lovers since the invention of the corkscrew,’ he said.” [Agence France Presse, 5/16/05]

2000: Bolick said that restrictions on “hard money” contributions to political candidates were a First Amendment violation. “*Melinda Penkava*: One issue that has come up during this campaign season has been campaign finance reform, something John McCain, of course, was really pushing for, and some others, a few others, on Capitol Hill. And one issue there is the soft money. And as I understand it, a strict constructionist court would not look very kindly on that idea of soft money on First Amendment grounds. *Clint Bolick*: You mean of restricting soft money? *Penkava*: Restricting the soft money in those groups that are able to just bring the money in and bring the money in, and then wear down the candidates, you know, with attack ads, etc. *Bolick*: I think that's probably true, but you would have to go back to the original decision of Buckley vs. Valeo, which created a large part of this mess in the first place, where the court did not enforce the First Amendment very aggressively to uphold campaign contributions as an expression of political speech. And it's very interesting to see liberal groups supposedly support political speech, except when it comes to campaign contribution. An exception to that is the ACLU, which has been, for the most part, very supportive of political speech in this context. But the reason we have so much soft money is because hard money, direct contributions to political candidates, are so restricted as a result of a very muddle-headed Supreme Court decision back in the 1970s.” [“Talk of the Nation,” NPR, 11/1/00]

2002: Bolick opposed public funding of elections: “The dirty little secret that needs to be exposed about such efforts is that they are designed not to clean up politics, but to secure particular outcomes.” “The greater the influence government has over politics, the more likely the system is to favor the candidate who believes in bigger government. All of which goes to show that however appalling the current system may be, giving government control of politicians' purse-strings is sure to be worse. Not surprisingly, the Arizona spectacle has prompted strong calls to repeal the Clean Elections Act. U.S. representative Jeff Flake, a Republican from the First District, announced that he will sponsor a voter initiative on the 2004 ballot to repeal public campaign subsidies. The initiative could shape up as the nation's most important battle over the direction of campaign finance reform. But before the idea is snuffed out in Arizona, it may spread. A little-noticed provision of the federal McCain-Feingold campaign reform law calls for a study of Arizona's Clean Elections Act. Public financing is the logical next step in the Left's campaign to alter the political playing field. If it can happen in Barry Goldwater's home state, it can happen anywhere--including at the federal level. The dirty little secret that needs to be exposed about such efforts is that they are designed not to clean up politics, but to secure particular outcomes. At a huge disadvantage will be candidates who believe that in a free society, participation in politics--such as making campaign contributions--should be voluntary, and that taxpayers have better things to fund than political campaigns. The cure, so far, has proved to be worse than the disease.” [Clint Bolick Op-Ed, Weekly Standard, 12/2/02]

- **2008: Bolick opposed politicians using public funds to send self-promotional literature.** “Two months after another politician was criticized for using public money to promote his own name and image, one of the state's top elected officials has done roughly the same thing. Last week, Arizona Attorney General Terry Goddard released a 28-page booklet featuring him in a nearly fullpage photo on the cover. The thousands of dollars it cost to design and print the booklet came from money intended for public use. The new booklet comes on the heels of criticism lobbed at Maricopa County Attorney Andrew Thomas in January when his office produced its own crime prevention booklet prominently displaying Thomas' name and photo. [...] The conservative Goldwater Institute on Friday also criticized the spending, likening it to campaign ads for ambitious politicians. ‘In a state with some of the most stringent campaign

finance laws anywhere in the country, politicians are using taxpayer money for self-promotion to gain political advantage,' said the institute's Clint Bolick." [East Valley Tribune, 3/10/08]

2014: Bolick supported limits on “franked” mailings from elected officials. “Franking is legal, and nearly everyone does it, but that does not make it right or fair. Not to the taxpayers who subsidize political self-promotion, nor to rival candidates who already face daunting odds to challenge incumbents. What's worse, the self-promotion is going viral. According to Sen. Jeff Flake, members of Congress now are purchasing Google and Facebook advertising to boost their name identification. Each time someone clicks the ads, it costs taxpayers money. Flake notes that members of Congress have abundant opportunities to attract earned media and can use plentiful, free social media to stay in contact with constituents who want to hear from them. ‘Why, then,’ the senator asks, ‘should members be able to use taxpayer funds to purchase additional name ID for themselves?’ Flake has repeatedly sponsored bills to rein in franking abuses, predictably to no avail. Why would members of Congress vote to restrict one of the valuable perks of incumbency? So it is left to the voters to curb the excesses of elected representatives - many of them self-proclaimed fiscal conservatives - who stuff their mailboxes with propaganda that many voters probably don't want and even fewer realize they are paying for. Members of Congress who purport to care about the debt should set an example by curbing abuses for which they are personally responsible.” [Clint Bolick Op-Ed, Arizona Republic, 7/12/14]

2022: Bolick wrote the majority opinion in AZ Supreme Court ruling that gave utility regulators the power to seek corporate records to see if a company is funneling “dark money” into the campaigns of their colleagues. “Arizona utility regulators have the individual power to seek corporate records to see if a company is funneling “dark money” into the campaigns of their colleagues. And a majority can’t block it. In a significant ruling Tuesday, the state Supreme Court rejected arguments by Arizona Public Service that Bob Burns, who was a member of the Arizona Corporation Commission, had no independent right to demand a look their corporate books to find out about the money it has spent — and may spend in the future — to elect candidates of its choice. Attorneys for the utility did not dispute that regulators do have the power to subpoena company records. But they argued that power belongs to the commission as a whole. And they said the fact that Burns could not get a majority of the five-member panel to go along left him powerless to act on his own. Not so, said Justice Clint Bolick writing for a majority of the state high court. The decision of the justices will have no immediate effect. That’s because Burns has since left the panel, and the APS rate case that was pending at the time has been decided. And Bolick said the court was not seeking to resolve all potential future issues of commission procedures. But the ruling could forever change how the panel operates, giving future commissioners more independent license to probe the actions of regulated utilities.” [KJZZ, [9/28/22](#)]

ARIZONA CLEAN ELECTIONS

1999: Bolick filed suit against Arizona’s public financing of state candidates’ campaigns on First Amendment grounds. “Opponents of Arizona's voter-approved Clean Elections Act on Thursday launched a new challenge to its public financing of state candidates' campaigns, alleging it unconstitutionally coerces campaign contributions. A lawsuit filed on behalf of business lobbyists and others said the law violates First Amendment free-speech protections by raising some of the program's money through new lobbyist fees and court fine surcharges. ‘The First Amendment does not allow people to be required to subsidize campaign contributions,’ said Clint Bolick, an attorney for the Institute for Justice, a Washington-based libertarian oriented public-interest law firm. Bolick said the suit asks U.S. District Judge Paul Rosenblatt to bar implementation of the program or to at least bar collection of the fine surcharges and lobbyist fees.” [Associated Press, 9/9/99]

- **Bolick said the Clean Elections Act “blatantly violates” the First Amendment.** “Whatever the merits of campaign finance reform and public funding of campaigns, the boundaries clearly must be set by the First Amendment. The clearest of all First Amendment boundaries is that an individual cannot be forced to support someone else's political beliefs or activities. The Clean Elections Act, with its hidden system of coerced political subsidies, blatantly violates that principle.” [Clint Bolick and Scott Bullock Op-Ed, Arizona Republic, 9/13/99]
- **A federal judge dismissed Bolick’s challenge to the Clean Elections Act.** “A federal judge has dismissed a constitutional challenge to Arizona's system of public financing of state election campaigns. The challengers vowed to refile their suit in state court. ‘This lawsuit will not skip a beat,’ said Clint Bolick, lawyer for the challengers.” [Associated Press, 3/19/01]

2001: Bolick argued against Arizona’s public financing system for elections in state court: “The decision of whether or not to support political candidates is at the core of our First Amendment rights.” “Critics of Arizona's public financing system for elections argued in court Tuesday that the program treats lobbyists, speeders and people who park illegally unfairly. [...] The plaintiffs' lawyer, Clint Bolick of the Washington, D.C.-based Institute for Justice, argued that lobbyist fees and court fines that provide most of the program's funding single out people who involuntarily have to support candidates. ‘The decision of whether or not to support political candidates is at the core of our First Amendment rights,’ said Bolick. ‘The government cannot single out a discrete group of individuals. These people may have made a more fundamental decision not to contribute to political campaigns at all.’” [Associated Press, 11/20/01]

- **Bolick: “In a free society, a political contribution ought to be a purely voluntary act.”** “Clint Bolick, representing individuals who are challenging the 1998 law, said the levies amount to a ‘special tax’ on people. ‘In a free society, a political contribution ought to be a purely voluntary act,’ he told Maricopa County Superior Court Judge Colleen McNally. ‘The government cannot single out a discrete group of individuals. . . .’ [...] One of Bolick's clients is Rep. Steve May, R-Phoenix, who objects to a \$2.70 surcharge on a parking ticket he got two years ago in Tempe. Bolick said the additional penalty forces May to financially support candidates he disagrees with - including candidates who run against him.” [Arizona Daily Star, 11/21/01]

2002: The Arizona Court of Appeals ruled in Bolick’s favor that the funding source for the state public financing system for elections was unconstitutional. “A state court on Monday overturned the chief funding source of Arizona's public financing system for state election campaigns, ruling that a surcharge on traffic tickets and criminal fines is unconstitutional. The surcharge ‘imposes an unconstitutional restraint on the exercise of free speech,’ Judge Sheldon H. Weisberg wrote in an unanimous decision by a three-judge Court of Appeals panel. [...] A lawyer for May said the decision was a "landmark ruling not only for Arizona but for the country" because of interest across the country in Arizona's system. Maine, Massachusetts and Vermont have similar systems. ‘This case stands for the proposition that campaign contributions must be voluntary,’ said attorney Clint Bolick of the Institute for Justice. ‘What is happening in Arizona is considered the next big step in campaign finance reform, and unfortunately in the rush to reform campaign contributions the Clean Elections Act runs afoul of the First Amendment.’” [Associated Press, 6/17/02]

- **In a ruling that Bolick said “cannot and will not stand,” the Arizona Supreme Court unanimously overturned the Court of Appeals decision.** “The Arizona Supreme Court on Friday approved of collecting surcharges on criminal and traffic fines to help fund political campaigns, rejecting an argument that the system violates free-speech rights. Ruling

unanimously, the state high court noted that the U.S. Supreme Court has upheld the use of public money for campaign financing, and it found that the Arizona system doesn't promote any particular message. [...] 'This is the first time a court has upheld the notion that one can be forced to give contributions to politicians,' attorney Clint Bolick said. 'This ruling cannot and will not stand.'" [Associated Press, 10/11/02]

2002: Bolick called on a member of the Arizona Supreme Court to recuse himself from ruling on the Clean Elections system: "Most of the justices realize that with significant public policy issues that they need to bend over backwards to avoid an appearance of conflict." "A member of the Arizona Supreme Court chose to use a \$2,500 Clean Elections tax credit last year, sparking a request that the justice step aside in August when the state's highest court decides if the publicly funded election system violates free speech. Opponents want Justice Stanley Feldman to remove himself from the case that could largely determine the financial future of Arizona's new campaign finance system. The Clean Elections Commission, which distributes public money to political candidates, is a defendant in the case that could help shape Arizona's political landscape. 'In a case like this with so much at stake, it's essential that the court render its opinion with no appearance of impropriety,' said Clint Bolick, a lawyer from a Libertarian public interest law firm opposed to Clean Elections. 'Most of the justices realize that with significant public policy issues that they need to bend over backwards to avoid an appearance of conflict.' Bolick said his law firm, the Institute for Justice, will file papers this week suggesting that Feldman recuse himself. [...] '(Feldman's) large contribution to the CEC is what triggers the concerns on our part,' Bolick said. 'The litigant doesn't want to go into court knowing that a judge gave the other side a \$2,500 contribution.'" [Arizona Republic, 7/9/02]

2002: Bolick: "It is a hallmark of free society that individuals cannot be compelled to participate in an election against their will." "The fate of the state's Clean Elections law is in the hands of the Arizona Supreme Court. In a packed courtroom Thursday, lawyers argued a case that could dismantle Arizona's new system of publicly funded elections in a time when most candidates have turned their back on traditional fund-raising. [...] 'It is a hallmark of free society that individuals cannot be compelled to participate in an election against their will,' said Clint Bolick, vice president of the Institute for Justice, the law firm defending May. 'In 1998, Arizona become the only state in the nation to take political contributions out of the realm of individual decision.'" [Arizona Republic, 8/9/02]

2003: Bolick said that Arizona "has joined authoritarian regimes that make political participation mandatory" by upholding the Clean Elections system. "Challengers to Arizona's public campaign finance system are asking the U.S. Supreme Court to overturn it as violating constitutional protections for free speech. The petition filed Thursday in Washington by the Institute for Justice on behalf of state Rep. Steve May contends that the Clean Elections system violates the rights of people who fund the system through surcharges on crime and traffic fines. 'Arizona has joined authoritarian regimes that make political participation mandatory,' said institute Vice President Clint Bolick. 'We ask the Supreme Court to reaffirm the principle that in a free society, political participation must be voluntary.'" [Associated Press, 1/9/03]

2003: The U.S. Supreme Court rejected Bolick's challenge to the Arizona Clean Elections system. "The U.S. Supreme Court on Monday rejected a challenge to Arizona's system for publicly funding state political campaigns, leaving challengers with only an initiative campaign to put the issue back before voters. [...] 'We have no further legal recourse,' said Clint Bolick, an Institute for Justice attorney who is representing the challengers. 'Our ultimate recourse in Arizona is the initiative. We are confident that the beast will be slain.' The U.S. Supreme Court's refusal to consider the Arizona case was not a surprise because it has before it 'a looming legal battle' on another campaign finance issue, a challenge to the federal McCain-Feingold law enacted last year, Bolick said." [Associated Press, 3/24/03]

2003: Bolick said Arizona's Clean Elections system was a "shell game" that was "bribing taxpayers to allocate money for political subsidies." "The leader of the failed effort to declare the initiative unconstitutional said Clean Elections was 'deceptively sold to voters.' 'It was billed as not costing the taxpayers anything, but every time a taxpayer checks off the \$5 box on the income tax form, it actually costs the state \$10,' said Clint Bolick, a lawyer for the Institute for Justice, which provides legal advice to Flake and other Clean Elections opponents. 'It's a shell game. It is actually bribing taxpayers to allocate money for political subsidies.' If the issue goes before voters again, Bolick predicts a different outcome. In 1998, he said, voters were deciding whether to implement 'Clean Elections.' This time, they will be asked to 'Stop Taxpayer Money for Politicians.' 'Voters love clean elections, but they hate subsidies for politicians,' Bolick said. 'He who frames the initiative also frames the terms of the debate.'" [Tucson Citizen, 7/24/03]

2003: Bolick said Arizona's Clean Elections system stole the governorship for Democratic candidate Janet Napolitano. "The Clean Elections system stole the Arizona Governor's Office from Republican Matt Salmon and handed it to Democrat Janet Napolitano. So says Clint Bolick, a lawyer for the Institute of Justice, a group that mounted an unsuccessful legal challenge aimed at abolishing the public election funding system. In one of the closest gubernatorial races in state history, Napolitano beat Salmon by fewer than 12,000 votes. Napolitano took Clean Elections public money. Salmon did not, funding his campaign through private sources. Bolick's argument goes like this: Before taking on Napolitano, Salmon had to win a tough GOP primary against two taxpayer-subsidized candidates. Salmon won that battle, but emerged broke. While Salmon was searching for campaign cash, Napolitano collected a state check for \$615,000 the day after the primary. 'Matt Salmon had to spend an enormous amount of time and money raising money, while Napolitano had to spend virtually none,' Bolick said. 'That is a huge advantage.' [...] Salmon received \$2.1 million from private sources. He said he spent 25 cents of every dollar on fund raising, a cost Napolitano did not have to endure. 'The narrow margin of victory would have been more than compensated for by the amount of time Salmon had to spend fund raising and the huge fund-raising advantage Napolitano had as a result of the Clean Elections Act,' Bolick said." [Tucson Citizen, 7/30/03]

2006: Bolick said the Clean Election Act "has delivered exactly the opposite of what its framers promised." "According to Clint Bolick, the vice president of the Institute for Justice, "The Clean Election Act has delivered exactly the opposite of what its framers promised. 'Under Clean Elections we have nastier elections; we have government-funded candidates wildly outspending privately funded candidates; and we don't have a level playing field but instead a very uneven system that greatly favors those who can reconcile themselves to take public subsidies.'" [Dave Shuster Column, St. Cloud Times, 12/3/06]

2010: Bolick cheered a US Supreme Court freezing matching funds for the Clean Elections fund. "Matching funds to help publicly funded candidates compete with wealthier, privately funded opponents are all but dead for this election cycle. The U.S. Supreme Court put a hold on matching funds Tuesday after opponents argued that subsidizing candidates under the state's Clean Elections law restricts free-speech rights. The law gives Clean Elections candidates a dollar-for-dollar match after privately financed opponents meet a certain threshold. [...] But Clint Bolick, Goldwater's litigation director, said candidates had ample notice that the funds were in jeopardy, saying they took a gamble and lost. 'We do not have any sympathy for candidates who chose to participate with public funds at a time when our state is facing a gaping deficit. The last thing on earth we should be doing is subsidizing politicians.'" [Arizona Daily Star, 6/9/10]

1988: Bolick Defended William Bradford Reynolds' Tenure As Head Of The Department Of Justice's Civil Rights Division, where Bolick worked as a special assistant to Reynolds.

“Concluding 7 1/2 years as the Reagan administration's point man on civil rights, William Bradford Reynolds is leaving government the same way he came in: as a target of civil rights groups and a champion of conservatives. [...] Until 1981, the head of the division had been someone on whom civil rights leaders usually could rely to reflect their views. All of that changed when Reynolds arrived. ‘The NAACP would like the Justice Department’ civil rights division ‘to be an arm of the NAACP,’ said Clint Bolick, a former special assistant to Reynolds and now director of the Landmark Center for Civil Rights, a conservative litigating organization. ‘When he believes a civil rights violation has occurred, there's never been a more tenacious enforcer of the law than Brad Reynolds, but if he believes a violation has been cured or if there's no discrimination, he will not use the arm of the government to effectuate somebody else's agenda and that's what really rankles them,’ said Bolick.” [Associated Press, 11/14/88]

1989: Bolick Proposed School Choice, Welfare Reform, “Freedom From Crime,” And “Investment In Human Capital Development” As A “Positive Alternative Civil Rights Agenda.”

“Bolick, who was an assistant to William Bradford Reynolds, the assistant attorney general for civil rights in the Reagan administration, denounced the bills introduced in Congress and said, ‘We call upon the Bush administration to remain steadfast in opposition to this legislation.’ ‘We must go forward and set forth a positive alternative civil rights agenda,’ he said. Such an agenda, Bolick said, should include ‘a refocusing of affirmative action away from quotas and toward investment in human capital development,’ challenging licensing laws and other barriers to black entrepreneurial opportunity, free choice for parents among schools, helping people get off the welfare roles and promoting ‘freedom from crime.’” [Associated Press, 9/28/89]

1994: NAACP counsel Elaine Jones said, “Thurgood Marshall could not pass Clint Bolick's test.” Bolick acknowledged that this was probably true. “When Bolick was invited on the ‘MacNeil/Lehrer NewsHour’ to discuss the nomination of Deval Patrick, Clinton's subsequent choice for the civil rights post, [Gwen] McKinney urged the show's producers to drop him. But she decided to counter with Elaine Jones, director-counsel of the NAACP Legal Defense Fund. During the cab ride to the program, McKinney says, she and Jones came up with the perfect sound bite. When Bolick began criticizing Patrick, Jones said: ‘Thurgood Marshall could not pass Clint Bolick's test.’ Bolick acknowledged that this was probably true. ‘For Clint Bolick to fall into the trap was just splendid,’ McKinney says. ‘I don't want to make it appear I'm telling Elaine what to say; she is brilliant. What I did was help her frame the discussion.’” [The Washington Post, [6/23/94](#)]

1995: Bolick filed lawsuits to force states to allow more interracial adoptions and attacked the “ideological agenda” that he claimed permeated the “entire social worker profession.” “A public interest law firm in Washington, D.C., launches a national campaign today to force states to allow more interracial adoptions. The Institute for Justice plans to file suit in Texas and join a suit in Tennessee to make social workers process more adoptions of black children by white parents. Current adoption programs hurt black children who languish in the system and discriminate against whites who want to adopt, says the institute's Clint Bolick. [...] Today, trying to adopt a child of a different race is considered a strike against would-be parents in 40 states. Texas bars race from being a factor in adoption, but front-line social workers still discriminate, Bolick says. [...] Bolick says the institute wants to break through the ‘ideological agenda that permeated the entire social worker profession. The

problem in Texas is the tip of a national iceberg. Unfortunately, these suits can be filed anywhere in the country.” [USA Today, 4/13/95]

- **Bolick: “We are here to announce a national litigation campaign to erase one of the last and most pernicious remnants of Jim Crow, the widespread practice of racial discrimination in adoption placements.”** “Forty-three states encourage or require social workers to match children with adoptive parents of the same race, said Clint Bolick, the institute's litigation director. The institute contends that the Constitution forbids racial discrimination in adoptions. ‘We are here to announce a national litigation campaign to erase one of the last and most pernicious remnants of Jim Crow, the widespread practice of racial discrimination in adoption placements,’ Bolick said. He also said ‘race matching’ occurs even in states that bar it. ‘From coast to coast, regardless of the applicable state laws, social workers actively thwart interracial adoptions in the misguided belief that race matching is more important than a loving home regardless of race,’ Bolick said. Forty percent of the children awaiting adoption are black while blacks constitute 12.3 percent of the population, the institute said, while 67 percent of the families waiting to adopt are white and 31 percent are black.” [Associated Press, 4/13/95]

1997: Bolick said the NAACP is out of sync with most Americans' views on civil rights. “Hoping to emphasize racial diversity in his administration, President Clinton has settled on a Chinese-American public interest lawyer to become the nation's chief civil rights enforcer. But that seemingly harmless choice is drawing fire from some conservatives who plan to oppose Bill Lann Lee's nomination unless he disavows the ‘radical and activist course’ pursued by his predecessor. [...] Both Lee and Deval Patrick, the previous civil rights chief, cut their legal teeth at the NAACP Legal Defense and Educational Fund, which is disliked by conservatives for its unyielding support of affirmative action. Lee is the group's Western regional counsel, based in Los Angeles. ‘The fact that Clinton has once again gone to the same well to pick a nominee sets off alarm bells,’ said Clint Bolick, director of litigation at the conservative, Washington-based Institute for Justice. [...] Bolick said the NAACP is out of sync with most Americans' views on civil rights and that Lee who will oversee a shop of 250 lawyers must pledge to pursue a less strident course than Patrick or face opposition. ‘When you have this kind of power at your fingertips, it's very important to have someone who is a law enforcement official and not an activist ideologue,’ said Bolick.” [Associated Press, 8/21/97]

Bolick said he resigned from the American Bar Association “because it got involved in civil rights legislation that I disagreed with.” “*Clint Bolick*: The ABA has elected in recent years to become an advocacy organization, rather than a professional organization. I resigned from the ABA a few years ago because it got involved in civil rights legislation that I disagreed with their position on it. Once it has made that choice to become an advocacy organization, I don't think that it has a proper role in evaluating judicial nominations.” [“NewsHour With Jim Lehrer, PBS, 4/24/96]

2000: Bolick wrote for the Federalist Society’s “Civil Rights News” newsletter. “The Federalist Society's Civil Rights Practice Group is one of 15 that sponsors educational and networking events, publishes newsletters, and monitors legal developments covering all areas of the law. The practice group's newsletter, Civil Rights News, is a key strategy resource for opponents of racial and gender equity. The list of writers is a virtual Who's Who of anti-diversity leaders, including: Clint Bolick (IJ); Tom Wood, co-author of California's Proposition 209; Representative Charles Canady (R-FL) discussing his sponsorship of federal legislation to ban affirmative action; Jennifer Nelson, executive director of the ACRI; Roger Clegg and Linda Chavez (CEO); Ward Connerly; and Hans Bader of the CIR.” [Minority Business Entrepreneur, 10/31/00]

- **2003: Bolick was described as a “leading member of the Civil Rights Practice Group of the Federalist Society.”** “Many prominent opponents of race-conscious admissions -- including Mr. Clegg; Clint Bolick, the vice president of the Institute for Justice; and Curt A. Levey, director of legal and public affairs for the Center for Individual Rights -- also work together as leading members of the Civil Rights Practice Group of the Federalist Society for Law and Public Policy Studies, a 25,000-member, Washington-based organization for lawyers and law students with conservative or libertarian values.” [Chronicle of Higher Education, 4/4/03]

RACE AND INEQUALITY

1997: The *New York Times* described Bolick as “the maestro of the political right on issues of race.” “In many ways Clint Bolick, a 39-year-old Washington lawyer, is the maestro of the political right on issues of race. He is increasingly setting the tone and defining the terms of the national debate, forcing civil rights groups to respond to his view, rather than enacting their own, of what government policy on race ought to be. [...] ‘I would say that, in terms of Washington-based groups, he is the person who is most active in these legislative fights,’ said Linda Chavez, a former Reagan administration official who is also active in the battle against government programs that grant preferences based on race and sex.” [New York Times, 11/16/97]

Los Angeles Times: “Most of Bolick's clients are black. Yet most of his politics are scorned by traditional African American leaders.” “Most of Bolick's clients are black. Yet most of his politics are scorned by traditional African American leaders. After all, this is the same Bolick whose legislative proposals inspired a federal version of CCRI in Congress, who supports stringent welfare reform, who sank President Clinton's nomination of Lani Guinier as the nation's chief civil rights enforcer by inspiring the tag "the quota queen," and whose younger son considers as his godfather Supreme Court Justice Clarence Thomas, a nemesis of civil rights and feminist groups. Bolick, a self-described libertarian who supports ‘individual initiative and opportunity’” over ‘government-mandated solutions,’ sees his legal efforts as a kind of put-your-money-where-your-mouth-is element too often missing on the Right. If programs such as racial preferences and welfare don't ease racial disparities, he reasons, then conservatives need to offer something else that does. In Bolick's mind, that answer comes from vigorous support of entrepreneurship and new educational opportunities in inner cities. He is a prominent defender of school vouchers in the Cleveland and Milwaukee programs, where he represents low-income parents using state dollars to send their children to private schools.” [Los Angeles Times, [4/20/97](#)]

1990: Bolick said President George Bush should “propose new policy initiatives that express his vision of civil rights, rooted in empowerment and a firm commitment to prosecute actual (racial) discrimination.” “A seminal analysis of the president's need for a positive approach to civil rights -- and a strategy for meeting the need through the empowerment concept -- was set forth in a paper written in June by Clint Bolick, director of the Landmark Legal Foundation Center for Civil Rights, for the conservative American Heritage Foundation. ‘George Bush has a tremendous opportunity,’ Bolick wrote, adding that ‘he should propose new policy initiatives that express his vision of civil rights, rooted in empowerment and a firm commitment to prosecute actual (racial) discrimination.’” [Miami Herald, 2/24/91]

1991: Bolick Claimed That Racial Quotas Were “Permeating Our Society.” “*Clint Bolick:* This just shows how incredibly out of touch the civil rights establishment has gotten. I ask the American people, are there racial quotas permeating our society? The answer emphatically is yes and they're in government as well. Anyone who denies that there are preferences in this society, I mean, we're not living on the same planet.” [“Crossfire,” CNN, 11/21/91]

- **Bolick Conceded That It Was Easier To Be A White Person In The Job Market.** “*Michael Kinsley*: Well, let me ask you something else on a broader plane. In 1991, taking affirmative action, all the policies you don't like into effect- into account, do you think it's easier to be a black person or a white person in the job market in America? *Bolick*: I still think that it's easier probably to be a white person although you are not entitled to preferential treatment, but quotas are not the answer to help disadvantaged Americans move into the work force. We've had 25 years of quotas and it hasn't helped.” [“Crossfire,” CNN, 11/21/91]
- **1994: Bolick accused the Clinton administration of abandoning its “opposition to race quotas.”** “Sharon Taxman had been teaching business courses for nine years at Piscataway High School in New Jersey when she was fired for being white. The Justice Department sued the Board of Education of Piscataway Township and won the case last year. Now, in a bizarre turnabout, the department hopes to reverse its victory. Deval Patrick, deputy attorney general for civil rights, has asked the court's permission to switch sides and defend the affirmative-action plan that permits race-based firing. [...] Clint Bolick, who served in the Justice Department's civil rights division under Mr. Reagan, said Mr. Patrick's motion makes it clear that the Clinton administration is committed to racial quotas even though the president campaigned against them in 1992. ‘They are beginning to concede that the campaign's opposition to race quotas has been abandoned as a matter of policy,’ he said.” [Washington Times, 8/29/94]

1992: Bolick Said That Busing To Address Racial Inequality Had “Destroyed School Systems And Communities Around The Nation.” “Racially unbalanced schools do not violate the Constitution if they are the result of changing demographics, the Supreme Court said yesterday. The court ended federal court supervision over student enrollment in DeKalb County, Ga., finding that massive population shifts, not constitutional violations, had created racial imbalance. [...] Some conservatives immediately hailed the ruling as portending the end of busing. ‘This is the beginning of the end for the regime of forced busing that has destroyed school systems and communities around the nation,’ said Clint Bolick, vice president and director of litigation at the Institute for Justice, a Washington-based advocacy group.” [Washington Times, 4/1/92]

1994: Bolick praised D.C. Court of Appeals appointee David Tatel but complained that the groundbreaking rulings that Tatel won on school desegregation gave courts too much power to effect social change. “Highly respected in the legal community, Mr. Tatel is expected to breeze through confirmation. Even ideological opponents, such as Clint Bolick of the conservative Institute for Justice, remark on his ‘unquestionable’ intellect and legal skill. Mr. Bolick, however, says that the ground-breaking rulings Mr. Tatel won in school desegregation cases -- such as those that permit federal judges to order tax increases to pay for reforming discriminatory school districts -- gave courts too much power to effect social change. ‘It gives me tremendous pause as to whether he'd be an impartial jurist or a results jurist,’ he adds. But those who know him say that Mr. Tatel will be a fair, compassionate, nonideological judge, ‘sensitive to the changing face of America,’ says Paul L. Vance, superintendent of the Montgomery County schools.” [The Baltimore Sun, 6/21/94]

1994: Bolick said it was a “major challenge” for the conservative movement to “strongly repudiate racist vestiges.” “Clint Bolick, a conservative who fought President Clinton's nomination of Lani Guinier to head the Justice Department's civil rights division by labeling her a ‘quota queen,’ said many conservatives now find Dr. King's appeal to racial harmony refreshing. ‘Even though many conservatives didn't like him then, they like him now,’ he said. But, he said, there are many who still have no use for the man. ‘I think that is one of the major challenges of the conservative movement today, to strongly repudiate racist vestiges and strongly promote a civil rights vision,’ Mr. Bolick said.” [Baltimore Sun, 1/15/94]

1995: Bolick: “Those of us who are arguing for race neutrality "have really claimed the mantle of the great civil rights advocates from Frederick Douglass to Martin Luther King Jr. and Hubert Humphrey.” “Clint Bolick sees the fight over affirmative action in stark terms: ‘Those of us who are arguing for race neutrality,’ he says, ‘have really claimed the mantle of the great civil rights advocates from Frederick Douglass to Martin Luther King Jr. and Hubert Humphrey.’ Bolick, the litigation director of the Washington-based Institute for Justice, a conservative public-interest law firm, continued in an interview: ‘Defenders of the status quo have lost the moral high ground. Defending discrimination of any sort is a very treacherous enterprise.’” [National Journal, 4/1/95]

1995: When asked about geographic and alumni legacy preferences in college admissions Bolick said “There is no form of discrimination that is as odious as racial discrimination.” “When asked about these other kinds of preferences, the Institute for Justice’s Bolick replied: ‘I honestly don’t know the extent to which various types of preferences occur. I think it is very legitimate to reexamine any sort of group preference, including those that operate to the disadvantage of outsiders. By the same token, there is no form of discrimination that is as odious as racial discrimination. So, however offensive we might find these other things, the fact that they may exist is not a reason to abstain from prohibiting race as a factor.’” [National Journal, 4/1/95]

- **1996: Bolick: “I do not know a single person who believes that racism is over in our society.”** “*Clint Bolick*: I do not know a single person who believes that racism is over in our society. When Mayor Brown can introduce me to one, I’d really love to meet such a person. I agree that person would not be playing with a full deck. The question is, How do we become a color-blind society? The way that I know that we will never become a color blind society is to allow government to continue classifying people and discriminating among individuals on the basis of race. We have got to move beyond that.” [“Talkback Live,” CNN, 12/16/96]

1996: Bolick: “Liberals abandoned their belief in equality of opportunity, embracing instead equal results and imposing a stifling race-conscious orthodoxy.” “This month marks the 100th anniversary of one of the most shameful episodes in American jurisprudence: the Supreme Court’s decision on May 18, 1896, in *Plessy v. Ferguson*, which upheld the pernicious “separate but equal” doctrine. But far from fading quietly into history, *Plessy*’s core premise -- that the Government may classify people on the basis of race -- remains alive and well, nourished by the same liberal advocates who once vowed its demise. [...] Liberals abandoned their belief in equality of opportunity, embracing instead equal results and imposing a stifling race-conscious orthodoxy. ‘The goal of parity between the races,’ decreed John E. Jacob in 1985, then head of the National Urban League, ‘is the one constant that must be shared by anyone who presumes to hold a leadership position in the black community.’ A century after *Plessy*, the Government still classifies Americans by race and on that basis determines in many instances where they can attend school, which Congressional district they are assigned or for which contracts or jobs or scholarships they are eligible to compete.” [Clint Bolick Op-Ed, New York Times, 5/6/96]

1996: Bolick said the government “discriminates against both blacks and whites.” “*Clint Bolick*: Well, I think that the United States Government has been in the business of racial discrimination for too long. We have got to stop classifying people-- *Jim Lehrer*: You mean through affirmative action? *Bolick*: Well, through affirmative action most recently, but the fact of the matter-- *Lehrer*: Discriminating against white people. *Bolick*: Right now, government discriminates against both blacks and whites, depending on--depending upon the particular issue. It ought to get out of that business and on to the more serious business of ensuring equality of opportunity. But so long as race remains a government policy tool, it’s going to be used and misused.” [“The NewsHour With Jim Lehrer,” PBS, 7/1/96]

1997: Bolick opposed a proposal to use statistics to demonstrate that minority groups have been unfairly excluded from obtaining government contracts. “Hoping to preserve a “race-conscious” system of awarding federal contracts, the Clinton administration said Tuesday that it will try to use statistics to show that blacks, Latinos, Asians and Native Americans are unfairly excluded from obtaining government work. Officials plan to figure the percentage of minority-owned firms in an industry, such as construction or engineering, and then calculate the percentage of government money that has been awarded to minority firms in the industry over the last three years. If the federal government falls below the ‘industry-specific benchmark’ in awarding contracts to minorities, it can continue to use ‘race-conscious measures’ that give an advantage to these ‘socially and economically disadvantaged’ businesses, the Justice Department said. [...] Critics called the announcement stalling. ‘It is a facade for maintaining the status quo,’ said Clint Bolick, a former Ronald Reagan administration Justice Department official who is critical of affirmative action. ‘They are trying to create an image of reform while doing nothing.’” [Los Angeles Times, [5/7/97](#)]

1997: Bolick called the Republican Party “the worst possible vehicle” to bridge the racial divide “Bolick is primarily a constitutional lawyer, but he sees lost political opportunity in urban entrepreneurship. He calls the Republican Party ‘the worst possible vehicle’ to bridge the racial divide, pointing to a recent poll showing a slim plurality of blacks--33%--calling themselves conservative, but only 8% saying they vote Republican.” [Los Angeles Times, [4/20/97](#)]

1998: Bolick joined the Conservative “Citizens Initiative on Race and Ethnicity.” “Angered at their exclusion from President Clinton's race dialogue, a group of conservatives Wednesday launched a ‘citizens’ race commission formed to compete with the White House initiative. [...] The new group, the ‘Citizens’ Initiative on Race and Ethnicity,’ would bring ‘balance’ to Clinton's left-leaning race commission, members said. [...] Among those participating in the new panel are conservative legal activist Clint Bolick, who criticized Clinton's race panel as a body ‘worse than irrelevant’ and which he said includes ‘everything but philosophical diversity.’” [Copley News Service, 4/29/98]

Ties to White Supremacists

1990: Bolick defended a bill by David Duke to overturn Louisiana’s affirmative action programs and end alleged discrimination against “hundreds of thousands” of white people. “Ill will pulsed through Louisiana yesterday as reaction spread to the stunning House passage of a bill by Rep. David Duke, a former Ku Klux Klansman, that attempts to overturn state affirmative action programs. [...] Mr. Duke said his goal was to stop discrimination that affects ‘hundreds of thousands’ of whites. A Republican candidate for the U.S. Senate, Mr. Duke was the grand wizard of the Louisiana Knights of the Ku Klux Klan in 1979 before he left to form the National Association for the Advancement of White People. [...] Clint Bolick, director of the conservative Landmark Center for Civil Rights, said the Duke bill was not much different from the Republican Party's 1988 platform plank on affirmative action. ‘It's a pretty mainstream approach by an obviously radical person,’ he said. ‘It would expose the hypocrisy of racial preference schemes that are disguised as affirmative action programs.’” [Washington Times, 5/31/90]

- **Bolick Said NAACP President Benjamin Hooks “Created David Duke.”** “As Congress prepares to reconsider civil rights legislation vetoed last fall by President Bush, groups pressing for passage of the bill find themselves facing a second and ultimately more crucial battle: one to define the image, agenda and relevance of the civil rights movement itself. [...] And others say the perceptions of civil rights stem from the degree to which the movement has come to rely on race-based remedies that in practice, if not in theory, often result in preferential programs. ‘The insistence on quota-type remedies by the civil rights lobby is what keeps that issue alive,’ said Clint Bolick, the white director

of the Landmark Center for Civil Rights, a conservative legal group in Washington. ‘Ben Hooks created David Duke, and we're going to see a lot more David Dukes until we finally move away from that issue.’” [New York Times, [4/3/91](#)]

- **1991: Bolick: NAACP President “Ben Hooks And His Friends Have Created David Duke.”** “*Michael Kinsley*: Are you ready to abandon President Bush as a terminally Hooks-ite and go give your support to Pat or to David Duke? *Clint Bolick*: Not to Pat Buchanan. I wish another Republican would get into this race that would- *Kinsley*: What's wrong with the Pat? *Bolick*: I think that Pat does engage in race baiting on immigration issues and stuff like that. The fact is that George Bush has no civil rights plan and Pat Buchanan has a disastrous civil rights plan, but I think that Bob's point about David Duke is right. Ben Hooks and his friends have created David Duke. If they could only get over their addiction to racial quotas, to busing- *Kinsley*: Well, let me- *Bolick*: -David Duke would have no issues.” [“Crossfire,” CNN, 11/21/91]
- **1991: President Bush said Duke was unfit to hold public office after Duke equated the extermination of Jews in Nazi Germany with affirmative action programs.** “In his strongest comments to date on the Louisiana governor's race, President Bush said today that State Representative David Duke was a charlatan unfit to hold public office because he has espoused racist and neo-Nazi beliefs. The President's remarks came after a statement by Mr. Duke on Tuesday that equated the extermination of Jews in Nazi Germany with affirmative action programs in the United States. Speaking at a news conference in Washington, President Bush said: ‘When someone asserts the Holocaust never took place, then I don't believe that person ever deserves one iota of public trust. When someone has so recently endorsed Nazism, it is inconceivable that someone can reasonably aspire to a leadership role in a free society.’” [New York Times, [11/7/91](#)]

1990: Charles Murray Wrote The Introduction To Bolick’s Book *Unfinished Business: A Civil Rights Strategy for America's Third Century*. “One of the contributors to this campaign is sociologist Charles Murray, who wrote the graceful foreword to Mr. Bolick's book. He is author of the path-breaking studies that demonstrated the perverse disincentives to personal effort and self-improvement inherent in traditional anti-poverty programs.” [Washington Times, 10/18/90]

- **1995: Bolick criticized Murray’s *The Bell Curve* and said it could hurt Republican legislative effort.** “Clint Bolick, who torpedoed Lani Guinier as the ‘quota queen’ and is now crafting the coming Republican legislative assault on racial preferences, also thinks buying into ‘The Bell Curve’ would undermine that effort. ‘I really worry that Republican motives have always been subject to suspicion, and this will make it only more so,’ says Bolick, who argues that a conservative assault on affirmative action should be accompanied by an ‘empowerment’ agenda - school choice, tenant management of public housing and the elimination of barriers to minority entrepreneurship. ‘I worry a book like this will make Republicans less likely to do that and I think it would be a terrible mistake.’” [Cleveland Plain Dealer, 2/5/95]
- **Murray’s 1994 book argued that intelligence correlated to an individual’s race, with those from races with darker complexions being less intelligent than their white counterparts.** “Charles Murray is best known for his book *The Bell Curve*, which tries to use so-called science to argue that individuals from some races (the whiter ones) are more intelligent than those from others (the darker ones). Actual scientists have called out the book as racist and stunningly dishonest and odious. Though Murray couches his book in the cold language of data analysis, it rests upon the same pseudoscientific foundations used for centuries by white supremacists.” [Miami New Times, [3/7/18](#)]

- **The Southern Poverty Law Center labeled Murray as a “white nationalist extremist”.** “Murray, who works for the conservative think tank American Enterprise Institute, is basically the Neil deGrasse Tyson of white, male supremacy. The Southern Poverty Law Center, the nation's premier hate-tracking nonprofit, has labeled Murray a ‘white nationalist extremist’ who uses ‘racist pseudoscience and misleading statistics to argue that social inequality is caused by the genetic inferiority of the black and Latino communities, women, and the poor.’” [Miami New Times, [3/7/18](#)]

2001: Bolick defended John Ashcroft from accusations of racism but said he would not have appeared at Bob Jones University or given interviews to publications like *Southern Partisan* magazine. “*Salon*: Do you think that the charges that racism was involved in Ashcroft's opposition to Ronnie White would be ignored were it not for his speech at the historically racist Bob Jones University, his interview in Southern Partisan magazine, and his other links to neo-Confederate movement? *Clint Bolick*: I have concerns about Sen. Ashcroft's interview in Southern Partisan, and I would not appear at Bob Jones University, though conservatives -- especially religious conservatives -- have frequently done so. If I were his advisor, I would have told him not to do it. But doing an interview with a publication doesn't mean you endorse all of its ideas, and appearing at a university doesn't mean you believe in all its policies. I don't think those actions were in totally good judgment, but at the same time, he's done so much else for civil rights in his career. He co-sponsored congressional hearings on racial profiling, approved the state's Martin Luther King Jr. holiday and signed a state hate crimes law, which is more liberal than most of his colleagues. He also has supported several key African-American judicial appointments.” [Salon.com, 1/16/01]

AFFIRMATIVE ACTION

As a Justice Department attorney during the Reagan administration Bolick “repeatedly tried to end affirmative action programs.” “As a Justice Department lawyer during the Reagan administration, Clint Bolick repeatedly tried to end affirmative-action programs. He got nowhere. A majority of Ronald Reagan's cabinet, bipartisan majorities in Congress, and leading business groups rallied behind affirmative action back then. Now, as Bolick and a group of like-minded conservative strategists work with GOP lawmakers to cripple affirmative action, they are encountering a different environment.” [Philadelphia Inquirer, 2/24/95]

The Washington Post: Bolick attended the University of California-Davis “just as University of California Regents v. Bakke, the affirmative-action test case, was turning the school into a harbinger of campus multicultural resentment.” “The subjects of Gang of Five--Ralph Reed, David McIntosh, Bill Kristol, Clint Bolick and Grover Norquist--share several key qualities in common. They flourished (and suffered ridicule) as conservative activists in college in the '70s. They went to Washington with Ronald Reagan in the '80s. And they were marked indelibly by the legacy of the '60s, but not in the way one usually suspects of the right: These men come not just to bury the decade but in a sense to continue it—'bringing to their battles all of the hubris and irreverence and impatience for change that characterize the 1960s Leftists who came before them.’ And there is another commonality: All were present at one of several ground zeros from which the conservative movement as we know it today exploded. Kristol, for instance, was among the first disciples of the conservative philosopher Leo Strauss to jump ship from academia to Washington. McIntosh studied at the feet of the luminaries of the then-nascent right-wing ‘Law and Economics’ movement at the University of Chicago Law School. And Bolick had the good fortune to be attending the University of California-Davis just as University of California Regents v. Bakke, the affirmative-action test case, was turning the school into a harbinger of campus multicultural resentment.” [The Washington Post, [8/12/00](#)]

Bolick: “True affirmative action means helping people who have had to overcome disadvantages, regardless of their race or ethnicity... and it begins in earnest only when government no longer has the power to substitute it with racial preferences.” Bolick: “Some people believe that adding points to test scores of applicants to public universities, or awarding public contracts based on race or ethnicity, is "affirmative action." But it is really discrimination, and it is wrong. Not only that, it doesn't help the people it is intended to help: the most disadvantaged members of society. My colleague Mark Flatten at the Goldwater Institute recently exposed a Sky Harbor Airport program that was supposed to aid disadvantaged businesses, but instead provided lucrative contracts to politically connected businesses because their owners are members of specified minority groups. This is not affirmative action, it is fraud. True affirmative action means helping people who have had to overcome disadvantages, regardless of their race or ethnicity. States such as Florida, Texas, and California have banned racial preferences, yet have increased opportunities by rewarding individuals who work hard and overcome obstacles. That is true affirmative action, and it begins in earnest only when government no longer has the power to substitute it with racial preferences. We have the chance in Arizona to set the standard for equal opportunity. But we must first get our state and local governments out of the sordid business of classifying people on the basis of race and ethnicity and awarding opportunities on that basis. We can do that by voting yes on Proposition 107.” [Arizona Secretary of State, [2010](#)]

1995: Bolick said that ending affirmative action would be “The accomplishment of over 200 years of civil rights struggle in this country.” “*Jesse Jackson*: Clint, let's get started right there. Exactly how would you want the new law to read? *Clint Bolick*: This would be a law that would forbid the federal government from discriminating in any matter on the basis of race or gender. Basically, I see this as the accomplishment of over 200 years of civil rights struggle in this country. *Jackson*: Isn't it a bit late? The government was a factor in denying African-Americans and women and Latinos access by law, and based upon admission of, and documentation of that, they put forth a rather conservative remedy for inclusion to offset exclusion, and the evidence is that the discrimination continues. What do you say to that? *Bolick*: Well, first of all, we have an entire arsenal of anti-discrimination laws on the books, and I believe that those laws ought to be vigorously enforced. Affirmative action, though, is a sledge hammer approach to problems that really require the delicacy of a scalpel. When there is discrimination, it ought to be combated. When there is the necessity of a remedy for identified, specific past discrimination, there ought to be a remedy. But when you're giving away, as happened a couple of weeks ago, FCC licenses to companies that can afford to come up with \$2 billion of capital, the Viacom deal that so many of us have heard about, that is not affirmative action. That's a spoils system.” [“Both Sides With Jesse Jackson,” CNN, 3/20/95]

1995: Bolick described himself as an “angry white male” campaigning against affirmative action. “A conservative legal activist yesterday derided affirmative action as ‘trickle-down civil rights,’ but two black scholars said the current debate lacks historical context. Clint Bolick, vice president of the Institute for Justice, a conservative public interest think tank, said affirmative action ‘does in fact discriminate on the basis of race’ but fails to benefit the truly disadvantaged. Speaking at a forum at the National Press Club, Mr. Bolick ridiculed the Clinton administration for announcing that it may appoint a commission to review the administration's internal review of federal affirmative-action programs. ‘Isn't Washington wonderful?’ Mr. Bolick said. Mr. Bolick - who described himself as an ‘angry white male,’ adding at another point, ‘so you finally see him in the flesh’ - said if government must engage in social engineering, it would be more rational to base preferences on economic need. ‘It makes sense to target them . . . where the need is the greatest,’ said Mr. Bolick, who called enterprise zones a form of affirmative action, although most people do not think of it that way. He particularly espoused school vouchers as a way to improve the lot of disadvantaged youngsters. Such an approach ‘moves the debate forward in a useful way,’ said Mr. Bolick, who criticized ‘affirmative action for billionaires.’ He spoke at a panel discussion sponsored by the Center for Equal Opportunity.” [Washington Times, 4/11/95]

1995: Bolick said ballot initiatives to ban affirmative action would help Republicans win in 1996. “Clint Bolick, a leading architect of efforts to shut down the federal affirmative action machinery in Washington, D.C., agrees it is an issue perfectly crafted to bring Reagan Democrats into the Republican fold. ‘The more ballots this is on in ‘96, the better it will be for the Republicans,’ Bolick said.” [Newhouse News Service, 5/21/95]

1995: Bolick was frustrated with Republicans for not taking “a bold and principled stand against racial preferences.” “*Clint Bolick*: I am actually very frustrated that the Republicans have not come forward. The time is now to take a bold and principled stand against racial preferences and it doesn't seem to me that you need anything more than that. It's a very clear and simple message. We believe the government should get out of the practice of discrimination, once and for all. This issue needs to be addressed now, or the president is going to dominate the debate.” [“Morning Edition,” NPR, 7/20/95]

- **Bolick called Republican failure to move on banning affirmative action “maddening.”** “Mr. Bolick said several moderate Republicans who voted against the Gramm amendment have said they would support a Dole attempt to repeal race and sex preferences. ‘There is a fairly steep learning curve for many Republicans on these issues,’ he said. ‘But the party's strategists understand that, if it is well handled, it can be a defining political issue in 1996.’ He said there isn't much dispute over ‘where Republicans will be when the votes are counted. But they've got to see some grass-roots support.’ Twice Mr. Dole and Mr. Canady were poised to introduce their bills but pulled back at the last minute. The first time around, Rep. J.C. Watts, Oklahoma Republican and one of two black GOP members of Congress, persuaded Mr. Dole to hold off while Republicans took an internal compass reading. ‘It's been maddening,’ Mr. Bolick said. ‘We've been to the precipice twice now, and in so doing we have knowingly allowed the president to frame the terms of debate. We can only rejoice that his capitulation to the left leaves us with the upper hand.’” [Washington Times, 7/25/95]
- **1995: Bolick worked with Republicans in Congress to draft anti-affirmative action legislation.** “But Congress is different now. With the Republicans in charge, there is a real chance that anti-affirmative action legislation can be passed. Already, alumni of the Reagan and Bush administrations are drafting a bill that would prohibit racial and gender preferences in federal government jobs, contracts and programs. If the bill passes, President Clinton would face a political dilemma. He could sign it and enrage much of his Democratic constituency -- or he could veto it and risk making affirmative action a major 1996 campaign controversy. ‘It would be a brilliant strategy move on the part of Republicans,’ said Clint Bolick of the conservative Institute for Justice, who is working with the anti-affirmative action task force.” [Knight Ridder Tribune News, 1/14/95]
- **Bolick: “Our goal is to curb racial preferences in federal government employment, contracts, and programs.”** “‘Our goal is to curb racial preferences in federal government employment, contracts, and programs,’ says Clint Bolick, a former Reagan administration lawyer leading a project to write legislation that would revamp affirmative action. His proposal is similar to the California Civil Rights Initiative, which would prohibit state agencies from giving preference to any person or group based on race or sex.” [Christian Science Monitor, 1/17/95]

1996: Bolick criticized Bob Dole and Republicans for not campaigning on ending affirmative action. “When Sen. Bob Dole met last year with activists to strategize over his proposed Equal Opportunity Act to abolish racial preferences in the federal government, he told us, ‘If we don't do this for principle, we shouldn't do it at all.’ Inexplicably, candidate Bob Dole so far has opted for the latter

course, forsaking not only an intensely popular political position but a chance at staking out bold moral leadership on one of the most vexing issues facing our nation. [...] Republicans were elected in 1994 as a party of principle, but rapidly are becoming a party of mush. On issues of racial preferences, Bill Clinton uncharacteristically has staked a firm position far from the mainstream, in the process ceding both the political and moral high ground to his opponents. Republicans should take heed and join the battle.” [Clint Bolick Op-Ed, Washington Times, 7/7/96]

- **Bolick: “On this issue the Republican leadership has neither guts nor brains.”** “The retreat of the House leadership has drawn a vitriolic response from Republican conservatives, who say that opposition to affirmative action is both morally and politically right. ‘On this issue the Republican leadership has neither guts nor brains,’ said Clint Bolick, vice president of the Institute for Justice, a conservative organization that opposes affirmative action.” [New York Times, 7/13/96]
- **Bolick called Dole “a horrible spokesman” on affirmative action.** “Meanwhile, on the other side of the issue, enemies of what they view as a morally bankrupt system of racial and gender preferences think Dole has proved an inept and half-hearted convert to their crusade. ‘He’s a horrible spokesman on this issue,’ says Clint Bolick of the Institute for Justice, who crafted the legislation Dole introduced (after twice balking, says Bolick).” [Cleveland Plain Dealer, 9/29/96]

1996: Bolick said that vice presidential nominee Jack Kemp did not belong “in the party of Lincoln” because of his position on affirmative action. “Bob Dole and Jack Kemp are polar opposites when it comes to one of the hottest issues on the hustings - affirmative action. [...] Many GOP conservatives say they don’t understand why Mr. Kemp cannot champion his economic answers for the poor while also denouncing affirmative action. ‘To the extent that Kemp supports racial preferences, I don’t think he belongs in the party of Abraham Lincoln,’ said Clint Bolick, vice president for the Institute for Justice. ‘I would be prepared to swallow my concerns on net balance. I know I sound schizophrenic - I have a feeling a lot of people are going to sound the same. I don’t understand why he can’t oppose racial preferences and, as I do, support aggressive empowerment efforts.’” [Washington Times, 8/11/96]

1996: Bolick: “When you add two or three hundred points to someone’s test score, and you leap frog them over someone who has attained higher qualifications solely because of that person’s skin color, that is a handout.” “*Clint Bolick*: I’d like to jump in here. When you add two or three hundred points to someone’s test score, and you leap frog them over someone who has attained higher qualifications solely because of that person’s skin color, that is a handout.” [“Talkback Live,” CNN, 12/16/96]

1996: Bolick praised an appeals court decision limiting affirmative action at the University of Texas as “another nail in the coffin of racial preferences.” “A federal appeals court decision that sharply limits the use of affirmative action at the University of Texas has shaken the nation’s colleges and universities by threatening to dismantle admissions policies that give preferences to minorities. [...] ‘This is clearly another nail in the coffin of racial preferences,’ said Clint Bolick, litigation director of the Institute for Justice, a conservative legal organization based in Washington. ‘I think it would be a very costly gamble for any public university to persist in any kind of racial preference system. As an attorney, my advice to any university would be to get out of the racial classification business.’” [New York Times, 3/21/96]

1997: Bolick helped lead the American Civil Rights Institute, an organization created to argue “aggressively” for states and Congress to abolish race and gender “preferences” in hiring,

contracting, and college admissions. “The opponents of affirmative action who persuaded California voters to pass Proposition 209 last November announced today that they had formed the American Civil Rights Institute to argue ‘aggressively’ that the rest of the states, as well as Congress, should abolish all race and sex preferences in hiring, contracting and college admissions. [...] Among the institute's leading founders and advisers are Thomas L. Rhodes, the president of the National Review, the conservative magazine; Clint Bolick, director of litigation for the Institute for Justice, and Grover Norquist, president of Americans for Tax Reform, both organizations that push conservative causes; and State Senator Quentin Kopp of San Francisco, an independent who is one of Sacramento's most outspoken legislative mavericks.” [New York Times, 1/16/97]

1999: Bolick: “True affirmative action requires stricter, not more lenient, law enforcement in minority communities.” “On a broader scale, groups like the NAACP Legal Defense Fund are trying to abolish capital punishment on the basis of racial statistics, even though plentiful opportunities already exist to raise claims of racial bias in individual cases. Importing affirmative action into criminal law is toxic. Inevitably, it means that people (like Leviner) who are guilty of crimes will not pay the full cost of their crimes, to the detriment of everyone but most particularly inner-city minorities, who are disproportionately victimized by crime. It is true that racial ‘disparities’ exist in police stops, arrests and convictions. Reports suggest that one of every three young black male adults is in jail or on probation (in the nation's capitol, the figure is one in two). But the disparities are even greater for criminal victimization: blacks are 6.4 times more likely than whites to die by homicide. Indeed, homicide has become the leading cause of death among young black males. True affirmative action requires stricter, not more lenient, law enforcement in minority communities. As in other contexts such as employment and education, racial preferences in the criminal justice system treat symptoms rather than underlying problems. Just as adding points to students' test scores in the college admissions process does nothing to remedy problems in the K-12 education system, absolving criminals of the full consequences of their lawless behavior does not redress real problems in the criminal justice system. Indeed, it further injures the very racial groups who need effective law enforcement the most.” [Clint Bolick Op-Ed, Scripps Howard News Service, 5/9/99]

1996: Bolick drafted Bob Dole’s “Equal Opportunity Act of 1996” to end affirmative action. “To show that the bill's backers were not just White men, all those who spoke on its behalf at the news conference -- except for Dole and Canady -- were women or people of color. All of the speakers except one, that is. ‘The goal of civil rights legislation and the Civil Rights Movement always has been to stop classifying people on the basis of race,’ said Clint Bolick, vice president and litigation director of the Institute for Justice, a self-defined libertarian Washington-based organization. ‘That's the goal of this bill.’ That this short, balding White man with a quick grin and puffy cheeks spoke at the unveiling of the Dole-Canady bill, the Equal Opportunity Act of 1996, should have come as no surprise. After all, Bolick virtually wrote it. The staffs of the two lawmakers had sketched out the measure from an outline provided by Bolick. And as they completed various provisions, they sent him drafts for review, according to congressional sources. ‘He was very involved in it all along the way and was consulted in the drafting,’ one congressional aide says.” [Emerge, 9/30/96]

1995: Bolick said many of the “victims” of affirmative action were “working class people” while the “principle beneficiaries of preferences today are middle and upper class people.” “Clint Bolick: That's, you know, this is 1996 not 1964. The principle beneficiaries of preferences today are middle and upper class people and many of the victims happen to be working class people. Now if you want to, there are two things you can do. If there is discrimination, enforce the anti - discrimination laws. There has not been a single anti - discrimination law repealed. That was an inaccurate statement, very inaccurate, by Mr. Rosenbaum. [...] The second thing is direct aid to truly disadvantaged people. No

one opposes that. That's going to happen now for the first time.” [“Both Sides With Jesse Jackson,” CNN, 11/10/96]

Bolick: “Affirmative action programs targeted to disadvantaged people like school choice programs are totally appropriate.” “*Bolick*: I think that affirmative action programs targeted to disadvantaged people like school choice programs are totally appropriate. Any kind of program beyond that, though, by definition, is existing people who are not disadvantaged. If they don't fit into that category, they don't deserve a helping hand, because basically, what you're doing is you are obscuring merit. So long as we have a situation in America where 50 percent of inner city kids drop out of high school, where 76 percent of black children are born to unwed mothers, so long as we have those kinds of statistics, we are not going to have racial equality. Adding points to a test score does not...” [“Talkback Live,” CNN, 6/11/97]

1997: Bolick said he hoped the Supreme Court would strike down the entire concept of “diversity” in designing affirmative action programs. “The Clinton administration told the Supreme Court on Friday that a school board improperly fired a white teacher to preserve racial diversity - but the administration also said that action should not be used to justify gutting affirmative action. The government had once backed the Piscataway, N.J., school board's decision. But administration officials said that recent Supreme Court rulings forced them to adopt different tactics to preserve the legal principle of affirmative action. [...] Clint Bolick, who has fought affirmative action as litigation director with the Washington-based Institute For Justice, said he hopes the court will strike down the concept of ‘diversity’ in designing affirmative action cases. ‘It is absolutely subjective and open-ended,’ Mr. Bolick said. ‘It has no limit whatsoever. It could be used to justify any manner of preference.’ Mr. Bolick also mocked the administration for reversing its position on the Piscataway case, which had initially been filed by the Justice Department under President Bush.” [Dallas Morning News, 8/23/97]

1997: Bolick called a \$435,000 settlement paid to a white teacher to keep her anti-affirmative action case out of court “delightful” and only a temporary delay in litigating the issue. “Gone but not for good, affirmative action is bound to be back before the Supreme Court, civil-rights advocates say. And next time they hope to have a better shot at keeping it intact. ‘The battle is fierce,’ Jesse Jackson said Friday after a settlement was reached in a case involving the Piscataway Board of Education in New Jersey. The school board agreed to pay \$433,500 to a white teacher who was fired while a black teacher was retained to promote diversity. A coalition of civil-rights groups helped finance the settlement to keep the Supreme Court from ruling in the case. [...] Clint Bolick of the conservative Institute for Justice said civil-rights groups had only ‘temporarily delayed the inevitable.’ ‘They are finally waking up to the fact that the law is solidly against racial preferences,’ Bolick said. ‘The court has made it clear [in other cases] that racial preferences are coming to an end.’ Like a bloodied boxer on the ropes, affirmative action seemed headed for a fatal beating if the Piscataway case were ruled upon by an increasingly conservative high court. ‘This could have been a knockout blow for racial preferences,’ Bolick said. [...] Nonetheless, the image of civil-rights groups helping to pay to settle the case heartened Bolick. ‘The defenders of racial preferences are running for the hills,’ Bolick said. ‘The spectacle of the civil-rights groups paying a large sum of cash to a victim of reverse discrimination is delightful.’” [Associated Press, 11/22/97]

1998: Bolick accused state and local officials of engaging in “massive resistance” to Supreme Court rulings on affirmative action. “State and local officials are engaging in ‘massive resistance’ to Supreme Court rulings, particularly on racial preferences, and state attorneys general should stop them, a coalition of conservative groups said yesterday. ‘This is not a matter of ideology, but of enforcing the law of the land,’ said Clint Bolick, spokesman for the Institute for Justice, in announcing an effort to pressure attorneys general to amend state laws. The Washington-based institute sent a letter to all 50

attorneys general yesterday, urging them to examine state and local policies and do away with programs that run afoul of recent court decisions, particularly the 1989 and 1995 Supreme Court cases that radically narrowed the rules for offering race-based preferences.” [Washington Times, 3/12/98]

1998: Bolick helped establish the “Project for All Deliberate Speed” to pressure state attorneys general to eliminate affirmative action. “A newly formed group of foes of affirmative action began putting pressure Wednesday on all 50 state attorneys general to wipe out ‘the vast majority’ of race preferences in state and local government. Calling itself the ‘Project for All Deliberate Speed,’ borrowing the phrase the Supreme Court used to order prompt obedience to its school desegregation decision, the group said state officials must act deliberately now to carry out recent Supreme Court court rulings sharply limiting race-based affirmative action. [...] Another project leader, Clint Bolick, litigation director of the Institute for Justice, a conservative activist group, said that a close review by state attorneys general of race-based programs would lead to recommendations to repeal ‘the vast majority of racial classifications.’ [...] Bolick warned that states ‘can almost never win’ under recent Supreme Court decisions if they get sued over the use of race in government programs. He also said that the project plans ‘grass roots’ efforts to pass ballot measures to attack remaining preferences.” [Baltimore Sun, 3/12/98]

2000: Bolick praised Florida Governor Jeb Bush’s “One Florida” initiative to eliminate affirmative action in college admissions and government contracts. “If you ever wondered what the dying paroxysm of a dinosaur might have sounded like, listen to the noisy reaction to Florida Gov. Jeb Bush's ‘One Florida’ initiative. The civil rights establishment is howling with righteous indignation over Mr. Bush's program to end racial preferences in public college admissions and government contracts. Meanwhile, some conservatives are denouncing Mr. Bush for not going far enough. [...] Groups like the National Association for the Advancement of Colored People oppose One Florida because they have evolved from civil rights organizations into groups that seek to retain and expand entitlements for middle- and upper-income constituents. People of true need will benefit more from One Florida than they ever could under race-based affirmative action; but they are not the NAACP's real constituency. Likewise, the reaction of conservatives to the One Florida program will test their commitment to expanding opportunities for the economically disadvantaged. Is compassionate conservatism oxymoronic? Jeb Bush's success or failure largely will determine whether that is so. All Americans have a stake in wishing him well. It's time to redefine affirmative action to help those most in need - and to get out of the business of classifying and dividing Americans on the basis of race, once and for all.” [Clint Bolick Op-Ed, Washington Times, 3/24/00]

Arizona Anti-Affirmative Action Initiative

2007: Bolick joined an initiative campaign to amend the Arizona constitution to ban race and sex based preferences. “The architect of laws banning race- and sex-based preferences in three states is taking the first steps today to get voters here to enact a similar measure. Ward Connerly will be partnering with Maricopa County Attorney Andrew Thomas in seeking to amend the state constitution to bar special - and advantageous - treatment for any individual or group on the basis of race, sex, color, ethnicity or national origin. The measure would cover public employment, contracts and education. [...] But Clint Bolick with the Goldwater Institute, who also is joining in the initiative drive, said he already is investigating scholarships and clubs at state universities that appear to discriminate. He also said it appears some cities give preferences in public contracts to businesses owned by women or minorities.” [Arizona Daily Star, 4/26/07]

- **Bolick was unable to name an example of a race or sex based preference being used in Arizona.** “She referred me to Clint Bolick, who'd worked on the California version of this

initiative years ago and now works with Arizona's Goldwater Institute. I asked Bolick for a list of offenses. 'You know, Ed,' he told me, 'I don't honestly know. That is something that I hope the Goldwater Institute will be able to answer in the relatively near future. I don't think that certain aspects of the problem are as big as they are in other states. For example, university admissions.' Arizona doesn't use race or gender preferences for university admissions. Bolick did say that there is a school district in Tucson where preferences might be hurting minority students. And he said that Thomas probably would want Arizona's initiative to include language banning Spanish-language DUI courts. I'm sure we'll hear about others. Overall, however, proponents of the initiative can't say for sure what, if any, significant effects a ban would have. They can guarantee one thing: The campaign will be ugly. 'I don't really see much of a way around that,' said Bolick, who believes that most of the negative rhetoric will come from opponents." [E.J. Montini Column, Arizona Republic, 5/1/07]

2007: Bolick opposed the Phoenix airport's efforts to increase the number of contracts for women and minorities. "Sky Harbor International Airport recently announced that it will conduct a 'disparity study' to determine whether it should increase the percentage of disadvantaged businesses -- those owned by women or designated minorities holding vendor contracts at the airport. Here's another idea: How about using a blind process to award concession contracts to the highest bidder? That would ensure equal opportunity while providing added revenue to the airport that could help offset the increased cost to travelers for security and other services." [Clint Bolick Op-Ed, Arizona Republic, 10/31/07]

2007: Bolick: "There is not a single racial-preference program that could not be replaced with a less-divisive, more-effective colorblind program that targets aid on the basis of disadvantage." "Your exchange over racial preferences was illuminating, but the headline was misleading ('A ballot initiative on affirmative action,' Viewpoints, Sunday). Racial preferences are not true affirmative action. They shower benefits upon the most-advantaged members of specified racial and ethnic groups while doing nothing to help the truly disadvantaged. There is not a single racial-preference program that could not be replaced with a less-divisive, more-effective colorblind program that targets aid on the basis of disadvantage. Means-tested school-choice programs are a perfect example of efforts designed to help disadvantaged youngsters compete effectively on a level playing field. Only when the superficial, cosmetic and corrosive quick fix of racial preferences is removed from the realm of permissible policy will government take the steps necessary to ensure truly equal opportunity." [Clint Bolick Letter to the Editor, Arizona Republic, 12/5/07]

2007: Bolick opposed government tracking of statistics on minority contracting. "State contracts awarded to private businesses owned by women and minorities amounted to about 5 percent of the state's total contract spending in fiscal year of 2006, according to the Department of Administration. [...] And while the figures may not present a 'smoking gun' in the initiative debate, the government's registering of and keeping statistics based solely on race and gender are troubling enough, said Clint Bolick, a litigator with the Goldwater Institute that is providing legal help to the ballot initiative committee. 'The fact that the government clearly is counting by race and putting a finger on the scale to benefit people not by merit or disadvantage suggests a problem in need of a solution,' said Bolick, who recently released a report on race- and gender-based government programs in Arizona." [Arizona Capitol Times, 12/14/07]

California's Prop 209

1996: Bolick accused opponents of California Proposition 209 banning affirmative action of being "against democratic processes" for attempting to use the courts to overturn the law. "*Willie Brown*: 209 is under attack in California. It passed overwhelmingly by the voters, 56 percent. Each

time anything passes in a direct manner by the voters or by the legislature, there are provisions that require it, in some cases, to be challenged for constitutionality. Until at such time that that challenge has completed itself, almost every court is empowered to say that if any damage, irreparable harm could be done during the time period that we are making the determinations for challenging and testing its constitutionality, then it shall be stayed and shall not have any force and effect because of the adverse damage that could be done. That's the status of it today. *Clint Bolick*: Mayor Brown is technically correct. What has happened is that the American Civil Liberties Union betraying its own name. It's not a civil liberties lawsuit that they're involved with. Shopped until they found a judge that they felt would halt this initiative. Basically, the opponents of the California Civil Rights Initiative has shown that they are not only against the principle of nondiscrimination, but against Democratic processes as well. They are trying to undo in the courts what the people of California have enacted.” [“Talkback Live,” CNN, 12/16/96]

- **Bolick: “The purpose of Proposition 209 was to finally fulfill what was always the core goal of the civil rights movement. And that is to curb government's power to classify people on the basis of race.”** “*Clint Bolick*: Basically, the purpose of Proposition 209 was to finally fulfill what was always the core goal of the civil rights movement. And that is to curb government's power to classify people on the basis of race. Basically, what the people said was, ‘You may have affirmative action, but you can't discriminate. You can't keep Asian students out of the University of California at Berkeley because there are perceived to be too many of them. You can't classify children on where they will attend school in San Francisco because of their skin color. Enough is enough.’” [“Talkback Live,” CNN, 12/16/96]
- **Bolick called the Clinton administration an “enemy” of “the will of the people” for supporting a legal effort to halt Proposition 209.** “The Clinton administration will throw its weight behind an effort to derail California's Proposition 209, a voter-approved measure that would outlaw race- and gender-based affirmative action in the state. Justice Department officials said Friday they may either file a friend-of-the-court brief in a lawsuit challenging the measure or seek to join the case as a co-plaintiff. [...] Supporters of Proposition 209 called the move arrogant and inappropriate. ‘This is absolutely outrageous,’ said Clint Bolick, litigation director for the Institute for Justice, a conservative public interest law firm representing several groups defending the measure in court. ‘This action betrays the administration as not only an enemy of nondiscrimination, but of the will of the people,’ he said. ‘This arrogantly flouts the will of the people.’ Bolick, who served in the Justice Department's Civil Rights Division during the Reagan administration, also contended that federal law prohibits the Justice Department from intervening in the case as a co-plaintiff. ‘First of all, there is no basis for the Justice Department to become involved because the California initiative does not affect federal civil rights law in any way,’ he said. ‘The Civil Rights Division cannot intervene in a lawsuit unless there is a violation of federal civil rights law. I believe it would be unlawful for the division to take this action.’” [Associated Press, 12/20/96]

1997: Bolick praised California’s Proposition 209 as “the first time a state government has gotten itself out of the racial classification business.” “The Supreme Court's acceptance of Proposition 209 may bring an end to affirmative action. Clearing the way for cities and states to ban affirmative action, the Supreme Court on Monday rejected a challenge to a California law that ended racial and gender preferences. [...] ‘If we are to ever get beyond the racial division in this country, we first must eliminate the government's power to classify Americans on the basis of race,’ said Clint Bolick, legislative director of the conservative Institute for Justice. ‘This initiative is the first time a state government has gotten itself out of the racial classification business.’” [Knight-Ridder, 11/4/97]

Campaigned against equal opportunity efforts

1990: Bolick Opposed Legislation To Restore Job Protections For Women And Minorities.

“Liberals and civil rights supporters yesterday launched a legislative drive against recent Supreme Court rulings that they say weakened job protections for women and minorities. [...] ‘We believe passionately in equality under the law, but we also believe there are a number of mechanisms in existence [besides quotas]’ that can be used to achieve that goal, said Clint Bolick, director of the Landmark Legal Foundation Center for Civil Rights. ‘Discriminating in a different fashion [through quotas] is not the way to do it.’” [Washington Times, 2/8/90]

1990: Bolick Opposed A U.S. Supreme Court Ruling That Held That Federal Broadcast Licensing Policies That Give Preference To Racial Minorities Are Not Discriminatory Against White People.

“The Supreme Court, in a surprise decision, ruled yesterday that federal broadcast licensing policies that give special treatment to racial minorities do not discriminate against whites. The 5-4 decision stunned civil rights leaders, who called it a significant victory in light of last year's opinion striking down a minority set-aside program in Richmond, Va., and several other rulings restricting affirmative-action programs. The court upheld two Federal Communications Commission policies mandated by Congress in 1978. One gives positive consideration to an applicant's race in issuing broadcast licenses. The other allows minorities to purchase broadcast stations at below-market prices from owners in danger of losing licenses. [...] Clint Bolick, director of the Landmark Center for Civil Rights, called the decision ‘a setback in the cause of civil rights for all Americans.’ ‘It means that the continuing quota saga is not yet at an end,’ he said. ‘But because most racial quotas are created by state and local governments or private businesses, this ruling will not have applicability to virtually any other circumstance.’” [Washington Times, 6/28/90]

1995: Bolick: “A ban on racial preferences will go a long way to remove the venom from race relations.” “By defining affirmative action as discrimination and white men as its victims, opponents of the practice can justify white resentment against blacks--resentment, they say, that could lead to turmoil. The only way to get rid of the resentment and calm down society, the argument goes, is to eliminate affirmative action. ‘We do not have a color-blind society,’ Bolick acknowledged. ‘The only way we will ever get to a color-blind society is for government, first and foremost, to stop discriminating on the basis of race. A ban on racial preferences will go a long way to remove the venom from race relations.’” [National Journal, 4/1/95]

1995: Bolick was “ecstatic” about Supreme Court rulings that he said marked “the beginning of the end for the era of racial preferences.” “The Supreme Court yesterday imposed strict new limits on politically charged federal affirmative-action programs and required agencies to justify every instance of reverse discrimination. [...] Yesterday's decision did not reverse lower-court judgments, but rather vacated them and sent the case back, giving the government a chance to show it had a compelling interest before a decision is made on Adarand's claim for damages. ‘We are ecstatic. We think it signals the beginning of the end for the era of racial preferences,’ said Clint Bolick of the Institute for Justice. ‘This decision speaks far beyond set-asides to every instance in which government classifies according to race,’ he said, itemizing education policies, interracial adoptions and voting rights.” [Washington Times, 6/13/95]

1995: Bolick supported a bill sponsored by Sen. Bob Dole and Rep. Charles Canady to remove all race and gender “preferences” from federal programs. “Rarely does proposed legislation boast an unambiguous moral imperative, but the bill being introduced today by Senate Majority Leader Bob Dole and Rep. Charles Canady, Florida Republican, emanates from the core of the American civil rights consensus by curbing, once and for all, the federal government's power to discriminate. The Supreme

Court's recent decision in Adarand vs. Pena warmed the hearts of those who want America to move beyond the racial divide. But by leaving the door open, even a crack, to racial preferences, the court has preserved an exception to the principle of nondiscrimination wide enough for determined activists to pry open and drive a truck through. And clearly the president is determined to preserve as much of the federal regime of racial preferences as he can. Which is why the Equal Opportunity Act of 1995 is so necessary. Its terms are simple yet sweeping. The bill prohibits the federal government from discriminating against, or granting preferences to, individuals based in whole or in part on their race, color, national origin or sex. It applies to all federal government employment, contracts, programs and policies.” [Clint Bolick Op-Ed, Washington Times, 7/27/95]

- **December 1995: Bolick testified in support of the Equal Opportunity Act of 1995 before the House Judiciary Committee.** “Chairman Canady and members of the Committee, it is an honor to testify on the proposed Equal Opportunity Act. I appear on behalf of the Institute for Justice, which has helped lead the fight to eradicate racial classifications. I am also pleased to deliver to you an expression of support from more than 40 civil rights and grassroots organizations from across the nation. Together they have joined in the following statement: We support the principle of nondiscrimination embodied in the proposed Equal Opportunity Act. The bill advances civil rights by bringing to an end the federal government's power to discriminate on the basis of race and gender. The vast apparatus of race and gender preferences does not promote equal opportunity. Civil rights are individual rights, not group rights; and the purpose of the civil rights laws is to expand opportunities, not to redistribute them. Instead of preserving failed policies that classify and divide Americans, our nation should work toward racial harmony and the removal of arbitrary barriers that separate individuals from opportunities.” [Clint Bolick Testimony, House Judiciary Committee Subcommittee on the Constitution, 12/7/95]

1996: Bolick: “Just as the Supreme Court ruled in 1954 that ‘separate but equal’ was unconstitutional across the board -- and just as Congress in 1964 legislated that racial discrimination in employment and public accommodations was unlawful, period -- so should Congress act in a clear and principled manner to outlaw race and gender classifications by the federal government.” “Just as the Supreme Court ruled in 1954 that ‘separate but equal’ was unconstitutional across the board -- and just as Congress in 1964 legislated that racial discrimination in employment and public accommodations was unlawful, period -- so should Congress act in a clear and principled manner to outlaw race and gender classifications by the federal government. Anything less will leave us mired in conflict for years to come. For this reason, arguments that the Equal Opportunity Act goes too far are invalid. The bill establishes a complete prohibition against discrimination by the federal government. Secondly, the bill limits only the federal government's power to discriminate or to require or encourage private entities to do so. In other words, it does not displace truly voluntary private sector ‘affirmative action’ efforts that are otherwise consistent with federal law.” [Clint Bolick Op-Ed, Chicago Independent Bulletin, 5/16/96]

1996: Bolick: “If you want to help disadvantaged people, do it on that basis, don't give advantage on the basis of color or gender. It's not fair.” “*Clint Bolick*: You helped to teach me that discrimination was wrong. You were one of my heroes as a young man because you argued that discrimination is wrong and it is wrong. *Jesse Jackson*: But it seems- *Bolick*: If you want to help disadvantaged people, do it on that basis, don't give advantage on the basis of color or gender. It's not fair.” [“Both Sides With Jesse Jackson,” CNN, 3/17/96]

1997: Bolick: “It is a fraud to say that anyone except the best qualified people should get jobs or whatever.” “*Clint Bolick*: I think that's absolutely right, but the fact is who does get inside that door.

And I think that it is a fraud to say that anyone except the best qualified people should get jobs or whatever. And that is what we ought to be focusing on, not saying we're going to lower the standards or relax the standards, but increase the number of people who can compete on that playing field. And anything less than that is a fraud. That's what we're seeing at the University of Texas and elsewhere in California when you get rid of the preferences, the number of minority candidates is substantially reduced. That is what we have to..." ["Talkback Live," CNN, 6/11/97]

1998: Bolick said Republican votes to uphold a federal program steering projects to minority and women owned companies were “pathetic” and “unprincipled.” “A bipartisan Senate voted Friday to uphold a program that steers billions of dollars in transit construction projects to companies owned by minorities and women, striking a blow for affirmative action programs under attack across the country. In the first vote testing affirmative action sentiment in the 105th Congress, senators voted 58-37 to reject a conservative effort led by Sen. Mitch McConnell, R-Ky., to eliminate the Disadvantaged Business Enterprise program. That program, enacted under President Reagan in 1983, encourages the awarding of 10 percent of federal highway construction spending to women and minorities. [...] The outcome evoked outrage from some of McConnell's conservative supporters. ‘The Republican performance on this issue is pathetic,’ said Clint Bolick, litigation director for the conservative Institute for Justice. He called Republicans who opposed the measure ‘unprincipled.’” [Associated Press, 3/6/98]

2001: Bolick was “disappointed” in a Bush administration defense of a federal program designed to encourage contracts for minority owned businesses, but gave the administration “a pass on this due to the institutional imperative of defending federal statutes and staying the course on prior positions taken in litigation.” “In its first high-profile decision on the politically sensitive issue of affirmative action, the Bush administration last night defended the constitutionality of a federal program that is designed to encourage the award of contracts to minority-owned business. [...] But last night another leading conservative legal activist said the Justice Department was all but bound to come to the defense of a long-standing government program that had been authorized by Congress and defended in the past by previous administrations. ‘We are obviously disappointed that the Bush administration did not take this opportunity to take a bold stand in favor of equality under law,’ said Clint Bolick of the Institute for Justice. ‘However, it would have been extraordinary for the administration to do that, and frankly, I'm inclined to give the administration a pass on this due to the institutional imperative of defending federal statutes and staying the course on prior positions taken in litigation.’” [Washington Post, [8/10/01](#)]

OPPOSED CIVIL RIGHTS LAWS

Bolick advocated for the repeal of the Civil Rights Act of 1964. “Bolick's agenda does not stop with the elimination of affirmative action. That is only the first step in a far-reaching program to turn back the clock on race relations in the United States. Bolick's libertarian views are so extreme that he advocates the repeal of the Civil Rights Act of 1964 and the overturning of the *Brown v. Board of Education* decision. Bolick believes that individuals should be free to discriminate. In his book *The Affirmative Action Fraud*, Bolick says the Civil Rights Act ‘sanctioned an unprecedented intrusion into individual autonomy. The act requires the state to police the private thoughts and motivations of individuals, an inherently dangerous power that, once conferred, is difficult to constrain.’” [The Journal of Blacks in Higher Education, 1/31/98]

1991: Bolick Said Civil Rights Laws Were The Cause Of “Raw Racial Politics” In America. “To some conservatives the stresses between the two groups are a logical result of civil rights laws that they say seek to enshrine a concept of proportional representation in employment and political power. ‘I think that the civil rights laws really now play into the hands of raw racial politics,’ said Clint Bolick, director

of the Landmark Legal Center for Civil Rights, a conservative public policy organization.” [New York Times, 6/16/91]

1991: Bolick was “instrumental in stalling the passage of the 1991 Civil Rights Bill.” “In 1990 and 1991, Bolick was instrumental in stalling the passage of the 1991 Civil Rights Bill. He helped convince a reluctant business community that the most effective way to defeat the measure was to label it a ‘quota bill.’ He also worked hand-in-hand with a group of Bush administration staffers who opposed the bill to convince a reluctant president not to sign it. While some administration insiders worked on Bush, Bolick kept up the pressure by publicly denouncing the measure. ‘There was a tenacious rear-guard action within the White House to convince the president not to embrace what became the Civil Rights Act of 1991, which was successful for a period of time,’ Bolick says. ‘We definitely were working closely with them. We could say things in public that they were constrained from saying.’ In the end, the effort failed and Bush signed the measure.” [Emerge, 9/30/96]

- **1991: Bolick Opposed A Civil Rights Bill Claiming It Would Result In Hiring Quotas.** “House Democrats plan to blunt criticism by the Bush Administration of this year's civil rights legislation by specifically outlawing the use of quotas in hiring and promotion. The legislation is intended to make it easier for women and minority members to sue over alleged job discrimination, but the Administration has contended that such a measure would lead employers to use quotas as a way to stay out of court. [...] Clint Bolick, director of the Landmark Center for Civil Rights, which opposes the bill, said he doubted that the measure would prohibit quotas. ‘It would represent an abandonment of their philosophy to include a true ban on quotas,’ he said. Mr. Bolick also said provisions already in the bill would result in hiring quotas so employers could avoid discrimination lawsuits. ‘A rational employer would insure itself against discrimination lawsuits by adopting quotas,’ he said.” [New York Times, 5/21/91]

1990: Bolick Opposed The Civil Rights Act Of 1990. “The Civil Rights Act of 1990 would be costly to business because it encourages lawsuits and expands present law to allow juries to decide discrimination cases, analysts say. [...] ‘This bill continues the persistent pattern of treating people not as individuals, but as members of racial or ethnic groups,’ said Clint Bolick, director of the Landmark Center for Civil Rights. ‘Policies that apportion benefits and burdens on the basis of race can only inflame racial tensions because they get people thinking about race instead of merit.’” [Washington Times, 4/13/90]

- **Bolick Called The Civil Rights Act Of 1990 “A Feeble And Counterproductive Attempt To Use The Social Engineering Tools Of The 1970s To Solve The Problems Of The 90s.”** “Imagine a civil rights law that forces employers to engage in wide-ranging racial discrimination. A law that presumes people are guilty until proven innocent. A law that penalizes employers who apply the same standards to everyone, regardless of race. A law that closes the courthouse doors to specified victims of discrimination. Such a law would turn every principle of fairness on its head. It couldn't happen in America. Or could it? Only in Ted Kennedy's America -- an America in which nondiscrimination means racial preference, equality means inequality, and opportunity means a handout. This vision is embodied in Kennedy's so-called ‘Civil Rights Act of 1990,’ a bill that represents a feeble and counterproductive attempt to use the social engineering tools of the 1960s to solve the problems of the '90s.’” [Clint Bolick Op-Ed, San Diego Union Tribune, 5/27/90]

DOJ CIVIL RIGHTS DIVISION NOMINEES

Lani Guinier

1993: Bolick Led The Conservative Opposition To The Nomination Of Lani Guinier To The Justice Department Civil Rights Division, Promising To Inflict A “Heavy Political Cost” On Bill Clinton For The Nomination. “For more than a decade, the Justice Department's Civil Rights Division was, for Lani Guinier, the equivalent of occupied enemy territory. During that time, the former civil rights official was involved in a guerrilla war with the Republicans in office, fighting them in courts throughout the nation as assistant counsel of the NAACP Legal Defense Fund Inc. and giving speeches criticizing their approach. Now, Guinier, a law professor at the University of Pennsylvania, is set to return to the Justice Department as the assistant attorney general in charge of civil rights. But her nomination may face opposition at confirmation hearings. [...] These conservatives, who are still smarting from the defeat of Robert H. Bork for the Supreme Court in 1987 and the treatment of Clarence Thomas last year, are considering making Guinier the first test case of their ability to cause trouble for Clinton. The first salvo was fired by Clint Bolick, a friend of Thomas's who wrote in a Wall Street Journal op-ed article that Guinier was a radical exponent of quotas. The Journal followed with a similar editorial. Bolick said in an interview that conservatives have generally decided to put their energies into one fight, and that it will probably be over Clinton's choice for a successor to Supreme Court Justice Byron R. White, who is likely to be a strong liberal. But if Clinton's names someone to the Supreme Court before confirmation hearings on Guinier, and if that choice is more moderate, Bolick said they would oppose Guinier more intensely. ‘Clinton has not had to expend any political capital on the issue of quotas,’ he said, ‘and with her we believe we could inflict a heavy political cost.’” [New York Times, 5/5/93]

Looking to “turn the tables on the organized civil rights lobby” Bolick ran a war room dedicated to defeating Lani Guinier’s nomination. “It was barely two months ago over a casual dinner at the Jefferson Hotel that conservative activist Clint Bolick first got the tip on Lani Guinier: An academic friend had heard that President Clinton would nominate a ‘very radical’ law professor to head the Justice Department's Civil Rights Division. ‘Clint, you're going to love her,’ political theorist Abigail Thernstrom recalled telling Bolick, who at that point had never heard of the prospective nominee. Those words proved more prophetic than Bolick, 35, could have imagined. A cheerful, ideologically committed former Reagan administration official, Bolick had been looking for the chance to turn the tables on the organized civil rights lobby ever since they roughed up his close friend Clarence Thomas two years ago during his nomination to the Supreme Court. With Guinier, he smelled blood. As co-founder of the ‘libertarian-oriented’ Institute for Justice, Bolick immediately started boning up on Guinier's law review articles, zeroing in on controversial passages that had barely been noticed by the senior White House staff. By the time Guinier's nomination was announced on April 29, Bolick recalled last week, ‘We were ready to hit the ground running.’ The result was a successful ‘idea-oriented’ campaign spearheaded by Bolick that, in the eyes of many participants, made a significant contribution to Guinier's demise. Working out of a small suite of offices across the street from the Justice Department, Bolick and colleague Chip Mellor became what they call ‘information central’ for the Guinier battle, running up thousands of dollars in photocopying bills as they distributed more than 100 copies of her articles to key Senate staff aides, journalists, editorial writers and other ‘opinion leaders.’ They also produced a drumbeat of press releases, reports and op-ed articles that portrayed the University of Pennsylvania law professor as a pro-quota, left-wing ‘extremist’ bent on undermining basic democratic principles -- labels that stuck and helped frame the debate over the Guinier nomination in terms that made it difficult for her allies to recover.” [Washington Post, 6/6/93]

Bolick called Guinier a “quota queen” who has “a serious problem with American democracy.” “C. Lani Guinier, President Clinton's choice to head the Justice Department's civil rights division, is quickly becoming the Robert Bork of the left. A voting-rights attorney who once battled to give black

people a chance to win elections in the South, she has spent the past four years as a University of Pennsylvania law professor writing about new strategies for ensuring political fairness and "empowerment" for minorities. But like Bork, her many writings on touchy subjects have given her critics the words with which to brand her an extremist. She is a 'quota queen' who would bring 'breathhtakingly radical' views to the government, said Clint Bolick, a former Justice Department attorney and aide to the Reagan administration's civil rights chief William Bradford Reynolds. 'She has a serious problem with American democracy,' he said. By his analysis, Guinier proposes to scrap the cherished principle of majority rule in favor of a 'racial spoils system.' Those charges have sent Democrats scurrying for cover and jeopardized Guinier's nomination three weeks after it was announced. Conservatives like Bolick readily admit they are following a script written by liberal activists in the 1980s." [Los Angeles Times, 5/22/93]

- **The *Philadelphia Daily News* called Bolick's attacks on Guinier "racist."** "Taking the lead in the campaign is Clint Bolick, a friend of Thomas' and former aide to William Bradford Reynolds, the Reagan-era assistant attorney general who tried to turn back the clock on civil rights. Bolick's racist but catchy phrase – 'quota queen' -- has set the tone for commentaries based on grossly distorted interpretations of Guinier's academic writings, which were more trial balloons than policy imperatives." [Editorial, Philadelphia Daily News, 6/2/93]
- **Chicago Tribune: Bolick's "Quota Queen" label echoed the racist "welfare queen" stereotypes made popular by the Reagan Administration.** "The day after she was nominated, an opinion essay in the Wall Street Journal by Clint Bolick, co-founder of the right-wing Institute for Justice, distorted her writings and branded her a 'quota queen.' Bolick's label echoed the racist 'welfare queen' stereotypes made popular by the Reagan administration. It proved to be a powerful weapon against a well-qualified attorney who is African-American and female. The White House never counterattacked." [Chicago Tribune, 6/27/93]

Bolick said he wanted to be Lani Guinier's "worst nightmare." "With confirmation hearings tentatively set for next month, Guinier's opponents are giddy. 'I am hoping to be her worst nightmare,' vows Clint Bolick, a former Reagan Justice official. But her critics may be stymied by the ghost of Anita Hill. 'Some Republicans are worried about beating up on a black woman,' says a Senate source." [Newsweek, 5/24/93]

Bolick called Guinier "the flip side of David Duke." ["Crossfire," CNN, 6/2/93]

Bolick credited his successful smear campaign against Lani Guinier for pushing Bill Clinton to focus on "white males" for a pending Supreme Court nomination. "President Clinton may be about to announce a Supreme Court appointment in the hope that it will deflect criticism over Lani Guinier's withdrawn nomination, analysts said yesterday. 'A Supreme Court appointment makes abundant sense at this point,' said Clint Bolick, director of litigation for the Institute for Justice. 'Clinton could divert some attention from Guinier by nominating a noncontroversial nominee.' Ms. Guinier, whose nomination as head of the Justice Department's civil rights division was dropped last night by Mr. Clinton, had been criticized for writings suggesting that she favors quotas, minority veto and other controversial remedies for racial discrimination. [...] Mr. Bolick said the flap over Ms. Guinier's nomination has undoubtedly affected the administration's high-court deliberations. 'The troubles with the Guinier nomination coincided with his announced desire to name a moderate to the court,' he said. 'All of a sudden the list went from liberals to moderates and focused now on white males.'" [Washington Times, 6/4/93]

Bolick blamed his attacks on Lani Guinier on tactics that were “created in large part by the civil rights lobby.” “*Andy Bowers*: If the campaign against Lani Guinier had an instigator, it's Clint Bolick [sp] of the Institute for Justice. Bolick, who fought in favor of Clarence Thomas two years ago, wrote the first op-ed piece attacking Guinier's writings. He denies that he's looking for retribution against liberals, but he does say in effect, 'they started it.' *Clint Bolick*: I think that the rules of the game were created during the last 12 years. The rules of the game were created in large part by the civil rights lobby.” [“Morning Edition,” NPR, 6/4/93]

Bolick said that if Lani Guinier had been confirmed “critical race theory” would have been implemented in the United States with “really profound effects.” “‘Had she been confirmed, I do think critical racial theory might have come into practice and would have had really profound effects,’ said Clint Bolick, litigation director for the conservative Institute for Justice in Washington and one of Guinier's most prominent detractors. ‘If that had happened,’ he continued, ‘the impact . . . would have been profoundly racially divisive.’ That concern about racial fissures is the one most opponents focus upon in denigrating critical race theory.” [Boston Globe, 6/21/93]

1998: Bolick maintained that his criticisms of Lani Guinier were “certainly fair.” “*Ray Suarez*: Earlier today, I spoke with Clint Bolick, vice president and litigation director at the Institute for Justice here in Washington. We talked about that now infamous "Wall Street Journal" article in which he said the agenda that emerges from Lani Guinier's writing was the most radical notion of government he'd ever seen presented in America. I asked Clinton Bolick if his assessment was fair then, and if it still stands today. *Clint Bolick*: It was certainly fair then. Lani Guinier was the first person, and so far as I know the only person, to argue that minority groups within government should be able to enact as a matter of right an equal share of legislation. In other words, if a minority caucus had nine percent of the members of a legislature, they should be entitled to enact nine percent of the legislation. And that would have removed a major protection against tyranny in this country, which is the requirement of a majority vote. Lani Guinier has been engaged since that time in really a remaking of her philosophy. She has really refused to acknowledge some of the positions that she took in her Law Review articles, which were not mere academic musings, but which were offered as a means of enforcing the Voting Rights Act. I think that Guinier is a provocative thinker and one whose ideas ought to be engaged. But it's frustrating that since the nomination she has refused to acknowledge some of her more radical views and really have what she claims to want a dialogue about them.” [“Talk of the Nation,” NPR, 3/31/98]

Deval Patrick

1994: Bolick opposed the potential nomination of Deval Patrick to lead the Justice Department’s Civil Rights Division. “Deval L. Patrick, President Clinton's reported choice for the Justice Department's top civil rights job, once worked closely with Lani Guinier, whose nomination was withdrawn because of controversy over her academic writings. Mr. Patrick, 37, is a partner in the Boston law firm of Hill & Barlow and has had a long association with the NAACP Legal Defense and Education Fund. A source close to that group said it had heard ‘the rumors’ and that Mr. Patrick has a "stellar civil rights record." Conservatives who opposed Miss Guinier's nomination said yesterday they will give Mr. Patrick careful scrutiny if he is nominated to the post of assistant attorney general for civil rights. ‘Deval Patrick's long-term employment by the NAACP Legal Defense Fund is a serious concern because that organization is avowedly pro-busing and pro-quota,’ said Clint Bolick, litigation director of the Institute for Justice, a group that attacked Miss Guinier's civil rights views as ‘breathtakingly radical.’ While ‘Mr. Patrick does not have as many writings as Lani Guinier, I believe he's taken a position in litigation that the death penalty is unconstitutional because it disproportionately affects blacks,’ Mr. Bolick said yesterday. ‘That would put him outside the mainstream of civil rights jurisprudence.’” [Washington Times, 1/23/94]

Bolick called Deval Patrick “a stealth Guinier.” “Conservatives opened fire Monday on Deval Patrick, President Clinton's expected choice as chief civil rights enforcer, even before the 37-year-old Boston lawyer was nominated as an assistant attorney general. ‘Patrick appears to be a ‘stealth Guinier,’” said Clint Bolick, vice president and litigation director of the conservative Institute for Justice. ‘He has no paper trail, but is part of the same pro-quota chorus that produced Lani Guinier.’ Guinier, a University of Pennsylvania law professor, was Clinton's first nominee to head the Justice Department's civil rights division. Clinton withdrew her nomination after critics claimed she advocated increasing black political power by radical means. Supporters said the Reagan administration had agreed to similar measures. Bolick led the conservative charge against Guinier. His article in *The Wall Street Journal* a day after her nomination was headlined, ‘Clinton's Quota Queen,’ a tag Republican senators repeated in attacking Guinier. Bolick's broadside against Patrick came a day before Clinton was expected to announce Patrick's nomination.” [Associated Press, 1/31/94]

Bolick accused Bill Clinton of passing over “far more qualified people” to select Patrick. “*Clint Bolick*:: It's very interesting to see that President Clinton passed over far more qualified people, including the career deputies in the civil rights division who are quite liberal and yet would not have sparked any sort of confirmation fight. [...] Similarly, similarly, I think there are some very thoughtful liberals such as Randall Kennedy of Harvard, Steven Carter of Yale, who have written very thoughtfully about these issues. In fact, Clinton was about to nominate John Payton, the D.C. corporation counsel, but he was apparently vetoed by the Congressional Black Caucus because he wasn't liberal enough. It seems to me that, that the President has gone back to the same well from which he drew Lani Guinier. And I have to ask the question: Why did he do that? Why couldn't he have picked a more qualified person who would have taken a more moderate view?” [“MacNeil/Lehrer News Hour,” PBS, 2/1/94]

Bolick called Deval Patrick a “quota clone.” [Clint Bolick Op-Ed, *Wall Street Journal*, 2/2/94]

Bolick said the only difference between Deval Patrick and Lani Guinier was Patrick hadn't published his views. “The only sure difference between Guinier and Patrick, who both worked for the LDF, is that Guinier has published her views while Patrick has not. As an LDF lawyer, Patrick pushed the view that fair policies that produce disproportionate outcomes are unconstitutional -- precisely the equal-results standard Clinton rejected in the campaign. The LDF in recent years has pursued an unabashedly race-conscious agenda, including quotas, set-asides and racially gerrymandered voting districts. It has argued that forced busing must continue decades after schools are desegregated, even if the burden falls on black children and their parents want it to stop. The question arises: Will LDF's agenda be Patrick's agenda in office?” [Clint Bolick Op-Ed, *Los Angeles Times*, 2/22/94]

1994: Bolick accused Bill Clinton of engaging in “bean-counting” in his appointments and refusing to appoint a white person as head of the Justice Department Civil Rights Division “Clint Bolick, legal director of the conservative Institute for Justice, draws a contrast between Clinton's actions after the forced resignation of Defense Secretary Les Aspin and after the Guinier debacle. In the first instance, he turned to quickly to establishment insider Bobby Inman and, when that didn't work out, to career professional William Perry; in the second, he cast about for months, finally settling on a candidate, then scrapping him and picking a third. ‘There were able hands in the civil rights division. But they were not the right color,’ Bolick said. ‘It seems clear that Clinton has really been engaging in bean-counting in his appointments. That amounts to a severe limitation.’” [Associated Press, 3/15/94]

2005: Bolick attacked Deval Patrick during his Massachusetts gubernatorial campaign claiming that he used his powers at the Department of Justice to “bend, if not break the law.”

“Gubernatorial candidate Deval Patrick - already under fire for helping save a cop killer from death row

- has also sparked controversy while pushing for race- and gender-based quotas, including one case struck down by a judge as unconstitutional. [...] Yesterday, a lawyer for a Washington, D.C.-based civil liberties group ripped Patrick's record under Clinton. 'It's very scary when law enforcement officials themselves use their powers to bend, if not break the law,' said Clint Bolick of the Institute for Justice. 'He was not objectively administering the law, rather he was seeking to impose a regime of racial preferences that he should have known were unconstitutional. I do not think his tenure as a law enforcement official was an admirable one.'" [Boston Herald, 5/12/05]

Columnist Carl Rowan: In speech nominating Patrick, Clinton “looked at the bigoted outbursts from the likes of Clint Bolick” and said, “They never believed in the civil rights laws. They never believed in equal opportunity...” Columnist Carl T. Rowan wrote, “So President Clinton has nominated Deval L. Patrick, a distinguished black lawyer from Harvard by way of a Chicago ghetto, to head the Civil Rights Division of the Justice Department. So the closet racists, and those overdosed on what Business Week magazine recently called ‘white male paranoia,’ are already attacking Patrick, hoping to disembowel him with the same phony propaganda they used to force Mr. Clinton to abandon Lani Guinier, his first nominee for this job. Well, President Clinton has figured it all out this time. He looked at the bigoted outbursts from the likes of Clint Bolick, ‘litigation director’ at the fraudulently named ‘Institute for Justice,’ and said: ‘They never believed in the civil rights laws. They never believed in equal opportunity. They never lifted a finger to give anybody of a minority race a chance in this country.’” [Chicago Sun Times, 2/4/94]

Bill Lann Lee

1997: Bolick questioned Bill Clinton’s appointment of Bill Lann Lee to the Justice Department Civil Rights Division. “Hoping to emphasize racial diversity in his administration, President Clinton has settled on a Chinese-American public interest lawyer to become the nation's chief civil rights enforcer. But that seemingly harmless choice is drawing fire from some conservatives who plan to oppose Bill Lann Lee's nomination unless he disavows the ‘radical and activist course’ pursued by his predecessor. [...] Both Lee and Deval Patrick, the previous civil rights chief, cut their legal teeth at the NAACP Legal Defense and Educational Fund, which is disliked by conservatives for its unyielding support of affirmative action. Lee is the group's Western regional counsel, based in Los Angeles. ‘The fact that Clinton has once again gone to the same well to pick a nominee sets off alarm bells,’ said Clint Bolick, director of litigation at the conservative, Washington-based Institute for Justice. [...] Bolick said the NAACP is out of sync with most Americans' views on civil rights and that Lee who will oversee a shop of 250 lawyers must pledge to pursue a less strident course than Patrick or face opposition. ‘When you have this kind of power at your fingertips, it's very important to have someone who is a law enforcement official and not an activist ideologue,’ said Bolick.” [Associated Press, 8/21/97]

Bolick: “Bill Lann Lee is a liberal activist. [...] We think his views are anti-democratic and they are outside the mainstream of civil rights consensus.” “*Clint Bolick*: Bill Lann Lee is a liberal activist who has worked very hard over the years to pursue racial preferences and forced busing, and most recently to thwart the will of the people of California who have tried to get rid of racial preferences. We think his views are anti-democratic and they are outside the mainstream of the civil rights consensus in this country.” [“Morning Edition,” NPR, 10/22/97]

Bolick: “It will be very difficult for a Judiciary Committee that opposes racial preferences to confirm this nominee.” “Lee's supporters predict the full Senate will eventually make him the first Asian-American to hold the post of assistant attorney general for civil rights in the Justice Department, in command of 250 lawyers. But he faces opposition from conservative activists. ‘It will be very difficult for a Judiciary Committee that opposes racial preferences to confirm this nominee,’ asserted

Clint Bolick, litigation director for the conservative Institute for Justice in Washington. Bolick said Lee's record as a litigator shows he is an "ideological activist," one who operates according to what he thinks the laws should be instead of according to what the statutes actually say." [Associated Press, 10/22/97]

Bolick said that Bill Lann Lee was worse than Lani Guinier because he had actually worked on cases while Guinier was an academic. "Some of the same folks who led the opposition to Lani Guinier during the first Clinton administration are opposing Lee, but without quite the same intensity. Clint Bolick, of the Institute of Justice, said that Lee is worse than Guinier because Lee has worked on actual cases while Guinier was an academic." [AsianWeek, 11/5/97]

Bolick lead the anti-Bill Lann Lee campaign. "Clint Bolick began his campaign against Bill Lann Lee, the Los Angeles lawyer who is President Clinton's nominee for the Justice Department's top civil rights job, right after Labor Day. Bolick, the litigation director at the conservative Institute for Justice, published a detailed report criticizing Lee's views and set out to recruit Republicans on the Senate Judiciary Committee to resist the nomination. His first convert was freshman Sen. Jeff Sessions (R-Ala.), whose own nomination to the federal courts was rejected by the Judiciary Committee a decade ago. Bolick secured another breakthrough when Sen. Strom Thurmond (R-S.C.) reversed an earlier endorsement of Lee after reviewing his report. Then George Will, using Bolick's research, wrote a column opposing Lee. That attracted other wavering Republicans. Finally, on Tuesday, Sen. Orrin G. Hatch (R-Utah), the committee chairman, delivered a ringing statement of opposition. Hatch's communique left the nomination hanging by a thread; Democrats on Thursday forced the panel to put off action until at least this week (and possibly even next year) when it became clear they didn't have the votes to confirm Lee. Even with the delay, Lee now faces long odds." [Ronald Brownstein Column, Los Angeles Times, 11/10/97]

- **New York Times: Bolick "made a virtual cottage industry out of opposing Mr. Clinton's nominations for assistant attorney general for civil rights."** "The institute and its vice president, Clint Bolick, have made a virtual cottage industry out of opposing Mr. Clinton's nominations for assistant attorney general for civil rights. In the President's first term, Mr. Bolick led the successful opposition to Lani Guinier, a University of Pennsylvania Law School professor. He also tried to gin up opposition to Deval Patrick, a Boston lawyer who eventually got the job. Mr. Bolick said he initially based his opposition to Mr. Lee on the fact that he, like Ms. Guinier and Mr. Patrick, had worked for the NAACP Legal Defense and Educational Fund, which had often been at the forefront in arguing for affirmative action that involved racial or gender preferences. Another person that Mr. Bolick had on his side was Speaker Newt Gingrich. Traditionally the Speaker does not become involved in nomination fights." [New York Times, 11/11/97]
- **Chicago Tribune's Naftali Bendavid: "The assault on Lee takes nominee-bashing to a new level; it institutionalizes it."** "The assault on Lee takes nominee-bashing to a new level; it institutionalizes it. The tactic no longer is to be wielded reluctantly and only when the nominee is a plausible villain. Now, it is a routine weapon in the eternal Washington war for the upper hand. To be sure, hundreds of nominees slip through the usually courtly Senate each year with little or no debate. But these days, a president's adversaries methodically scan the nominations, hunting for blood. Conservative activist Clint Bolick, who spearheaded the 'Dump Lee' movement, went so far as to open an anti-Lee screed with the declaration: 'No question exists that Bill Lann Lee possesses the professional qualifications to serve.' Competence, in other words, is no longer at issue; it is now enough merely to describe the nominee as 'extreme' and 'radical,' and therefore unfit for office. Both sides do it." [Chicago Tribune, 11/9/97]

Bolick said a recess or acting appointment for Bill Lann Lee would make him a “tainted official.” “Still uncertain is how exactly he will do that. Under the Constitution, Clinton can give Lee a one-year appointment as assistant attorney general while Congress is out of session. But there remains some sentiment at the White House for hiring him in an acting capacity instead, to try to defuse the controversy inherent in a recess appointment. Unilateral action of any sort by the president, though, would further inflame the politically charged nomination battle that has turned Lee into a symbol in the debate over affirmative action and racial preferences in the post-civil rights era. ‘Either way, it amounts to the same, which is a brazen disregard for the role of the Senate,’ said Clint Bolick of the conservative Institute for Justice. ‘If Lee winds up in the job without Judiciary Committee assent, he will be a tainted official and under the microscope for as long as he’s there.’” [Washington Post, 12/13/97]

- **Bolick: “Lee will have the job, but without the moral authority that comes with Senate confirmation.”** “President Clinton installed California attorney Bill Lann Lee as the acting head of the Justice Department’s civil rights division yesterday, defying Republican senators who objected to Lee’s strenuous defense of affirmative action programs. [...] In contrast, Clint Bolick -- an affirmative action opponent who rallied opposition to Lee from his position as litigation director at the Institute for Justice -- said, ‘We’ll be watching his actions very, very closely.’ ‘Lee will have the job, but without the moral authority that comes with Senate confirmation,’ Bolick said.” [San Francisco Chronicle, 12/16/97]

Bolick “almost singlehandedly blacked the nomination of Bill Lee” to the Department of Justice. “This past fall Bolick almost singlehandedly blocked the nomination of Bill Lee to the same post. Bolick distributed a report on Capitol Hill criticizing Lee’s uncompromising support of affirmative action programs. Bolick was able to convince a few key senators to oppose Lee, including Strom Thurmond of South Carolina who earlier had supported the nomination. Bolick’s lobbying persuaded conservative columnist George Will to attack the Lee nomination and the case against the Chinese-American civil rights lawyer snowballed. In late 1997, the vote on Lee was postponed indefinitely. Unlike his desertion of Lani Guinier four years earlier, President Clinton refused to withdraw the Lee nomination. While Congress was in recess for the 1997 Christmas holidays, President Clinton appointed Lee acting assistant attorney general.” [The Journal of Blacks in Higher Education, 1/31/98]

1999: Bolick authored a report accusing Bill Lann Lee of pursuing “racial preferences with the zeal of an ideologue.” “Two conservative groups, the Institute for Justice and the Center for Equal Opportunity, issued a report Tuesday concluding that, under Mr. Lee, the Justice Department has ‘continued to defend the constitutionally indefensible’ when it comes to affirmative action. [...] Clint Bolick, litigation director at the Institute for Justice, said: ‘We’re not fighting this nomination with slogans. We’re fighting with substance.’ ‘We could not find a single instance in which Lee concluded that a racial preference has gone too far,’ he said. In their report, Mr. Bolick and co-author Roger Clegg also cited a ‘symbiotic relationship’ between Mr. Lee and the NAACP Legal Defense Fund on consent decrees in school desegregation cases.” [Associated Press, 2/17/99]

1999: Bolick on his opposition to Bill Lann Lee’s nomination: “There is no question this guy is qualified. What it comes down to is philosophy.” “And Lee’s critics readily admit that he is more than qualified for the post. ‘There is no question this guy is qualified,’ conceded Bolick. ‘What it comes down to is philosophy.’” [National Journal, 3/6/99]

1999: Bolick accused Bill Lann Lee of declaring war on charter schools. “As critics, including me, predicted, Bill Lann Lee, the thrice-nominated, never-confirmed ‘acting’ chief of the Justice Department’s Civil Rights Division, has relentlessly pursued racial preferences in his 15 months at the helm. But now he has unleashed his forces on a new target: charter schools. Wielding school

desegregation decrees that often are many decades old, Mr. Lee has launched a campaign to stop charter schools in their tracks. His actions put him provocatively at odds both with the goals of desegregation and the Clinton administration's official education policy.” [Clint Bolick Column, Wall Street Journal, 3/22/99]

1999: Bolick urged Sen. Orrin Hatch to remain strong in opposition to Bill Lann Lee’s nomination. “In its nearly seven years in power, the Clinton administration has pursued hard-left policies on civil rights. That makes rumors especially troubling that Senate Judiciary Committee Chairman Orrin Hatch, Utah Republican, may lend his imprimatur to the administration's chief architect of racial preferences, the never-confirmed ‘acting’ civil rights chief, Bill Lann Lee. In the nearly two years since Mr. Clinton named Mr. Lee “acting” assistant attorney general for civil rights, Mr. Lee has vindicated his critics' concerns by relentlessly deploying the Justice Department's arsenal to secure race-based outcomes in education, employment, contracting and voting. Only last March, when Mr. Clinton put forward Mr. Lee's nomination once again, Mr. Hatch declared Mr. Lee unacceptable given his propensity to “implement unconstitutional policies such as quotas, which give preference to one group at the expense of another.” Mr. Hatch's principled and effective opposition to a divisive civil rights nomination exemplifies the courage and leadership that have made the Utah senator a hero to many conservatives. [...] Will Orrin Hatch blink? In light of Mr. Lee's record, such capitulation is unthinkable. But there's another reason I hope Mr. Hatch will stand firm: One thing we can't afford to lose is a hero.” [Clint Bolick Op-Ed, Washington Times, 10/1/99]

Critics suspected that Bolick was behind suggestions that Lee acted improperly in trying to work out a consent decree involving hiring women by the Los Angeles Police Department. “Along the way, he has earned praise from many conservatives and contempt from liberals who accuse him of engaging in distortions and mudslinging. Many liberals still fume over the characterization of Ms. Guinier as a ‘quota queen,’ in a Wall Street Journal opinion piece Mr. Bolick wrote. And they suspect that Mr. Bolick was at the bottom of suggestions that Mr. Lee had acted improperly in trying to work out a consent decree involving hiring women by the Los Angeles Police Department. ‘I have serious problems with Clint Bolick, not because he has differing views, but because of his tactics,’ said Theodore M. Shaw, deputy counsel-general of the NAACP Legal Defense and Educational Fund. ‘I think they're unprincipled and divisive.’ Mr. Shaw added: ‘I've engaged in a lot of discourse with him. I've been on panels with him and debated him. It's only recently that I've come to the conclusion that I just don't respect him.’” [The New York Times, [11/16/97](#)]

Criticism of President Clinton’s civil rights record

July 1995: Bolick testified before the House Judiciary Committee to attack Bill Clinton’s civil rights record. “Quietly but ominously, the Clinton administration has set its civil fights policies on a radical course permeated by race-consciousness, brazenly breaking candidate Bill Clinton's “new Democrat” assurances that he would pursue a politics of moderation and healing. Clinton in his first two-and-a-half years has done nothing, absolutely nothing, to find common ground on race issues. Instead he has given over the entire federal civil rights apparatus to ideologues who pursue race-based policies in areas touching the lives of every American. Above it all, Clinton presides with benign indifference, reining in the civil rights officials only when their more extreme mischief provokes public outrage. Otherwise they are left to pursue their own agendas, which they do with partisan zeal.” [Clint Bolick Testimony, House Judiciary Committee Subcommittee on the Constitution, 7/18/95]

- **1995: Bolick accused Bill Clinton of treating the chairmanship of the EEOC as a “quota” job and “destroying our nation's civil rights law enforcement.”** “*Clint Bolick*: I am saying discrimination is never a conservative- it's not a remedy at all. When you take a system that

either lowers standards or gives someone preferences solely because of the- solely or in part because of the person's skin color- let me give you an example. You raised, Reverend Jackson, I thought a really good point before. Ninety thousand backlog of discrimination claims at the EEOC. Do you know- and this is the Washington Post editorial page saying this- that President Clinton held the chairmanship of the EEOC vacant for 18 months looking for a Puerto Rican Hispanic to fill that job- a 100 percent quota for that job. We've gotten so far into the quota mentality in this country, we're destroying our nation's civil rights law enforcement.” [“Both Sides With Jesse Jackson,” CNN, 3/20/95]

- **1997: Bolick said the backlog of cases at the EEOC happened because “President Clinton kept the chairmanship of that job open for a year in order to fill a Puerto Rican quota for that position.”** *“Jesse Jackson:* Clint, there are 100,000 cases backlogged at EEOC, gender and race discrimination cases that made it to the highest levels of our government. What should be done with that backlog of cases? *Clint Bolick:* Well, part of the reason the backlog exists is that President Clinton kept the chairmanship of that job open for a year in order to fill a Puerto Rican quota for that position. He said I'm going to choose a person of a particular ethnicity. *Jackson:* That backlog began under Clarence Thomas. That did not... *Bolick:* Actually, it began under Eleanor Holmes Norton. He inherited it. *Jackson:* No, that's not where the backlog was and so to throw a disparaging statement about Puerto Ricans and Clinton, it seems that's a mistake. *Bolick:* I'm not throwing, no, the "Washington Post" said that in an editorial. There's no doubt about this. [...] It's the bean counting and quota game that's going on in this administration.” [“Both Sides With Jesse Jackson,” CNN, 11/30/97]
- **July 1998: Bolick testified before the House Judiciary Committee that under the Clinton Administration, the DOJ’s Civil Rights Division “compiled a shocking record of abusive conduct and disregard for the law.”** “Mr. Chairman and members of the subcommittee, thank you for the opportunity to comment on the activities of the Civil Rights Division. I speak to you in my capacity as litigation director of the Institute for Justice, a public interest law firm that promotes individual liberty and equality under law, and also as an alumnus of the Civil Rights Division, where I served in Appellate Section and the front office in 1986-87. My observations will be general in nature, leaving to my co- witnesses to further develop specific areas of concern that I share. I applaud the subcommittee for its vigorous oversight of the Division, whose law-enforcement mandate touches the lives of every American in its impact on voting, education, employment, housing, crime, and other matters. Unfortunately, the story here is a sad one, for the Civil Rights Division under the Clinton Administration has squandered its proud legacy. Over the last five and a half years, the Division has compiled a shocking record of abusive conduct and disregard for the law. At a time when civil rights issues are intensely divisive, the Division has done utterly nothing to forge consensus, instead using its powerful arsenal to advance an ideological agenda that rejects the shared values and principles embraced by our nation's civil rights laws. Consequently, the Civil Rights Division has abandoned any claim to moral authority, a circumstance exacerbated by the failure of its acting chief, Bill Lann Lee, to submit to the constitutionally requisite confirmation by the United States Senate.” [Clint Bolick Testimony, House Judiciary Committee Subcommittee on the Constitution, 7/17/98]

GENDER EQUALITY

1990: Bolick Opposed Legislation To Restore Job Protections For Women And Minorities.

“Liberals and civil rights supporters yesterday launched a legislative drive against recent Supreme Court

rulings that they say weakened job protections for women and minorities. [...] ‘We believe passionately in equality under the law, but we also believe there are a number of mechanisms in existence [besides quotas]’ that can be used to achieve that goal, said Clint Bolick, director of the Landmark Legal Foundation Center for Civil Rights. ‘Discriminating in a different fashion [through quotas] is not the way to do it.’” [Washington Times, 2/8/90]

1991: Bolick Represented A Woman Suing The National Parks Service To Be Allowed To Participate In Civil War Reenactments. “When Lauren Cook dons her Confederate soldier's uniform and lines up for battle, she sometimes almost feels she's traveled back to the Civil War. But while many American women are serving in the Persian Gulf, Ms. Cook says some national parks won't let her join ‘living history’ portrayals of Civil War battles because she's female. ‘It's illegal and it's a matter of principle,’ said Ms. Cook, who has filed a federal lawsuit earlier this month asking that the Department of Interior be ordered to let women join Civil War events at national parks. [...] Her lawyer, Clint Bolick, describes the U.S. District Court lawsuit as ‘a straightforward sex discrimination case.’” [Associated Press, 2/24/91]

- **1993: Bolick Won Cook’s Gender Discrimination Case.** “A woman can wear the pants in the regiment, a federal judge ruled Wednesday, saying the National Park Service illegally barred such cross-dressing at Antietam National Battlefield. U.S. District Judge Royce C. Lamberth ruled in the case of Lauren Cook Burgess, a woman barred from dressing as a man in a 1989 re-enactment of the Civil War battle at the site in Maryland. [...] ‘National Park Service officials often operate the parks as their own personal fiefdoms,’ said Clint Bolick, a lawyer who represented Burgess for free. ‘Perhaps this ruling will serve as a warning shot and prevent the need for heavier artillery to safeguard individual rights in the future.’” [Washington Post, 3/18/93]

1993: Bolick Said Janet Reno Was a “Diversity Game” Selection Who Was Unqualified To Serve As Attorney General. “With a decision that the White House hopes will end the administration's long-running personnel soap opera, President Bill Clinton yesterday nominated Miami prosecutor Janet Reno to be attorney general. If confirmed, she would be the first woman ever to serve in one of the government's senior cabinet positions. [...] The appointment was hailed by feminist groups and some key members of Congress, but there was also criticism by those who said Clinton chose Reno rather than better-qualified prospects because of her gender. ‘By playing the diversity game, Bill Clinton has boxed himself in to selecting someone who will have to grow in the job, which is truly unfortunate,’ said Clint Bolick, legislative director of the Institute for Justice, a non-profit libertarian organization that focuses on legal issues.” [New York Newsday, 2/12/93]

1997: Bolick refused to acknowledge that women face discrimination in lending and contracting. “*Jesse Jackson*: The point is that there's 100,000 backlogged cases of women. Do you believe that there is evidence of glass ceilings that women face? *Clint Bolick*: I think in some companies there's no question about that and that's why we have the anti-discrimination laws. But you don't simply... *Jackson*: In contracts? *Bolick*: Actually, in contracts, I think that's the least, that's the place... *Jackson*: In the lending of money? *Bolick*: I say in contracts where the lowest bidder wins, that is the least place on earth where you want a preference system. There, that is the most color blind system, gender blind system you can find.” [“Both Sides With Jesse Jackson,” CNN, 11/30/97]

1997: Bolick said the number of women in traditionally male jobs like firefighting did not matter. “*Jesse Jackson*: That's not what the law says. For example, Chicago, there are 4,200 firemen, 83 women, 600 blacks, 300 Latinos. There is evidence of patterns of exclusion. What would you do to

open that up? *Clint Bolick*: First of all, I don't think that numbers say very much. I'd like to know how many women applied for firefighter jobs. I mean that's, that is, you cannot find discrimination solely on the basis of numbers. What I want to see is qualified people. *Jackson*: The point is if you can't prove it, Clint, if you can't prove it, it doesn't apply. But if you can prove these patterns, the law must apply. *Bolick*: If you can prove these patterns not just with numbers but by showing that an equally qualified woman has been turned away, then she gets the job and she should. If you can't prove that, and that's what we're talking about here, that's what Proposition 209 was all about was getting rid of preferences based on race..." ["Both Sides With Jesse Jackson," CNN, 11/30/97]

2003: Bolick gave a lecture at the Bohemian Grove, a gathering called “the greatest men's party on Earth” where women were not allowed to be members. “Since the late 19th century, tycoons, politicians and artistic performers have flocked to the Bohemian Grove, a private, 2,700-acre forest 60 miles north of San Francisco. Here, cronies party their way through the 17-day summer festivities, which begin today. They gab. They drink. They urinate on trees. Hoover called these get-togethers ‘the greatest men's party on Earth,’ and older attendees aren't in any hurry to meddle with the secretive club's traditions. Women still aren't welcome as members. Overnight guests sleep in various lodges, or ‘camps,’ that look like relics of the railroad era. Newfangled gadgets such as cellphones are forbidden. And members are instructed not to talk about what goes on here. [...] The ‘Midsummer Encampment’ last year included a talk on the evolution of classic jazz, a magic show, an organ concert, an evening salute to Burt Bacharach, an afternoon of quintet for clarinet and strings, a slide show about Gens. Grant and Lee, skeet shooting, a lecture by Clint Bolick about vouchers, a talk about horse racing by jockey Chris McCarron, a talk by George Shultz titled ‘A Changed World,’ talks by Charlie Rose and William Safire, a fly-fishing demonstration, and a horse-racing play involving horses named Rocket Boy, Wonder Bra and Attila the Horse.” [Wall Street Journal, 7/16/04]

Critics suspected that Bolick was behind suggestions that Lee acted improperly in trying to work out a consent decree involving hiring women by the Los Angeles Police Department. “Along the way, he has earned praise from many conservatives and contempt from liberals who accuse him of engaging in distortions and mudslinging. Many liberals still fume over the characterization of Ms. Guinier as a ‘quota queen,’ in a Wall Street Journal opinion piece Mr. Bolick wrote. And they suspect that Mr. Bolick was at the bottom of suggestions that Mr. Lee had acted improperly in trying to work out a consent decree involving hiring women by the Los Angeles Police Department. ‘I have serious problems with Clint Bolick, not because he has differing views, but because of his tactics,’ said Theodore M. Shaw, deputy counsel-general of the NAACP Legal Defense and Educational Fund. ‘I think they're unprincipled and divisive.’ Mr. Shaw added: ‘I've engaged in a lot of discourse with him. I've been on panels with him and debated him. It's only recently that I've come to the conclusion that I just don't respect him.’” [The New York Times, [11/16/97](#)]

- **1997: Bolick questioned Bill Clinton’s appointment of Bill Lann Lee to the Justice Department Civil Rights Division.** [Associated Press, 8/21/97]

2024: Bolick said he’s mentored hundreds of young people, “some of whom are now themselves judges” and co-founded a mentoring group for young female professionals. “That means I do not take a single moment for granted. I have paid it forward by mentoring hundreds of young women and men from high school to law school and beyond, some of whom are now themselves judges. I teach constitutional law every fall at Arizona State University. Every year I speak to dozens of student and community groups, and co-founded a mentoring group for young female professionals. My judicial assistant complains that I never say no, whether it is coffee meetings with aspiring judges, swearing-in officials and new lawyers, or performing weddings (my favorite part of the job, especially during COVID-19).” [Arizona Republic, [5/20/24](#)]

2015: At the Goldwater Institute, Bolick filed a lawsuit against the U.S. Bureau of Indian Affairs challenging federal law giving preference to tribal families in the adoption of Native American children. “A new lawsuit is fighting a federal law that gives preference to tribal families in the adoptions of Native American children. The Goldwater Institute filed a lawsuit against the U.S. Bureau of Indian Affairs Tuesday. The lawsuit is on behalf of two children with some Native American heritage, now placed with non-native families. Goldwater Institute lawyer Clint Bolick said the families fear the Indian Child Welfare Act of 1978 could be used to deny permanent placement or remove the children. ‘In Arizona, every child is entitled to a determination that a foster placement is in his or her best interests — every child, that is, except a child deemed to be Native American,’ he said. ‘In Arizona every child is entitled to the full constitutional rights of equal protection and due process of law — every child, that is, except a child deemed to be Native American.’ Bolick said the law can be applied broadly, and that he wants it to be declared illegal and unenforceable. The law was passed nearly 40 years ago in response to large numbers of Native American children being removed from their homes.” [KJZZ, [7/7/15](#)]

- **“Central to the lawsuit is what Bolick said amounts to race discrimination.”** “Central to the lawsuit is what Bolick said amounts to race discrimination. He pointed out that Congress two decades ago wiped out laws which said that race and ethnicity can play any role in state-approved adoptions. But Bolick said that discrimination remains when cases involve Native-American children. ‘Alone among American children, their adoption and foster care placements are determined not in accord with their best interests but by their ethnicity, as a result of a well-intentioned but profoundly flawed and unconstitutional federal law,’ he wrote in his legal pleadings. Bolick’s arguments are built on several legal pedestals. Key to that is that question of race.” [Sierra Vista Herald, 7/7/15]
- **Bolick: “Too often we have Indian children — children who are deemed to be Indian under the law — who have had no ties whatsoever, no contacts. And they’re placed with strangers.”** “A federal judge is weighing the legality of a law governing the placement of Native American children. The 1978 Indian Child Welfare Act gives tribal courts the right to decide adoption and foster care placement of Native American children. But the Goldwater Institute is challenging that right when it applies to cases where neither the biological parent nor the child has ever lived on the reservation. The only issue is their Indian blood. Attorney Clint Bolick is asking Judge Neil Wake to declare that part of the law unconstitutional. ‘In certain instances it would be appropriate for the tribe to have the primary jurisdiction over these kids,’ said Bolick. ‘That should be decided on a case-by-case basis. Too often we have Indian children — children who are deemed to be Indian under the law — who have had no ties whatsoever, no contacts. And they’re placed with strangers.’” [KJZZ, [12/21/15](#)]

2018: Bolick dissented in AZ Supreme Court decision to allow the use of treated effluent to make snow on the San Francisco Peaks used by the Hopi Tribe as sacred area. “The Arizona Supreme Court has squashed what could be the last legal maneuver to block the use of treated effluent to make snow on the San Francisco Peaks. In a 5-2 ruling Thursday, the majority concluded the Hopi Tribe has no right to file a claim that the practice creates a ‘special nuisance’ because it interferes with the ability of tribal members to practice their sacred rituals on the mountains north of Flagstaff. The majority said the effect of claimed environmental damages on tribal members is no greater than those suffered by other members of the general public who use the land. And the justices said only those with a specific interest in the land, whether by virtue of ownership or financial impact, are entitled to bring such

‘special nuisance’ claims under Arizona law. The ruling drew a stinging dissent from Justice Scott Bales who chided his colleagues for failing to understand what he said is the special nature of the harm the tribe is alleging. Bales, joined by Justice Clint Bolick, said long before there was Snowbowl — and long before the public was concerned about the Coconino National Forest — tribal members were going to what they considered sacred peaks to conduct sacred rituals. All that, he said, would be changed if treated effluent, which is unfit for human consumption and retains some contaminants, is used on the land. ‘In the spring melt, sacred springs will be tainted with the melting wastewater, turning formerly pure ceremonial locations into a secondary sewer,’ Bales wrote.” [Casa Grande Dispatch, 11/30/18]

2004: Bolick opposed a California law granting an exclusive monopoly to Indian tribes to engage in casino gaming. Bolick opposed “In a nation doctrinally committed to equal opportunity, it should not be conceivable for the government to condition access to a multibillion-dollar industry on an individual's ethnicity. Yet California has done exactly that in awarding an exclusive monopoly to Indian tribes to engage in casino-type gaming. The U.S. Supreme Court soon will decide whether to review a court ruling upholding the monopoly in a case with potentially sweeping ramifications for freedom of enterprise in 23 states that allow Indian tribes to conduct Las Vegas-style gaming while excluding all others from the opportunity. [...] No fair-minded person begrudges Indian tribes the chance to establish profit-making enterprises or to benefit from tax advantages or other attributes of sovereignty. But a state making an entire industry the exclusive economic domain of Indian tribes, thereby placing it off-limits to other citizens, violates the fundamental principle of equal opportunity enshrined in federal law and the United States Constitution. The specter of corruption and favoritism already has spread to nearly half the states, and there is every economic and political incentive to spread the scheme even wider. This can be avoided and freedom of enterprise preserved only if the Supreme Court steps in and restores the rule of law.” [Clint Bolick Op-Ed, Washington Times, 9/26/04]

LGBT RIGHTS

1992: Bolick Said It Was Justifiable “To Discriminate Against People On The Basis Of Sexual Preference.” “To the frustration of the gay community, conservatives still control the legal-rights debate. And many political moderates also believe homosexuality is just plain wrong. Supreme Court insiders say that some justices made homophobic jokes during a private conference about the Bowers case. Bias against gays, ‘while offensive, doesn't rise to the same level of outrage as race and gender,’ says Clint Bolick, a Reagan Justice Department official. ‘There are greater justifications to discriminate against people on the basis of sexual preference.’” [Newsweek, 9/14/92]

1995: Bolick supported a Supreme Court ruling allowing South Boston war veterans to exclude LGBT people from a St. Patrick’s Day parade calling it “a pro-freedom of association decision.” “*Anthony Collins*: When South Boston war veterans hold their St. Patrick's Day parade, they don't have to include a group of gays, lesbians, and bisexuals if they don't want to. A unanimous Supreme Court said the parade is the veterans' form of free speech and that freedom takes precedence over a state law protecting gays against discrimination. *Clint Bolick*: It is not an anti-gay rights decision. It's a pro freedom of association decision.” [CNN, 6/19/95]

2003: Bolick praised the Supreme Court’s decision in *Lawrence v. Texas* striking down state laws prohibiting same-sex sex acts. “*Bob Edwards*: The US Supreme Court has struck down state laws making it a crime for same-sex couples to engage in private sex. [...] *Nina Totenberg*: But in the political arena, there was a striking lack of critical comment. House Republican Tom DeLay declined to comment on the ruling, as did a number of other prominent GOP leaders. And at the White House, the

president's spokesman dodged questions about the court's decision. Clint Bolick, director of the conservative Institute for Justice, praised the decision, noting that there is something of a split among conservatives on this issue. *Clint Bolick*: The president is certainly straddling the divide or attempting to on this issue. On the one hand, he is an apostle of compassionate conservatism and he has worked assiduously to expand the party's base. On the other hand, for some conservatives, there really is no more important symbolic issue apart from perhaps abortion than homosexual rights. And as a result, I think that the president would have loved to have been completely out of the country if he could have been in terms of receiving today's decision. He's between a rock and a hard place politically.” [“Morning Edition,” NPR, 6/27/03]

2013: Bolick said he supported gay marriage but felt that “the federal government should not interfere with it.” “The second case established that Section 3 of the Defense of Marriage Act, which defines marriage strictly as a heterosexual union, is unconstitutional. This gave legally recognized same-sex couples the same rights as heterosexual couples. While he said he fully supports gay marriage, Bolick disagreed with the court's decision. ‘This is the quintessential state issue, and the federal government should not interfere with it,’ Bolick said.” [Arizona Daily Wildcat, 9/17/13]

2019: Bolick voted with the majority in 4-3 ruling that the City of Phoenix’s nondiscrimination ordinance can’t force a Christian-owned company to create custom invitations for same-sex weddings. “A divided Arizona Supreme Court ruled Monday that the City of Phoenix’s nondiscrimination ordinance can’t force a Christian-owned company to create custom invitations for same-sex weddings. In a 4-3 opinion that reversed the rulings of the lower courts, the justices said requiring Brush and Nib Studio to make invitations for same-sex weddings would infringe on their free speech rights under the First Amendment to U.S. Constitution and their rights to religious freedom under state law. The city has not cited Breanna Koski and Joanna Duka, the owners of the online company, for refusing any requests by prospective customers to create invitations for a same-sex wedding. Rather, they sued the city preemptively to prevent possible future enforcement and to get a declaration that it would violate their free speech rights... [Justice] Gould was joined in the majority by Justices Clint Bolick, John Lopez and John Pelander, who has since retired.” [Arizona Mirror, [9/16/19](#)]

2001: Bolick urged the government not to abridge civil liberties after the September 11 attack: “America never has effectively protected its interests by suspending individual liberties.” “One immediate and logical response is to curtail the freedom. At least temporarily, or for certain people. Such calls in times of crisis are inevitable. Senate Minority Leader Trent Lott laid the groundwork by commenting, ‘When you are at war, civil liberties are treated differently.’ Indeed, our history is replete with examples of just that; and not always even in times of war. John Adams signed the Alien and Sedition Acts designed to punish activity considered adverse to American interests. Andrew Jackson gave orders to intercept mail carrying inflammatory anti-slavery rhetoric. Abraham Lincoln suspended the writ of habeas corpus during the Civil War. Franklin D. Roosevelt attempted to nationalize American industries in World War II. Most shameful was the internment of Japanese citizens during that same period. And of course, the Cold War gave rise to unparalleled surveillance of American citizens. Sordid examples all. America never has effectively protected its interests by suspending individual liberties. Such efforts typically deprive us of our most potent weapon, which is freedom. That is what sets us apart, first and foremost, from our adversaries. We are always at our strongest when we fight not just with bombs and bullets, but with a real effort to win the hearts and minds of the world's people. And we do that by steadfastly adhering to our principles.” [Clint Bolick Op-Ed, National Review, 9/18/01]

- **Bolick: “It is tempting to trade freedom for security. But to do so sacrifices both.”** “Surely that balance will have to tilt more toward security, but retaining proportion is critical. As Clint Bolick, vice president of the Institute for Justice, a conservative legal group, recently put it: ‘It is tempting to trade freedom for security. But to do so sacrifices both. For the freedoms we have not only make America a moral exemplar but provide us with the wealth and means to effectively combat terrorism.’” [Ron Brownstein Column, Los Angeles Times, 9/24/01]

2001: Bolick on threats to civil liberties after September 11: “With determination, we will get past this crisis. The question is: Will we do so with our constitutional system--the cornerstone of our free society--fully intact? If not, the terrorists will have extracted even more grievous costs than those already apparent.” “Detention without trial. Racial profiling. Electronic surveillance. National identification cards. The growing list of proposals in the wake of the September 11 attacks makes it tough to single one out as the most threatening to our civil liberties. Much depends on the contours of the power, how it's exercised, and whether it has an end point. More worrisome is the notion that our civil liberties are subject to cancellation in times of crisis. Our Constitution seeks to protect rights the Framers deemed inalienable. It faces its gravest tests in times of crisis. We have traveled this road often before, and we should draw upon the lessons of history. In his dissenting opinion in *Korematsu v. United States*, which upheld Japanese internment camps, U.S. Supreme Court Justice Robert H. Jackson wrote that ‘a judicial construction...that will sustain this order is a far more subtle blow to liberty than the promulgation of the order itself....[O]nce a judicial opinion rationalizes the Constitution to show that [it] sanctions such an order...the Court for all time has validated the principle of racial discrimination....The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need.’ What other principles are we prepared to sacrifice? With determination, we will get past this crisis. The question is: Will we do so with our constitutional system--the cornerstone of our free society--fully intact? If not, the terrorists will have extracted even more grievous costs than those already apparent.” [Clint Bolick Letter to the Editor, Reason, 12/1/01]

FREE SPEECH

1995: Bolick called restrictions on flag burning a nullification of free speech and “a very dangerous thing.” “*Clint Bolick*: To prohibit people from making a political statement like burning the flag is to nullify freedom of speech, and that's a very dangerous thing.” [CNN, 7/2/95]

May 1995: Bolick testified before the House Judiciary Committee in opposition to a constitutional amendment banning flag burning. “I speak on behalf of the Institute for Justice, a public interest law center dedicated to protecting fundamental individual rights; and as a member of the Emergency Committee to Defend the First Amendment, whose roster includes some of the nation's most respected constitutional scholars, both liberal and conservative. I am not here to defend flag desecration, of course, but to urge members of this body with whom I share basic principles and values against committing a far more regrettable act: constitutional desecration. I can well understand the sentiments behind the proposed amendment. Indeed, I have a strong visceral reaction even to the mere image of flag desecration. If I saw someone burning an American flag, I would do anything I could to rescue it. The reason I would do so is that for me the stars and stripes symbolize the freest nation on earth -- in fact, the first nation in history to establish the principle that individuals are sovereign, and that government exists to protect their rights. For more than 200 years, our flag, and our nation, have been a beacon of freedom for oppressed people the world over. And it is freedom of expression that distinguishes our free society from all authoritarian regimes. We tolerate even what we abhor.” [Clint Bolick Testimony, House Judiciary Committee Subcommittee on the Constitution, 5/24/95]

- **July 1998: Bolick testified against a flag burning amendment before the Senate Judiciary Committee.** [Clint Bolick Testimony, Senate Judiciary Committee, 7/8/98]

1998: Bolick called a flag burning amendment “terrible” and “repellant.” “The U.S. Senate is nearing a vote on a proposed constitutional amendment to outlaw burning or other desecration of the American flag. Over the years, the Institute for Justice and People for the American Way have butted heads on just about every issue -- affirmative action, education, scores of judicial and executive branch nominations and practically every major civil rights bill that has been introduced this decade, just to name a few. But there is one thing both of our organizations agree on: The Bill of Rights is not a first draft. And it deserves protection from this terrible amendment. In the name of honoring our nation's most visible symbol, the flag amendment would instead undermine and discredit the freedom it represents all over the world. The House has already passed the amendment and, if the Senate does the same, it will be sent on to the states for ratification. If three-fourths of the states ratify the amendment, this would be the first time in over two centuries that the Bill of Rights has been restricted. As repellant as the image is of our nation's flag in flames, the prospect of our fundamental constitutional liberties being eroded is even more repellant.” [Clint Bolick and Elliot Mincberg Op-Ed, Deseret News, 5/17/98]

July 1998: Bolick testified against a flag burning amendment before the Senate Judiciary Committee. “I say to my friends on this Committee, and to the senators whose votes hold this issue in the balance: please do not tarnish your legacy of public service by voting for this unprecedented and unwarranted diminution of the Bill of Rights. In the end, I hope that you will be guided in your final vote by a proposition on which all of us must agree if we are to endure as a nation of freedom: the Bill of Rights is not a first draft. Our responsibility is to honor and protect that legacy, not desecrate it.” [Clint Bolick Testimony, Senate Judiciary Committee, 7/8/98]

1999: Bolick declined to give a position on “pornography or prostitution or selling organs for transplants.” “Q: Does the Institute for Justice have any official positions on pornography or prostitution or selling organs for transplants? A: No. We strongly support freedom of speech issues but we have not strayed into the very difficult areas that you mentioned. We recently won a major First Amendment case against the Commodity Futures Trading Commission, which was regulating

investment newsletters on the Internet. We recently won a major victory in the federal trial court in Washington, DC, upholding the right of newsletter publishers to have the same rights on the Internet as they have on paper.” [Pittsburgh Post-Gazette, 10/24/99]

2007: Bolick defended *Phoenix New Times* executives from subpoenas seeking journalists’ notes and records of visitors to the newspaper’s website. “Two newspaper executives who were arrested after they published an article disclosing a secret-by-law grand jury subpoena won't face charges, the Maricopa County Attorney announced Friday. The decision came a day after Phoenix New Times executives Michael Lacey and Jim Larkin were arrested on a misdemeanor charge of disclosing grand jury information. Thomas' decision came in the wake of a deluge of criticism of the arrest and the sweeping subpoena obtained by a special prosecutor hired by the county attorney that sought notes and other records about stories the paper had written. They subpoena also sought internet addresses of all people who visited the New Times Web site and any internet addresses those people may have visited before reading the stories. First Amendment advocates, journalist groups and even the conservative Goldwater Institute had blasted the actions. [...] Clint Bolick, a civil-liberties advocate with the Libertarian-oriented Goldwater Institute, said he stood shoulder to shoulder with the journalism executives. ‘It is difficult to conceive any wrong that could justify such a sweeping inquiry, not only into the files of New Times but into the Internet browsing habits of tens of thousands of innocent readers,’ Bolick wrote in an e-mail.” [Associated Press, 10/19/07]

- **Bolick: “This is the most sweeping deprivation of privacy and First Amendment rights I've ever seen in a subpoena.”** “Clint Bolick, litigation director at the Goldwater Institute, a conservative policy study group, said The New Times was correct that the subpoena was an abuse of power and right to risk prosecution by exposing it. ‘This is the most sweeping deprivation of privacy and First Amendment rights I've ever seen in a subpoena, on the basis of what appears to be a relatively slight legal infraction, the publication of the sheriff's address,’ Mr. Bolick said.” [New York Times, 10/20/07]

2008: Bolick defended a blogger from a demand from the Oro Valley Town Clerk that he register his blog as a political committee. “You could say local politics is the bread and butter of Art Segal's blog. The Oro Valley resident has been highly critical of his town's elected leaders since starting his blog - www.letorovalleyexcel.blogspot.com - early last year. But it was his endorsement of two Town Council candidates challenging the incumbents that prompted an official warning of a state law violation. [...] In a December letter to Segal, Oro Valley Town Clerk Kathryn Cuvelier said that acting on an unnamed citizen's complaint, the town had reviewed his blog's candidate endorsements. She then directed Segal to register his organization as a political committee. [...] Clint Bolick, a litigation attorney with the Goldwater Institute, a conservative think tank in Phoenix, offered counsel to Segal. Bloggers such as Segal are not required to register with the government to express an opinion unless they cross the boundary into financial support, he said. ‘His blog is not a political action committee,’ the attorney said. “He is simply a citizen expressing his political views.” The clear intent of the town was to silence political opposition, Bolick said. ‘That is the sort of government activity that is impermissible under the First Amendment,’ he added. Should the town keep after the blogger, Bolick said he is prepared to take legal action against Oro Valley on Segal's behalf.” [Arizona Daily Star, 1/16/08]

2010: Bolick represented women in a case brought by Congress Elementary School District seeking to block them from filing public records requests. “A Yavapai County judge ruled in favor Thursday of four women when he dismissed all but one of a rural Arizona school district's claims in a public-records case that has been called an unprecedented attempt to stifle residents' access to government records. The Congress Elementary School District had asked Yavapai County Superior Court Judge David Mackey earlier this month to ban Cyndi Regis, Barbara Rejon, Jean Warren and

Jennifer Hoge from ever asking the school district for public records or filing complaints against the district without first getting permission from a court-appointed third party. [...] Clint Bolick, the women's attorney, said he reviewed public-records cases nationally and could not find an instance in which a government had sought to permanently ban a resident from asking for public records. If the district had won the case, Bolick said it would allow local governments to ignore public-records laws and use the threat of lawsuits to prevent taxpayers from gaining access to public records.” [Arizona Republic, 4/16/10]

2010: Bolick filed a federal lawsuit to try to ensure voters could wear tea party t-shirts at the polls.

“A conservative group filed a federal lawsuit Monday to make sure voters get to wear their tea party T-shirts to the polls. The lawsuit stemmed from the case of Coconino County resident Diane Wickberg, a 55-year-old grandmother who was stopped at the polls on May 18 for wearing a T-shirt that said ‘Flagstaff Tea Party - Reclaiming Our Constitution Now.’ [...] The Goldwater Institute's Scharf-Norton Center for Constitutional Litigation filed suit against the county and its recorder in U.S. District Court in an effort to protect Wickberg's right to wear the T-shirt at her polling place in the Nov. 2 general election. ‘I debated whether to do it,’ Wickberg said, ‘but I decided to, because it feels like our liberties are being taken away a little at a time.’ Clint Bolick, director of the Goldwater think tank, said barring the shirt is an overly broad interpretation that infringes on Wickberg's freedom of speech.” [Arizona Daily Star, 9/21/10]

- **A court order allowed Wickberg to wear her Tea Party t-shirt to vote.** “In a major victory for free speech, Coconino County Recorder Candace D. Owens has decided not to fight a court injunction that lets Diane Wickberg wear her Flagstaff Tea Party T-shirt when she votes on Nov. 2. [...] U.S. District Judge James Teilborg signed an order late Wednesday that directs Coconino County election officials to not stop anyone from wearing the Flagstaff Tea Party T-shirt when they vote at the polls on election day. ‘We hope this victory will provide a civics lesson to government officials who substitute their own subjective values and political biases for objective rules,’ said Clint Bolick, the Goldwater Institutes litigation director.” [Goldwater Institute Press Release, 10/21/10]

2011: Bolick won a ruling from the Arizona Court of Appeals that tattooing is constitutionally protected speech.

“A tattoo, tattooing and the business of tattooing are constitutionally protected speech, the Arizona Court of Appeals determined Thursday by ruling in favor of a couple that was denied a use permit to open a tattoo parlor in Mesa. The court reversed a Maricopa County Superior Court decision in favor of the city and ordered the lower court to hold further proceedings. Clint Bolick, of the Goldwater Institute who represented the Mesa couple, said the ruling is consistent with other recent rulings in which the courts have taken a broad view of what is protected speech. It was also a victory for small businesses, Bolick said. ‘This is the sort of victory that shows the little guy can beat city hall,’ Bolick said.” [Arizona Capitol Times, 11/4/11]

- **2012: The Arizona Supreme Court affirmed that tattooing was protected speech.** “The Arizona Supreme Court ruled Friday that tattooing is a form of free speech with full protection under the U.S. and state constitutions - the first such decision by any state high court in the country. The unanimous ruling, however, stopped short of saying Mesa was out of bounds when its City Council denied permission for a tattoo parlor to open in March 2009. [...] ‘This is a big win for the little guys,’ said Clint Bolick, a Goldwater Institute lawyer representing the Colemans. ‘This is an important ruling in favor of entrepreneurs who wanted to establish a business in Mesa and found the ground constantly shifting beneath their feet.’ Bolick said the ruling sets a national precedent for an issue on which courts at various levels have offered widely diverging opinions. ‘This is the first state supreme court in the country to rule that tattooing is a

form of protected speech,' Bolick said. 'That's very significant. ... We now know that in Arizona tattooing is a protected form of free speech, and that's a victory for freedom.'" [Arizona Republic, 9/8/12]

2022: Bolick authored a majority opinion restricting the right of private individuals defamed in political disputes to sue. "Citing First Amendment concerns over free speech, the Arizona Supreme Court has restricted the right of private individuals dragged into and defamed in political disputes to sue. In a 4-3 ruling Tuesday that sets new precedents, the majority acknowledged that current state Sen. Wendy Rogers made statements during her 2018 congressional campaign about Steve Smith, her foe, that also implicated the Young Agency for whom he worked. And the justices acknowledged that neither the agency nor owner Pamela Young played a role in the campaign. But Justice Clint Bolick, writing for the majority, pointed out that Young was not named in the radio commercial which called Smith 'a slimy character whose modeling agency specializes in underage girls and advertises on websites linked to sex trafficking.' More to the point, he said that politicians have wider latitude than individuals about what they can say without committing slander or libel. And that, Bolick said, leaves Young without a legal remedy. 'None of this is meant to disparage Young's grievance,' he wrote, noting she asked to stay out of the political fray. 'It is not uncommon for friends, family, supporters and professional associates of candidates and public figures to be swept involuntarily into the political maelstrom, and it is essential for defamation remedies to be available in meritorious cases,' Bolick continued. 'But in public debate, we must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space for the freedoms protected by the First Amendment.'" [Maricopa Monitor, 2/1/22]

PROPERTY RIGHTS

1994: Bolick opposed a California bill that would allow municipalities to set strict limits on housing occupancy. "It's called grassroots tyranny. The latest example: a new proposal by state Sen. Marian Bergeson of Newport Beach, which would give cities the power to set occupancy limits for houses and apartments lower than the current state standard of about 10 people per one-bedroom dwelling. [...] Finally, the Bergeson bill may not surmount the legal obstacles that past city restrictions have faced. As Clint Bolick, the author of Grassroots Tyranny, told us, 'Many of these ordinances are aimed at groups that are considered undesirable. Unless the regulations are very narrowly tailored to health and safety considerations, they would be constitutionally suspect. If not tailored in that fashion, a court would look for the real motive behind the law.'" [Editorial, Orange County Register, 3/22/94]

1994: Bolick applauded a Supreme Court ruling limiting eminent domain powers. "- In what may be the most significant victory for property rights in decades, the Supreme Court on Friday limited the power of governments to force property owners to give up land for public purposes. [...] Leaders of the property rights movement were elated. 'It's a renaissance for property rights,' said Clint Bolick, litigation director for the conservative Institute of Justice. 'It reins in overzealous local regulation. Now governments will have to think very carefully before imposing conditions on private property owners.'" [Knight Ridder Newspapers, 6/25/94]

2001: Bolick "delights" in recounting a successful court battle against Donald Trump. "Bolick delights in recounting how the institute blocked Trump's plan to have Atlantic City assert eminent domain to tear down a house, restaurant and gold shop. Trump wanted a parking lot for his limousines. 'We argued successfully that this was not a proper exercise of government power,' said Bolick, adding that the institute is making a similar claim in Mississippi on behalf of homeowners who don't want a new Nissan plant." [Arizona Republic, 7/20/01]

2001: Bolick filed suit to block the seizure of a Mesa car repair service by eminent domain accusing cities of using eminent domain to feed their “voracious appetites” to secure higher tax revenues . “A public-interest law firm has taken up the cause of a Mesa business owner battling an eminent-domain lawsuit. The Arizona chapter of the Institute for Justice filed papers Oct. 23 in Maricopa County Superior Court, asking the court to dismiss a lawsuit that would allow the city of Mesa to condemn Bailey's Brake Service and replace it with a new development that includes a neighboring business. ‘Over the last 10 years, local governments have discovered that the power of eminent domain can be used to literally reshape the landscape to their liking,’ said Clint Bolick, vice president of the Arizona chapter. ‘They've taken this awesome power and gone haywire with it.’ [...] Bolick says the motivation behind many eminent-domain cases is the lure of higher tax revenues. ‘If that's all it takes for a municipality to use eminent domain, then none of us are secure in our private property rights,’ he said. ‘It's really outrageous. We want the court to say no to Mesa and establish a legal precedent, or else cities will continue to feed their voracious appetites.’” [Arizona Republic, 11/1/01]

- **2003: The Arizona Court of Appeals ruled in favor of Bolick’s client.** “Vindication finally came for a family-owned Mesa auto shop Wednesday when the state Court of Appeals ruled in its favor, saying that City Hall wrongly tried to take their property so developers could use it. [...] Clint Bolick, vice president of the Institute for Justice, a Washington, D.C.-based public interest law group that has fought eminent cases nationwide, represented Bailey. Bolick said Wednesday's ruling was very clearly written compared with other court decisions on the issue. The group has similar cases pending in Ohio and Connecticut, he said, adding that the Arizona ruling will give them firepower. Reached on his cellphone in Missoula, Mont., he said it was the first time the premise of eminent domain had been tested in an Arizona court, and it sent a message. ‘This puts cities on notice that the days of corporate welfare dressed up as economic redevelopment are over,’ Bolick said.” [Arizona Republic, 10/2/03]

2003: Bolick: “Eminent domain under the guise of redevelopment is really corporate welfare.” “Attorney Clint Bolick, who opened a Valley office of a libertarian public interest law firm called the Institute for Justice, represents Mesa businessman Randy Bailey, who is fighting Mesa over whether they can turn his downtown brake shop over to a developer. Bailey lost in Maricopa Superior Court and is appealing. ‘This type of eminent domain under the guise of redevelopment is really corporate welfare,’ Bolick said.” [Arizona Republic, 1/16/03]

2003: Bolick supported legislation before the Arizona state legislature to restrict the use of eminent domain. “State Rep. Eddie Farnsworth's House Bill 2308, now before the state Senate, would bring redevelopment practices into harmony with the Constitution. The two features The Republic condemns are crucial to ensure that when government takes a person's property, it is for public use, not private gain. Right now, cities can declare an entire area ‘slum or blighted’ on the slightest pretense. Even lovely parts of Old Scottsdale were so designated, because buildings were old (imagine that!) and property miles away had crime problems. HB 2308 tightens the definition and requires that 85 percent of an area actually be slum or blighted before government may confiscate it. The bill also requires that the public maintain ownership of the property for 10 years. A city can use it however it wishes -- as a park, school, library, or revenue-generating facility. But it can't immediately turn it over to a developer. That provision removes the too-often irresistible temptation for cities to acquire property not for public use but for private gain. Cities have many tools to combat true slum or blight: They can force owners to maintain their property, condemn unsafe buildings and repair or renovate aging facilities. This bill merely ensures that eminent domain is the last resort, not the first, and that private interests can no longer manipulate government power to serve their own economic interests. Under current redevelopment law, no real limits exist to government's eminent-domain power. For citizens whose homes or businesses are taken, the state Constitution's guarantee is hollow. HB 2308 won't give Arizona

citizens all the protection the Constitution seems to give them. But it will give David a slingshot that occasionally will bring down a governmental Goliath.” [Clint Bolick Op-Ed, Arizona Republic, 3/29/03]

- **Bolick: “A good tax and regulatory climate is worth much more to relocating businesses than a promise of corporate welfare.”** “Institute for Justice Vice President Clint Bolick, who is representing Bailey, called it nonsense that the bill would keep cities from redeveloping. ‘Many cities around the country have revitalized themselves without using eminent domain,’ he said. ‘A good tax and regulatory climate is worth much more to relocating businesses than a promise of corporate welfare.’ Bolick said cities have abused the power so brazenly that he believes a bipartisan majority will pass some form of the bill.” [Arizona Republic, 4/9/03]

2003: Bolick on a case where a strip mall owner was required to continue leasing space to the Peoria Justice Court: “Using eminent domain to compel a property owner to rent to government seems tyrannical.” “The owner of a West Valley strip shopping center has been forced to continue leasing space to Peoria Justice Court, sparking the latest in a series of Valley battles over the government's right to take over privately owned land. [...] An official with the Institute for Justice, which tracks eminent domain cases nationally, criticized the county's action. ‘Using eminent domain to compel a property owner to rent to government seems tyrannical,’ said Clint Bolick, vice president of the Institute for Justice in Washington, D.C. Bolick predicted the court's decision will make property owners wary of leasing to the government.” [Arizona Republic, 11/4/03]

2004: Bolick called eminent domain “one of the most dangerous powers of government.” “The Supreme Court will soon hear arguments in one of the most important property-rights cases in a generation. A remarkable coalition has called upon the court to restore the constitutional requirement of “public use” as a prerequisite to government taking of property. [...] The case involves the abuse of one of the most dangerous powers of government, eminent domain. The Fifth Amendment provides that government may take property for ‘public use’ with just compensation. Historically, eminent domain was used for such obvious public works as schools, roads and the like. In recent years, state and local governments began using eminent domain to transfer property from one private owner to another more politically powerful private owner in the name of economic development. The Institute for Justice, which represents the plaintiffs in the case currently before the court, has documented more than 10,000 cases of such instances of Robin Hood-in-reverse. So long as the power of eminent domain is unbounded by the requirement of public use, no one's home or business is safe. The government always can make the case that any particular property can be put to ‘higher’ use - i.e., it can always generate more tax revenues for voracious local governments. The victims are almost always ordinary people, who have little choice but to acquiesce because they cannot possibly afford the legal fees necessary to mount an uphill battle against their government.” [Clint Bolick Op-Ed, Washington Times, 12/21/04]

2005: Bolick was “very disappointed” with a Supreme Court ruling upholding the right of state and local governments to seize property for economic development projects. “In a 5-4 decision yesterday, the Supreme Court upheld the right of state and local governments to seize property from one private landowner and give it to another, as part of a project aimed at promoting economic development. The ruling was a boon to developers and local officials, but it dealt a blow to property-rights advocates who had hoped the court would use the case to give a more forceful interpretation to the Constitution's requirement that land taken by eminent domain be put to ‘public use.’ [...] An attorney for conservative groups such as the Institute for Justice and the Goldwater Institute, Clint Bolick, said he was ‘very disappointed’ with the court's ruling. However, he, too, said the justices left open some avenues to challenge specific land seizures. ‘The Supreme Court left the door open, if a government is especially clumsy or especially overzealous,’ he said. Mr. Bolick said he believes the fight will now move to state courts and legislatures, many of which offer landowners legal protections that go beyond the federal

Constitution. He said many takings amount to ‘reverse Robin Hood’ schemes that benefit the wealthy.” [New York Sun, 6/24/05]

2006: Bolick supported Arizona’s Proposition 207 to require the county to pay property owners if new regulations affect property values. “Pima County has rules - rules on open space and rules on hillside development, rules on native-plant conservation and rules on density. If Proposition 207 passes, Pima County would have to pay property owners if new rules affect their property value or else exempt them from the rules. The proposition, known as the Private Property Protection Act, has two elements. One limits government's eminent-domain power. The other requires government to reimburse property owners if new regulations diminish their property value. [...] Bolick of the Goldwater Institute said some rights are so basic even majority support shouldn't allow them to be violated. ‘If the community is really intent to maintain this lifestyle, the costs should be spread out,’ he said. ‘The question is who should pay? Someone is paying. Too often, the majority imposes its will on the minority.’ Bolick said eminent-domain abuse is much more common in Maricopa County, while regulatory takings are more common in Pima County. ‘Where people are pro-development, you get one, and where people are anti-development, you get the other. Either way, you get property owners bulldozed in the process,’ Bolick said.” [Arizona Daily Star, 9/28/06]

- **Bolick: “The pendulum has swung so far away from property rights that balance needs to be restored.”** “Your editorial opposing Proposition 207, the private property rights initiative on the Nov. 7 ballot, was one of the most intellectually dishonest I have seen (‘Prop. 207 is Trojan horse,’ Editorial, Sunday). Absent was any meaningful discussion of the many documented instances of property-rights abuses visited upon Arizonans by their governments. Remember Bailey's Brake Service? Remember when Scottsdale declared the lovely Fifth Avenue shopping area "blighted"? Remember when neighborhoods were bulldozed to make way for developments that never were built? The pendulum has swung so far away from property rights that balance needs to be restored. The initiative's terms may be ambiguous to The Republic, but they have been carefully defined in law over hundreds of years. Under Proposition 207, government retains its traditional zoning powers. Only when it changes the rules of the game for reasons that exceed traditional government purposes will it be forced to choose between compensating the owners and allowing them to do what they had a right to do in the first place. Nor does The Republic note a principal source of funding against Proposition 207: our tax dollars!” [Clint Bolick Letter to the Editor, Arizona Republic, 10/12/06]
- **Bolick said only “government regulations that fall into the 'wouldn't it be nice' category” were targeted by Proposition 207.** “Supporters of 207 argue that opponents are ignoring the law and several court decisions. The initiative exempts existing regulations that protect the public health and safety. Water law fits that exemption, said Clint Bolick, a senior fellow at the Goldwater Institute and a proponent of 207. ‘The Arizona Supreme Court has held that water regulation is clearly within the limits of a governmental or public purpose to protect the public health,’ he said. In addition, cities could stop a developer from pumping too much water by invoking nuisance laws, which also fall under the exemptions in the initiative. ‘What is targeted are government regulations that fall into the 'wouldn't it be nice' category, where it is manifestly unfair to burden a single property owner to pay the costs for benefits enjoyed by the whole community,’ he said.” [Arizona Republic, 11/4/06]

Bolick: “We don't just buy property ... we buy a bundle of property rights and when they are taken away for reasons exceeding traditional government powers we ought to be compensated.” “We don't just buy property ... we buy a bundle of property rights and when they are taken away for reasons exceeding traditional government powers we ought to be compensated,” said Clint Bolick,

co-founder the Institute for Justice, a libertarian group involved in the Kelo case, who is working with the Proposition 207 campaign.” [Arizona Republic, 11/4/06]

2007: Bolick represented a homebuilders association challenging Mesa’s development cultural impact fee. “A homebuilders association is challenging Mesa for imposing a fee on new developments in an effort to raise revenue for museums and to preserve the city's archaeological finds. The Home Builders Association for Central Arizona is the plaintiff in a suit filed Wednesday in Maricopa County Superior Court that challenges Mesa's ‘cultural impact fees.’ On Tuesday, the city raised the impact fees it tacks onto new homes. The goal was to use the extra money to support a range of city services -- from new sewage-treatment plants to parks and museums. Clint Bolick, an attorney for the Goldwater Institute that is representing the association, said Mesa's fees follow a dangerous trend that is unfair to people buying new homes in the city. ‘It's too tempting for cities to solve their budget problems on the backs of new homeowners,’ Bolick said. ‘I understand the temptation ... but under state law cities have to resist that temptation.’” [East Valley Tribune, 9/6/07]

- **Bolick: “We hope this legal challenge sends a message to cities across Arizona that the thirst for government revenue does not override the law.”** “The Goldwater Institute asserts that cultural fees are illegal because Arizona law says impact fees can be assessed only ‘for necessary public services related to new development.’ The group said it believes museums and arts centers do not qualify under that definition. Clint Bolick, a Goldwater Institute official, was quoted in a press release as saying, ‘We hope this legal challenge sends a message to cities across Arizona that the thirst for government revenue does not override the law.’” [Arizona Republic, 9/7/07]
- **2009: Maricopa County Superior Court ruled against Bolick.** “Mesa can charge developers impact fees for its museums and other cultural facilities, a Maricopa County Superior Court judge ruled Tuesday [...] Goldwater attorney Clint Bolick described the court's decision as ‘disappointing.’ ‘It was a rubber stamp of the city's decision to continue to charge the fees,’ Bolick said. However, he said the institute was ready to appeal the decision if it gets the go-ahead from the homebuilders group.” [East Valley Tribune, 7/14/09]
- **2010: The Arizona Court of Appeals ruled against Bolick and upheld Mesa’s right to impose impact fees to pay for cultural facilities.** “The Arizona Court of Appeals said Thursday that Mesa has the right to impose impact fees on new developments to help pay for cultural facilities, potentially paving the way for other cities to make developers pay for a wider range of public amenities. [...] Goldwater Institute lawyer Clint Bolick, however, said the court's ruling was ‘a serious case of judicial abdication.’ ‘The court is refusing to apply clear limits that exist within the impact-fees statute on government authority. And of course it adds to the already overburdened homebuilding industry and adds costs to new homebuyers,’ he said, adding that ‘We think this is a dangerous opinion in terms of expanding local government power beyond its limits.’ Bolick argued the case on behalf of the Home Builders Association of Central Arizona, which filed the original lawsuit against the fees, and lost, in Maricopa County Superior Court.” [Arizona Republic, 11/5/10]

2007: Bolick threatened a lawsuit against the city of Tucson over a requirement that a historic study be done before a building can be demolished. “A developer of mini-dorms near the University of Arizona has threatened a \$12.6 million lawsuit against the city - which his lawyer hopes will turn into the first test case for a new law protecting private property rights. Clint Bolick, of Rose Law Group, sent a letter to the city asserting new city restrictions on demolishing houses have hurt developer Michael Goodman's property values. At issue is a regulation passed by the City Council in June that requires a

historic study be done on any 45-year-old or older building in Tucson's historic core - identified as the area inside the city limits on Oct. 6, 1953 - before it can be torn down. Following the study, the city could delay demolition for up to six months while it decides if it wants to buy the property or find a private buyer. Bolick called for the city to either change the regulations, give Goodman a waiver or compensate him for his lost value. Otherwise he said he would file the \$12.6 million suit under Proposition 207, a ballot initiative passed last year requiring governments to compensate landowners if land-use rules lower their property values. 'This is by far the most sweeping increase in property regulation that I have seen in the state since Prop. 207 passed,' said Bolick, who previously was a senior fellow at the Goldwater Institute. 'It substantially restricts existing rights of a number of homeowners to demolish their homes.' In addition to the suit, Bolick hopes to trigger a flood of Proposition 207 claims from other property owners by printing easy to use fill-in-the-blank claim forms." [Arizona Daily Star, 9/15/07]

2020: In unanimous decision, the AZ Supreme Court struck down a state law that enhanced criminal sentences for gang members who threatened or intimidated others unless there was a connection between the crime and the defendant's gang membership. “Judges and prosecutors cannot impose harsher sentences on gang members who threaten others unless there’s a connection between the crime and the defendant’s membership in a gang, the Arizona Supreme Court ruled. In a unanimous opinion on Tuesday, the court’s seven justices struck down as unconstitutional a state law that enhances criminal sentences for gang members who threaten or intimidate people, ruling that the statute violates defendants’ due process rights under the Fourteenth Amendment to the U.S. Constitution. For such an enhanced sentence to be constitutional, the justices ruled, there must be a connection between the threats and the threats made by a defendant. [...] The seven justices unanimously agreed that the statute was unconstitutional, but Justice Clint Bolick went a bit further in a concurring opinion. In the opinion, which Pelander joined, Bolick argued that the court should reject the legal principle that an act of the legislature is presumed to be constitutional, which Lopez cited. Bolick said the presumption of constitutionality “sends an unmistakable message to Arizonans that they face a judicially manufactured uphill battle any time they challenge an infringement of their rights.” [Arizona Mirror, [9/1/20](#)]

2021: Bolick dissented in 4-3 AZ Supreme Court ruling that Arizonans had no constitutional right to privacy from internet searches conducted by police officers. “Arizonans have no constitutional right to online privacy to keep police from snooping around to find out who they are without first getting a warrant, the Arizona Supreme Court ruled Monday. In what appears to be the first ruling of its kind in the state, the majority said internet users have no ‘reasonable expectation of privacy’ that the information they furnish about themselves to their Internet providers will be kept secret. That specifically includes who they are and their home address. What that means, the court said, is that police and government agencies are free to obtain that information – as a gateway to finding out exactly who is posting material – without a search warrant. Monday’s 4-3 ruling drew a stinging dissent from Justice Clint Bolick. He acknowledged there are a series of federal court rulings which say such information is not protected by the Fourth Amendment which protects individuals from unreasonable searches. But Bolick pointed out that the Arizona Constitution has its own specific provision which says ‘no person shall be disturbed in his private affairs, or his home invaded, without authority of law.’ That’s crucial, he said, because there is no similar protection in the federal Constitution.” [Yuma Sun, 1/12/21]

2019: Bolick dissented in 4-3 AZ Supreme Court ruling that refused to reinstate a 2002 voter approved amendment to deny bail to anyone accused of rape. “The U.S. Supreme Court on Monday refused to reinstate a 2002 voter-approved amendment to the Arizona Constitution which denied bail to anyone accused of rape. Without comment, the justices let stand a year-old state Supreme Court ruling which said the seriousness of the charge, by itself, is insufficient to result in automatic denial of release pending trial. The state’s high court, in its 4-3 decision, said the only constitutional way to deny bail is for prosecutors to prove that the defendant in question poses a specific threat, and that there are no conditions of release that can be imposed that would still protect the public. [...] Justice Ann Scott Timmer, writing for the majority, cited prior U.S. Supreme Court ruling which concluded that pretrial detention without bail is permissible only when there is a “legitimate and compelling” purpose and that the restriction is narrowly focused. [...] But Justice Clint Bolick, in a stinging dissent for himself and two other justices, chided his colleagues for voiding the decision by voters to keep those accused of rape locked up following their arrest. ‘Sexual assault is by definition a uniquely horrific act, in which a

person's most intimate parts are violated through force, coercion or deception," he wrote." [KJZZ, [1/15/19](#)]

GUNS

2017: Bolick voted with the majority in AZ Supreme Court ruling that the city of Tucson did not have the right to ignore state law on confiscated weapons. "The Arizona Supreme Court has ruled that Tucson does not have the right to ignore state law when it comes to what they do with confiscated weapons. The ruling broadly affects the state's 19 charter cities, who have argued that the Arizona Constitution gives them control over local matters, regardless of state law. The court narrowed that control, saying it doesn't apply to police matters such as weapons. The ruling sidestepped Tucson's attempt to overturn a law that allows the Legislature to punish cities by withholding millions of dollars in aid if local officials enact policies that conflict with state law. The court ruled that specific aspects of the law were constitutional, but did not address the constitutionality of the law as a whole. Arizona Attorney General Mark Brnovich called the ruling 'monumental.' 'The Supreme Court did a great job of clarifying the parameters of when state law can trump local ordinances,' he said, adding that the opinion confirms local control of election and real estate issues, but state authority over most other issues." [Arizona Republic, [8/17/17](#)]

2013: Bolick told Senator Dick Durbin to "pound sand" after he sent a letter inquiring into the Goldwater Institute's position on stand your ground laws. "If the Goldwater Institute wasn't on Sen. Dick Durbin's enemies list before Friday, then the conservative public policy non-profit took strides in making it. The Goldwater Institute responded harshly Friday to the Illinois senator's Aug. 6 letter inquiring into its position on stand-your-ground laws and connections to the American Legislative Exchange Council. The institute asked him if he had no decency, a question posed to Sen. Joe McCarthy in reaction to hearings he held to smoke out communists. 'We're telling Sen. Durbin to pound sand,' said Clint Bolick, Goldwater Institute's vice president of litigation. 'This strikes us as eerily reminiscent of the McCarthy witch hunts and it's interesting that Durbin doesn't even seem to realize that.' [...] 'He's a renowned bully,' Bolick said. 'He is a brass-knuckle Chicago boy.'" [Arizona Capitol Times, 8/9/13]

2013: Bolick filed lawsuit against the city of Phoenix over rejection of gun rights ads on bus shelters. "Attorneys sparred at the state Court of Appeals on Tuesday over whether cities have the right to reject advertising on bus shelters and other government-owned sites. Alan Korwin bought space on Phoenix bus shelters to advertise firearms training and talk about gun rights, but the city says its policy only permits commercial ads. Assistant Phoenix Attorney David Schwartz argues the city is entitled to turn away political ads. 'There is a significant impact on revenues as well as the city's constitutional right to operate its business,' Schwartz said. Korwin's attorney, Clint Bolick of the Goldwater Institute acknowledged that cities have certain rights when they run a private business, like the bus shelters and the buses themselves but says those rights are not absolute. 'When the government owns a business, it does not create a Constitution-free zone,' Bolick said. 'It is still acting as a state and it is still subject to the First Amendment and the Arizona Constitution.'" [KJZZ, [12/4/13](#)]

JOE ARPAIO

2008: Bolick opposed Maricopa County Sheriff Joe Arpaio's anti-immigrant patrols. "Maricopa County sheriff's deputies descended on the small town of Guadalupe on Thursday, launching a new round of patrols aimed at curbing what the sheriff says are street crimes involving illegal immigrants. [...] On Wednesday, the conservative Scottsdale-based Goldwater Institute piled on to the criticism

being heaped on Arpaio, saying the fight between the sheriff's office and Phoenix and its police department could have dire consequences. 'I think that when you have two different police departments with a lot of guns marching to the beats of different drummers -- could lead to a catastrophe,' said Clint Bolick, a senior fellow at the Goldwater Institute. Bolick also questioned whether the sheriff's pursuit of illegal immigrants comes at the expense of other duties the sheriff's office should be performing. For example, he noted there are more than 70,000 unserved warrants in Maricopa County." [East Valley Tribune, 4/4/08]

- **Bolick said Arpaio's anti-immigrant activities "diverted scarce resources from vital law-enforcement duties that fall within the Sheriff's Office's core duties."** "Did the Maricopa County Sheriff's Office recent use of the Racketeer Influence, Corrupt Organizations Act (RICO) funds to send staff members to Honduras violate the law-enforcement purposes to which such funds are limited? Did the sheriff's highly publicized "saturation patrols," made up of nearly 200 deputies and 'posse' members, trespass on the jurisdiction of the Phoenix Police Department? The feud between the Sheriff's Office and local police departments, bereft of coordination or agreement over priorities, threatens to devolve into law-enforcement anarchy. Whatever the rationale the Sheriff's Office had for those actions, both diverted scarce resources from vital law-enforcement duties that fall within the Sheriff's Office's core duties." [Clint Bolick Op-Ed, Arizona Republic, 4/6/08]

2008: Bolick released a report criticizing Maricopa County Sheriff Joe Arpaio for improperly using police resources and jeopardizing public safety. "Maricopa County Sheriff Joe Arpaio has repeatedly dismissed criticism of his office and its policies as the work of liberal-leaning media outlets and politicians who are looking to score points by taking on the controversial, conservative sheriff. A report to be issued today by the libertarian-leaning Goldwater Institute looked at many of the same facts Arpaio's critics have used to assail him in the past year and reached the same conclusion: the Sheriff's Office has out-of-whack priorities that jeopardize public safety. The report came with a list of legislative recommendations that could check some of Arpaio's authority. 'We are hardly soft-on-crime liberals,' said Clint Bolick, director of the institute's center for constitutional litigation. 'I think it hopefully tones down the rhetoric and focuses on policy solutions that will help focus scarce police resources and contribute to lowering crime rates.' [...] Many points in the Goldwater Institute study were supported with research by newspapers and other media outlets. But unlike those published reports, the Goldwater study comes with policy proposals designed to add detail to lines of police authority, which can get blurred in a sprawling area like the Valley, Bolick said. 'When you strip the veneer from the well-oiled publicity machine, what you find beneath is soaring violent-crime rates and improper use of scarce police resources,' Bolick said. 'I think this complements other concerns that have been raised by groups in other parts of the spectrum.'" [Arizona Republic, 12/2/08]

- **Arpaio said the ACLU treated him better than Bolick did.** Despite the source, Arpaio's response remained the same, with the sheriff focusing on Bolick, the report's author, instead of the Goldwater Institute's body of work. 'When you talk about the Civil Liberties Union, I think they treat me better than this guy does,' Arpaio said. 'I never had any trouble in 14 years with the Goldwater Institute, and I've done a lot of controversial things.'" [Arizona Republic, 12/2/08]
- **Bolick said the Maricopa County Sheriff's Office "comes up short in every area."** "*Ted Robbins*: Otherwise, says Clint Bolick, the sheriff is doing a lousy job. Bolick is with the Goldwater Institute, a Phoenix based think-tank. He just released a report titled, 'Mission Unaccomplished: The Misplaced Priorities of the Maricopa County Sheriff's Office.' *Clint Bolick*: We looked at the mission of the sheriff's office as it defines it and evaluated it and then found that it comes up short in every area. *Robbins*: The report notes the violent crime rate in

Maricopa County, including homicides, is up far higher than in Phoenix or neighboring Mesa. The response time for 911 calls is twice that of Phoenix. The sheriff's jails recently lost accreditation for not providing adequate health care to inmates. Meanwhile, deputies are routinely sent to Honduras to train police there, and back home, Bolick says, the sheriff's highly publicized immigrant sweeps have not netted a single major smuggler. *Bolick*: If you've got limited resources, who do you go after? The guy who is here to work, or the guy who is making millions of dollars bringing in thousands of illegal immigrants? Certainly, the latter." ["Weekend Edition," NPR, 12/27/08]

2009: Bolick released a report alleging that the Maricopa County Sheriff's Office overstated its case clearance rate. "The Goldwater Institute on Thursday called for new laws to better manage the way police clear cases after the Maricopa County Sheriff's Office classified many as solved when they really weren't. The institute also wants the Maricopa County attorney or state attorney general to investigate the sheriff's office to see whether its practices and policies for classifying a case as solved is in compliance with FBI standards. 'This is a ticking time bomb for the people of Maricopa County,' said Clint Bolick, director of the Goldwater Institute Scharf-Norton Center for Constitutional Litigation. 'Not only are there criminals at large in these cases, nobody is looking for them. When you declare a case solved, there is no one looking for these criminals anymore.' The institute released a report Thursday alleging the Sheriff's Office overstated its case clearance rates." [East Valley Tribune, 5/21/09]

Bolick denounced Arpaio for mishandling more than 400 reported sex crimes... "This is one of the greatest failures of law enforcement I've ever seen." "Bolick also denounced controversial Maricopa County sheriff Joe Arpaio for mishandling more than 400 reported sex crimes. 'This is one of the greatest failures of law enforcement I've ever seen,' Bolick said. He has let people know he supports Arpaio's removal from office." [National Review, [1/8/16](#)]

2010: Bolick said the Maricopa Board of Supervisors failed in their duty to adequately oversee Arpaio's office. "Maricopa County supervisors and budget officials have spent recent months blasting the Sheriff's Office for massive financial missteps. They say sheriff's officials concealed misspending, used tax money for purposes forbidden by law and abused county-issued credit cards. The issues came to light amid a vitriolic political power struggle between Sheriff Joe Arpaio and the Board of Supervisors. Yet the supervisors and other county officials overlooked repeated warning signs of problems with the sheriff's finances long before the feud began.[...] The Goldwater Institute's Bolick believes supervisors clearly failed in their duty to adequately oversee the Sheriff's Office. He said the agency needed 'very significant oversight' -- far more than periodic spot checks. 'Huge amounts of money are allocated each and every year, and I think if the board doesn't have a handle on how the money is being spent, it's irresponsible to keep shoveling the money into the Sheriff's Office,' Bolick said. 'There were certainly alarm bells that were being set off that should have provoked more careful scrutiny during the last several years.'" [Arizona Republic, 10/31/10]

Criminal Justice

1993: Bolick applauded a Supreme Court ruling limiting the government's authority to seize property used in crimes. "The war on drugs does not override property rights, the Supreme Court said Monday in barring the government from seizing real estate linked to illegal drug sales unless the owner first gets a court hearing. The 5-4 ruling in a case from Hawaii marks the second time this year the high court has limited the government's authority to take over property it contends was used in committing a drug crime. [...] Clint Bolick of the conservative Institute for Justice called the ruling 'a triumph of private property rights.' He said it also will apply to civil forfeitures of real estate used in other types of crimes, such as illegal gambling." [Associated Press, 12/13/93]

1995: Bolick: "Black and white Americans have very different experiences with the criminal justice system." "The verdict on O.J. Simpson, like his lengthy, often riveting murder trial, exposed the depth of America's racial divisions - particularly in how blacks and whites view the nation's justice system. [...] 'Black and white Americans have very different experiences with the criminal justice system,' said Clint Bolick, vice president of the Institute for Justice, a public interest law firm. 'For a country that prides itself on being a melting pot, . . . this could be very troubling,' he said." [Cox News Service, 10/4/95]

1995: Bolick said the OJ Simpson verdict revealed "a severe racial chasm in our society" and blamed "the number of government policies that divide us along racial lines." "*Clint Bolick:* I think the jury was in the best position to size up the evidence in this case. There were things that we saw on TV that they didn't see. There were things that they saw that certainly no one who wasn't watching 24 hours of television saw. And so I would tend to defer to the jury's judgment on this. Don't forget there were three whites on that jury who had to be persuaded as well. But the rest of us who looked at the evidence on television, the fact that there is such not only division between the races, but tremendous division, polarization between the races, that suggests to me that what this verdict is telling us is that there is a severe racial chasm in our society, that we don't have a common American experience and that people think of themselves increasingly as members of groups rather than as individuals which is not surprising considering the number of government policies that divide us along racial lines." [CNN, 10/5/95]

1995: Bolick said racial disparities in the prison population were a result of "a serious problem in our inner cities" and said police were arresting "too few" people, not too many. "*Jesse Jackson:* What happened when the Menendez brothers killed their parents in that same county? They say they were driven by some subliminal feelings and sex abuse, and they walked away. Explain that to me. *Clint Bolick:* No, Reverend Jackson, I think it's- It's disgusting any time a jury- And I don't know whether it happened here, I don't know whether it happened in Simi Valley. We all watched the beating of Rodney King, and a mostly white jury acquitted those policemen. I personally was very offended at that. I was offended at the jury with Marion Barry a few years ago. In all of those cases, the race card was played by the lawyers to a jury that was either predominantly white or predominantly black. But you brought up some statistics a few minutes ago about right now one out of three black men between the ages of 20 and 29 is in the criminal justice system in some capacity. You assume that that is because the system is biased. I assume that there is a serious problem in our inner cities that needs desperately to be corrected because I don't think the cops in the inner cities are arresting too few people- excuse me, too many people. I think they're arresting too few. There's an epidemic of crime." [CNN, 10/5/95]

1995: Bolick: “I’m against mandatory minimum sentences across the board.” *“Lou Waters:* Our two guests, Jesse Jackson and Clint Bolick, are ready to continue taking your calls. But, before we get to them, Mr. Bolick, I'd like to have you answer Jesse Jackson's suggestion that penalties for crack cocaine, popular in the inner cities, are much more severe than for those of cocaine. Is that not an inequity? *Clint Bolick:* I think that is true. It's an equity. I'm against mandatory minimum sentences across the board. I think they ought to be wiped out.” [CNN, 10/5/95]

1995: Bolick: “There is way too much concern for criminal defendants and not enough for criminal victims.” *“Clint Bolick:* But the overriding point is this. I think there is way too much concern for criminal defendants and not enough for criminal victims. A black person in the United States today is six and a half times more likely to be murdered than a white person. Why are we worrying about trying to get black criminals off the hook when we ought to be trying to get more criminals of both races behind bars? That's where the civil rights focus ought to be directed, preventing crimes and protecting people against crimes” [CNN, 10/5/95]

1999: Bolick called for the devolution of resources and control over law enforcement to the community level. “In the area of crime I think New York has made bigger strides than any other city in focusing communities on enforcing the rule of law. But in this area I believe we have not gotten nearly radical enough. Not only has law enforcement eroded in recent decades, but respect for the rule of law has diminished in many impoverished communities, to the point that we see widespread jury nullification and other instances of alienation from it. It seems to me that we must devolve not only resources but authority over law enforcement to the community level. I’m glad to see that process happening here.” [Clint Bolick, Transforming America’s Cities, Manhattan Institute, 6/1/99]

1999: Bolick: “True affirmative action requires stricter, not more lenient, law enforcement in minority communities.” “On a broader scale, groups like the NAACP Legal Defense Fund are trying to abolish capital punishment on the basis of racial statistics, even though plentiful opportunities already exist to raise claims of racial bias in individual cases. Importing affirmative action into criminal law is toxic. Inevitably, it means that people (like Leviner) who are guilty of crimes will not pay the full cost of their crimes, to the detriment of everyone but most particularly inner-city minorities, who are disproportionately victimized by crime. It is true that racial ‘disparities’ exist in police stops, arrests and convictions. Reports suggest that one of every three young black male adults is in jail or on probation (in the nation's capitol, the figure is one in two). But the disparities are even greater for criminal victimization: blacks are 6.4 times more likely than whites to die by homicide. Indeed, homicide has become the leading cause of death among young black males. True affirmative action requires stricter, not more lenient, law enforcement in minority communities. As in other contexts such as employment and education, racial preferences in the criminal justice system treat symptoms rather than underlying problems. Just as adding points to students' test scores in the college admissions process does nothing to remedy problems in the K-12 education system, absolving criminals of the full consequences of their lawless behavior does not redress real problems in the criminal justice system. Indeed, it further injures the very racial groups who need effective law enforcement the most.” [Clint Bolick Op-Ed, Scripps Howard News Service, 5/9/99]

2009: Bolick testified that there was a “gaping hole in law enforcement” in Arizona because no one is legally responsible for serving felony warrants. “Maricopa County has the nation's highest number of unserved felony warrants because no one is legally responsible for serving them, according to testimony Monday at the Legislature. Clint Bolick, litigation director at the libertarian-leaning Goldwater Institute, told lawmakers that ambiguity in Arizona statutes meant that no one agency is responsible for serving the county's 39,000 outstanding felony warrants. Arizona law makes the sheriff office of each county the place where warrants are stored. In theory, any law-enforcement official can

serve a warrant. But in practice, tens of thousands of warrants are never served. ‘It’s very disconcerting to hear any law-enforcement official say there is not a felony crisis,’ Bolick said. ‘We have a gaping hole in law enforcement in this state, and that is the failure to effectively serve warrants.’ The Senate Judiciary Committee held the first in a series of hearings Monday afternoon designed to bring clarity to the question of who is responsible for serving warrants. Bolick wrote a report last year criticizing Maricopa County Sheriff Joe Arpaio for diverting resources away from serving warrants to immigration enforcement. The Sheriff’s Office disbanded a warrant-serving unit earlier this decade. ‘When we hear that not a single member of the Maricopa County Sheriff’s Office is dedicated full time to serving warrants, that I believe is a serious problem,’ he said.” [Arizona Republic, 3/24/09]

- **Bolick called on the state legislature and the Maricopa County Sheriff’s Office to address the felony warrant crisis.** “Though most Arizona law-enforcement agencies seem to take seriously the imperative to hunt down felony-warrant fugitives, no statute compels them to do so. Under state law, county sheriffs process all felony and most misdemeanor warrants, but presently they are not required to serve them, or even to coordinate service of warrants with state or local agencies. MCSO views its role as a ‘repository’ for warrants. But warrants don’t need a home, they need to be served. Maricopa County’s city police departments are left to fend for themselves. It makes little sense for the Chandler Police Department to serve a warrant in Peoria, particularly when there is a law-enforcement agency -- the Sheriff’s Office -- which has countywide jurisdiction. The Legislature can help solve the problem by creating clear lines of responsibility for serving warrants. At the county level, sheriffs should have bottom-line coordination responsibility. As the unincorporated parts of counties over which sheriffs have responsibility shrink, it makes sense for sheriffs to assume this role. Many already do so -- not as a matter of mandate, but as a reflection of law-enforcement priorities. At the end of the second day of hearings, Chagolla acknowledged that the warrants issue is a ‘systemic problem.’ Indeed it is. And MCSO needs to be a far greater part of the solution.” [Clint Bolick Op-Ed, Arizona Republic, 4/11/09]

2013: Bolick: “When police stop Arabs or Hispanics - or members of any group - not because they have committed a crime but because of their race or ethnicity, it profoundly offends the rule of law.” “A federal judge’s ruling that the Maricopa County Sheriff’s Office systematically violated the constitutional rights of Latinos was met with cheers from both the right and the left this week. [...] ‘When the U.S. Supreme Court upheld the internment of Japanese citizens during World War II, Justice Robert Jackson dissented, warning that upholding such an order on the basis of a perceived ‘emergency’ would give law-enforcement officials a dangerous weapon to violate the rights of citizens,’ said the Goldwater Institute’s Clint Bolick, who previously worked in the Justice Department’s Civil Rights Division. ‘When police stop Arabs or Hispanics - or members of any group - not because they have committed a crime but because of their race or ethnicity, it profoundly offends the rule of law. This is eerily similar to what the Obama IRS did to conservative groups, singling them out for adverse treatment not because of wrongdoing but because the IRS concluded that conservative groups were more likely to abuse their non-profit tax status. Anyone who condemns that practice also should condemn the practice of stopping Hispanics because they are Hispanic.’” [Arizona Republic, 6/1/13]

2018: The AZ Supreme Court unanimously ruled against controversial law that criminalized medical marijuana on college campuses. “The Arizona Supreme Court, in a unanimous opinion, has shot down a controversial law criminalizing medical marijuana on college campuses. That doesn’t mean students with cannabis cards can start toking up in their dorm room with no potential consequences. And they definitely can’t take up in the common areas. Arizona colleges can and will continue to prohibit bringing marijuana on campus. But cannabis possession on campus by valid cardholders can no longer be called a state crime. The ruling (see below for full text) is not only a victory for Andre Maestas, the

Arizona State University student whose conviction for possession of marijuana has now been vacated. It's also a victory for the voter-approved, 2010 Arizona Medical Marijuana Act and the 1998 Voter Protection Act.” [Phoenix New Times, [5/23/18](#)]

Bolick: “I chaired a task force on no-knock warrants that led to the adoption of model national standards.” In an op-ed, Bolick wrote, “I am proud of our court for many reasons beyond our jurisprudence. Applying our regulatory authority over the legal profession, we created a new profession — legal paraprofessionals — who are extending low-cost legal services to many who previously could not afford them. We were the first court to heed Justice Thurgood Marshall’s long-ago call to abolish peremptory jury strikes, which has led to more representative juries. I chaired a task force on no-knock warrants that led to the adoption of model national standards. If you are unaware of these important accomplishments, it is because they do not fit the media narrative and were hardly reported.” [Arizona Republic, [5/20/24](#)]

CIVIL RIGHTS IN EDUCATION

Bolick said the landmark U.S. Supreme Court's *Brown v. Board of Education* decision was a "triumph of the principle of equality." As a young man completing his undergraduate studies, Clint opted to 'save the world' through constitutional law rather than politics after a summer internship on Capitol Hill revealed the less savory side of American politics. He was drawn to the bar by a two-semester constitutional law course he took as a senior at New Jersey's Drew University, and by the landmark Supreme Court decision in *Brown v. Board of Education*. That 1954 decision not only ended segregation in public schools, but also set the stage for overturning the color bar on beaches and in bathhouses, on municipal golf courses and in public transportation. To the impressionable young Bolick, the decision represented a 'triumph of the principle of equality,' a momentous judicial action that, literally overnight, ushered in sweeping social change." ["Gang of Five: Leaders at the Center of the Conservative Crusade," Nina J. Easton, Pg. 91, [2000](#)]

1992: Bolick Said That Busing To Address Racial Inequality Had "Destroyed School Systems And Communities Around The Nation." "Racially unbalanced schools do not violate the Constitution if they are the result of changing demographics, the Supreme Court said yesterday. The court ended federal court supervision over student enrollment in DeKalb County, Ga., finding that massive population shifts, not constitutional violations, had created racial imbalance. [...] Some conservatives immediately hailed the ruling as portending the end of busing. 'This is the beginning of the end for the regime of forced busing that has destroyed school systems and communities around the nation,' said Clint Bolick, vice president and director of litigation at the Institute for Justice, a Washington-based advocacy group." [Washington Times, 4/1/92]

- **1995: Bolick predicted that busing to achieve racial balance in schools would vanish within 10 years or less.** "More than two decades after the high tide of court-ordered school desegregation, critics of school busing around the country are mounting renewed campaigns to end Federal desegregation initiatives and the busing plans that come with them. Encouraged by conservative electoral successes and a string of Supreme Court decisions limiting the responsibilities of schools to foster desegregation, Denver, Minneapolis, Cleveland, Pittsburgh, Seattle, Wilmington, Del., and Indianapolis are among cities revisiting the emotional debate over school busing. Norfolk, Va., and Oklahoma City have already eliminated mandatory busing for the purposes of desegregation. [...] 'Busing has not enjoyed any significant grass-roots support for decades,' said Clint Bolick, litigation director of the conservative Institute for Justice. 'The only people who support it are the ideologues who continue to occupy leadership positions in the civil rights establishment. I would be willing to flatly predict that busing for racial balance will disappear from large urban school districts in 10 years or less.'" [New York Times, 9/6/95]
- **1999: Bolick applauded the end of busing for integration in Charlotte, North Carolina, claiming that "busing has ravaged inner school districts all across the nation."** "A federal judge on Friday ordered an end to busing and other means of achieving racial balance in Charlotte-Mecklenburg, the school system that pioneered urban busing in the United States after a landmark Supreme Court ruling 30 years ago. [...] 'The nightmare of forced busing is finally coming to an end,' said Clint Bolick of the Institute for Justice in Washington. 'Busing is one of the biggest frauds ever perpetrated, placing racial balance over educational opportunity to the

detriment of minority schoolchildren. Busing has ravaged inner-school district all across the nation.” [Associated Press, 9/10/99]

1994: Bolick praised D.C. Court of Appeals appointee David Tatel but complained that the groundbreaking rulings that Tatel won on school desegregation gave courts too much power to effect social change. “Highly respected in the legal community, Mr. Tatel is expected to breeze through confirmation. Even ideological opponents, such as Clint Bolick of the conservative Institute for Justice, remark on his ‘unquestionable’ intellect and legal skill. Mr. Bolick, however, says that the ground-breaking rulings Mr. Tatel won in school desegregation cases -- such as those that permit federal judges to order tax increases to pay for reforming discriminatory school districts -- gave courts too much power to effect social change. ‘It gives me tremendous pause as to whether he'd be an impartial jurist or a results jurist,’ he adds. But those who know him say that Mr. Tatel will be a fair, compassionate, nonideological judge, ‘sensitive to the changing face of America,’ says Paul L. Vance, superintendent of the Montgomery County schools.” [The Baltimore Sun, 6/21/94]

1999: Bolick said his goal was to get a court ruling that charter schools don’t have to abide by desegregation decrees. “Bolick said the institute's goal is to get a court to rule that charter schools don't have to be part of desegregation decrees. ‘This can't go on,’ he said. ‘Our goal is to separate the issue of charter schools from the issue of desegregation, and until then, charter schools can't possible fulfill their potential.’” [Baton Rouge Advocate, 6/17/99]

1986: Bolick Represented White Teachers In Michigan Who Claimed They Were Illegally Laid Off While Minority Teachers Kept Their Jobs. “Liberals complain that Bolick's stances typically are unsympathetic to minorities. As an aide to Clarence Thomas in the mid-1980s at the U.S. Equal Employment Opportunity Commission, Bolick opposed quotas to resolve employment-bias claims. And he represented white Michigan teachers who charged they had been illegally laid off while minorities with less seniority kept their jobs, winning a 5-to-4 Supreme Court decision in 1986.” [US News & World Report, 1/18/93]

1993: Bolick represented Prince George’s County teachers suing to end teacher transfers to maintain a racial balance. “He joined a group of teachers who sued the county over its race-based teacher transfers. But the Supreme Court yesterday, without comment, refused to review the policy, hailed by some as necessary to the county's continuing desegregation efforts and criticized by others as an overreaction in an already integrated system. The court let stand lower-court rulings that said ensuring racially balanced faculties is crucial to desegregation and outweighs equal-protection rights. [...] But attorneys for the teachers said they were disappointed that the high court did not take up the case. They had argued that the Prince George's County school system has achieved integration and said the lower-court rulings left open the question of whether school districts could continue to impose race-based policies in such a setting. ‘The schools are being turned into social laboratories and the kids are the guinea pigs,’ said Clint Bolick, an attorney for about 15 teachers who remained parties to the suit yesterday.” [Washington Times, 1/12/93]

1994: Bolick aligned with the NAACP to support the firing of an Alabama principal who made racist remarks. “Justice Department officials and experts on court-ordered desegregation agreed today that the department's move to oust an Alabama school principal accused of making racist remarks was an unusual step, but they also said that there appeared to be ample legal basis for the request. [...] The case of the Alabama principal was one on which there was rare agreement between the legal defense fund and the Institute for Justice, the conservative research organization in Washington of which Clint Bolick is litigation director. It was Mr. Bolick who led much of the opposition to the appointment of Lani Guinier, a former legal defense fund lawyer, as head of the Justice Department's civil rights

division. 'I can't think of an antecedent to this action by the Justice Department,' Mr. Bolick said of the effort to oust Mr. Humphries, 'but as a school official acting under the color of state law, his conduct and words are fair game.' Mr. Humphries's comments, he added, 'appear to be a throwback to the era of separate but equal.'" [New York Times, 5/19/94]

1996: Bolick: "Black kids do not need to sit next to white kids in order to learn." "*Juan Williams*: Okay, let me go to Clint Bolick. Clint, if I said to you, 'But, of course, it's good to have black and white children get to know each other at a young age so that they understand that stereotypes and negative images about each other should not carry the day,' wouldn't you agree that's a good thing? *Clint Bolick*: Of course, it's a good thing, but the question is should government classify kids on the basis of race? Should it establish racial balance as its top priority? The answer emphatically is no, and black kids do not need to sit next to white kids [...] in order to learn. That's what government does- that's what government did before *Brown v. Board of Education*, and that's what government's done since *Brown v. Board of Education*. When a little kid, a little black child in Prince Georges County, Maryland cannot get into a magnet because of the racial-balance quotas, that is outrageous. You are harming the very kids who you're supposed to be helping." ["Both Sides With Jesse Jackson," CNN, 7/21/96]

- **Bolick: "Why do you have white flight? Because you have the social engineers in charge."** "*Clint Bolick*: Prince Georges County has been- has had a black majority and a black political establishment now for many years. It is still under court order- *Michael Myers*: White flight- you ever hear of white flight, Clint? *Bolick*: Yeah, I hear it about- white flight. *Myers*: Now, wait a second. Ken- *Bolick*: Why do you have white flight? Because you have the social engineers in charge and-“ ["Both Sides With Jesse Jackson," CNN, 7/21/96]
- **Bolick: "Education first. Integration will follow."** "*Clint Bolick*: The schools ought to be about education, not about social engineering. We need to get the courts out of running the school system. We need to give parents, especially low-income parents, greater power over their kids' education. Education first. Integration will follow." ["Both Sides With Jesse Jackson," CNN, 7/21/96]

1996: Bolick accused Bill Clinton's appointee to head the Education Department's Office of Civil Rights of being a "liberal activist" who has "engaged in a great deal of mischief during her tenure at OCR." "School officials are on edge, wondering where the Education Department's watchdog Office for Civil Rights will strike next. The OCR has turned 'proactive,' said Assistant Secretary Norma V. Cantu, an aggressive and liberal lawyer tapped three years ago by President Clinton to head the office responsible for enforcing anti-discrimination laws in the nation's schools and colleges. [...] When Ms. Cantu was named assistant secretary for civil rights in 1993, Clint Bolick, litigation director of the Institute for Justice, predicted 'a heavy dose of ideological bias in a Cantu regime.' 'She is not a law enforcer; she's a liberal activist,' said Mr. Bolick, who opposed her in court in the 1980s when he was with the Justice Department and she was with the MALDEF. 'With the federal law enforcement apparatus at her disposal, it would not surprise me that Cantu has engaged in a great deal of mischief during her tenure at OCR.'" [Washington Times, 11/12/96]

2002: Bolick filed suit against Washington state's restrictions on teacher training at religious schools. "A legal advocacy group that recently won a major lawsuit before the U.S. Supreme Court involving school vouchers in Cleveland is targeting Washington state's restrictions on aspiring teachers and parochial schools. Carolyn Harrison, a graduate student at the University of Washington in Tacoma, and Donnell Penhallurick, a senior at Eastern Washington University, are suing their universities and state Attorney General Christine Gregoire in Thurston County Superior Court for the right to teach at parochial schools to fulfill their college requirements. The students are being represented by the Institute

for Justice, a conservative organization that successfully defended the Cleveland school-voucher program before the Supreme Court in June. Washington is the first of many states the Washington, D.C.-based group plans to sue as part of its campaign to get local government to loosen its interpretation of separation of church and state. Their focus is on the state's Blaine amendment, a provision in the state constitution that forbids public financing of religious organizations. Clint Bolick, vice president of the Institute for Justice, said the state is interpreting that amendment so broadly that some students are denied some public benefits. 'The student-teacher rules are discriminatory,' he said." [Seattle Times, 9/26/02]

2013: Bolick called for an end to old desegregation orders. "News that the U.S. Department of Justice invoked a 42-year-old desegregation decree in an attempt to thwart a Louisiana school voucher program raises an important question: Are desegregation orders really still in effect more than a half-century after *Brown v. Board of Education*? The answer is yes. But for the most part, the orders might as well not be. They are generally not actively or adequately reviewed and supervised by the judges. They remain in place doing little until someone uses them as a tool to push a political agenda. [...] The Justice Department ought to focus its effort on fighting real discrimination, not keeping old cases open just in case. Congress ought to exercise its oversight authority to see that the government's lawyers are doing so. School districts owe it to parents and children to try to end old orders that have been fulfilled. If school district officials refuse, as they often do for shortsighted budget and political reasons, then parents should seek to force them. And judges ought to call in the parties, such as the Justice Department and school boards, to ask them how much longer courts should be responsible for these schools. That way, everyone could win: Children will be protected from discrimination; parents and educators, not judges and lawyers, will run the schools; and efforts to reform schools can focus on education instead of 1970s-era legal arcana." [Clint Bolick and Roger Clegg Op-Ed, USA Today, [12/29/13](#)]

HIGHER EDUCATION

1994: Bolick opposed scholarships for black students at the University of Maryland. "*Jesse Jackson*: The Maryland case, Clint, is an attempt to remedy past race discrimination. What's wrong with that? *Clint Bolick*: Any time you give a scholarship, on the basis of race, to one person, it means that someone else is not receiving that scholarship on the basis of race, and that is a violation of equal protection, of the highest ideal of our society, which is that people will be treated on the basis of their individual characteristics, not on the basis of their group characteristics. *Jackson*: Okay. Aren't there a variety of scholarships of varying degrees, specialized scholarships, in these universities, other than just race? *Bolick*: Of course, and I think that you would probably agree with me that race is a very special category. It is the one category in which government does not have a justification to discriminate, and also, these scholarships- what is the alternative to these scholarships? That is to give scholarships to people on the basis of disadvantage and that is the basis on which they ought to be given. If they are given on the basis of disadvantage, the people who will benefit from them will not be the sons and daughters of the elite, but rather the sons and daughters of Anacostia, and those are the kids who need some help." ["Both Sides With Jesse Jackson," CNN, 12/3/94]

1996: Bolick said discrimination in higher education was "certainly gone." "Black students are showing striking gains in attending and graduating from colleges and universities and last year received a record number of Ph.D.s, according to two recent studies of minorities in higher education. [...] Critics of affirmative action contend that the success stories have little to do with such programs and that whatever advantages they produce are negated by a stigma of preferential treatment. 'I am hopeful the figures are going up for two reasons, that overall educational opportunities are improving and that if there was any discrimination in higher education in recent years, it is certainly gone,' said Clint Bolick,

litigation director of the Institute for Justice, a conservative legal organization.” [New York Times, 6/12/96]

1996: Bolick applauded a Supreme Court decision that let stand an appeals court ruling striking down affirmative action at the University of Texas Law School. “*Clint Bolick*: I think the government should get out of the racial classification business once and for all and get on to affirmative action that doesn't discriminate on the basis of race or gender. *Jim Lehrer*: All right. Do you feel that this decision today enhanced your agenda, enhanced your position? *Bolick*: No question. The Fifth Circuit ruling is one of the most vibrant rulings declaring why we should not be taking race into account. A woman, Sheryl Hopwood, was discriminated against in admissions. People were leapfrogged above her. *Lehrer*: She was white? *Bolick*: She was white--solely on the basis of her skin color--she would have been admitted apart from her skin color. This is the way these programs operate throughout higher education [...] They differ really only as a matter of degree. Then why so much terror among universities in saying they're going to have to chase away the business...” [“The NewsHour With Jim Lehrer,” PBS, 7/1/96]

- **Bolick: “I hope the practical effect will be is that colleges instead of using racial preferences are going to start solving the underlying problems..”** “*Jim Lehrer*: Let me see if I can get some agreement on process now. What is the practical effect? Forget whether you think it's a great idea, or you think it's a lousy idea or whatever, whatever this decision. What is the practical effect of what the Supreme Court did today? *Clint Bolick*: What I hope the practical effect will be is that colleges instead of using racial preferences are going to start solving the underlying problems. When we have 50 percent dropout rates in inner city high schools, when we have the National Association of Educational Progress saying that 12 percent of black high school seniors are illiterate in reading, that is a serious problem, and we're going to continue to see racial disparities. That is what affirmative action ought to address.” [“The NewsHour With Jim Lehrer,” PBS, 7/1/96]

1997: Bolick accused the Clinton administration of “flouting very clear Supreme Court precedent” by tying the University of Texas’s federal funding to continued affirmative action programs. “Compounding the uncertainties about the use of race in college admissions and scholarships, the United States Department of Education has warned Texas officials that the state could lose Federal higher education money unless it maintains affirmative-action programs in its university system -- programs the Texas Attorney General says are illegal under a groundbreaking Federal court ruling. In a letter on March 18, the Office of Civil Rights at the department told Texas officials that they must aggressively take steps like affirmative action to attract minorities or risk losing \$500 million in student scholarships, work-study programs and research grants. The Education Department's statement directly contradicts the Texas Attorney General's directive that the decision in the Hopwood reverse-discrimination case had the effect of barring any use of race in admissions and scholarships at state colleges and universities. [...] Critics of affirmative action said Ms. Cantu's statement reflected the degree to which the Clinton administration remains committed to affirmative action no matter what the courts say. ‘It seems to me this is an outright flouting of very clear Supreme Court precedent,’ said Clint Bolick, litigation director of the Institute for Justice, a conservative public-interest legal organization. ‘This Administration has not found a preference policy it will not abide.’ [New York Times, 3/26/97]

- **Bolick: “The administration is involved in a campaign of massive resistance against Supreme Court rulings that say that racial preferences should be the last resort and the exception.”** “‘Her legal analysis is creative, to say the least,’ said Clint Bolick, litigation director of the Institute for Justice. ‘It's clear the administration is involved in a campaign of massive

resistance against Supreme Court rulings that say that racial preferences should be the last resort and the exception.” [Washington Times, 3/27/97]

1997: Bolick said a massive decline in minority enrollment at public universities was because affirmative action was “a snake oil approach” to solving “serious problems in elementary and secondary education.” “*Jesse Jackson*: This coming year because of this insensitivity, this race neutral position, there will be zero blacks going to the University of Texas this coming fall, law school. There'll be an 80 percent drop at the University of California, UCLA, of black and brown. We're moving toward resegregation. Does this not concern you at all? *Clint Bolick*: I've got to say these figures illustrate two things. First of all, that preferences were even vaster than anyone thought previously. [...] And second of all, that there are serious problems in elementary and secondary education. Affirmative action in, as a form of preferences is a snake oil approach to solving these problems. We've got to do better at elementary and secondary education.” [“Both Sides With Jesse Jackson,” CNN, 7/7/97]

1997: Bolick on college admissions: “It's totally fine to take into account individual disadvantages but what you should never do, what you should never do it to take into account a person's race or ethnicity.” “*Clint Bolick*: It's totally fine to take into account individual disadvantages but what you should not do, what you should never do it to take into account a person's race or ethnicity. That says nothing about, to paraphrase somebody very important, the content of a person's character.” [“Crossfire,” CNN, 8/20/97]

- **Bolick said he saw the value of “diversity” by admitting more conservative students to law school.** “*Geraldine Ferraro*: And they're going to go someplace else. So the University of Berkeley, in this incoming class, is going to have one black student. Do you see any value at all for diversity in a law school class? *Clint Bolick*: Actually, I saw value for diversity in my law school class. I was the only conservative in an otherwise totally left-wing law school.” [“Crossfire,” CNN, 8/20/97]

1997: Bolick: “When you see minorities disappearing from the University of California, the reason is not because California is trying to keep minorities under the school. It is because of the appalling state of education in our K through 12 system.” “*Clint Bolick*: Well, civil rights groups, many of them are fighting the battles of the 1960's and the 1990's. The fact is that problems are different today. Racism remains a problem, but when you see minorities disappearing from the University of California, the reason is not because California is trying to keep minorities under the school. It is because of the appalling state of education in our K through 12 system. I applaud Hugh Price's group, which almost alone among the established civil rights groups is focusing on issues like that. But what I'd like to see is an opportunity where the civil rights groups say listen, we are going to give a break to these racial classifications, and we're going to focus on people based on their disadvantage. When that happens, we're going to be able to rebuild the civil rights consensus in this country but not until then.” [“NewsHour with Jim Lehrer,” PBS, 11/20/97]

1999: Bolick opposed the concept of a “striver” SAT score to bring social equity into the admissions process. “This fall, college admissions officials will again begin the long process of determining which high-school seniors are admitted to the next freshman class. They will read essays, assess teacher recommendations and look at SAT scores. For the first time, they will also be able to determine whether a student qualifies as a ‘Striver.’ Strivers is a new idea from Educational Testing Service, which devises the Scholastic Assessment Test. Strivers is designed to give colleges a tool for bringing social equity into the admissions process. And like race-based affirmative-action preferences for minorities, it is sure to become controversial. The concept works a lot like a golf handicap. ETS has come up with a statistical equation that will generate an expected SAT score for every student based on

14 different categories, including family income, parents' education level and high-school socioeconomic mix. The Strivers score is the difference between the actual SAT score and the expected score. Anyone who scores 200 points higher than the expected score is considered a Striver. The score would be calculated by colleges, using demographic information on an application, and students wouldn't necessarily find out the results. [...] Moreover, some groups question the idea of being able to accurately determine how a student should have performed on the SAT. 'I'm dubious about it,' said Clint Bolick, litigation director of the Institute for Justice, which has been highly critical of racial-preference programs around the country. 'How do you know what a person should score?' Bolick asked. 'The purpose of the score is to tell you a person's actual academic capacity.'" [Wall Street Journal, 9/1/99]

1999: Bolick: "The more affirmative action a school offers the higher the dropout rate of minorities." "Bolick, author of *The Affirmative Action Fraud*, and leader of the nationwide litigation effort to defend school choice programs said he is definitely against government discrimination on the basis of race. 'As soon as you are labeled according to your race you are denied your individuality,' he said. Bolick said he believes that affirmative action is a fraud. 'It doesn't solve the problems that cause racial disparity. The problem is that it makes us think we are solving the problems,' Bolick said. Affirmative action also adds points to test scores, Bolick said. 'The more affirmative action a school offers the higher the dropout rate of minorities,' he said. 'We aren't benefiting the student because they are being admitted into a school that they will not graduate from.'" [Baylor University Lariat, 11/10/99]

2001: Bolick called for Bush administration to withdraw a Clinton amicus brief supporting affirmative action at the University of Georgia calling for "political leadership that will unwaveringly argue that race is a meaningless construct." "Although he never received Senate confirmation as the assistant attorney general for civil rights at the Department of Justice, the ghost of Clinton-era official Bill Lann Lee continues to haunt our nation's courts. In an friend-of-the-court brief written by Lee last year in a case involving racial admissions preferences at the University of Georgia, the Department of Justice argued that Jennifer Johnson, Aimee Bogrow, and Molly Ann Beckenhauer - young women with exceptional grades and exams - were properly denied admission to the school in order to promote racial 'diversity.' Just as with similar cases involving universities in Texas, Washington state, and Michigan, the University of Georgia awards extra-credit points to applicants who are members of 'underrepresented' racial groups. Since these women were white, they didn't get the bonus points and were forced to attend college elsewhere. [...] What America needs on this issue is political leadership that will unwaveringly argue that race is a meaningless construct and should be abandoned as a factor in our public lives. Period. Without this clear articulation, Americans of every race will remain exasperated over the do's and don'ts, the when's and when-nots, and how's and how-nots of race and ethnicity. President Bush and Attorney General Ashcroft know this. But they must find the political courage to act upon their beliefs. Withdrawing the University of Georgia pro-racial preference brief is a good place to start." [Edward Blum, Clint Bolick, and Roger Clegg Op-Ed, *National Review*, 5/18/01]

2003: Bolick called Supreme Court decisions upholding the use of race as a consideration for admission to public universities "a tragedy for all Americans." "In separate decisions Monday, the Supreme Court upheld the use of race as one consideration in admissions to public universities but limited its weight as a factor in the decision. The high court by 6-3 struck down a point system used by the University of Michigan in undergraduate admissions, but upheld by 5-4 a separate program used at Michigan's law school that considers race as one factor among many in deciding which applicants to admit. [...] Opponents of racial preferences were clearly disappointed by the thrust of the rulings. 'The court attempted to split the difference on an issue in which there is only a 'yes' or 'no' answer: Will government be permitted to discriminate in educational opportunities on the basis of race? Unfortunately, the court's decision is a tragedy for all Americans,' said Clint Bolick, vice president of

the Institute for Justice, a libertarian firm that filed an amicus brief in the case.” [Congressional Quarterly, 6/23/03]

- **Bolick: “By embracing the amorphous concept of ‘diversity’ as a compelling justification, it unleashed public universities to engage in widespread discrimination.”** “The average black high school senior achieves at a level roughly four academic years behind the average white senior. Massive preferences like the University of Michigan's merely leapfrog the best-qualified minority students while doing nothing to close the academic gap and help those left behind. Indeed, they harm efforts toward racial equality by making people think the gap is closing, when in fact it is widening. In previous decisions, the court held that government may discriminate on the basis of race only for the most compelling purposes and in the most narrowly tailored ways. By embracing the amorphous concept of ‘diversity’ as a compelling justification, it unleashed public universities to engage in widespread discrimination. True diversity requires assessment of individual characteristics. The court's decision embraces racial stereotyping instead.” [Clint Bolick Op-Ed, USA Today, 6/24/03]
- **Bolick: “It's outrageous that the majority in favor of these racial preferences was formed by Republican appointees.”** “Many conservatives hold Justice David H. Souter, appointed by President Bush's father, in great disdain because he was sold to them as a reliable vote but has instead been a mainstay of the more liberal wing on the court. He voted today to uphold both Michigan programs. ‘It's outrageous that the majority in favor of these racial preferences was formed by Republican appointees,’ said Clint Bolick, vice president of the Institute for Justice, another conservative group that challenged the Michigan programs.” [New York Times, 6/24/03]

ATTACKS ON PUBLIC SCHOOLS

AZ Mirror: Goldwater Institute a “powerful special interest group with a long history of working to privatize public schools and one of the parties challenging Prop. 208.” “Ducey has now appointed five of the seven justices, which included several controversial picks, such as Clint Bolick, who spent nearly a decade as a litigator for the Goldwater Institute, a powerful special interest group with a long history of working to privatize public schools and one of the parties challenging Prop. 208.” [AZ Mirror, [3/15/22](#)]

2002: Bolick: “Education is the most important product in America and it's the only one without a money back guarantee.” “*Clint Bolick*: You know, education is the most important product in America and it's the only one without a money back guarantee. No matter how bad the public schools are, we never say, OK you've got to give us our money back. The Newark, New Jersey public schools now are spending \$15,000 per student and still putting out a horrible product. The New York report that came out today is horrible. There are some schools with a zero graduation rate, but they're no different than any other large urban school district in the United States. The idea that kids must be forced to stay in a system and that the taxpayers have to keep pumping money into the system with no guarantee of results is absolutely appalling.” [“Hannity & Colmes,” Fox News, 4/26/02]

- **Bolick: Public schools “just want the money with no accountability whatsoever.”** “*Bolick*: A few years ago, the Diocese of New York offered to take the bottom 5 percent of the kids in the New York City school system, educate them at about half of that expense and take full responsibility for success or failure. That's what the public schools will not do. They will not say, listen, if we get this money, we will give you results. They just want the money with no accountability whatsoever.” [“Hannity & Colmes,” Fox News, 4/26/02]

1998: Bolick: “I strongly support the notion of public education. My own boys are in a public school.” *“Clint Bolick: And again, I strongly support the notion of public education. My own boys are in a public school. But if I lived in Cleveland, if I were a low-income parent, and I have to add here, because I assume Michael Charney knows this, but if he doesn't, it's a very important point, the median income of the families in the Cleveland scholarship program is \$6,597. Even for the families who are struggling to get -- to have their kids in private schools before this program, these are not -- this is not a middle class entitlement. These are very, very poor people who -- whose kids need an education desperately.”* [“Talk of the Nation,” NPR, 3/9/98]

1987: Bolick called the “persecution of homeschoolers” one of “the gravest deprivations of civil rights in America today.” *“The spectacle of a parent being hauled off to jail and deprived of the custody of his or her children—not because the parent is not fulfilling basic responsibilities, but because he or she is doing so, perhaps quite successfully, in a manner that offends some members of the community- is repulsive to the fundamental concept of freedom in America. As a nation, we have chosen to entrust the upbringing of children to parents rather than to the state, a choice that distinguishes ours as a free society. Where home schooling is tolerated, meanwhile, many young people are obtaining a high- quality education while forming a bond with their parents that should constitute an ideal in a family-oriented society such as ours. And where governments do not obstruct good faith home schooling, they can devote their full resources to matters, such as child abuse, that deserve far greater attention than they presently receive. Clearly, our present quest for education reform should include a relaxation of laws that limit or prohibit the home schooling option—not only because government is failing to educate children successfully, but as a matter of right. The persecution of home schoolers is one of the gravest deprivations of civil rights in America today. The issue can easily be resolved, however, if only we apply the basic principles on which our nation’s moral claim is staked.”* [Clint Bolick, The Home Schooling Movement, Foundation for Economic Education, [3/1/87](#)]

1987: While Serving As A DOJ Lawyer In The Reagan Administration Bolick Penned A Pro-Homeschooling Op-Ed Attacking “Government” Education. *“In a nation firmly grounded in the family unit and committed to individual liberty, it is ironic that many home schoolers face unnecessary and arbitrary obstacles -- such as teacher certification requirements and rigid curriculum regulations -- that render it difficult or impossible to act in the best interests of their own children. Some states have liberalized their laws as the myths surrounding home schooling are debunked. But others still heavily regulate or forbid home schooling altogether. In many jurisdictions, local school bureaucrats harass home schoolers into submission by threatening truancy prosecutions that the families are often without resources to resist. Until the power of the government to compel educational homogeneity is clearly circumscribed, denials of this basic civil right will continue. When the issue is finally addressed -- most likely in the courts -- we will find that the touchstone for a decision is firmly embedded in our heritage. Long ago, we cast our lot with the family as opposed to the government as the principal mechanism by which values are transmitted from one generation to the next -- a choice that distinguishes ours as a free society.”* [Clint Bolick Op-Ed, Syracuse Post-Standard, 3/19/87]

1988: Bolick Attacked “The Monopoly System Of Public Schools.” *“The monopoly system of public schools has a devastating effect on urban minorities, and we should explore ways to promote educational liberty. We should re-examine the welfare system, which was designed as a safety net to sustain people but has turned into a tangled web that strangles people. We should act to protect the personal security of individuals -- the most basic civil right and the primary purpose of government -- which has been lost amidst the preoccupation of contemporary civil rights leaders with the rights of criminals. All these are examples of arbitrary interferences by third parties -- usually the government -- with the individual's right to control his or her own destiny.”* [Clint Bolick Op-Ed, San Diego Union Tribune, 2/28/88]

1992: Bolick Claimed That “You Could Double The Spending In Public Schools Right Now And Nothing Would Change.” “*Jesse Jackson*: Let me ask you this question, Bolick - in Connecticut, if one goes to school in Bridgeport, Hartford or New Haven - spend, on those children, \$400 to \$600 a year - West Hartford or Greenwich, \$9600 a year - both in public schools. One a track program for Yale, one to menial work and for jail, both in public schools. What would choice do for that \$ 5,000 gap? *Clint Bolick*: You know, you could double the spending in public schools right now, and nothing would change. [...] The cities that I have lawsuits in - Chicago and Los Angeles - already spend much more money than the statewide averages there. There is very little correlation. The private schools, in the inner-cities in particular, educate kids much better than their public-school counterparts, at a half to two-thirds of the cost.” [“Both Sides With Jesse Jackson,” CNN, 6/27/92]

1993: Bolick Accused Bill Clinton Of Hypocrisy For Sending His Daughter To Private School. “President-elect Bill Clinton and his wife Hillary, longtime advocates of public schools, have decided to send their daughter to a private school in Washington Chelsea Clinton, a 12-year-old eighth-grader who now attends a public magnet school in Little Rock, will enroll at Sidwell Friends School when her family moves to Washington this month, according to an announcement by the office of the president-elect. [...] The Institute for Justice, a conservative Washington-based group that favors school vouchers that would allow parents to send their children to private or public schools, accused Clinton of hypocrisy. ‘Bill Clinton the parent looks to the best interest of his daughter,’ said Clint Bolick, vice president of the institute. ‘But Clinton the president won’t buck the special interest lobby that would deny choice to others.’” [Boston Globe, 1/6/93]

- **Bolick: “We’d Like To See Other Parents, Particularly Low-Income Parents, Have The Same Choice As Bill Clinton.”** “But Clint Bolick of the Institute for Justice, a not-for-profit, Republican-oriented public interest group in Washington, said today that the Clintons’ decision illustrated the need for a voucher program. ‘Bill Clinton, the self-described advocate of public schools, finds that not a single public school in D. C. is adequate for his daughter,’ Mr. Bolick said. ‘And we’d like to see other parents, particularly low-income parents, have the same choice as Bill Clinton.’” [New York Times, 1/5/93]
- **2006: Bolick called Hillary Clinton a “blazing hypocrite” for opposing vouchers.** “Advocates of private school vouchers condemned remarks made last week by Sen. Hillary Clinton, D-N.Y., who said vouchers could pave the way for a government-funded ‘School of the Jihad.’ [...] Clint Bolick, the president of the Phoenix-based Alliance for School Choice and a prominent voucher proponent, called the former first lady a ‘blazing hypocrite.’ He noted that when Sen. Clinton and her husband, President Bill Clinton, resided at the White House, District of Columbia authorities gave them the choice of sending their daughter, Chelsea, to any public school in the city. They ultimately chose a private school. ‘It’s just absurd to characterize other parents’ abilities to make similar choices for their children this way,’ he said. He added that while government voucher programs have been around for years in places such as Cleveland and Milwaukee, ‘we do not see white-supremacy schools. We do not see jihadist schools. What we do see is children who never before have gotten a break learning in safe environments chosen by their parents.’” [Education Week, 3/1/06]

1993: Bolick Said Urban Public Education Was “Absolutely Abysmal.” “In Milwaukee, about 700 children attend private schools on state-supported vouchers, under a plan that was upheld by the Wisconsin Supreme Court. ‘Several hundred youngsters who were previously consigned to educational cesspools are now going to good schools,’ Bolick said. Those who believe such plans drain the best students from public schools are wrong, said Bolick, who also has filed legal cases seeking voucher plans in Chicago and Los Angeles. ‘It’s the kids who are doing worst in public schools who are taking

advantage of choice programs,' he said. Bolick decried 'the absolutely abysmal quality of education' in urban schools, saying, 'The situation described in Hartford is true in almost any inner city in the United States.'" [Hartford Courant, 2/12/93]

1998: Bolick said "most if not all urban public school districts" were "defaulting on their responsibilities." "*Clint Bolick*: I think that in Cleveland and Milwaukee also, as in probably most if not all urban public school districts, for economically disadvantaged youngsters these schools really are defaulting on their responsibilities. And you don't have to even take my word for it. In Cleveland for example, the control of the Cleveland public schools was transferred by a federal judge to the State of Ohio precisely for that reason. The schools simply were not performing their basic educational function. And I think we're in a similar situation where like -- under federal law for disabled youngsters, if a school fails to provide a free appropriate education, the disabled student's parent can choose -- take the money to a private school. That's really the concept that's going on in all of these programs at its core: the public schools are great for some kids, they're great for my kids, but for those who they are failing, or do not exist for essentially, they should be given an opportunity to get an education elsewhere." ["Talk of the Nation," NPR, 3/9/98]

1998: Bolick: "Wouldn't it be nice to see a public school that was failing shut down?" "*Clint*: These schools must accept students in this program on a random selection basis if they participate in the program and they have to accept the money as full payment of tuition. These schools are not trying to turn kids away. They want more kids. *Barry Lynn*: First of all, some of these schools were so corrupt that they literally closed in the middle of a school year. Another one... *Bolick*: Wouldn't it be nice to see a public school that was failing shut down?" ["Crossfire," CNN, 5/10/98]

- **Bolick: "What we ought to be doing is closing some of the defective public schools."** "*Elliot Minberg*: Oh, yeah? Tell me about the school -- the voucher schools in Milwaukee, one of which closed, literally in the middle of the year, leaving kids stranded. *Clint Bolick*: What we ought to be doing... *Minberg*: That would never have happened... *Bolick*: ... Elliot, is closing... *Minberg*: ... in a public school. *Bolick*: ... some of the defective public schools..." ["Hannity and Colmes," Fox News, 11/11/98]

1998: Bolick said giving additional funding to the public schools would be "like throwing gasoline on a fire." "*Barry Lynn*: Do you know what? If we took the money, which Newt Gingrich will not do on the federal level either, and made sure that the roofs in the D.C. public schools didn't leak... *Clint Bolick*: That's what we want to do. *Lynn*: ... we wouldn't have to be talking about these phony solutions. *Bill Press*: All right, Clint... *Bolick*: Give the D.C. public schools more money, is that it, Barry? *Lynn*: No. You want to, I want to give them... *Bolick*: That's a great solution. *Lynn*: I want to give them... *Bolick*: That's like throwing gasoline on a fire, Barry." ["Crossfire," CNN, 5/10/98]

1998: Bolick: "When poor kids are able to walk out the doors of failing schools, it provides a tremendous incentive for schools to improve." "Two businessmen announced a \$200 million Children's Scholarship Fund yesterday to provide money for private school tuition to 50,000 low-income children nationwide. [...] Clint Bolick, litigation director at the Institute for Justice and an advocate of school choice, said competition helps public schools as well. 'When poor kids are able to walk out the doors of failing schools, it provides a tremendous incentive for schools to improve,' Mr. Bolick said. Mr. Bolick hailed the \$200 million scholarship fund as a breakthrough." [Washington Times, 6/10/98]

1999: Bolick accused liberal groups of "standing there blocking the door" for low-income children to receive an education. "*Clint Bolick*: Barry [Lynn], the one thing I know about you and your views on education is every time a low-income kid tries to get an education, a good opportunity in

a private school, you and your buddies and People for the American Way and the ACLU and the teachers union are standing there blocking the door. So I'm simply not buying your empathy. [...] This is simply about expanding the range of educational opportunities. Education can take place in a variety of contexts. If it's not taking place in urban public schools -- and there are simply too many that are defective right now -- why not include private schools among the range of options?" ["The Crier Report," Fox News, 3/10/99]

- **Bolick: "This is a lot like the Berlin Wall. There's movement only in one direction, out of failing public schools and into private schools."** "*Bolick*: Well, there -- there is a war of social scientists going on now. One thing that's absolutely clear is that graduation rates for the kids in these private schools are much higher than in the public schools. But really, I don't think we need the social scientists. All right, we have statistics on our side showing that the blacks and Hispanics in the Milwaukee program -- the academic gap between those kids and white kids has closed by between a third and a half. I don't think we need to rely on the social scientists to tell us what we can see with our own eyes. This is a lot like the Berlin Wall. There's movement only in one direction, out of failing public schools and into private schools. I trust the parents to make the best choices for their kids, and those kids are doing great." ["The Crier Report," Fox News, 3/10/99]

1999: Bolick: Public "school districts could use a serious dose of pain." "Critics dismiss the public school changes as cosmetic and want to wait for evidence of rising student performance in districts using vouchers. Bolick is confident that will happen amid the pressure of competition. 'School districts can use a serious dose of pain,' he said. 'Public education is not about preventing public school districts from feeling pain. It is about educating children.'" [Albuquerque Journal, 5/3/99]

1999: Bolick said lawsuits from the ACLU and other groups were "preventing the public schools from achieving their mission." "*John McLaughlin*: Are there too many lawyers operating in the schools today? And have judges become more important than school boards, do you think, Clint Bolick? *Clint Bolick*: Absolutely. Elliott's buddies in the ACLU are particularly active. In fact, Elliott's organization sues the public schools a great deal. The ACLU recently sued an Ohio school district for closing on Yom Kippur so kids could celebrate their religious holiday. They've sued to disallow the Boy Scouts from using meeting facilities because, after all, they often invoke the name of God. This sort of stuff is preventing the public schools from achieving their mission. It has gotten discipline out of the public schools, and it's really preventing them from getting the job done." ["John McLaughlin's One On One," PBS, 9/19/99]

- **Bolick said sexual harassment lawsuits were "the way that schools are being bankrupted."** "*McLaughlin*: Where does the litigation originate? Is it originating with parents? Is it originating with students? Is it originating by teachers, with their grievances? They do a lot of suing, do they not? *Bolick*: Oh, yes. But I'll tell you, I think the two main sources of all of this litigation are, first of all, the massive attorneys' fees that lawyers can get, for example, in the sexual harassment context, which is now the way that schools are being bankrupted -- by these absurd lawsuits alleging little kids are engaged in sexual harassment when they plant a kiss on a little girl's cheek -- the other thing is really ideological activism. And that's where groups like Elliott's and the ACLU come in. They want to advance their agenda through the courts, and then they turn around and say, flabbergastingly, that they are the defenders of the public schools in the school voucher context. It's hypocritical." ["John McLaughlin's One On One," PBS, 9/19/99]

1999: Bolick: "A lot of parents don't realize how bad their schools are." "*Clint Bolick*: Well, I think that a lot of parents don't realize how bad their schools are. But, by and large, for middle-income kids,

for wealthy kids, the problem is not that bad. For low-income kids, this is a catastrophe. And we have got to give their parents a way out.” [“John McLaughlin's One On One,” PBS, 9/19/99]

2000: Bolick: “Public education can take place outside of the public schools.” “For educators and advocates, the question prompted by yesterday's United States Supreme Court decision allowing some federal aid for private and parochial schools is, How broadly can it be applied? [...] ‘What this fits into is a growing sense that public education can take place outside of the public schools,’ said Clint Bolick, litigation director for the Institute for Justice, a leading advocate of school vouchers that would allow taxpayer money to be used at private and parochial schools. ‘This kind of decision makes public policy much more flexible in terms of aid following students rather than aid to the public school system exclusively.’” [New York Times, 6/29/00]

2000: Bolick: “There is one and only one education reform on the table that can get good kids out of failing schools and into good schools immediately.” “Black students who used privately funded vouchers to switch from public to private schools increased their reading and math scores on standardized tests significantly, a new study of voucher programs in three cities has found. [...] Clint Bolick, litigation director for the Institute for Justice in Washington, said the study represents yet another important addition to a growing body of research that supports the benefits vouchers bring to poor students. Mr. Bolick, whose public interest law firm has represented voucher families in Cleveland, Milwaukee and Florida, says while academic achievement is key, students who use vouchers are affected well beyond their performance in the classroom. ‘Access to private school education is a total package,’ Mr. Bolick said. ‘The entire educational environment changes, and that means not just improved test scores, but greater discipline, parental involvement and expectations of the kids.’ Voucher opponents criticized the Harvard study, saying the results were biased because it was funded by voucher supporters. [...] Mr. Bolick disagrees and says the study is valid. The research, he adds, ‘underscores that there is one and only one education reform on the table that can get good kids out of failing schools and into good schools immediately.’” [Washington Times, 8/29/00]

2000: Bolick: “Public school choice certainly doesn't work if the choice is among mediocre schools.” “*Clint Bolick*: Public school choice certainly doesn't work if the choice is among mediocre schools. *John Stossel*: Clint Bolick of the Institute for Justice is helping Dermita and other voucher families fight the lawsuit. He says competition from vouchers will make public schools better. *Bolick*: The reason that private schools often do so well is that they have to satisfy their customers or they go out of business. Creating that kind of competition by letting kids leave failing public schools and take some of their money with them has the exact same impact on public schools.” [“20/20,” ABC, 9/29/00]

- **Bolick said teacher certification requirements were “strangling” public schools.** “*Bolick*: These schools are bureaucratically strangled. Albert Einstein would not be allowed to teach in the public schools because of the certification requirements. And this is the kind of nonsense that chokes public education and makes it so essential to break the mold.” [“20/20,” ABC, 9/29/00]

2000: Bolick called American public education “an embarrassment compared to almost every other industrialized nation.” “And Clint Bolick said that ‘we have gone from having the greatest educational system in the world to one that really is an embarrassment compared to almost every other industrialized nation.’” [Phi Delta Kappan, 10/1/00]

2000: Bolick: “Public schools are the greatest engine of racial inequality in our society today.” “A California ballot proposal to create the nation's largest school-voucher program would increase racial inequality in public schools, says a report out Tuesday. The Applied Research Center, a liberal Oakland

think tank, says a study of Proposition 38 found that the voucher program would leave the majority of low-income students and minorities in debilitated public schools, while affluent families would receive subsidies for private education. [...] Clint Bolick of the Institute for Justice, a Libertarian public-interest law firm that supports voucher programs, describes the center's conclusions as 'absolutely preposterous.' 'Public schools are the greatest engine of racial inequality in our society today,' Bolick says. 'They are segregated both by race and economic status. School choice, by contrast, gives low-income and minority kids a real opportunity to access high-quality educational opportunities. This study substitutes ideology for real scholarship.'" [USA Today, 10/11/00]

2001: Bolick: "If public money is used in a private school and we're getting kids a good education, then that fulfills the goals of public education, and there's nothing wrong with that." ["Today," NBC, 10/1/01]

2002: Bolick said a Supreme Court victory for school vouchers would be "the best thing that happened for public schools." "*Jane Clayson*: ...Let me jump in here, Mr. Bolick and Mr. Minberg. Let me ask you, as we wrap up here, what's the worst possible outcome in both of your opinions that could happen to public schools if the vouchers are upheld by the US Supreme Court? *Clint Bolick*: This is going to be the best thing that happened for public schools because it will expose them to competition, to parental choice, and put the parents, rather than the bureaucrats, in charge of the education system." ["The Early Show," CBS, 2/20/02]

- **Bolick: "The rules of competition aren't suspended at the classroom doors."** "*Clint Bolick*: Yes, I was surprised it hear that because the most recent official evaluation of the program found statistically significant improvements of test scores. What we have seen from other school choice programs around the country is not only are the kids who are in these schools doing better, but the programs are prompting the public schools to improve as well. So it really helps everybody. *Bill Hemmer*: Do you believe they raise the bar, they help promote competition among students and, in essence, make them better students? *Bolick*: That's right. The rules of competition aren't suspended at the classroom doors. Any time a parent has a choice to leave the school and take some of her money with her, the school is going to pay a lot more attention to that parent." ["CNN Live Today," CNN, 2/20/02]

2002: Bolick: "Every single urban school system in the United States remains lousy." "*Clint Bolick*: Well, if you accept Barry [Lynn]'s logic, then of course the G.I. Bill and Pell grants would also be unconstitutional because you can use those grants to go to a divinity school to study for the ministry, which obviously advances the mission of the religious organization. Barry has already lost that battle and so he's trying to draw a new battle line here. What is totally offensive about what Barry just said comparing this to the segregation academies after Brown Versus Board of Education the overwhelming majority of parents in the school choice programs around the country are Black and Hispanic. They are overwhelmingly low income. These are the kids that the public school system in many instances has given up on. This is their life preserver. *Gwen Ifill*: Let me ask you this. Who is... if not the government, who is to rescue failing public schools? *Bolick*: Well that's exactly right. The government does need to rescue failing schools. But in the meantime, you know, we keep talking about all of these wonderful programs that Barry is talking about, but every single urban school system in the United States remains lousy even though many of them are now spending 13 or 14,000 dollars. *Barry Lynn*: That's simply not true. *Bolick*: The fact is that these parents are saying I can't wait until Barry saves the schools. They want a money-back guarantee." ["NewsHour with Jim Lehrer," PBS, 2/20/02]

2002: Bolick: "The concern of public education shouldn't be about where a child learns. The concern of public education ought to be whether a child learns." "Parents are voting with their feet

to try to get their children what every parent wants: the promise of equal educational opportunities for those that the current system has left behind. The essence of school choice and the reason it is so tenaciously resisted by defenders of the status quo is a transfer of power over basic education decisions from bureaucrats to parents. In other words, the funds allocated for a child's education follow that child whether she goes to public, private or religious school. In America, we enjoy choices in every facet of our lives. Why not in education? The concern of public education shouldn't be about where a child learns. The concern of public education ought to be whether a child learns.” [Clint Bolick Op-Ed, San Diego Union-Tribune, 6/11/02]

2003: Bolick described public schools as “one of the biggest and most pernicious government monopolies in the free world.” “As he defended school choice, however, Bolick knew that he was really on offense, against ‘one of the biggest and most pernicious government monopolies in the free world.’ The education establishment will marshal all its resources to defeat school-choice plans that give parents the financial means to enroll their children in private schools, rather than failing public ones. When a program springs up -- even if it limits the number of participants to a handful of kids from low-income families -- the teachers unions will spend millions to smack it down.” [National Review, 4/21/03]

2004: Bolick: “The best thing going for the school-choice movement is the abysmal and declining quality of public education.” “Sadly, the best thing going for the school-choice movement is the abysmal and declining quality of public education, particularly for minority children. Fifty years after *Brown v. Board of Education*, the racial academic gap suggests we are nowhere close to achieving true equality of educational opportunity. Nearly 50 percent of black and Hispanic students drop out of high school, and 27 percent of all 20- to 29-year-old black men who dropped out are in jail. Despite high attrition rates, the average black high-school senior achieves at a level four academic years behind the average white senior -- a gap that has increased by one-third over the past decade. [...] Right now, children in publicly funded school-choice programs account for fewer than 0.2 percent of American schoolchildren. Yet the potential is boundless. School choice is the nation's most urgent civil-rights issue. We cannot tolerate, or afford, the current racial gap in education if we are to continue to be a great nation.” [Clint Bolick Op-Ed, National Review, 10/11/04]

2005: Bolick: “We need to redefine ‘public education,’ focusing less on where education takes place and more on whether it takes place.” “*Clint Bolick*: Ultimately, we need to redefine ‘public education,’ focusing less on where education takes place and more on whether it takes place. A child learning at home in front of a computer or in a religious school is advancing the true goals of public education; a child trapped in a crime-infested public school with little prospect of learning is not.” [Reason, 12/1/05]

2005: Bolick: “Our nation's K–12 public education system is the most bloated, ossified, bureaucratic, hidebound, monopolistic, special-interest-driven example of central planning aside from Communist China or perhaps the U.S. Postal Service.” “*Clint Bolick*: Our nation's K–12 public education system is the most bloated, ossified, bureaucratic, hidebound, monopolistic, special-interest-driven example of central planning aside from Communist China or perhaps the U.S. Postal Service. If our schools do not improve, millions of schoolchildren -- particularly from poor families -- will continue to be consigned to lives of poverty and dissatisfaction.” [National Review, 12/19/05]

2018: Bolick voted in favor of 5-2 Arizona Supreme Court decision to kick Invest in Education initiative off of the ballot. The Measure would have raised taxes to help fund public education. “Eight weeks after the Invest in Education ballot initiative was kicked off the ballot, the details on the

Arizona Supreme Court's opinion have been released. The court voted 5-2 to strike the proposition that would have raised taxes to help fund public education. Justices Robert Brutinel, John Pelander, Clint Bolick, Andrew Gould and John Lopez agreed: the 100-word description showed to petitioners signing for Invest in Ed quote created a significant danger of confusion or unfairness. 'We hold the initiative's proponents ... description of the initiative's principal provisions omitted material provisions and created a significant danger of confusion or unfairness to those who signed petitions to place the measure on the ballot,' the majority wrote." [KJZZ, [10/26/18](#)]

NO CHILD LEFT BEHIND

2001: Bolick supported tax credits for private school tuition as a “politically easier way to advance school choice.” “When President Bush announced his plan for educational reform last week, one feature attracted sharp controversy: a proposal to use vouchers for poor children in persistently failing schools. But another item with even more far-reaching effect, one especially dear to Bush's core constituency of suburban Republicans and religious conservatives, caught little notice. Buried in his blueprint for overhauling education, Bush proposed allowing parents to deduct up to \$5,000 of their yearly income to pay the educational expenses of each of their children attending private elementary and secondary schools. ‘The political fire has been aimed at the voucher portion of the education program, when in reality the tax credit part of the bill could have a much larger real-world impact,’ said Clint Bolick, litigation director at the Institute for Justice, a group that supports vouchers and tax breaks. ‘It may be that extending tax credits would be a politically easier way to advance school choice.’” [New York Times, 2/1/01]

2001: Bolick testified in support of “No Child Left Behind” in front of the House Education and the Workforce Committee. “Mr. Chairman and members of the Committee, on behalf of the many families we represent around the nation, I thank you for inviting me to testify on the school choice components of the Bush Administration s ‘No Child Left Behind’ education reform proposal. [...] The goals of public education are not advanced when a student fails in a public school; they are not harmed when a student does well in a private school. We should worry less about where children are educated and more about whether children are educated. That is the key insight of the choice proposals advanced in the Bush Administration s education reform program. It is not a real education reform program without them.” [Clint Bolick Testimony, House Education and the Workforce Committee, 3/14/01]

2001: Bolick criticized George W. Bush for abandoning a voucher proposal in “No Child Left Behind.” “When President Bush was elected, advocates of school vouchers were thrilled. With Republicans controlling both the White House and Congress, they thought, the time was ripe for a national version of Cleveland's experiment. So when Bush conceded defeat on the issue this week, before Congress even voted on it, voucher advocates were disappointed. But they were not surprised. From Bush's first week in office, they say, they began seeing signs that Bush was not prepared to fight to keep the issue alive. First, he introduced an education plan with a voucher proposal that upset liberals and conservatives alike. Then he said he was open to other ideas on the issue - a signal to Democrats on Capitol Hill that if they were dead-set against vouchers, he would not push. Now, voucher advocates say, they have resigned themselves to finding other ways to help students in struggling schools use tax dollars to attend private schools. And while they still expect to get some support from Bush, they're not looking to the White House for deliverance. ‘From the beginning . . . he made it very clear that he would jettison the choice [voucher] provisions at the first hint of controversy,’ said Clint Bolick, litigation director for the Institute for Justice, a Washington, D.C.-based group that has defended voucher programs in courts in Ohio, Wisconsin and Florida. ‘It seemed to be the strategy of capitulate first, negotiate second.’” [Cleveland Plain Dealer, 5/1/01]

2001: Bolick said he expected “good things” from the Bush administration “in terms of symbolic gestures and the bully pulpit,” but was disappointed in legislative proposals on school choice.

“Bolick and other voucher advocates say they expect Bush to help their cause by offering support in the Cleveland court case, and by taking other steps, such as signing legislation to allow a pilot voucher program in the District of Columbia. Former President Clinton vetoed similar legislation in the past. ‘In terms of symbolic gestures and the bully pulpit we expect good things from the administration,’ Bolick said. ‘Our expectations are modest, but the climate still has certainly improved.’ On the legislative front, however, Bolick and other voucher advocates are clearly disappointed. Their first disappointment came when Bush unveiled his education bill, proposing to provide up to \$1,500 a year toward private school tuition for parents in failing schools. Parents would have had to wait more than five years for the money to become available. [...] Bolick said Bush's proposal was politically doomed because of the way it was structured. While voucher advocates thought it provided too little money and took too much time, he said, voucher opponents resented Bush's suggestion to use ‘Title I’ education dollars that are targeted for the poor. ‘It encountered instant opposition but really very little enthusiasm on our side,’ he said.” [Cleveland Plain Dealer, 5/4/21]

2001: Bolick said George Bush “never expended any amount of political capital on school choice, not as governor, not as president.” “School voucher supporters are more than a little ticked at President Bush, naming him as one of the reasons vouchers are dead in this year's education bill. Despite Bush's endorsement of the idea, ‘he's never expended any amount of political capital on school choice, not as governor, not as president,’ complained Clint Bolick of the pro-voucher Institute for Justice. Bolick promises a big grass-roots push to turn sentiment around.” [Houston Chronicle, 5/6/01]

2001: Bolick praised the inclusion of “Education IRAs” for attending private schools in the Bush tax bill. “Lawmakers slipped a slew of tax breaks for education into the tax bill passed by Congress last week, providing new tax incentives for families willing to put thousands of dollars in college savings plans and for the first time permitting a federal subsidy for attending private elementary and secondary schools. [...] Conservatives say the tax break for private schooling, allowing up to \$2,000 annually to be invested in Education IRAs, is a first step that will lead to vouchers permitting low-income children to abandon public schools for private education. ‘This is the first time the federal government will provide financial assistance to kids in K-through-12 private schools,’ said Clint Bolick of the Institute for Justice, a conservative legal group that advocates vouchers. ‘If it doesn't hurt to give middle-income families a benefit, it wouldn't hurt to give it to low-income families.’” [Washington Post, 5/31/01]

2006: Bolick attempted to use the requirements of No Child Left Behind to force school districts to provide vouchers. “Advocacy groups that support taxpayer-financed vouchers are taking a new tack: using requirements of President Bush's No Child Left Behind school reform law to force the government to pay private school tuitions. In a move that could preview future battles, a pair of advocacy groups plan to file complaints today in two urban Southern California school districts, arguing that vouchers are needed to force districts to meet requirements for quality education. [...] The law requires that children in schools where average test scores don't rise from year to year be given the option of publicly financed tutoring or transfers to a better-performing public school. But Clint Bolick of the Phoenix-based Alliance for School Choice, one of two groups filing the complaint, says Los Angeles Unified School District and nearby Compton Unified School District ‘are not complying with that requirement.’ He says the Los Angeles district has ‘very, very cumbersome application procedures and very tight time deadlines’ for transfers, which he says discourage parents from applying. Los Angeles, he says, also heavily markets tutoring services in which it has a financial stake. Compton, he says, neither advertises tutoring options nor permits transfers to better-performing public schools, ‘so not a single child has transferred, even though there are thousands of kids in failing schools in Compton.’

Bolick's group and the Los Angeles-based Coalition on Urban Renewal and Education will ask U.S. Education Secretary Margaret Spellings to consider withholding federal money from the two districts if they don't expand options. Bolick wants the two districts to offer more independently run charter schools, which the law allows, and to offer vouchers and transfers to other public school districts -- two provisions not included in the law. 'We think it's a serious failing of the law that it does not include private school options or inter-district transfers, and the administration seems to support that,' he says." [USA Today, 3/23/06]

2007: Bolick said No Child Left Behind “paves the way for school choice, because public school transfers have proven inadequate.” “The Bush administration, as well as Rep. Howard ‘Buck’ McKeon (R) of California, recently proposed providing scholarships to students in schools that repeatedly fail to meet the goals outlined in NCLB - money that could be used in private schools. With Democrats in control of Congress, that's not likely to gain traction. [...] Nevertheless, ‘NCLB paves the way for school choice, because public school transfers have proven inadequate,’ says Mr. Bolick of the Alliance for School Choice. Bolick also says small-scale programs, such as a two-year-old voucher system for students in Utah who have special- education needs, build a more welcoming atmosphere for broader voucher laws.” [Christian Science Monitor, 3/22/07]

2007: Bolick questioned whether George W. Bush and Education Secretary Margaret Spellings were committed to school vouchers. “Clint Bolick, former president of the Alliance for School Choice, remains skeptical that either Bush or Spellings is committed to vouchers. ‘We've been waiting over six years now,’ Bolick says. ‘If we go zero for eight years, this administration will emphatically not get points from us.’” [Education Next, 6/22/07]

SPECIAL EDUCATION

2002: Bolick accused “sophisticated parents” of “scamming” the special education system “to secure preferential treatment for their children.” “Some of the biggest education debates in Washington this year may well be about special education. Since 1975, a law now known as the Individuals With Disabilities Education Act, or IDEA, has promised every learning disabled student an ‘appropriate’ education in the least restrictive environment possible, based on an assessment of each child's specific needs. The law has led to major changes in the way these children are taught, but it has also been the source of persistent conflicts. It is due for reauthorization this year, meaning that many of the most contentious issues are on the table again. [...] *Clint Bolick*: The program represents a conceptual breakthrough on two fronts. First, unlike other public educational programs, it recognizes that children are individuals and that “one size fits all” does not work in education. Second, it is the first program to provide a guarantee of appropriate education, allowing children to exit the system if their needs are not met in the public system. What doesn't work? The program mixes truly disabled children with nondisabled children who have special needs. Sophisticated parents scam the system to secure preferential treatment for their children, such as untimed tests, reduced homework and grades that aren't commensurate with achievement relative to others. At the same time, the program creates an incentive for schools to warehouse poor, predominantly minority children.” [New York Times, 4/14/02]

- **Bolick said his own son was an example of “gaming” the special education system.** “*Kathleen Boundy*: I hope we are permitted to be direct with each other. Mr. Bolick, while I would concede that you may be able to identify a parent or even a few who have sought to beat the system, your suggestion that they are representative is every bit as outrageous as my suggesting that Enron's behavior reflects corporate America. *Paul Marchand*: Any parent that might be successful in ‘gaming’ the system has to have cooperation from school administrators

who either go along or haven't put the appropriate services in place. *Clint Bolick*: It's not surprising to hear criticisms from defenders of the status quo. If we really care about the objectives of the program, we need to take a hard look at whether the program is serving the kids it's intended to serve. My own interest in and experience with IDEA is fueled by my own son's experience, a child whose writing skills fall behind his other skills. In a private school, he'd be given extra help in writing. In the public schools, he's either slapped with a label that doesn't apply or he doesn't receive extra help at all. The school officials frankly admitted that was the choice." [New York Times, 4/14/02]

SCHOOL CHOICE

June 1995: Bolick testified in favor of school choice before the House Economic and Educational Opportunities Committee. "I am co-founder of the Institute for Justice, which was created in 1991 to litigate in support of individual liberty in such areas as school choice, economic liberty, private property rights, and welfare reform. I commend this Committee for considering the, one issue most central to individual empowerment: school choice. [...] The Institute supports school choice as an essential element of education reform and equal educational opportunities. Alone among reform proposals, school choice means that children who desperately need high-quality education will be able to move from poor performing schools to good schools. And by transferring power over basic educational choices from bureaucrats to parents, we believe school choice can provide a powerful incentive for meaningful public school reform." [Clint Bolick Testimony, House Economic and Educational Opportunities Committee Early Childhood, Youth and Families Subcommittee, 6/21/95]

1994: Bolick: "School choice would effectuate the greatest transfer of power from government to individuals since the abolition of slavery." "School choice would effectuate the greatest transfer of power from government to individuals since the abolition of slavery. Unfortunately, discussion about the underlying principles often is sidetracked by factual distortions to which choice opponents always seem to resort." [Clint Bolick Letter to the Editor, American Spectator, January 1994]

1997: Bolick filed suit in Maine to challenge the exclusion of religious schools from the state's school choice program. "The legal battle to determine whether religious schools may participate in publicly funded school-choice programs moves into Maine today. In a lawsuit filed in Cumberland County Superior Court, the D.C.-based Institute for Justice challenges the exclusion of religious schools from Maine's rural school-choice program. 'Maine has a statute similar to Vermont's,' said Clint Bolick, litigation director of the Institute for Justice. "It allows 'tuitioning' to private schools for children in towns where there are no public schools to accommodate them. But Maine's statute says the tuition cannot be used in religiously affiliated schools.' [...] The Maine law singles out religious schools for discriminatory treatment, prohibiting towns from paying tuition to any school that is 'sectarian,' Mr. Bolick said. 'We're challenging the explicit prohibition on religiously affiliated schools,' he said." [Washington Times, 7/31/97]

- **1999: The Maine Supreme Court ruled against Bolick.** "The Maine Supreme Court has denied a constitutional appeal by five families who wanted to use taxpayer money to send their children to a church-affiliated school. In a 5-to-1 decision, the court upheld the state's policy of restricting publicly financed vouchers to nonreligious schools. [...] 'This now creates a split in authority among state supreme courts on the constitutionality of school choice that makes it much more likely that the United States Supreme Court will take a case and resolve the issue,' said Clint Bolick, litigation director for the Institute of Justice, a libertarian public policy law firm that represented the Maine parents. [...] Mr. Bolick called the Maine court's interpretation of constitutional law 'an aberration.'" [New York Times, 4/28/99]

1998: Bolick: “We ought to move toward a system in which money follows the child to wherever the child goes.” “*Clint Bolick*: Well, I think on the first point the caller is absolutely right. The program is not limited to religious schools or to any particularly denomination. In Milwaukee, which has had a non- sectarian school choice program since 1990, the number of non- sectarian private schools participating in the program has grown from nine to 23, and I think we'll see the same thing in Cleveland. Before vouchers in the inner cities, it's really only religious schools that have the financial wherewithal to offer their services to low-income kids, but when more resources are placed at their disposal, you see that the private sector responds to that. On the second point, I personally favor expanding the program. I think that we ought to move toward a system in which money follows the child to wherever the child goes. If the child goes to a public school, the money should follow her into that school and stay in that school, not go to the bureaucracy and so forth. I think that's the kind of systemic reform that we need in our society, but the first step is to rescue the kids who are most at risk, and so, if we are not successful in these court cases, I don't think the caller will see an expansion of the program that he would desire.” [“Talk of the Nation,” NPR, 3/9/98]

1998: Bolick defended spending taxpayer dollars on religious education: “These kids are learning reading, writing and arithmetic. If the parents also choose to have religious teachings in their kids' schools, what is wrong with that?” “*Alan Colmes*: Clint Bolick, why should my taxpayer dollars underwrite other people's religious education? *Clint Bolick*: What you are underwriting is education. And for the first time... *Colmes*: Mostly religious education. *Bolick*: For the first time in Milwaukee, kids from low-income families are finally learning how to read and write in a safe environment. That's the best deal that the taxpayers have ever gotten. And one of the many things that Elliot said -- and he got an awful lot of inaccuracies out in a really short time because... *Colmes*: You're avoiding my question. You're avoiding my question, Clint. I'm asking you why my tax dollars should go to fund other people's religious education. You know that these voucher systems normally have dollars going to religious schools whose primary purpose is... Why should my tax dollars go for that? *Bolick*: Alan, I guess what you're objecting to also is the G.I. Bill, Pell grants. You can study to be a minister in those programs, as well. The point is that what the state has done -- and the voters have voted for a governor who has -- who has put this program in. Tommy Thompson just won a smashing fourth term as governor... [...] *Colmes*: I want to ask a third time. Why should my money go to help somebody *Bolick*: Alan, what you are paying for, if you're a Wisconsin taxpayer, is to put money at the disposal of parents to make the best choice for their kids. These kids are learning reading, writing and arithmetic. If the parents also choose to have religious teachings in their kids' schools, what is wrong with that?” [“Hannity and Colmes,” Fox News, 11/11/98]

1998: Bolick: “If you really want parents to be able to choose the values, the educational quality, you give them their share of the money, and they can make their choices.” “*Clint Bolick*: ... you're talking about changing a school system... *Sean Hannity*: Exactly. *Bolick*: ... like the New York City schools, as an individual parent? If you really want parents to be able to choose the values, the educational quality, you give them their share of the money, and they can make their choices. That's what's happening in Milwaukee. That ought to be what happens in New York City. *Elliot Minberg*: No, but the problem -- but the difference is that what you're talking about in Milwaukee are schools that do not have to provide test score and other information to let people make informed choices, to begin with. They're not accountable to the public. They're not accountable to the taxpayers. *Bolick*: They're accountable to the parents! [...] That's who they ... should be accountable to! [...] And they're doing a terrific job.” [“Hannity and Colmes,” Fox News, 11/11/98]

1999: Bolick: “If you want to have a religious curriculum or you want to have a non-religious curriculum, that really ought to be the choice of the parents and the schools.” “*John McLaughlin*:

All right, Mr. Bolick, isn't it true that conservatives also use litigation as a tool against schools, as in the case of Christian students' groups who have been allowed to use school facilities for extracurricular meetings? *Clint Bolick*: That's absolutely right. And one of the things that happens with schools being essentially a political institution is that these lawsuits play themselves out that way. Frankly, I think that if you want to have a religious curriculum or you want to have a non-religious curriculum, that really ought to be the choice of the parents and the schools. And frankly, that's one of the reasons I support school choice. We can get out from under this nonsense by making it a parent- and student-driven, rather than a political system.” [“John McLaughlin's One On One,” PBS, 9/19/99]

Bolick praised Democratic New York Governor David Patterson calling him, “a passionate advocate for expanding opportunities for disadvantaged schoolchildren through school choice, including private school options.” “Behind the budget battle, Governor Paterson's public school reform position is particularly scrutinized. The discussion revolves around whether Mr. Paterson is pro-school choice, if he likes vouchers, and how far he will go to promote charter schools. Some national advocates are certain that he's Friedmansque in his school stance. ‘David Paterson is a passionate advocate for expanding opportunities for disadvantaged schoolchildren through school choice, including private school options,’ the former president of the Alliance for School Choice and arguably the nation's leading educational-choice advocate, Clint Bolick, said. ‘He is unafraid to stand up to special-interest groups that block opportunities for children who need them.’” [New York Observer, 4/2/08]

2011: Bolick proposed education savings accounts as a constitutionally permissible way for parents to access state money to pay for private school. “Stung by court defeats in Florida and Arizona in the past decade, school-voucher advocates set out to create a new system that would give students choices beyond public schools but still pass constitutional muster. The proposed solution, devised in Phoenix by the conservative Goldwater Institute, was the education-savings account: a pot of state money parents could access, if they pulled their children from public school, to spend on a host of education options, from private schools to home-schooling supplies to college-savings plans. [...] But critics have decried a ‘voucher-for-all’ program as an attack on public education and an improper way to funnel public money to private schools. The teachers union attorney who led the fight against Florida's first voucher program called the idea ‘dead on arrival’ and predicted it would not survive a likely court challenge. A savings-plan law, however, would offer such broad choices to parents that it could not be accused of sending money solely to private schools nor of creating a parallel school system in violation of Florida's constitutional requirement for ‘uniform’ public schools, said Clint Bolick, the institute's litigation director. [...] ‘We believe that education-savings accounts will be found permissible,’ Bolick said. ‘This program was purposely designed to satisfy constitutional requirements.’” [Orlando Sentinel, 1/31/11]

2011: Bolick proposed that businesses start their own schools. “In a recent commentary, Clint Bolick of the Goldwater Institute proposed an intriguing idea for educating students so they will be qualified for jobs that American business and industry now fills with better applicants from other countries. He suggests America's businesses grow their own labor supply by starting schools. ‘Businesses (or nonprofit groups they create) can easily start schools that produce the skills they need -- whether it's technical training, math, engineering, or foreign languages,’ Bolick wrote. ‘Companies could achieve economies of scale by providing teachers from their workforces and school facilities from their physical plants.’” [East Valley Tribune, 7/10/11]

2013: Bolick called Education Savings Accounts the future of school choice. “In 2011, Arizona enacted a system of education savings accounts, called Empowerment Scholarship Accounts (ESAs), for students with special needs (see sidebar). Families can use the money for private school tuition, or

choose from a list of approved education expenses that includes textbooks and online classes. By September 2011, 75 students had completed their applications and enrolled in the program. Participation doubled in December when the department reopened the application window. Bolick says ESAs are the future of school choice. 'ESAs are a real game changer,' he says. 'They have the potential to completely change the delivery of educational services while at the same time surviving legal challenges that have forestalled voucher programs.' Bolick and the Goldwater Institute, along with Arizona schools superintendent John Huppenthal and the Institute for Justice, a civil liberties law firm, are defending the program from a lawsuit filed by the Arizona teachers union and state school boards association." [Education Next, 1/1/13]

CHARTER SCHOOLS

1999: Bolick said Institute for Justice would go to court to defend charter schools. "The group that helped parents in Milwaukee win a groundbreaking decision in favor of taxpayer-funded school vouchers may soon head to Baton Rouge to fight for a charter school. The board of directors of the Institute for Justice, based in Washington, D.C., is considering whether to front the legal battle to open a 650-student charter at Bon Marche Mall, the group's vice president said Wednesday. Clint Bolick, also the institute's litigation director, said he hopes it will 'move within the next month' to intervene in the East Baton Rouge Parish school desegregation lawsuit on behalf of parents who want to send their children to the charter school. It would be the institute's first venture into the charter school arena, and its first direct involvement in a school desegregation case, Bolick said. [...] Bolick said he learned charter schools in Louisiana and South Carolina were facing resistance from the Justice Department because his group keeps tracks of the department. The South Carolina issue appears to have been dropped, he said. But, 'this is obviously a live controversy and instead of working toward some sort of solution, the position of the Justice Department seems to be hardening,' he said of the Children's Charter case. In February, an editorial Bolick wrote about Children's Charter appeared in the Wall Street Journal. Several days later, he spoke at a Public Affairs Research Council of Louisiana conference in Baton Rouge." [Baton Rouge Advocate, 4/29/99]

- **Bolick hired an outside firm to take over the United Charter case.** "Bolick said Tuesday that the institute's education lawyers are tied up on other cases and it plans to hire Douglas Herbert, a civil rights attorney based in Washington, D.C., to take over the United Charter case in Baton Rouge." [Baton Rouge Advocate, 6/16/99]

October 1999: Bolick testified in support of charter schools in front of the House Judiciary Committee. "Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify on the activities of the Civil Rights Division with respect to charter schools and desegregation. The Institute for Justice represents United Charter School, a charter school that has been approved by the East Baton Rouge school board but not yet allowed to open its doors. We also represent families who would like to avail themselves of the educational opportunities the school would provide. All of those families are black and of limited economic means. Mr. Chairman, we thank you for having this hearing. For the issue we are here to discuss is vitally important: should desegregation decrees, which are intended to secure equal educational opportunities for minority schoolchildren, be used to deny educational opportunities for those very youngsters? The answer is obvious to any clear-thinking person: of course not. But tragically, that obvious answer somehow has escaped certain officials in the United States Department of Justice's Civil Rights Division, along with some ideological zealots in certain so-called civil rights organizations." [Clint Bolick Testimony, House Judiciary Committee Subcommittee on the Constitution, 10/14/99]

2005: Bolick called a study critical of charter schools “ideology not scholarship.” “Charter schools have failed in their promise to reform the public school system and improve student academic achievement, a study released last month by Arizona State University concludes. The study reviewed research about charter schools in seven states, including Arizona, and found that charter and district schools are producing similar student test scores. Despite smaller classes on smaller campuses, charters are not improving academic achievement of needy students, who traditionally lag behind their wealthier peers. [...] Clint Bolick, president of the Arizona-based Alliance for School Choice, called the report ‘ideology, not scholarship’ and said competition from charters has forced district schools to improve.” [Arizona Republic, 6/12/05]

2005: Bolick: “Charters are glasnost and vouchers are perestroika.” “The nation's first voucher program and its first charter schools began at about the same time. In 1990, Wisconsin enacted the first voucher program, in Milwaukee. A year later, Minnesota voted the nation's first charter school law. Many legislatures approved charter schools because they seemed less radical and aroused less opposition than vouchers, said Clint Bolick, president of the Alliance for School Choice, a Phoenix-based group. ‘Charters are glasnost and vouchers are perestroika,’ Mr. Bolick said, referring to Mikhail Gorbachev's twin reform policies in the Soviet Union, the former a halfway measure of openness, the latter a more radical restructuring. ‘The educational establishment has been willing to allow charters in some states just to forestall vouchers.’” [New York Times, 7/13/05]

2007: Bolick filed an Arizona lawsuit to block state education officials from dictating curriculum for charter schools. “Some charter schools are going to court to block state education officials from dictating to them exactly when they have to teach certain subjects. A lawsuit filed in Maricopa County Superior Court charges that state Superintendent of Public Instruction Tom Horne and the state Board of Education lack the legal authority to force them to align their teaching schedule with the ones imposed on other public schools. Attorney Clint Bolick of the Goldwater Institute, who filed the lawsuit for the schools, said they have no problem ensuring that everything required of public-school students is taught to them. But he said that forcing the charter schools to do it a certain way undermines the whole purpose of having this alternative system of public schools. ‘This really is a fundamental assault on the concept of charter schools,’ Bolick said. [...] Bolick said these schools should be allowed to keep their schedules unimpeded by Horne and the state Board of Education. ‘When the Legislature created charter schools, they decided that outcome standards were more important than inputs, that diversity was a higher value than homogeneity,’ he said. And Bolick said the consistently high test scores of the students in these schools prove that point.” [Arizona Daily Star, 6/25/07]

- **Bolick: “The whole essence of a charter school is we're going to hold you to the bottom line, the AIMS test.”** “Clint Bolick, the Goldwater Institute attorney representing the schools, said rearranging history doesn't work because students use early history to understand more recent events. Beyond that, he said, this micromanagement runs counter to what charter schools should be about: ‘The whole essence of a charter school is we're going to hold you to the bottom line, the AIMS test,’ Bolick told us this week.” [East Valley Tribune, 7/5/07]
- **Bolick argued in court that Arizona exempted charter schools “from all statutes and rules relating to schools, governing boards and school districts.”** “A judge on Monday questioned whether state officials can tell charter schools what they have to teach and when they have to teach it. Judge Robert Miles of Maricopa County Superior Court noted that charter schools are public schools. They are funded with tax dollars and cannot charge tuition. But the Legislature specifically exempted these schools from many requirements imposed on traditional public schools, which Miles said appears to limit the power of the state Board of Education to dictate their teaching schedule. [...] On behalf of the schools, however, Clint Bolick argued that the

Legislature exempted charter schools ‘from all statutes and rules relating to schools, governing boards and school districts’ except for certain specific items.” [Arizona Daily Star, 8/7/07]

- **Bolick settled the lawsuit with the Arizona Department of Education** “A lawsuit against the Arizona Department of Education has been temporarily averted by a settlement between the department's highest official and the attorney for five Arizona charter schools that resisted state efforts to implement grade-by-grade standards for history instruction. The Oct. 15 agreement between Superintendent of Public Instruction Tom Horne and Clint Bolick, an attorney with the Goldwater Institute, allows the schools to work with Horne to create and establish their own history curriculums.” [Arizona Capitol Times, 10/19/07]

2007: Bolick opposed unions at charter schools: “If union bosses start patrolling their hallways, that’ll be the death knell of charters, as it has been for public schools.” “Steve Barr, a major organizer of charter schools, has been waging what often seems like a guerrilla war for control of this city's chronically failing high schools. In just seven years, Mr. Barr's Green Dot Public Schools organization has founded 10 charter high schools and has won approval to open 10 more. Now, in his most aggressive challenge to the public school system, he is fighting to seize control of Locke Senior High, a gang-ridden school in Watts known as one of the city's worst. A 15-year-old girl was killed by gunfire there in 2005. In the process, Mr. Barr has fomented a teachers revolt against the Los Angeles Unified School District. He has driven a wedge through the city's teachers union by welcoming organized labor -- in contrast to other charter operators -- and signing a contract with an upstart union. [...] Some people voice skepticism about Green Dot's methods. Clint Bolick, a lawyer who has represented many charter schools, said: ‘If union bosses start patrolling their hallways, that’ll be the death knell of charters, as it has been for public schools. There has to be a genuine perestroika for Green Dot's approach to work.’” [New York Times, 7/24/07]

2007: Bolick compared Arizona Superintendent of Public Instruction Tom Horne to Darth Vader “Superintendent of Public Instruction Tom Horne has taken to the blogosphere and airwaves to defend the curriculum regulations that are the object of a lawsuit by five high-performing public charter schools. It turns out he can defend the rules only by flagrantly misrepresenting them. [...] Charter schools shouldn't have to agree to any deal that compromises their academic integrity and the proven educational programs embodied in their charters. In the aptly titled Star Wars Episode V, ‘The Empire Strikes Back,’ Darth Vader declares, ‘I am altering the deal. Pray I don't alter it any further.’ Changing the rules of the game after play has begun benefits no one, least of all the students who supposedly are Horne's concern. The kids in these charter schools are doing fine - but only if they can remain free of Horne's attempt to snuff out the essence of what makes charter schools special and successful.” [Clint Bolick Op-Ed, Tucson Citizen, 9/26/07]

2008: Bolick said that private schools can offer “values and religious education” and “strong and consistently enforced disciplinary standards,” while charter schools cannot. “But such information would be incomplete without listing the option to attend private schools and offering support for it, Mr. Bolick said. Private schools can offer ‘values and religious education’ and ‘strong and consistently enforced disciplinary standards,’ he said. Charter schools can do some of those things, but they don't offer all of the options that should be available to parents, he added. Mr. Bolick compared U.S. charter schools to perestroika--the Soviet Union's economic and political reforms, beginning in 1986, that led to the downfall of Communism by the end of the decade. ‘You don't get to real glasnost until you extend choice to private schools,’ Mr. Bolick said.” [Education Week, 10/15/08]

2013: Bolick defended a lack of transparency for charter schools: “The whole idea of charter schools is that these are institutions that are less regulated than public schools.” “For example, the Arizona State Board for Charter Schools grants exemptions to state purchasing laws to nearly 90 percent of our 500-plus charter schools. I asked Clint Bolick of the Goldwater Institute how this could happen. Bolick's think tank fuels the brains of many Arizona legislators, who otherwise would run on empty. The institute also is a leading advocate of government transparency. Except when it comes to charter schools. That's because Bolick is not only a big-time lawyer for the institute but also a director of BASIS Schools Inc., which operates a number of charter schools in Arizona. If there's one person smart enough to rationalize our charter-school double standard - or at least give it a try - it's Bolick. ‘The whole idea of charter schools is that these are institutions that are less regulated than public schools,’ he told me. ‘If you suddenly impose all of the public school regulations, it defeats the purpose of charter schools. One of the reasons that Arizona has the best charter schools in the country is probably because it is the least regulated state in terms of charter schools.’” [E.J. Montini Column, Arizona Republic, 2/24/13]

- **Bolick said charter school teacher salaries should be private: “Having the information made public will lead to internal turmoil.”** “With other public schools, we know what teachers earn. Why not charters? ‘Charter schools have a completely different salary model than regular public schools,’ Bolick said. ‘Public-school teachers are paid according to the contract that is negotiated with the union. For charter schools, there is an individual contract with each teacher. Just like every private employer wants to keep its salaries confidential, so too do charter schools so as not to create labor strife. Having the information made public will lead to internal turmoil.’ Why would there be turmoil if charter-school teachers and administrators, like other public-school employees, understood that using taxpayer money makes salaries public? ‘You don't want to weigh them (charter schools) down with burdensome requirements that could impede their ability to get the job done,’ Bolick said.” [E.J. Montini Column, Arizona Republic, 2/24/13]
- **Bolick: “Nine of the 10 best-performing public high schools are charter schools, and freedom from costly and burdensome regulation is key to that success.”** “Republic columnist E.J. Montini's call for increased regulation of charter schools failed, unsurprisingly, to include my main argument against it (‘Secret lives of Ariz. charters,’ Valley & State, Sunday). Charter schools are judged by performance, in return for increased flexibility. If charter schools fail, they are shut down. When was the last time a regular public school was closed for poor performance? Nine of the 10 best-performing public high schools are charter schools, and freedom from costly and burdensome regulation is key to that success. We should talk about releasing high-performing public schools from excess regulation, rather than about imposing them on high-performing charter schools.” [Clint Bolick Letter to the Editor, Arizona Republic, 2/28/13]
- **Arizona Republic Columnist EJ Montini: Bolick has argued often against perceived government secrecy and bureaucracy but “is just fine with the way charter schools get to keep their books fairly secret and don’t have to follow many of the same financial and transparency guidelines of regular public schools.”** Columnist EJ Montini wrote, “Likewise, Bolick is a huge supporter (with a professional interest) in charter schools. Strangely, or perhaps not so, while Bolick and the institute have argued often against perceived government secrecy and bureaucracy he is just fine with the way charter schools get to keep their books fairly secret and don’t have to follow many of the same financial and transparency guidelines of regular public schools. That might be good for the owners and interest-holders of those schools (like Bolick), but for kids?” [Arizona Republic, [1/6/16](#)]

2000: Bolick said teachers were being “forced” by the NEA to oppose vouchers and said he hoped that members would “look for ways to recover their dues.” “The National Education Association raised member dues yesterday to collect \$6 million per year so the nation's largest teachers union can fight school vouchers and other related state ballot measures. [...] Clint Bolick, litigation director at the Institute for Justice, a public-interest law firm that has defended vouchers against lawsuits in Florida and Ohio, says he sees great irony in the increase, which will bring yearly dues paid by the NEA's 2.5 million members to \$123 per person. ‘Whereas we raise all of our funding from voluntary contributions, they have to force their members to contribute to the cause,’ he says. ‘It's encouraging news in the sense that they clearly feel the battle is getting more difficult for them to sustain,’ Mr. Bolick says. ‘I hope that a number of teachers will look for ways to recover their dues, given that a number of public-school teachers support the concept of choice.’” [Washington Times, 7/7/00]

2000: Bolick called the PTA “an adjunct of the teachers unions.” “Not everyone views a stronger PTA's political muscle as good. Clint Bolick, litigation director of the Washington, D.C.-based Institute for Justice, said the PTA has ‘become an adjunct of the teachers unions’ and a defender of the status quo.’” [Cleveland Plain Dealer, 10/22/00]

2001: Bolick accused teachers unions of not putting children first. “It is unlikely, however, that the high court could take up the Cleveland voucher case until its new term, which begins the first week of October. Because classes in Ohio will begin before the court's next session, Mr. Bolick said, he will ask attorneys from the American Federation of Teachers and the NEA to agree to a stay of the program that would allow it to continue into the new school year. [...] An 11th-hour ruling by U.S. District Judge Solomon Oliver Jr. threw Cleveland's voucher students and public schools briefly into chaos in August 1999. The judge, appointed by President Clinton, ruled just 18 hours before the first day of classes that the voucher students would have to return to public schools. The decision prompted massive public outcry and sharp criticism for his poor timing. The Supreme Court, in a 5-4 ruling on an emergency petition filed by Ohio Attorney General Betty D. Montgomery, voted to stay the injunction issued by Judge Oliver and let the program continue until the full 6th District appeals court could rule. ‘We do not want to see that happen again,’ Mr. Bolick said. ‘The unions should leave the kids alone while the lawyers litigate. We hope that they will put kids first for once.’” [Washington Times, 3/2/01]

2002: Bolick said many Black politicians were “totally beholden to special interest groups like the teachers’ unions.” “*Kate O’Beirne*: Polls show that the majority of black parents support school vouchers. So why do so many black politicians seem to oppose them? *Clint Bolick*: Well, a lot black politicians, who of course, send their own children to private schools, like Jesse Jackson and many others, are totally beholden to special interest groups like the teachers' unions. And so, we see polls like ‘The Washington Post’ that find that black individuals earning over \$50,000 are split evenly on school choice. The ones who need it the most, those under \$50,000, favor it by a 3 to 1 margin.” [“Capital Gang,” CNN, 2/23/02]

2002: Bolick said teachers unions “essentially own the Democratic party.” “The education establishment and particularly the teachers unions are the most powerful special-interest group in America. At the national level, they essentially own the Democratic party; at the state level, they wield enormous influence over elected officials in both parties; at the local level, they frequently control school boards (which is why the nostalgic cry among some conservatives for ‘local control’ is a self-defeating goal). The education establishment has dedicated itself and all the resources at its disposal to defeating meaningful school choice anywhere and everywhere it presents itself - as if its own pathetic

existence depends on it. With luck, it does. The enemies of school choice have fought freedom from the beginning.” [Clint Bolick Op-Ed, National Review, 6/28/02]

2005: Bolick: “The greatest institutional obstacles to systemic education reform are teachers unions, school boards and administrators, and schools of education.” “*Clint Bolick*: The greatest institutional obstacles to systemic education reform are teachers unions, school boards and administrators, and schools of education. Good teachers have nothing to fear from competition--indeed, they obtain more power over their classrooms and sometimes even higher pay. But unions could lose members, dues, and political clout. Bureaucrats and local politicians do lose out in a market system of education--neither producers nor consumers of education find them of much value. Schools of education, which largely control the supply of school-teachers (and have an abysmal track record to show for it), also lose if teachers are chosen on the basis of skill and merit rather than surviving a stultifying curriculum. All use public funds or compulsory dues to fight school choice.” [Reason, 12/1/05]

1996: Bolick opposed a potential merger of the American Federation of Teachers and the National Education Association. “The two national teachers unions have tentatively agreed not to raid each other's ranks for 18 months, a step toward merging into a vast professional and political voice for 3.1 million education workers. [...] Critics of the merger say it also would give the unions more money to spend on political action. They claim the unions, especially the larger NEA, already are formidable lobbying and political forces. Clint Bolick, vice president of the Institute for Justice, said the AFT is more open-minded when it comes to talking about problems in public schools, but would be swallowed up by the NEA, which he accuses of stifling reform. ‘If the unions merge, any reform impulse that exists will be squelched,’ Bolick said.” [Associated Press, 7/1/96]

SCHOOL VOUCHERS

1990: Bolick Represented A New Hampshire Town That Wanted To Offer Tax Abatements To Residents Who Send Their Children To Private Schools. “A conservative public interest law firm based in Washington, D.C., has agreed to represent the town of Epsom if a challenge is brought against the community's pioneer tuition tax abatement proposal. The proposal, backed by the town in a non-binding vote two years ago, would offer tax abatements to property owners who pay to send their children to private high schools. It has not been put into effect in Epsom yet, according to Selectman Jack Kelleher, because a legal challenge is anticipated and legal assistance had been sought. Clint Bolick, director of the Landmark Center for Civil Rights, said his group is willing to provide Epsom with attorneys and pay for legal expenses if there is a legal challenge to the program. ‘Typically, educational choice proposals are aggressively opposed by teachers' unions,’ Bolick said. ‘If somebody sues, we are planning to defend Epsom.’ [...] The board of directors of the Landmark Legal Foundation, parent company of the Civil Rights Center, was excited about the proposal when it was presented, Bolick said. ‘One of the major areas of our concern is the area of educational choice, basically providing educational options for parents,’ he said. The Center for Civil Rights was established last year, Bolick said, to look at areas where government has erected barriers to individual autonomy. ‘We are trying to refocus civil rights away from welfare entitlements and group rights in favor of individual liberty. The Epsom program fits into that, helping to remove barriers in public education.’ Bolick, like others who support the tuition tax credit plan, believes the program would help foster competition in the public school realm, and mean broadened opportunities for learning.” [Manchester Union Leader, 3/10/90]

1990: Bolick Said School Vouchers Could Have An Impact “As Great As *Brown vs. Board of Education*” On Low Income Students. “Those on the other side of the issue say public schools such as Milwaukee's, which graduate only 50 percent of students, many with barely passing grades and at a cost

of \$5,800 each, have had their chance and failed. Now, they argue, black inner-city children should have the same opportunity white children have, a chance in private schools with a demonstrated record of success. ‘The impact of this in terms of educational opportunity for low-income students could prove as great as *Brown vs. Board of Education*,’ Bolick said. In that 1954 decision, the U.S. Supreme Court struck down the segregationist principle of ‘separate but equal’ schools.” [Chicago Tribune, 7/23/90]

1990: Bolick Pledged To Defend A School Voucher Ballot Initiative In Oregon. “In Oregon, as in most parts of the nation, the right to choose where your child attends school usually costs money. But Oregonians in November will vote on a measure that would allow Lyn Keene to study Russian and Erik Olson to walk to school without having to pay. Measure 11, in fact, proposes to let them attend any public school in the state. And if they choose to attend a private or religious school or to study at home, their parents could collect up to \$2,500 per student in state income tax credits for tuition and supply costs. [...] Conservatives such as William Bennett, former U.S. secretary of education, and Milton Friedman, the Nobel Prize-winning free market economist, back the measure. Vice President Dan Quayle said he will stump for the measure when he visits Oregon on Monday. John Chubb and Terry Moe, authors of a recent book on school reform for The Brookings Institution, a liberal think tank in Washington, D.C., also favor the measure. So does the Landmark Center for Civil Rights, a public interest law firm that fights for the disenfranchised. The non-profit firm, also based in Washington, has agreed to defend court challenges against Measure 11 if it passes. Clint Bolick, director of the Landmark Center, explains Measure 11’s broad political appeal this way: ‘On the one hand, it advocates free enterprise and individual liberty, which appeals to conservatives, and on the other hand, it expands education opportunity and in a real sense is a very progressive type of program because its biggest impact is where education is the worst -- among economically disadvantaged people.’” [Portland Oregonian, 9/23/90]

- **Bolick On Measure 11: “Anything Is Better Than The Status Quo.”** “A legal center for civil rights has announced its support for an Oregon ballot measure that would provide tax credits for private education, saying the plan would benefit the poor. Critics counter that Measure 11 would help the wealthy, but do little for the poor, who could not afford transportation or upfront, albeit refundable, tuition costs to private schools. However, Clint Bolick, director of the Landmark Legal Foundation Center for Civil Rights in Washington, D.C., said wealthy families have the means to choose schools for their children. The poor do not and often are forced to send their children to the worst public schools, he said during a Portland news conference Monday staged by sponsors of the measure. ‘Anything is better than the status quo,’ he said. ‘Our challenge is to make (the measure) work for poor parents.’” [Portland Oregonian, 10/3/90]

1991: Bolick Represented Chicago Parents Suing The State Of Illinois To Force The State To Provide Vouchers For Private School Tuition. “A lawsuit filed by 27 low-income Chicago parents to force the state to give them vouchers to place their children in private schools has reignited controversy over the concept of greater parental choice. Advocates of the concept say the vouchers give low-income parents the same opportunities as their middle- and upper-class counterparts to provide their children with quality education. Poor children, they say, are trapped in deteriorating public schools simply because of their families’ low income. ‘What we’re saying is until reform occurs, we will never achieve the kind of education, efficient and high-quality, guaranteed by the state constitution,’ said Clint Bolick, director of the Landmark Legal Foundation Center for Civil Rights, a Washington-based organization that is representing the parents. ‘If public schools can’t give them those opportunities, then they must be allowed to opt out of the school system and pursue that elsewhere,’ Bolick said at a recent speech before the City Club of Chicago.” [Chicago Tribune, 2/5/91]

- **1993: Bolick Lost The Initial Round Of His Chicago Suit.** “Parents who claim Chicago public schools violate a constitutional right to adequate education lost a court round in their attempt to get state money to pay private-school tuition. [...] Clint Bolick, the institute's litigation director, contends the courts can and should offer means to help children get a good education. ‘This decision means that no matter how bad the public schools become, the educational bureaucracy has no accountability whatsoever and the children have no recourse,’ Bolick said. Bolick said he considers Chicago schools the nation's worst, with a dropout rate of more than 50 percent and 38 of 64 high schools ranking in the bottom 1 percent of test scores nationwide. It is the nation's third-largest school system, serving more than 400,000 youngsters. [...] Bolick said he'll ask the Illinois Supreme Court to hear the case directly, instead of going through the state appeals process. ‘These children don't have a moment to spare,’ he said. ‘Their lives and their educational opportunities are at stake every day they are consigned to defective schools.’” [Associated Press, 3/31/93]

1992: Bolick Represented Los Angeles Parents Seeking School Vouchers, Promised To “Put Public Schools On Trial” As Part Of The Case. “At the start of the Los Angeles riots, Clint Bolick, president of the Institute for Justice, a conservative public-interest law firm in Washington, and new staff lawyer Dirk Roggeveen found themselves in South Central Los Angeles, only blocks from the scene of the worst violence. Rioters rocked their car. Speeding through red lights probably saved them, Bolick said. Bolick and Roggeveen were in Los Angeles to meet with parents of South Central schoolchildren about a school choice lawsuit. On June 11, the two attorneys will return. The institute for Justice then plans to file a major lawsuit in state court, alleging that the city's public schools have failed to deliver on California's constitutional guarantee of a quality education for each child in the state. As a remedy, the institute will ask the court to approve vouchers allowing children in public schools to attend private schools. ‘We want a show trial,’ Bolick said. ‘We intend literally to put public schools on trial.’” [National Journal, 6/6/92]

1992: Bolick Filed Lawsuits In Chicago And Los Angeles Alleging That Public Schools Were So Bad That The Courts Should Award Parents Vouchers For Private Schools. “Inner-city parents will file lawsuits today in Chicago and Thursday in Los Angeles alleging that their school systems are so bad that courts should award parents tax vouchers so their children can attend private schools. The group filing the suit, the conservative Institute for Justice, of Washington, D.C., says it will later go after other city school systems (Atlanta may be next) and that all urban public education will be on trial. ‘It is a trial (urban schools) cannot possibly win,’ says Clint Bolick, the institute's top lawyer. The suits by 150 parents in the two cities argue that the ‘abysmal’ quality of public schools denies students their constitutional rights to equal educational opportunities. The institute says Chicago and L.A. schools have high rates of dropouts and students who do poorly on national tests, and that both systems are rife with crime and violence. Meanwhile, Bolick says, private and parochial schools thrive in the same neighborhoods with less money per student, but inner-city families don't have the money to send their kids to these schools.” [USA Today, 6/10/92]

- **Bolick Said Inner City Public Schools Were “Educational Cesspools.”** “*Clint Bolick:* Well, if you go--if you go to any inner city in this country, including Chicago and Los Angeles, you will find educational cesspools within the public system, a lot of them. And right next door, teaching the very same kids from low income backgrounds, you'll see little private schools doing a better job at half the price, giving these kids the opportunities that they need. Now in Chicago, 46 percent of the public school teachers send their own kids to private schools. They know how bad these schools are.” [“CBS This Morning,” CBS, 6/11/92]

1992: Bolick Wanted To Use School Vouchers To Pay For Schools Run By Pastors “Opening Schools In Their Churches.” “*Clint Bolick*: Under a good choice program, that is exactly the consequence of that. They're the kids who are in the worst schools in the nation, and they are the only parents who don't have the funds, now, to move to better neighborhoods or to send their kids to private schools. *Jesse Jackson*: Does the choice school have the capacity to absorb them, if they move en masse? *Bolick*: Well, first of all, there are a lot of openings in good, inner-city private schools that charge two-thirds or a half of what the public schools cost. And, not only that, but there are a lot of pastors, around the country, who have indicated an interest in opening schools in their churches. You saw the Whittle schools before. There is a lot of interest in educating kids who are being mis-educated, very badly, right now.” [“Both Sides With Jesse Jackson,” CNN, 6/27/92]

1993: Bolick Compared His Lawsuits Over School Vouchers To Automotive Lemon Laws. “*Wyatt Andrews*: What's unique is that the Jenkins are part of a wave of recent lawsuits in which poor, inner-city parents are suing to get their money out of the school system. Their novel argument is that their kids have a state constitutional right to a good education or their money back. *Clint Bolick*: What we're saying is just like if you had an automobile warranty and ended up with a lemon, you'd go to court and get your money back, and that's exactly what we're asking for for these parents.” [“CBS Evening News,” CBS, 4/13/93]

1993: Bolick applauded an Alabama judge’s ruling that the state’s schools violate the constitution by failing to provide an adequate education, but said the solution was vouchers, not more funding. “At the Shiloh Elementary and Middle School here the library has not bought any books in 20 years. There are no science labs, no band, no music, no art, no foreign language courses. The roof leaks and the dingy 43-year-old building is about worn out. There are worse schools in Alabama, like the one in adjacent Wilcox County where raw sewage seeped for years onto a playground and termites ate through books, and there are better ones. But while legislatures around the nation are struggling with questions of how to equalize spending between poor school districts and rich ones, Alabama is grappling with something even broader: a judge's ruling that its public schools violate the State Constitution by failing to provide an adequate education. [...] *Clint Bolick*, litigation director for the conservative Institute for Justice in Washington, seldom finds himself in agreement with the A.C.L.U., but he too hailed the ruling. His organization has similar lawsuits over inner-city schools in Los Angeles and Chicago, seeking to have them declared inadequate, thereby forcing public school officials to let parents choose other schools or give them vouchers for private schools. ‘This is a very sweeping ruling with tremendous ramifications,’ he said. ‘Where we disagree with the A.C.L.U. is that this is necessarily an issue of funding and that it can be cured with more funding.’” [New York Times, 6/9/93]

1996: Bolick argued that school voucher programs were the logical extension of the *Brown v. Board of Education* decision. “*Bolick* argued that school choice programs were a logical extension of the U.S. Supreme Court's 1954 decision in *Brown vs. Board of Education*, which outlawed segregation in the public schools. ‘To the bullies blocking the schoolhouse doors,’ he said, ‘stand aside and let the children in.’” [Milwaukee Journal Sentinel, 2/16/96]

1996: Bolick supported a Rudy Giuliani proposal to allow low performing public school students to attend parochial schools. “Mayor Rudolph W. Giuliani's proposal to allow children performing in the bottom 5 percent to attend parochial schools is an excellent one (front page, Sept. 10). Having defended school choice in Milwaukee and Cleveland, I can attest to the effectiveness of including private schools among the options for disadvantaged youngsters. After four years, the Milwaukee program has reduced the gap between minority and nonminority test scores by one-third to one-half. One-size-fits-all education doesn't work for everyone. Let children who are doing poorly give private schools a try.” [Clint Bolick Letter to the Editor, New York Times, 9/13/96]

1996: Bolick said school vouchers give parents “the choice to walk out the door and, more important, take their money with them.” “Black students in Milwaukee receiving tuition vouchers for private schools are closing the gap between their academic performance and that of white students, an advocate for such voucher programs argued yesterday. Clint Bolick, who has defended Cleveland's school voucher program in court, said a Harvard study showed that black children in Milwaukee were closing the performance gap by one-third to one-half by their third and fourth years in the program. ‘That, I think, is breathtaking,’ Bolick said. Bolick debated Michael Charney, a social studies teacher at Lincoln Middle School and an officer in the Cleveland Teachers Union, on the school voucher issue yesterday at Case Western Reserve University and Cleveland State University. Bolick, litigation director of the Institute for Justice in Washington, D.C., which champions conservative and libertarian causes, said vouchers allow poor parents to escape failed public schools systems and have the same choices in education that affluent parents enjoy for their children. ‘Now these little children have the choice to walk out the door and, more important, take their money with them,’ Bolick said. ‘We're finally delivering on the promise of equal education choices.’” [Cleveland Plain Dealer, 11/21/96]

1997: Bolick applauded a Supreme Court ruling allowing public money to be used for remedial programs in church-run schools. “In a ruling some court watchers interpreted as a step back from its rigid position on church-state separation, the U.S. Supreme Court ruled yesterday that public money can be used for remedial programs in church-run schools. The court, reversing itself on a 12-year-old case, said tens of thousands of parochial students no longer have to leave their schools and walk to trailers or mobile classrooms to receive the special instruction. By a 5-4 vote, the justices said sending taxpayer-paid teachers into religious schools to help students with such subjects as math, science and English does not violate the constitutionally required separation between church and state. [...] Clint Bolick of the pro-voucher Institute for Justice said the decision ‘bolsters school-choice advocates’ argument that states may give parents educational scholarships to spend at the public or private school of their choice.’” [Newark Star-Ledger, 6/24/97]

1997: Bolick argued that voucher-funded schools should not have to comply with federal civil rights and disability provisions. “Opponents of school vouchers have unearthed a memorandum that, they argue, confirms fears that vouchers will send students to schools that don't adhere to protections under federal law. The memo is from Clint Bolick, litigation director with the Institute for Justice, which helped push through the Milwaukee program that gives low-income students tax money to attend private schools. The institute has been fighting for tax-supported vouchers for low-income families in Washington, D.C. Bolick, in the Sept. 22 memo to ‘school choice allies,’ says, ‘The final (D.C.) bill is a good one’ and notes that ‘we argued strongly against’ federal civil rights regulations, including Title IX (gender) and disability provisions. ‘We are pleased to report that the final bill contains only a general antidiscrimination requirement, and expressly provides that schools are not ‘recipients of federal funds.’ [...] Refusing to make apologies for the memo, Bolick argues that ‘no child in America will suffer as a result of a choice program. The idea is to enlist private schools to provide educational options for kids, not to regulate them to death.’” [USA Today, 10/10/97]

1998: Bolick defended a Pennsylvania school district from a teachers union lawsuit over a voucher program. “A new front in the school choice battle opened yesterday when foes of choice went to court to keep a small school district in Pennsylvania from implementing a voucher program to ease overcrowding in its six buildings. [...] The PSEA was among 15 organizations that sued the district in a lawsuit filed yesterday in the Delaware County Court of Common Pleas. The Washington-based Institute for Justice will defend the school board free of charge. ‘The teachers union's lawsuit has no merit,’ said Clint Bolick, the Institute for Justice's litigation director. ‘It merely shows the Pennsylvania Education Association values jobs above children's education.’ ‘By affording parents the option to select the school

... that best meets their children's needs, the school district takes pressure off the system and may well avoid the huge costs of constructing new school buildings,' he added." [Washington Times, 4/17/98]

1999: Bolick advised New Mexico Governor Gary Johnson on a plan to provide tuition vouchers for every child in New Mexico with virtually no strings attached. "Gov. Gary Johnson's push for school vouchers has put New Mexico in the middle of a burgeoning national debate over whether tax money should be used to help give parents the option of sending their children to private schools. Johnson's proposal to provide tuition vouchers for all 330,000 schoolchildren in New Mexico with virtually no strings attached has attracted the endorsement of The Wall Street Journal. And he's been called an emerging voucher 'hero' by Clint Bolick, a leading national voucher advocate. [...] 'Every year that passes, other public-school reforms fail,' said Bolick, whose pro-voucher institute's legal staff is advising Johnson in New Mexico. 'Vouchers are gaining more and more converts every day.'" [Santa Fe New Mexican, 4/27/99]

- **Bolick said Johnson's voucher program was "a role model for other governors."** "Gov. Gary Johnson's push for school vouchers in New Mexico is winning him national praise in conservative publications such as The Economist and the Wall Street Journal. 'Johnson has emerged as one of the leading advocates of school choice in the country, and he has proven himself as a tenacious fighter,' Clint Bolick, litigation director of the pro-voucher Institute for Justice in Washington, D.C., said in a recent interview. 'We're certainly pointing to him as a role model for other governors,' Bolick said. But, in New Mexico, even many of Johnson's fellow Republicans aren't sold on his voucher proposal." [Albuquerque Journal, 5/4/99]

1999: Bolick said the effect of vouchers on public schools was "very positive." "Elizabeth Farnsworth: All right. Now, Mr. Bolick, we've been talking about the First Amendment issues here. There is also a national debate about whether or not the voucher program improves education for kids in the schools they go to, the private schools. What is the evidence briefly on that? Clint Bolick: Both Milwaukee and Cleveland the evidence is very powerful that the performance does improve for the kids in the program. In the Cleveland public schools, those schools have not met a single one of the fourteen performance criteria set forth by the state for public schools. Now, on the private schools the kids' math and reading scores are boosted already. But, beyond that, the effect on the public schools is very positive. We've seen that the competition and the ability of parents to leave a failing school and take some of their money with them, that has shaken the public school bureaucracy and has induced long overdue reform efforts. In Florida, which is the first state in the nation to offer a money-back guarantee on public schools, if the public schools fail you can have your money back and go to a better public school or to a private school, already we're seeing administrators, for example, in Hillsboro County offering to rebate part of their salaries if their schools fail. This is the kind of reform that is long overdue and it's also why this program does not violate the Constitution because the primary effect is education, not religion." ["NewsHour with Jim Lehrer," PBS, 9/2/99]

- **Bolick: "The public schools would do a lot better if the ACLU would stop suing them so much."** "Farnsworth: And, Mr. Bolick, will next year's presidential election have a big impact on this whole issue? I noticed, for example, that George W. Bush waded into it in Los Angeles today with his speech saying that where public schools are failing federal funds should be available to parents to send their kids to private schools. Bolick: That's right. He's doing what his brother did in Florida and basically urging that funds will not go to failing schools anymore. If they cannot improve test scores, the parents are going to be given control over that money to get a good education for their kid. I have to hasten to add that the public schools would do a lot better if the ACLU would stop suing them so much." ["NewsHour with Jim Lehrer," PBS, 9/2/99]

1999: Bolick: “All in all, vouchers make public schools better.” “The system is popular in both Milwaukee and Cleveland, Bolick said. ‘Vouchers provide a life preserver for the most disadvantaged youngsters,’ he said. ‘And they’ve forced the public schools to improve. In Milwaukee, for instance, the public schools have responded to the competition by providing increased autonomy for teachers and principals, and assigning a tutor to every student who’s not reading by the second grade. All in all, vouchers make public schools better.’” [St. Louis Post Dispatch, 10/17/99]

2002: Bolick called school vouchers “a GI Bill for kids.” “In the end, voucher parents say, they should be entitled to direct part of their taxes to a school of their choosing, whether public or private. ‘It’s basically a GI Bill for kids,’ said Clint Bolick, vice president of the Institute for Justice, a public-interest law firm that has defended the Cleveland, Milwaukee and Florida programs. ‘Not a single dollar crosses the threshold of a religious school until a parent chooses not to avail himself or herself of a public education.’” [New York Times, 2/10/02]

2003: Bolick supported a voucher program for Washington, DC: “The school system in our nation’s capital should be an example of excellence, not a national disgrace.” “Opponents of school choice like D.C. Delegate Eleanor Holmes Norton and Sen. Dick Durbin know better. They are so bitterly opposed to the notion of economically disadvantaged D.C. parents exercising school choice that they will make any argument, no matter how palpably untrue, to prevent it. By raising the absurd specter of unconstitutionality, they are invoking the reddest of herrings to thwart the will of the residents of the D.C. as well as the aspirations of thousands of schoolchildren. That the Supreme Court sanctioned school choice is not surprising. After all, the court nearly 50 years ago made a sacred promise of equal educational opportunities for every child. The school system in our nation’s capital should be an example of excellence, not a national disgrace. We need to worry less about where our children are being educated and more about whether they are being educated. And we must use every tool at our disposal, including private and religious schools. Fortunately for the promise of equal educational opportunities, the Constitution provides no bar to doing exactly that.” [Clint Bolick Op-Ed, Washington Times, 7/24/03]

- **Bolick: “To get a school-choice program in Washington, D.C., would have a seismic impact, more than any other city where we could get such a program passed.”** [Christian Science Monitor, 9/22/03]

2005: Bolick called for universal school vouchers. “‘Universal vouchers would dramatically expand education opportunities, create a powerful competitive incentive for public schools to improve, and make education a much more child-centered process than it is now,’ said Clint Bolick, president of the Phoenix-based Alliance for School Choice. ‘The K-12 education system in the United States would no longer be a source of national embarrassment.’ The quality of American schools, proponents say, would rise, and so would academic achievement. ‘If parents have greater control over their children’s education dollars, many will send their children to challenging schools that offer good results,’ Bolick said. ‘The poor-performing schools will fall by the wayside.’” [National Journal, 1/8/05]

2006: Bolick said rural school superintendents were the “bane of our existence” for their opposition to school vouchers. “Support for vouchers and other means of providing public funding for private schooling has never broken cleanly along party lines. Proponents of parental choice give credit to urban Democrats for helping enact voucher programs for Milwaukee and the District of Columbia, for example, as well as a corporate-tax-credit program in Pennsylvania. Still, the GOP has been far more favorable to such proposals on the whole. ‘In the past, the overwhelming support has been from Republicans, but I do believe that’s beginning to change,’ said Clint Bolick, the president of the Alliance

for School Choice, a national advocacy group based in Phoenix. He said Democratic support is picking up in places, while Republican backing in others is not guaranteed. Evidence of Republican resistance has come not only in South Carolina, but also in such states as Texas and Missouri, where the school choice movement has--unexpectedly--met some of its toughest opposition, Mr. Bolick said. In those and some other states, choice proponents say, their biggest hurdle isn't overcoming the teachers' unions, which are traditionally powerful and vocal opponents of private school choice. 'The states where we have strong Republican dominance and yet we've come up empty have a common denominator: a very strong influence by rural school superintendents,' Mr. Bolick said. 'These should be great states for us. But the rural superintendents have been the bane of our existence,' he continued. 'We underestimated their power. Now we're adjusting our playbook.'" [Education Week, [11/28/06](#)]

2007: Bolick criticized Democrats for “choosing unions over kids” and sending their children to private school while opposing vouchers. “There's something about our nation's capital that converts many leading Democrats to school choice. Perhaps it's the glimpse it affords into the ravages of inner-city public schools. But in most cases, the newfound attachment to school choice extends only to their own children and not to the millions for whom there is no escape from failing public schools. Indeed, a nearly perfect correlation exists among Democratic presidential candidates who have exercised school choice for their own children and those who would deny such choices to other parents who need them. [...] By choosing unions over kids, the Democrats' opposition to school choice puts them at odds with two other core constituencies: African-Americans and Hispanics, who overwhelmingly favor school choice. Unions have nowhere else to go, but minority voters do. If Republicans ever get a clue about the electoral potential of school choice, they could begin to make serious inroads among minority voters. Perhaps they will: Both former New York Mayor Rudy Giuliani and Sen. John McCain are longtime school choice stalwarts. Even better would be if one or more leading Democrats put the needs of children above the dictates of special interests. It would chart a difficult course to the presidential nomination but would mark a major step forward for millions of children.” [Clint Bolick Op-Ed, Arizona Republic, 3/4/07]

2007: After a universal school voucher program was badly defeated at the ballot box in Utah Bolick said it was a “major strategic error for the school choice movement.” “The resounding defeat in Utah last week of what would have been the nation's first universal-voucher program highlights again the political vulnerability of such controversial school choice measures. The rejection also offers a cautionary example for voucher supporters in at least those states like Utah where voters may overturn newly enacted legislation through a ballot referendum. The Utah plan was effectively vetoed by voters before it ever took effect. [...] ‘I have come to believe that the Utah voucher program was a major strategic error for the school choice movement,’ said Clint Bolick, a longtime lawyer on voucher issues who now works at the Goldwater Institute, a think tank in Phoenix. ‘Most of our successes over the last several years have been pursuant to what I would call the acorn strategy: small choice programs that grow and give rise to others.’ [...] Mr. Bolick of the Goldwater Institute said he also doesn't anticipate any slowing of momentum around vouchers, but hopes proponents take heed of the Utah results. ‘I think any time you get your clock cleaned,’ he said, ‘you need to re-evaluate your strategy.’” [Education Week, 11/14/07]

- **Bolick conceded that voucher supporters “badly overplayed our hand” in Utah.** “Five years later, the tables turned. School choice activists, myself included, celebrated the passage of the nation's first universal voucher program in Utah. But it turned out, just as it had for the unions in Cleveland, that we had badly overplayed our hand. Making use of a little-known provision in the Utah constitution, voucher opponents put the new law up for a referendum, where voters killed the voucher program [by a large margin]. The teachers unions and their public-school allies

schooled us. Now our future prospects depend on how much we learned in the process.” [Clint Bolick Op-Ed, Education Next, 3/22/08]

Florida

1999: Bolick advised Florida Governor Jeb Bush on a school voucher plan. “Florida is poised to make education history by becoming the first state to offer publicly funded vouchers for students to attend the school of their choice. [...] Clint Bolick, litigation director for the Washington-based Institute for Justice, helped Mr. Bush's administration draft the legislation and calls it ‘the first money-back guarantee in public education.’ [...] Under the plan, Florida's 3,000 schools will be reviewed by state officials who will assign them grades of A, B, C, D, or F based on standardized test scores. Students who attend schools that post cumulative failing grades for two years in a row will be eligible for vouchers that will allow them to attend another public school or to choose a private or religious affiliated school, if they are accepted there. ‘If there are no failing schools, there are no vouchers,’ said Mr. Bolick, who calls Mr. Bush's strategy ‘innovative.’ ‘The amount of school choice that will occur is completely within the control of the producers of public education.’” [Washington Times, 4/29/99]

The Urban League of Greater Miami retained the Institute of Justice to defend Florida's voucher program. “Exposing the sharp debate over school vouchers among black people, two long-time allies from the civil rights struggle in Florida find themselves on opposite sides on whether the state should help pay for some children to attend private schools. The plan, passed last month by the Florida Legislature and awaiting the expected signature of Gov. Jeb Bush, would permit students from the lowest-rated public schools in the state to attend private schools, including religious ones, with vouchers paid by taxpayers' money. Florida would become the first state to have a statewide school voucher program. The National Association for the Advancement of Colored People and several other liberal groups have vowed to sue to block the voucher plan, contending that it would reduce support for public education and violate the constitutional separation of church and state. In response, the Urban League of Greater Miami, breaking with its national headquarters, has retained a Washington law firm to intervene in court on the state's side in defense of the program. [...] Mr. Fair's group has also angered some liberal civil rights groups by retaining the Institute for Justice, a conservative legal foundation, to represent it in any litigation involving the voucher program. The institute has been an outspoken critic of affirmative action programs. Clint Bolick, the institute's director of litigation, said he had approached Mr. Fair's group two weeks ago and persuaded it to join in the defense of the school voucher program if the N.A.A.C.P. carried through its threat to file suit. Mr. Bolick said he wanted to insure that any judge hearing the case did not have the impression that black opinion was ‘monolithic’ when it came to school vouchers. ‘If the first name you see on a lawsuit is the N.A.A.C.P.,’ he said, ‘that unquestionably creates an impression that the black community is on one side of that lawsuit. That image in this case would be demonstrably false. Having the Urban League on the other side evens the equation.’” [New York Times, 5/30/99]

1999: Bolick called Florida's voucher program “a model for public education reform.” “The Institute for Justice, a Washington organization that has defended voucher laws across the country, later held a news conference to promise its support in the courtroom. Clint Bolick, the group's legal director, called the Florida law ‘the most systemic, significant education reform’ in the country. ‘It is a model for public education reform,’ Bolick said. ‘Florida has captured the attention and the imagination of the entire nation.’ He was joined by T. Willard Fair, president of the Urban League of Greater Miami, and two Pensacola mothers who want to use vouchers for their daughters. The Urban League's support represents a split in black organizations, since the Florida branches of the National Association for the

Advancement of Colored People are among the groups filing Tuesday's lawsuit.” [Associated Press, 6/21/99]

1999: Bolick said Florida’s voucher program was “not about state aid to religion.” “Also involved in the legal fight on the pro-voucher side is the Institute for Justice, a Washington, D.C. public interest law firm that successfully defended voucher programs in Arizona, Ohio and Wisconsin. ‘This is not about state aid to religion,’ said Clint Bolick, the group's vice president and director of litigation. ‘It is a scholarship program that places parents whose kids are in failing schools on a level playing field to enable them to achieve greater opportunities.’ Bolick claims that Florida's voucher program is unique, at least because it is a component of a broader education-reform package, and is also part of what he called a ‘vindication’ of the constitutional amendment voters approved in 1998 which established education as a priority in Florida. ‘A constitution that guarantees equal education opportunities cannot be used to prevent those opportunities from taking place,’ Bolick said.” [Lakeland Ledger, 6/22/99]

1999: Bolick wanted to put on a “show trial” to defend Florida’s voucher program. “In the first court hearing on Florida's voucher program, a circuit judge Friday declined to toss out part of the case, saying opponents are entitled to challenge the constitutionality of Gov. Jeb Bush's voucher program. The ruling, a slight setback for the pro-voucher side, marks the beginning of what is expected to be a lengthy, politicized legal battle over the spending of public money to send children to private schools. The order, on a procedural matter, clears the way for a major ‘show trial’ on the legality of Florida's voucher program, defense lawyer Clint Bolick said. ‘We will pull out the stops,’ said Bolick, who has gained a national reputation defending vouchers in Wisconsin and other states. ‘There's nothing that we'd really like more than an opportunity to show that this program is an excellent one.’ Bolick, of the Washington-based Institute for Justice, was one of seven lawyers in the courtroom for the defense, along with attorneys from the state Department of Education and state Attorney General's office.” [Lakeland Ledger, 11/13/99]

2000: Bolick: “Sometimes public education has to take place outside the public system.” “Sitting before a packed courtroom divided over what's best for Florida's children, a Leon County Circuit judge heard impassioned arguments Thursday on the constitutionality of a law that gave life to the nation's first statewide private-school tuition voucher program. In a few weeks, Judge L. Ralph Smith Jr. is expected to decide whether the state's voucher provision violates the recently revised Florida constitution, which requires the state to provide a ‘uniform, efficient, safe, secure and high quality system of free public schools.’ [...] They argued that much like children with disabilities in publicly funded private programs, the students in failing public schools have special needs that could not be met by the state. ‘Sometimes public education has to take place outside the public system,’ said Clint Bolick, litigation director for the Washington, D.C.-based Institute for Justice. The institute is representing a group of parents with children using vouchers to attend private schools in Escambia County.” [Miami Herald, 2/25/00]

2000: Bolick asked the judge in the Florida voucher case to disqualify himself because his son was engaged to the daughter of a teacher’s union official. “The second judge in the school voucher lawsuit was asked Tuesday to remove himself from the case because his son is engaged to the daughter of a top official at the teacher's union that is challenging the vouchers. ‘We would like really to start from scratch,’ said Clint Bolick, litigation director for the Institute of Justice, a nonprofit law firm in Washington that has defended vouchers across the country. [...] The Institute for Justice filed a motion Tuesday asking Smith to disqualify himself. Bolick said that Smith would not be able to rule on the underlying issue until he decides whether to stay with the case. ‘This is not a technicality at all,’ Bolick said. ‘This goes to the heart of a fair and impartial judicial system.’” [Tallahassee Democrat, 3/8/00]

- **IFJ dropped their official request after failing to confirm that the couple was engaged.** “A Washington law firm helping the state defend school vouchers in court has dropped its official request for a new judge after the daughter of a teachers union's official said she's not engaged to the judge's son. But the Institute for Justice still thinks the case should go to another judge and asked Judge L. Ralph Smith Jr. to voluntarily give up the case. ‘We still have serious concerns,’ Clint Bolick, litigation director for the group, said in a release issued Friday. ‘Nevertheless we cannot currently state with certainty that they are engaged. It is for this reason that we are withdrawing our allegation regarding the engagement.’” [Associated Press, 3/10/00]
- **Bolick denied accusations that his legal team was “judge shopping” by seeking Judge Smiths’ recusal.** “The lawsuit, however, is on hold until the 1st District Court of Appeal in Tallahassee rules on whether to grant a request to dismiss Circuit Judge Ralph L. Smith from the case. Voucher allies want Smith booted because his son married the daughter of a top-ranking official with Florida Education Association, the union that first challenged the voucher program. FEA has since dropped out of the lawsuit, although its president and other top union leaders remain plaintiffs. Smith in May ruled against the request made by Clint Bolick, a lawyer with the Washington D.C.-based Institute for Justice, saying there was no proof that he was biased. Bolick represents Pensacola families who now receive vouchers. Bolick appealed the decision in June -- and this time, lawyers for Bush chimed in and said they too wanted Smith dismissed from the case. [...] Bolick, however, calls ‘judge shopping’ allegations ‘insulting and ridiculous.’ ‘We're not shopping for a judge, we're seeking justice,’ said Bolick. ‘In a case of such great public importance, it is essential that the proceedings are free from any taint of bias.’” [Sarasota Herald-Tribune, 8/12/01]

2000: In a ruling that Bolick called “absurd and unprecedented” a Florida judge ruled the state’s voucher law unconstitutional. “Florida's new school-voucher law is unconstitutional and must stop, a state judge ruled yesterday. ‘Tax dollars may not be used to send the children of this state to a private school as provided by the Opportunity Scholarship Program,’ Leon County Circuit Judge L. Ralph Smith Jr. said in his ruling. [...] Clint Bolick of the Institute for Justice called the ruling ‘absurd and unprecedented.’ ‘The public schools have failed these youngsters and the private schools fulfill the constitutional guarantee of a high-quality public education,’ he said. Mr. Bolick's group quoted Tracey Richardson, whose 8-year-old daughter attends a Montessori school with a scholarship, as saying: ‘This is probably the worst day of our lives. To send her back to failing public schools could ruin any chance she has.’ Mr. Bolick and Mr. Berry also complained that Judge Smith's ruling was ‘almost verbatim’ from a proposed order by the plaintiffs. ‘Given that the unions essentially authored this opinion, it is about as bad and self-serving as it gets,’ said Mr. Bolick.” [Washington Times, 3/15/00]

- **Bolick said the ruling was a “blip” and a “momentary setback.”** “‘This is a blip in the voucher movement,’ said Clint Bolick, a lawyer for the Washington-based Institute for Justice, a conservative group that helped defend the lawsuit. ‘There has not been a single lawsuit yet where we have not had at least a momentary setback. We have developed some serious stamina. At the end of the day we have not lost a single voucher program.’” [New York Times, 3/15/00]
- **Bolick praised an appeals court ruling reversing the lower court’s ruling barring vouchers.** “Florida's school voucher law is constitutional on its face, the 1st District Court of Appeal ruled Tuesday. The three-judge panel overturned an earlier ruling by a Tallahassee trial judge that the voucher law violated the state constitution by allowing tax dollars to be spent on private schools. [...] ‘The kids won a big one today,’ said Clint Bolick, litigation director of the Institute for Justice, a Washington law firm that has defended vouchers around the country.” [Associated Press, 10/3/00]

2000: Bolick said that improvement in Florida’s public schools proved that vouchers worked.

“Florida officials celebrated news Monday that none of the state's 78 poorest-performing public schools made the failing list this year -- keeping potentially thousands of students from fleeing to private schools on vouchers. [...] ‘This stunning news demonstrates once again that school choice works,’ says Clint Bolick, director of litigation for the pro-voucher Institute for Justice. ‘The threat of competition has driven failing public schools to improve. Those who predicted that the opportunity scholarship program would harm public schools have been proven wrong beyond a shadow of a doubt.’” [USA Today, 6/20/00]

2006: The Florida Supreme Court struck down the state’s voucher program. “In a ruling expected to reverberate through battles over school choice in many states, the Florida Supreme Court struck down a voucher program yesterday for students attending failing schools, saying the State Constitution bars Florida from using taxpayer money to finance a private alternative to the public system. [...] Voucher proponents across the nation called the ruling a setback, just weeks after Congress enacted the nation's largest federally financed school choice program, which reimburses tuition for more than 350,000 students displaced by Hurricane Katrina, regardless of whether they enroll in public or private schools. ‘We ended last year with a major victory and begin this year with a major setback,’ said Clint Bolick, a lawyer who was a participant in the Florida litigation on behalf of voucher supporters and is president of the Alliance For School Choice, a group based in Arizona.” [New York Times, 1/6/06]

- **Bolick called the ruling a “travesty”** “Clint Bolick, the president of the Phoenix-based Alliance for School Choice, who helped defend Ohio's Cleveland voucher program before the federal high court, said he was working with national and Florida education groups to help develop public-policy responses to the Florida ruling. ‘This decision is a travesty,’ he said in a statement. ‘It makes a mockery of the state's guarantee of high-quality educational opportunities.’” [Education Week, 1/11/06]

Ohio

1996: Bolick successfully defended a Cleveland voucher program in state court. “An Ohio state court ruled this week that a school voucher program in Cleveland that allows students to use public money to pay tuition at private and religious schools is constitutional. The ruling on Wednesday, certain to be contested, is a major victory for school-choice supporters. If the ruling is upheld, it would make Ohio the first state to allow parents to use tax money, in the form of government-issued vouchers, to pay for tuition at religious schools. ‘This decision is a huge victory for school choice and a major breakthrough for the hopes and opportunities for low-income children,’ said Clint Bolick, litigation director of the Washington-based Institute for Justice, which helped defend the controversial program.” [Religion News Service, 8/3/96]

- **1997: The Franklin County Court of Appeals unanimously ruled against Bolick that the Ohio voucher program violated the separation of church and state.** “The state's experimental school voucher program violates the separation of church and state, the Franklin County Court of Appeals ruled unanimously yesterday. Under the program now being used in Cleveland, nearly 2,000 pupils in kindergarten through third grade receive up to \$ 2,250 apiece to attend private schools. Of the 53 participating schools, 42 are religious, the court said. None are public schools, a key to the court's findings. [...] ‘It's a real sad day for the children of Cleveland, but certainly this is not the end of the road,’ said Clint Bolick, litigation director for the Washington-based Institute for Justice, which represented the families involved in the program. ‘The issue is will

religious schools be allowed' to participate in voucher programs, Bolick said. 'We think unquestionably we will win in the U.S. Supreme Court.'" [Columbus Dispatch, 5/2/97]

1999: Bolick called a federal court ruling halting Cleveland's voucher program "an unmitigated disaster for schoolchildren in Cleveland." "A 4-year-old program that lets Cleveland students attend private school at taxpayer expense was blocked from resuming by a federal judge Tuesday, just one day before the start of the school year. U.S. District Judge Solomon Oliver Jr. stopped the school-voucher program while he considers its constitutionality. He said opponents who filed a lawsuit challenging the program as a violation of the separation of church and state have a strong case. [...] 'This is an unmitigated disaster for schoolchildren in Cleveland,' said Clint Bolick of the Institute for Justice in Washington." [Associated Press, 8/24/99]

- **Bolick called the ruling "one of the most brazen displays of judicial activism that I've ever seen."** "*Clint Bolick*: This was one of the most brazen displays of judicial activism that I've ever seen. Wrenching 3800 kids out of their schools hours before the school year began was absolutely outrageous." ["NBC Nightly News," NBC, 8/25/99]
- **Bolick said IFJ would raise \$8.5 million to keep Ohio's voucher program going.** "The appellate court could hear the appeal by the end of the week, said Clint Bolick, director of the Institute For Justice, a pro-voucher group based in Washington, D.C. Bolick said the institute also intended to raise \$8.5 million in private donations to bankroll the voucher program for the remainder of this school year. 'The stakes are extremely high,' Bolick said. 'These kids' educational futures are hanging in the balance, and we are taking that very, very seriously.'" [Cleveland Plain Dealer, 8/25/99]
- **Bolick said the judge in the Ohio voucher case "got the message" when he issued a judicial stay allowed most students to keep receiving vouchers for the 1999-2000 school year.** "A Federal judge who, on the day before school started this week, blocked a Cleveland program that uses taxpayer money for vouchers to send several thousand children to private and parochial schools, changed his decision today, allowing most of the children to stay in the program, at least temporarily. [...] After that ruling, Clint Bolick, the litigation director for the Institute for Justice, which argued for the voucher program, said: 'We're obviously very pleased. I think it's safe to say the judge got the message.' Mr. Bolick said that just before the close of court today his organization filed an appeal seeking to have the judge's reprieve apply to all of the children in the program. But he said that, regardless, private donors should be able to raise money for the rest of the students to stay in private schools. Mr. Bolick's group has also filed an appeal of Judge's Oliver's initial decision." [New York Times, 8/28/99]

1999: Bolick called the Cleveland voucher case "the Lexington and Concord for the school choice movement." "*Elizabeth Farnsworth*: Clint Bolick, how important is this Cleveland case for the school voucher movement and why? *Clint Bolick*: I think this is the Lexington and Concord for the school choice movement. The opposition showed exactly what they care about, and what they don't care about. They care about preserving the status quo and they don't care about kids -- in this case 3801 kids who were wrenched out of the only good schools they have ever attended literally 17 hours before school was set to start. This effort has backfired and not only has the judge reversed his order in large part but also it has galvanized the school choice movement like nothing ever I've seen before. I think this is going to be a tremendous boost for the school choice movement." ["NewsHour with Jim Lehrer," PBS, 9/2/99]

1999: A federal judge threw out Ohio's voucher program. "A federal judge threw out the state's taxpayer-funded school voucher program Monday, saying it violated the constitutional separation of

church and state. The ruling by U.S. District Judge Solomon Oliver Jr. once again creates uncertainty for the thousands of parents who send their children to voucher schools. But although he made permanent his order to shut down the program, he stayed it pending appeal, so students can remain in their current schools. [...] ‘We will be filing a very prompt appeal,’ said Clint Bolick, litigation director for the Washington-based Institute for Justice, a law firm that pursues school choice across the country. ‘We are pleased that while the lawyers are litigating the program will not be disturbed,’ Bolick said. ‘Our view is this will be a very short-lived decision. If the Court of Appeals will not overturn the decision, we feel very confident that the U.S. Supreme Court will uphold the program.’” [Associated Press, 12/20/99]

- **Bolick: “Given the judge's obvious hostility toward school choice, this decision was expected.”** “Given the judge's obvious hostility toward school choice, this decision was expected,’ said Clint Bolick, the litigation director for the Institute for Justice, a conservative law firm in Washington that joined in the defense of the Cleveland case. ‘The kids deserve more than a lump of coal five days before Christmas,’ Mr. Bolick added. ‘We're not going to let the special interest groups ruin their dreams.’” [New York Times, 12/21/99]

2000: A federal appeals court rejected Cleveland’s voucher program. “A federal appeals court on Monday rejected a Cleveland school voucher program, ruling it violates the Constitution's separation of church and state. [...] Clint Bolick of the Institute for Justice, a Washington-based organization that argued in support of the voucher program, said he will urge the U.S. Supreme Court to hear the case. Bolick said he hopes the high court agrees to hear the case as soon as possible to resolve the issue for the 4,000 students in Ohio's experimental program. ‘This is the test case that everyone's been waiting for,’ said Bolick, who has argued other court cases in support of government-funded, school choice programs. ‘I can't imagine that the Supreme Court would allow 4,000 kids to be just yanked out of the only good schools they've ever attended.’” [Associated Press, 12/11/00]

- **Bolick appealed the decision to the full 6th Circuit Court of Appeals.** “A nonprofit organization representing five Cleveland families has asked a federal appeals court to reconsider its decision striking down Cleveland's school voucher program. Clint Bolick, vice president of the Washington, D.C.-based Institute of Justice that argued in support of the voucher program, said the request was filed Tuesday with the 6th U.S. Circuit Court of Appeals. ‘If the earlier decision by the court's three-judge panel is allowed to stand, it will have a tremendous impact on at least 4,000 low-income children in Cleveland and others across America,’ Bolick, the lead attorney for the families, said Thursday.” [Associated Press, 12/28/00]

2001: Bolick tried to wrest control of the voucher fight from the state of Ohio, claiming that a “rookie” Assistant Attorney General was an “unacceptable” risk who would hurt the case before the Supreme Court. “Clint Bolick, a prominent lawyer who has defended school vouchers in courts in Ohio and in other states, said yesterday that the Ohio attorney general's office is taking an ‘unacceptable’ risk by choosing a ‘rookie’ lawyer to argue the case if the Supreme Court accepts it. Bolick was referring to Assistant Attorney General Judith French, who Attorney General Betty Montgomery confirmed yesterday will be handling the case. Bolick complained that French is new to the case and has little experience in church-state issues. ‘It's a very odd choice,’ he said. ‘You don't have a rookie play in the Super Bowl. . . . This will be the biggest landmark education case in decades, and to have anyone less than the most experienced advocate would be a tragedy.’ [...] Bolick said he may ask the court to allow him to split the oral argument with French, even though the court generally prefers to have one attorney make arguments. But Bolick, who has never argued before the Supreme Court, said he would prefer that the state hire someone like [Ken] Starr who is well-versed in church-state law. ‘Having Ken in the courtroom is comforting, but . . . he should be at the podium, not sitting on the bench,’ said Bolick.” [Cleveland Plain Dealer, 8/30/01]

- **Ohio Attorney General Betty Montgomery: If Bolick “wants to argue this case, then he should run and become the attorney general of the state of Ohio.”** “Bolick said French previously argued one case before the justices. ‘We cannot afford to leave anything to chance and we can be assured that our opposition won't be having a rookie attorney arguing against the program,’ he said. [Ohio Attorney General Betty] Montgomery said Bolick, a lawyer who has defended school vouchers in Ohio and other states, is trying to wrest control of the case from the state. ‘If he wants to argue this case, then he should run and become the attorney general of the state of Ohio,’ she said. ‘It is the state's case.’” [Associated Press, 8/31/01]
- **Betty Montgomery accused Bolick of arrogance and sexism in attempting to take over the voucher case.** “With the U.S. Supreme Court agreeing to hear the Cleveland voucher case this term, it's fourth-down and goal for school choice. With the biggest play of the 11-year voucher contest coming up, many school choice advocates were dismayed to learn that the ‘quarterback’ who has pushed the ball down the legal field for 11 years is being benched for the big play. We're talking about nationally known choice advocate and litigation director Clint Bolick of the Washington-based Institute for Justice. The ‘call’ comes from Ohio Attorney General Betty Montgomery, who is adamant that the case belongs to Ohio, regardless of its national significance. She insists that state attorneys -- not ‘outside specialists’ -- will argue the Cleveland case before the high court. Ms. Montgomery says it's her office's responsibility and privilege and the job will go to a woman on her staff, Assistant State Attorney Judith French, with advice from former U.S. Solicitor General Ken Starr. Mr. Starr, best known as independent counsel for the Whitewater - Clinton scandals, argued alongside Mr. Bolick in the first round of a voucher case in the Wisconsin Supreme Court. Mr. Bolick's group has advanced school choice cases in several states and worked with Cleveland parents in this one. The institute team is understandably disappointed and miffed at being left out of a possible landmark case. Ms. Montgomery accuses Mr. Bolick of arrogance and sexism for questioning her decision. ‘I'm insulted at his implication that we're not capable of handling this,’ she said.” [Editorial, Cincinnati Enquirer, 10/4/01]

Bolick denied that the Cleveland school voucher program was a religious program. “*Gwen Ifill*: Mr. Bolick, if as Jan just described, so many of these schools are religious schools at this... that this voucher money is going to, how can you say this is not a religious program. *Clint Bolick*: Well there's two reasons. First of all not a single dollar of public funds crosses the threshold of a religious school unless a parent has chosen to remove her children from the Cleveland schools or not send them to the Cleveland schools in the first place -- and to choose... this program among a competing array of choice programs in Cleveland and then to choose a religious school. In fact, non-religious schools do participate in the program, and no one who has wanted a non-religious school has been turned away. The second thing is the explanation for why there are so many kids in religious schools in this program. And that is two-fold. First of all, suburban public schools were invited to participate in the program and received three times as much money as the private schools in the program. They all said no, we don't want these kids coming to our schools. But private schools -- mainly religious schools -- said we will take them. The other reason is that nonsectarian private schools can become charter schools in Cleveland. The two largest nonsectarian schools in the scholarship program became charter schools and now get twice as much money as in the scholarship program. That's why there's so many kids in religious schools but they are all there by choice.” [“NewsHour with Jim Lehrer,” PBS, 2/20/02]

- **Bolick: “Religious schools disproportionately answered that alarm bell” from Cleveland’s voucher program.** “*Gwen Ifill*: Mr. Bolick, if the de facto result of this program is that most students end up in religious schools, they end up saluting the Christian flag as well as the American flag, is that the goal? *Clint Bolick*: Oh, absolutely not. The goal here is education. And

what the state did was to look for every possible option for these kids. It made tutors available for kids in public schools. It created charter schools that can be nonsectarian private schools or public schools. It invited the suburban public schools to try to help solve the problem and it extended the choice to religious schools. Now if you look at all schools of choice within the Cleveland school district, only about 16.5% of the kids are in religiously affiliated schools. Other kids are in magnet schools or charter schools, which are non-religious. But the point is this is an educational rescue program. An alarm bell was set off. And it turns out that religious schools disproportionately answered that alarm bell. And the parents who choose it-- and I represent these parents-- they are not sending their kids there to salute the Christian flag. They're sending them there because it's a place where they know their kids will be safe and receive a high quality education. It seems to me this fulfills the goals of public education. We should worry less about where a child is being educated and worrying more about whether a child is being educated.” [“NewsHour with Jim Lehrer,” PBS, 2/20/02]

- **Bolick: “Because only some schools answered the alarm bell should not be a grounds for ruling the program unconstitutional.”** “*Clint Bolick*: The state of Ohio used every possible educational alternative to cure a horrible situation in the Cleveland Public Schools. Unfortunately, when the alarm bell rang, most of the schools that responded to that alarm bell were religious schools. The suburban public schools refused to help these kids in inner city Cleveland. It seems to me that because only some schools answered the alarm bell should not be a grounds for ruling the program unconstitutional.” [“Capital Gang,” CNN, 2/23/02]

2002: Bolick claimed that Cleveland’s voucher program was permissible because “it breaks the connection between church and state.” “*Nina Totenberg*: Voucher advocate Clint Bolick counters that the Cleveland program is not a subsidy for religious education. *Clint Bolick*: Who is directing where the funds are spent? Is it the state? If so, it's an impermissible subsidy. If it's the student or the parent, it is permissible because it breaks the connection between the church and the state.” [“Morning Edition,” NPR, 2/20/02]

- **Bolick: “If parents or students are given the choice of spending their public funds wherever they wish, that is an individual choice and it doesn't confer the imprimatur of state sponsorship.”** [“Today,” NBC, 2/20/02]

2001: The U.S. Supreme Court agreed to hear the Cleveland voucher case. “The U.S. Supreme Court will decide whether the state can continue a school-voucher program that gives nearly 4,000 poor children in Cleveland tax dollars for private- school tuition. The high court announced yesterday that it would hear the Ohio case, agreeing to settle a 5-year-old dispute which has pitted conservatives and poor families against teacher unions, some taxpayers and civil libertarians. [...] ‘We will demonstrate to the court that this program is not about religion, it's about providing educational opportunities to children who desperately need them,’ said Clint Bolick, vice president of the Institute for Justice in Washington, which has provided legal assistance to Ohio Attorney General Betty D. Montgomery's defense of the program.” [Columbus Dispatch, 9/26/01]

- **Bolick: “This is one of the most important education cases since Brown vs. Board of Education.”** “*Clint Bolick*: This is one of the most important education cases since Brown vs. Board of Education. The question really at its core is whether parents rather than government can guide the decision as to where their children will go to school and use public funds.” [“Morning Edition,” NPR, 10/1/01]

- **Hoover Institution: Bolick argued and won the case, *Zelman v. Simmons-Harris*, before the U.S. Supreme Court.** “A legal pioneer in a number of areas, Bolick is perhaps best known for his leadership in defending state-based school choice programs. He has argued and won significant cases in both state and federal courts, winning school choice victories in the Supreme Courts of Wisconsin, Ohio, and Arizona, as well as in *Zelman v. Simmons-Harris* before the Supreme Court of the United States. Bolick has also set landmark precedents defending freedom of enterprise and private property rights and challenging corporate subsidies and racial classifications.” [Hoover Institution, accessed [6/12/24](#)]
- **2002: Bolick called the Supreme Court’s ruling in favor of the Cleveland voucher program “the Super Bowl for school choice, and the kids won.”** “Clint Bolick, a long-time leader of the school voucher movement, hailed the ruling as the ‘most important education decision since *Brown v. Board of Education*.’ That’s the 1954 ruling that led to the desegregation of public schools. ‘This was the Super Bowl for school choice, and the kids won,’ he declared.” [CNN.com, 6/27/02]
- **Bolick said he would file lawsuits in 36 states challenging laws separating church and state in the wake of the Supreme Court ruling.** “In the hours since the voucher ruling, conservative interest groups, led by the Institute for Justice, which spearheaded the legal battle for vouchers, have flooded the media with vows of sweeping political change. Clint Bolick, the institute’s vice president, says voucher proponents will shift from defense to offense now that the court has given them a green light. He promises to file suits in 36 states against laws that strictly separate church and state. He says his allies will file bills to establish vouchers or tuition tax credits in six to 12 states. Conservatives claim that the decision liberates the GOP to push vouchers as a 2002 campaign issue. Bolick says it puts President Bush in a position of matching rhetoric with action.” [Slate, 6/28/02]

2007: Bolick credited vouchers with stabilizing enrollment in Cleveland Catholic schools, which he called “a godsend for children.” “As the Roman Catholic Diocese of Cleveland considers closing churches because of limited finances and shrinking congregations, the state’s voucher program has helped stabilize enrollment at the diocese’s city schools. The program, which allows students to apply taxpayer money toward tuition at private schools, started in 1995 for Cleveland and was later expanded to include low-performing school districts statewide. More than 80 percent of students in at least seven Catholic elementary schools in Cleveland use vouchers to attend. [...] Catholic schools are being shuttered in large cities across the country, and that’s hurting low-income students, said Clint Bolick, director of constitutional litigation at the Goldwater Institute, a libertarian-leaning think tank based in Phoenix. ‘To the extent that vouchers have helped Catholic schools stay open in Cleveland and Milwaukee and elsewhere, that’s a godsend for children,’ he said. But Bolick dismisses the notion that the voucher program is a subsidy for Catholic schools. The schools actually took on more of a financial burden by accepting voucher students and covering the full cost of educating them, he said.” [Associated Press, 7/8/07]

New Jersey

2006: Bolick filed a lawsuit to force New Jersey to pay for students to attend private schools. “A group of New Jersey parents plan to file a lawsuit Thursday against the state and some of its low-performing school districts to allow their children to switch schools and have the old schools pay for it. The students would be able to use the money to attend more successful public or private schools under the proposed remedy in the suit. Two groups that advocate using public money to pay for

education at private schools, Newark-based Excellent Education for Everyone and Phoenix-based Alliance for School Choice, planned a news conference at the Statehouse on Thursday morning to announce the details of the lawsuit, which they said they would file Thursday morning in Newark. [...] In an opinion piece published Wednesday in The Wall Street Journal, Clint Bolick, president of the Alliance for School Choice, wrote that the goal of the new lawsuit is far different than the landmark rulings in the Abbott v. Burke school funding case that have resulted in more state money for New Jersey's poorest school districts. 'The funds have produced new programs and bureaucracies, but too often they fail to trickle down to the students by way of improved educational quality,' he wrote. Bolick wrote that about 60,000 students are in the districts where he seeks changes." [Associated Press, 7/12/06]

- **Bolick said “money alone can’t solve” problems with New Jersey’s public schools.** “Among a flurry of figures and test scores, the complaint points to Newark, where more than \$16,300 is spent per pupil but which still has some schools where fewer than 10 percent of students reach what it called the state's ‘minimal’ standards. ‘The courts in New Jersey have taken a very active role in providing opportunity for schoolchildren, but it's clear that money alone won't solve it,’ said Clint Bolick, a prominent national figure in the voucher movement who is joining the advocates in announcing the New Jersey suit. ‘No state has tried harder to buy its way to adequacy,’ he said yesterday. ‘Clearly it hasn't been enough.’” [Newark Star Ledger, 7/13/06]

2006: Bolick said the New Jersey case was a “national test case” for forcing states to pay for private school tuition. “School choice activists hope that they will be able to alter the future of education finance litigation through a new state lawsuit in New Jersey. The suit, which was filed this month in Newark, seeks court-approved vouchers that could be redeemed at public or private schools--including religious ones--as a remedy to aid students in schools where large percentages of students fail to meet state standards. [...] Mr. Bolick said that the New Jersey lawsuit would be a ‘national test case’ for voucher supporters' strategy to redirect legal efforts by education advocates who use the education clauses in state constitutions to win increased financing for public schools.” [Education Week, 7/26/06]

Wisconsin

1990: Bolick Represented Low Income Parents In Milwaukee Suing In Support Of A School Voucher Program. “State Representative Williams (D) of Milwaukee says students in her predominantly black, inner-city district have long been assigned the least experienced teachers, the shabbiest buildings, and minimal resources. These students, she says, deserve the same advantages that children of means have long been able to ‘buy’ in choosing the best available schools. Williams has proposed a plan to allow up to 1,000 low-income Milwaukee students or 1 percent of the city's enrollment to attend nonsectarian private schools in the city at state expense - up to \$2,500 per pupil - beginning next fall. Her plan passed the Legislature last March but still faces a major legal challenge. [...] The Wisconsin Congress of Parents and Teachers and others representing most of Wisconsin's educational establishment, including teachers and administrators have filed a lawsuit challenging the Williams plan on constitutional grounds. They say aiding private schools with public money violates state law. The plan's supporters have countered with a suit on behalf of Milwaukee's low-income parents and private schools. It charges state Superintendent of Public Instruction Herbert Grover with reaching beyond his authority to impose rigid new rules on participating private schools. Both cases are slated to be heard in a state circuit court in Madison on Saturday, July 28. Clint Bolick, director of the Landmark Center for Civil Rights, a public-interest law firm which is handling the second case, says some states offer tax deductions for private school tuition, a move seldom helpful to low-income families.

Williams's plan, he says, is the first to offer public reimbursement of private school tuition. ‘This is the most important breakthrough ever for education choice,’ he says.” [Christian Science Monitor, 7/5/90]

- **Bolick Opposed Requiring Private Schools Receiving Voucher Funding To Be Held Accountable To Public School Standards And Requirements.** “Legal war has broken out in Milwaukee over a unique school choice program that will use public school funds to pay for up to 1,000 inner-city children to attend nonsectarian private schools in the fall. A flurry of lawsuits and briefs are headed for court in Madison this week aimed at testing the program's legality under Wisconsin's constitution. The arguments, about an issue of potential national significance, center on whether private schools receiving state money - \$2,500 per pupil - can be held accountable to public school standards and requirements. [...] Clint Bolick, director of the Landmark Center for Civil Rights in Washington, characterizes the requirements as ‘a thinly disguised attempt to destroy the program through bureaucratic oppression.’ Bolick is handling a lawsuit filed by several Milwaukee private schools seeking to stop [State Superintendent of Public Instruction Herbert] Grover from playing a role in the program.” [Chicago Tribune, 7/23/90]

1995: Bolick Helped Wisconsin Governor Tommy Thompson Craft A school choice plan. “The genius of Thompson's plan is that it targets low-income students. Under the plan, the state would give poor parents vouchers up to \$3,300 that could be used at public, private or religious schools in Milwaukee. It builds on the current Milwaukee choice plan that helps poor kids enroll in private schools. ‘It really was brilliantly conceived as a measure targeted to low income children,’ said Clint Bolick, vice president and director of litigation with the Institute for Justice, who helped the Thompson administration craft its school choice plans. ‘It's the first time someone took the school choice program and targeted it to those that most need the initiative,’ Bolick said. ‘And that makes it politically salient because it means proponents can attract support among some liberal Democrats as well as among conservative Republicans.’” [States News Service, 2/23/95]

1995: Bolick was eager to take Wisconsin’s school voucher program to the Supreme Court. “Gov. Tommy Thompson's program to let low-income students use taxpayer money to attend religious schools sets the stage for Wisconsin to become a national test case on the constitutionality of such programs. [...] ‘We are very anxious to get a case up to the Supreme Court as quickly as possible to remove the constitutional cloud once and for all,’ said Clint Bolick, lead attorney for the institute. The voucher program ‘fulfills the state's constitutional obligation to provide educational opportunities for all school children,’ Bolick said. And because it gives money to parents, who choose the schools their children will attend, it isn't an illegal subsidy of religious schools, Bolick said.” [Associated Press, 7/31/95]

- **Bolick called the ACLU’s suit against Wisconsin’s voucher program “judicial Armageddon for school choice.”** “The ACLU of Wisconsin, on behalf of 14 persons, yesterday sued state Superintendent of Public Instruction John T. Benson and the Wisconsin Department of Public Instruction to block participation of religious schools in the choice program. [...] The Washington-based Institute for Justice said it will represent Parents for School Choice and intervene today on behalf of eight low-income parents and their children to defend the constitutionality of the program. ‘We view this as the judicial Armageddon for school choice, and we're confident that the Supreme Court will eventually remove the constitutional cloud,’ said Clint Bolick, the institute's litigation director. He successfully defended the original Milwaukee program, which includes 11 private, nonsectarian schools, before the state Supreme Court.” [Washington Times, 8/2/95]

1995: With funding from the Bradley Foundation Bolick established Parents for Free Choice to lobby for the expansion of school vouchers in Milwaukee. “Bolick and Mellor are staunch backers of government vouchers to allow children to attend private schools. While he was director of Landmark Legal Foundation's Center on Civil Rights in the late 1980s, Bolick worked with Annette Polly Williams, a Black state representative in Wisconsin, after she won legislative approval of a limited school voucher plan for low-income students in Milwaukee. At the time, Bolick, in speeches and articles, promoted Williams as an example of new, enlightened Black leadership. Last year, however, saying Williams lacked organizing ability, he and Mellor distanced themselves from her. They created Parents for School Choice, an organization to lobby for the expansion of the Milwaukee program to religious schools. Financial backing for the new parents' group was provided by the Bradley Foundation and the city's Chamber of Commerce.” [Emerge, 9/30/96]

1997: Bolick argued that Milwaukee's school voucher program did not subsidize religious schools, but rather enlisted those schools to provide a service. “Including religious schools in a program that lets poor Milwaukee children attend private schools at state expense is intended to expand opportunity, not promote religion, attorneys said Tuesday. The National Education Association and other opponents say the move would be unconstitutional because it would direct tax dollars to organizations promoting religion. The school choice argument was debated Tuesday in arguments before the 4th District Court of Appeals, where the state and other supporters of school choice are seeking to overturn a Dane County Circuit Court decision last January. [...] Their attorney told the court that the state would not be subsidizing religious schools and their mission. It would be enlisting schools to provide a service, said Clint Bolick, a Washington attorney. ‘We submit that the primary effect is not to advance religion, but to expand educational opportunities,’ Bolick said. The primary beneficiary of the program is children and their parents who are seeking a better education than they believe Milwaukee Public Schools can provide, Bolick said.” [Associated Press, 7/23/97]

1997: An appeals court ruled that Milwaukee's school voucher program was unconstitutional. “In a case being closely watched around the nation, a state appeals court ruled Friday that expanding the Milwaukee school choice program to include religious schools is unconstitutional. In a 2-1 decision, the 4th District Court of Appeals ruled that the state's religious school choice plan violated a section of the Wisconsin Constitution that prohibits the use of public money for religious purposes. [...] ‘The ruling is a painful but temporary setback,’ Clint Bolick, an attorney for school choice families, said in a statement. ‘We are confident that in the Wisconsin Supreme Court, the parents and children will prevail.’ Bolick, of the Washington, D.C.-based Institute for Justice, said the focus has been improperly placed on the religious aspect of the program. ‘This program is not about religious establishment, it's about expanding educational opportunities for children who desperately need them,’ he said.” [Milwaukee Journal Sentinel, 8/23/97]

- **1998: In a “stupendous” victory for Bolick the Wisconsin Supreme Court ruled the voucher program allowable.** “The Wisconsin Supreme Court ruled today that poor children in Milwaukee can attend religious schools at taxpayer expense. The 4-2 ruling allows the expansion of a landmark program already in place that, until now, restricted participation to non-religious private schools. [...] Clint Bolick, litigation director for Institute for Justice, which represented Milwaukee families defending the program, described the ruling as stupendous. ‘This is a decision with seismic impact for school choice everywhere,’ he said.” [Associated Press, 6/10/98]
- **Bolick encouraged the US Supreme Court to hear the appeal of the Wisconsin Supreme Court voucher program ruling.** “Supporters applauded the state court's ruling. ‘For us to win the first truly big court battle over school choice is a huge morale booster,’ said Clint Bolick,

litigation director for the Institute of Justice. Mr. Bolick successfully argued the case in the Wisconsin court, and his group is involved in cases pending elsewhere. Mr. Bolick said promoters of the Milwaukee aid program, though satisfied that the state court ‘got it right,’ will join in urging the Supreme Court to hear an appeal because ‘the constitutional cloud will not be ultimately removed until there is a Supreme Court decision.’” [Baltimore Sun, 6/11/98]

- **The US Supreme Court sidestepped resolving the question of the constitutionality of school vouchers.** “The Supreme Court sidestepped a divisive national debate over education today as it let Wisconsin continue providing financial help for families whose children attend private schools, even those affiliated with religious groups. The justices left intact the state's providing tuition vouchers - good for up to \$ 5,000 a year per child - for students who attend private schools in Milwaukee. The court decided not to take up the case. [...] Bolick noted the Wisconsin Supreme Court ruled that, because parents are directing their children's educational funding, there is no violation of the constitution. His organization made similar arguments last week in a school choice legal challenge in the Maine Supreme Court. Similar cases are pending in state supreme courts in Ohio, Vermont and Arizona, he said. The U.S. Supreme's decision not to take up the Wisconsin case ‘provides a green light for other states to proceed with the most promising education reform on the horizon,’ Bolick said.” [Associated Press, 11/9/98]

1998: Bolick said that under Milwaukee’s voucher program religious schools could gain state funding with no strings attached. “*Clint Bolick*: The sky is falling in your view, but if you walk to Milwaukee, if you walk through Milwaukee, you will see the reality. The private schools participating in this program have not been heavily regulate. What has happened is that the public schools are starting to be deregulated and that's what we need in this country...to improve our public school system. *Bill Press*: So reassure me then, as this Catholic principal I can take these federal dollars and with no strings attached. So I can buy crucifixes with them, I can raise priest's salaries, I can raise nun's salaries, I could build a new chapel with it, I could buy rosaries for all the school kids, right? *Bolick*: So long as you do one thing and that is to deliver a quality education that keeps parents satisfied. *Press*: And that's not, that doesn't violate separation of church and state? *Bolick*: It sure does not.” [“Crossfire,” CNN, 5/10/98]

- **Bolick insisted that private schools participating in the Milwaukee program were not permitted to discriminate on the basis of religion and had to admit students via “a random selection process.”** “*Bill Press* I've got to follow-up with Clint here, because you can't have it both ways. Isn't it true that the principals of these private schools can still decide what kids they can take and what kids they can't? *Clint Bolick*: For the kids in the choice program, the answer is no. It is a random selection process in Milwaukee. *Press*: Well, then, there are strings attached to the dollars. You can't have it both ways. *Barry Lynn*: Of course. *Press*: Either the principal is free to choose what students or they're not and if they're not you are taking away the freedom from the religious schools. *Bolick*: Well the schools decide whether to participate in the program. If you want to discriminate on the basis of religion, for example, you don't participate in the program. These are inner city community schools... *Lynn*: Let me talk about the politics of this a second... *Bolick*: ... that are in, that are offering... *Pat Buchanan*: Let me get in here... *Press*: That's double talk. *Bolick*: It isn't double talk. We are delivering an educational opportunity to kids.” [“Crossfire,” CNN, 5/10/98]

1998: Bolick: Vouchers are “the best thing that happened to the Milwaukee public schools” because they’re “shaking the public schools out of their lethargy.” “*Clint Bolick*: You know, they are such failures, Barry, they are such failures that thousands of low income parents are on the waiting lists in both Milwaukee and Cleveland. I don't see any parents on the waiting lists for the Milwaukee public schools or the Cleveland public schools, with dropouts rates in excess of 50 percent. *Barry Lynn*:

Listen... *Bolick*: This is the best thing that happened to the Milwaukee public schools... *Lynn*: Look, let me give you an idea... *Bolick*: ... because Barry... *Lynn*: Let me give you an idea about why parents like this... *Bolick*: ... this is shaking the public schools out of their lethargy.” [“Crossfire,” CNN, 5/10/98]

2002: Bolick opposed an effort to have the Milwaukee voucher case reconsidered by the Wisconsin Supreme Court. “The state Supreme Court should reconsider its historic 1998 ruling in support of the Milwaukee private school choice program after one justice became enmeshed in a campaign finance flap, voucher opponents argue in a court filing Wednesday. Justice Jon Wilcox should have stepped aside from the case because choice supporters helped his 1997 election campaign and their aid led to a state Elections Board investigation, the voucher critics say in a motion that Madison attorney Ed Garvey filed. [...] But an attorney for some voucher supporters in the case said elected judges can never completely avoid apparent conflicts of interest. ‘If a justice recuses himself or herself every time someone who made a campaign contribution has something at stake in a case, you would see an empty court in every case,’ said Clint Bolick, litigation director at the Washington-based Institute for Justice. [...] Bolick said he thought the filing Wednesday was a ‘publicity ploy’ tied to an upcoming U.S. Supreme Court hearing on a similar school choice program in Cleveland. ‘It’s pathetic,’ said Bolick, who also represents Cleveland voucher supporters. ‘Why they waited until now, knowing the facts for so long, is unexplainable in any other way.’” [Milwaukee Journal Sentinel, 1/10/02]

New York Times: Bolick was a “prime architect behind school voucher plans in Milwaukee and Cleveland.” “He was a principal strategist in the nearly two-year fight that held up passage of the Civil Rights Act of 1991, bedeviling proponents of the measure, which opponents called a quota bill. And Mr. Bolick virtually wrote a bill before Congress that would end Federal affirmative action efforts. He was a featured mover in the drive to force the Clinton Administration to ban the consideration of race in adoptions handled by public agencies. And he is a prime architect behind school voucher plans in Milwaukee and Cleveland.” [The New York Times, [11/16/97](#)]

Arizona

1997: Bolick defended an Arizona tax credit for private school donations in court. “Does Arizona’s new tax credit for private-school donations increase parental choice, or does it constitute government subsidy religion? That’s the question put before the Arizona Supreme Court this week in *Kotterman vs. Killian*, a case that pits a coalition of parents, teachers and community leaders against religious school groups and the state of Arizona. [...] Clint Bolick, a lawyer with the Institute for Justice and lead counsel for the defendants, argued that the case is about ‘educational reform’ and that ‘Arizona already provides assistance to kids with special needs at private schools.’ He said that in enacting the tax-credit law, the state was acting to ‘guarantee... equal educational opportunities’ for all students.” [Jewish News of Greater Phoenix, 12/19/97]

1999: Bolick was “ready and raring to go” to defend Arizona’s private school tuition tax credit in court. “Opponents of Arizona’s private school tuition tax credit announced Thursday they’ll ask the U.S. Supreme Court to overturn the law on the grounds that it violates constitutional church-state separation. Proponents of the 1997 law, which allows the tax credit for donations to groups that give private school scholarships, said they’re ready to renew the fight if the high court decides to hear the case. [...] Clint Bolick, litigation director of the Washington-based Institute for Justice, will defend Arizona again in the case. He said it’s unlikely the high court will hear it although a decision isn’t expected for many months. ‘We do plan to support the petition for review. We’re litigating this all over

the country and we'd like to remove any lingering doubt about the constitutionality of this issue,' Bolick said. 'We are ready and raring to go.'" [Associated Press, 4/22/99]

1999: Bolick won a victory from the Arizona Supreme Court allowing tax breaks for people who donate money for religious school scholarships. "The Supreme Court is letting Arizona give tax breaks to people who donate money for scholarships at religious schools, a development saluted as a major victory by backers of tuition vouchers and other aid for families whose children attend private schools. The court rejected two appeals Monday in which challengers called the Arizona program a flagrant violation of the constitutionally required separation of church and state. [...] Clint Bolick of the pro-voucher Institute for Justice said the Arizona ruling 'will now resonate widely.' 'Clearly, the momentum remains on the side of school choice supporters,' Bolick said." [Associated Press, 10/4/99]

2005: Bolick said vouchers would result in a net savings for the state of Arizona. "School choice proponents cheered the Arizona Legislature's latest effort to bring vouchers to the state, while opponents pledged to continue lobbying against the plan they have fought for more than a decade. [...] In 2002, the U.S. Supreme Court found that vouchers do not violate the state or federal constitutional separation of church and state so long as parents choose where to spend the education funds, said Clint Bolick, president and general counsel of the Alliance for School Choice, a national organization based in the Valley. Bolick argued the case. The ruling paved the way for several state programs, but the National Education Association still opposes voucher programs. Bolick said that Arizona already offers parents a variety of school choices but that vouchers would complete the school choice equation. 'When we look at the AIMS scores, we know we've got to take that final step to increase choice and competition,' he said. Vouchers would not be a drain on public education, Bolick said. In states that have a voucher program, about 15 percent of the eligible students took advantage it, he said. Arizona spends about \$6,000 per child in public schools. Vouchers for K-8 students would be about half that. 'For each child leaving, it would be a reduced cost,' he said." [Arizona Republic, 3/5/05]

2005: Bolick urged Arizona Governor Janet Napolitano to sign a universal voucher bill. "The Arizona Legislature is poised to pass the nation's first universal school-choice program. Gov. Janet Napolitano could sign such a bill and make history, or stop history in its tracks with a veto. Two major bills are moving toward legislative approval. One would provide scholarships for private-school tuition to Arizona families that find public schools inadequate for their children. The second would provide corporate tax credits for contributions to private-school scholarships for low-income children. [...] This May 31, we celebrate the 50th anniversary of the U.S. Supreme Court decision in Brown II and its promise of equal educational opportunities 'with all deliberate speed.' Since that decision, three generations have passed, and millions of schoolchildren are left behind. Napolitano has a unique opportunity to make good on the promise. All Arizonans should hope that when the day comes, she will seize it." [Clint Bolick Op-Ed, Arizona Republic, 3/17/05]

2005: Bolick applauded Napolitano for signing a bill providing corporate tuition tax credits for private schools. "Gov. Janet Napolitano reached a historic agreement Thursday with legislative leaders on a budget that would expand public all-day kindergarten programs while providing corporate tuition tax credits for private and parochial school scholarships. [...] 'This is a truly historic occasion in Arizona and great news for over 1,000 low-income youngsters who have a brighter educational future,' said Clint Bolick of the Alliance for School Choice. 'The governor and the Legislature are elevating statesmanship above partisan politics in the interests of children. This is one of the first times a Democratic governor has signed a school-choice bill.'" [Arizona Republic, 5/6/05]

- **Bolick accused Napolitano of lying after she vetoed the tax credits.** "Republican legislative leaders accused Gov. Janet Napolitano of lying after she vetoed a tuition tax credit for

corporations yesterday. [...] Clint Bolick, a spokesman for The Alliance for School Choice, said parents and students are the losers in the political tug of war. ‘Whatever her deal with the Legislature, the governor has broken her covenant with Arizona schoolchildren,’ Bolick said in a news release. ‘When she agreed to sign the scholarship tax credit, the governor gave hope to more than 1,000 economically disadvantaged schoolchildren for a better education.’” [Tucson Citizen, 5/21/05]

2005: Bolick claimed that rising scores on Arizona’s state tests were “not the result of improved student performance, but of watering down state tests to manufacture better results.” “Fact or fiction: The educational performance of Arizona students is improving. To judge from the proverbial champagne corks popping in public schools around the state amid rising scores on Arizona’s Instrument to Measure Standards, one would conclude schools are doing better at the job of education. Not so fast. The AIMS results are contradicted by the recent National Assessment of Educational Progress results, which show that Arizona test scores have stagnated. The NAEP suggests the fears of those who support greater educational accountability are correct: Rising scores on state tests are not the result of improved student performance, but of watering down state tests to manufacture better results. [...] Increased choice and competition in education improve performance. Arizona should adopt school-choice legislation that allows children at greatest educational risk - low-income children, students in poor-performing schools, children with disabilities and children for whom English is a second language - to choose private as well as public schools.” [Clint Bolick Op-Ed, Tucson Citizen, 11/30/05]

2006: Bolick accused Governor Janet Napolitano of breaking “a covenant with Arizona’s schoolchildren by vetoing a scholarship tax credit bill.” “If Gov. Janet Napolitano tries to sell you a used car, hold onto your wallet. The governor has broken a covenant with Arizona’s schoolchildren by vetoing a scholarship tax credit bill to expand educational opportunities after promising to sign it, not once but twice. Our state desperately needs to provide educational options. As many as two-thirds of Latino and Black schoolchildren, and nearly one-third of White students score below basic literacy levels. The bill would provide corporate tax credits for scholarships to enable low-income children to leave public schools and attend private schools. It would reduce the enrollment and financial burdens on public schools. More important, it would provide high-quality educational opportunities for children who desperately need them.” [Clint Bolick Op-Ed, Arizona Republic, 1/21/06]

- **Napolitano eventually allowed the tax credits to become law without her signature.** “After two controversial vetoes and nearly a year of sniping with the Republican-led Legislature, Gov. Janet Napolitano on Wednesday closed the chapter on a nasty political fight by letting a new corporate scholarship tax credit become law without her signature. [...] School-choice advocates were ecstatic with Napolitano’s move. ‘This is a wonderful day for educational opportunities in Arizona,’ said Clint Bolick, president and general counsel of the Phoenix-based Alliance for School Choice, a national nonpartisan policy organization. ‘We hope that this is just the beginning for school-choice legislation this year.’” [Arizona Republic, 3/30/06]

2006: Bolick: Arizonans owe “a huge to debt” to Janet Napolitano for signing voucher programs for foster and disabled children. “Gov. Janet Napolitano said Wednesday she still opposes vouchers, but accepted several measures helping students afford private schools to gain legislative approval of additional spending for all-day kindergarten, teacher pay and other priorities. [...] Napolitano signed bills creating two small voucher programs for foster and disabled children. She also let a bill doubling the amount of tax-credit funding for private school tuition grants become law without her signature. After vetoing three previous versions, Napolitano earlier also let a bill to creating a corporate income tax credit for private school tuition grants become law without her signature. Napolitano acted on the latest bills last week as part of the budget package for the fiscal year that begins Saturday, prompting

school-choice advocates to hail the action. Arizona families owe ‘a huge debt’ to Napolitano, Republican legislative leaders and advocacy groups ‘for moving us closer to fulfilling the promise of high-quality educational opportunities for every Arizona student,’ said Clint Bolick, president of the Phoenix-based Alliance for School Choice.” [Associated Press, 6/28/06]

2006: Bolick celebrated Arizona’s school choice programs, vowed to “push for more.” “School choice is the tide that lifts all boats. More than any other state, Arizona recognizes that one-size-fits-all doesn't work for children, and that more options mean a better chance for success. Likewise, competition forces all schools to improve. With our state facing unprecedented educational challenges, we should celebrate our diversity of educational options, and keep pushing for more.” [Clint Bolick Op-Ed, Arizona Republic, 9/5/06]

2009: An Arizona Republic analysis found that Arizona’s tax credit program was “falling short in helping the poor” as Bolick said it was intended to do. “For more than a decade, an Arizona tax-credit program has allowed parents to receive financial help from the state to send their children to private schools. That tuition-scholarship program promises to grow as recently passed laws open the doors to increased use of the tax credits and the ability to make payments out of payroll deductions. But an Arizona Republic analysis found that the program is falling short in helping the poor, one of the prominent original goals. [...] ‘These programs were intended to be focused on low-income kids,’ said attorney Clint Bolick, litigation director of the Phoenix-based Goldwater Institute and chairman of Arizona's first scholarship-tuition organization, a type of group enabled by law to accept and give out tax-credit gifts. He said tax-credit donations for scholarships must be dedicated to charitable purposes or they are illegal.” [Arizona Republic, 8/1/09]

- **Bolick: “I support comprehensive school choice in Arizona, but we don't have it. And it's frustrating to see these programs manipulated to try to achieve goals they are not intended to achieve.”** “Bolick said the worst abuse of the tax-credit scholarship donation is something he calls ‘the swap.’ Because parents cannot give a tax-credit donation to a scholarship organization in the name of their own child, two parents agree to donate, naming each other's child. ‘It's not a charitable purpose to contribute to your own child's education,’ Bolick said. ‘I support comprehensive school choice in Arizona, but we don't have it. And it's frustrating to see these programs manipulated to try to achieve goals they are not intended to achieve.’ The attorney wasn't sure ‘the swap’ even existed until he attended a meeting to enroll his child in a private kindergarten. The school instructed parents on how to use the tax-credit swap. ‘It was just shocking to me how open it was,’ Bolick said. ‘I don't think the school thought there was anything wrong with it. They think that's how the system works.’” [Arizona Republic, 8/1/09]

2009: Bolick acknowledged that tax credits he fought for were being used for illegitimate means: “This is horrible. This is not the program I fought for.” “Arizona's tuition tax credits have been under legal attack from almost the moment they became law. Their continued existence has depended more on courtroom victories, confirming the credits' constitutionality, than on political support. Many of the early and most important rulings came through the work of attorney and school choice advocate Clint Bolick. ‘I defended them up to the Arizona Supreme Court,’ said Bolick, of the Goldwater Institute, a Phoenix think tank that advocates for limited government. In the 1990s, as Arizona tax credits blazed a new trail for the national school choice movement, Bolick co-founded the Institute for Justice in Washington D.C. to support such Libertarian endeavors. A few years ago while searching for a kindergarten for his son, Bolick saw firsthand the rigged system that private school tax credits have become. He and his wife went to an orientation meeting at Community Montessori School. Their son attended preschool at the tiny north Phoenix campus, which provides students almost one-on-one attention from teachers. Another parent at the meeting groused aloud about the school's expensive

tuition, Bolick said. Community Montessori's director acknowledged preschool tuition is high but added that kindergarten students enroll for free. 'And I'm thinking, 'Gee, that's interesting,' Bolick recounted during an interview in June. He wondered if it was a public charter school rather than a private school. Then the school director explained how income tax dollars pay for kindergarten tuition. Community Montessori, the director told Bolick and the other parents, pairs up families to exchange tax credit donations to benefit each others' children. 'My jaw dropped and I thought, 'This is horrible,' Bolick said. 'This is not the program I fought for.'" [East Valley Tribune, 8/2/09]

2011: Bolick criticized Republican Governor Jan Brewer for vetoing a bill to expand school choice tax credits. "Clint Bolick of the Goldwater Institute blasted Brewer's decision to veto the STO expansion bill. 'We're very disappointed that a governor who styles herself as pro-school choice would veto a bill that expands school choice,' Bolick said, adding, 'Well, certainly, the governor should not call herself a school choice governor at this point. I hope that she will regain that status in the coming session.' What's particularly distressing is Brewer gave school choice supporters no indication that she was going to veto the original STO bill, Bolick said. 'Even though we are supposedly allies, there was no warning that the original bill was in trouble,' he said." [Arizona Capitol Times, 4/29/11]

2013: Bolick applauded the Arizona Court of Appeals upholding empowerment scholarship accounts. "The Arizona Court of Appeals upheld the constitutionality of empowerment scholarship accounts Oct. 1. The accounts allow hundreds of Arizona students to use their education dollars for a wide range of services, according to a press release. The Goldwater Institute, which designed the challenged program, applauded the court's decision in a press release. 'Once again the kids have beaten the special interests,' Clint Bolick, the institute's vice president for litigation, said in a press release. [...] This ruling paves the way for other states where vouchers have not been constitutionally feasible to implement education savings accounts in their states, Mr. Bolick said in a prepared statement. 'This program is a lifesaver for children who have special needs or who were consigned to failing schools,' Mr. Bolick said in a press release. 'For such children, there can never be too many options.'" [East Mesa Independent, 10/23/13]

2014: Bolick supported a dramatic expansion of empowerment scholarship accounts. "The Arizona Legislature will soon decide whether to dramatically expand the state's nation-leading efforts to give parents control over where to spend their child's taxpayer-generated education funds. The state's Empowerment Scholarship Account program was, at the start of this school year, scheduled to disperse \$10.2 million to 761 students. If expanded as proposed, the 3-year-old program could within the next five years apply to more than 28,000 students and strip more than \$374 million a year from public and charter schools, based on the current average cost. [...] The Goldwater Institute, a conservative Phoenix-based think tank, developed the ESA program and pushed it through the Legislature in 2011 with support from influential advocacy group the Center for Arizona Policy. The program is based on the controversial national voucher effort, but allows more options and, unlike vouchers, has so far withstood legal challenges. 'The idea was to create a school-choice system for the 21st century, one that was not limited to private schools but would allow families to individualize an educational program for their children,' said Goldwater Institute Vice President for Litigation Clint Bolick. 'This is the broadest array of educational options ever placed at the disposal of parents.'" [Arizona Republic, 3/11/14]

- **Bolick: "We're trying to make the program available to kids in high-poverty schools and ultimately we'd like to make it available to every parent."** "The bills are expected to be amended to apply to all children who attend or will attend a Title 1 school, instead of based on family income. Title I refers to a school that receives federal funding for a high percentage of students from low-income families. Bolick said Department of Education officials said it would be too difficult to administer based on individual families. 'We're trying to make the program

available to kids in high-poverty schools and ultimately we'd like to make it available to every parent,' Bolick said.” [Arizona Republic, 3/11/14]

Michigan

2000: Bolick supported a Michigan school voucher ballot initiative bankrolled by the right wing DeVos family. “When Michigianians vote on school vouchers this fall, they're likely to have an impact beyond this state. They could help decide the fate of a national movement. Michigan and California are the only states with voucher proposals Nov. 7, and school choice advocates are casting their lot with the Michigan version. [...] A Detroit News poll last month showed a virtual tie on Proposal 1, but more recent surveys since show it behind by a wide margin. ‘People vote no on ballot initiatives unless they're absolutely sure about them, so it's a difficult arena,’ said Bolick at the Institute for Justice. Bolick said Michigan's proposal still has a shot, though, because the campaign was conducted carefully and was crafted to include support from the minority community. Proposal 1 also is backed by the Catholic church, which is pitching in \$1 million to the campaign. The church hasn't taken a position on the California plan. ‘California has a top-down initiative. It is truly a Draper plan,’ he said, referring to Tim Draper, a Silicon Valley-based venture capitalist who has used his personal fortune to bankroll Proposition 38. Reminded that a large chunk of Proposal 1's financial support comes from the Amway Corp. DeVos family of Grand Rapids, Bolick said: ‘Given the resources of the other side -- and I'm talking about the National Education Association and the Michigan chapter -- voucher proponents don't have much chance if they can't look to some well-off individuals to lend a hand. But the movement in Michigan is much bigger than Dick DeVos. It's a grass-roots movement that's fortunate to have DeVos' support.’” [Detroit News, 10/26/00]

- **After the Michigan voucher initiative was overwhelmingly defeated Bolick said “Each effort creates the foundation for a stronger effort the next time.”** “The national school voucher movement took one on the chin in Michigan on Tuesday. Proposal 1, considered a model ballot plan by education reformers across the country, was defeated decisively by state voters. It trailed by 42 percentage points in partial results. [...] ‘This was the first time an extensive effort was made to lay the groundwork before an initiative was put on the ballot,’ said Clint Bolick, litigation director for the Institute for Justice, a pro-voucher group in Washington, D.C. ‘Any loss is painful because the stakes are so high, but each effort creates the foundation for a stronger effort the next time. After a while, the apologies for the current system's failures will ring hollow.’” [Detroit News, 11/8/00]

2001: Bolick blamed “black leadership” for the failure of Michigan’s voucher ballot initiative. “School-choice supporters were disappointed last year by voter rejection of tuition-voucher programs in Michigan and California. A closer look at those vote totals turned disappointment into dismay. Given the chance to have voucher programs in their own cities, black voters in Detroit and Los Angeles roundly rejected the measure that would have allowed their children to escape failing school systems at taxpayer expense. While insisting that November's vote did not represent the movement's Waterloo, voucher boosters are puzzled and unsettled by the strident rejection from a group of voters once assumed to be the strongest advocates of the controversial reform. ‘It was disappointing,’ admitted Clint Bolick of the Institute for Justice, a Washington, D.C.-based group that has defended voucher programs against court challenges in Ohio, Wisconsin and Florida. ‘The black leadership, most of whom send their own children to private schools, has taken a very strong position against school choice. We found it very hard to overcome a parade of hypotheticals.’” [Cleveland Plain Dealer, 4/1/01]

2006: Bolick praised the DeVos family’s advocacy for school vouchers. “Housed in offices nestled between the DeVos Convention Center and the Amway Grand Plaza Hotel, All Children Matter has

made itself a national political force by supporting lawmakers and organizations sympathetic to its cause. The group is a model for other school choice advocacy groups, said Clint Bolick, president of the Phoenix-based Alliance for School Choice, a national group trying to change education through vouchers and tax credits. Bolick called the DeVoses ‘among a handful of giants in the education-reform movement.’ ‘Their biggest contribution nationally has been the creation of All Children Matter, which really plugged a huge hole in the school choice movement by creating a political arm,’ Bolick said. ‘They have almost single-handedly made the school choice movement a significant factor in state legislative races around the country.’” [Kalamazoo Gazette, 7/16/06]

U.S Territories

1994: Bolick defended a school voucher program in Puerto Rico in court. “The Washington-based Institute for Justice has agreed to help defend a school voucher program in Puerto Rico against a lawsuit challenging the program's constitutionality. The lawsuit, brought by a teachers union and the American Civil Liberties Union, is significant because it is the first to challenge school vouchers as a violation of the separation of church and state. ‘A successful defense of the Puerto Rico program will remove the constitutional cloud from school choice once and for all,’ said Clint Bolick, the institute's litigation director. The institute will represent low-income parents and children who receive vouchers in the Special Grants and School Choice Program, which was enacted with bipartisan support by the Puerto Rico legislature in September. The program operates in 33 of the island's 100 school districts. It provides vouchers of \$1,500 per student to families with incomes of less than \$18,000. The vouchers may be redeemed in transfers from public to private schools, from private to public schools or between public schools.” [Washington Times, 1/2/94]

- **The court struck down Puerto Rico’s voucher program as unconstitutional.** “A Puerto Rican court has struck down a school voucher program as unconstitutional in a case closely watched by advocates and opponents of school choice throughout the United States. [...] Clint Bolick, litigation director for the Washinton-based Institute for Justice, which supported parents and students in the case, said the ruling cuts both ways. ‘The silver lining is that this ruling would not have any legal effect on any other school choice plan because it was peculiar to Puerto Rico's Constitution,’ he said. ‘The worst thing is that it would put a halt to the nation's most ambitious voucher program.’ Mr. Bolick said the Institute for Justice hoped the trial would center on the First Amendment issue of whether school vouchers violate the constitutional mandate of separation of church and state. ‘We had dual purposes: to defend the program on its own terms, and also we are very anxious to get a case to the Supreme Court on a First Amendment issue,’ he said. Mr. Bolick said the court erred in finding that the program provides support to private schools, when in reality it provides scholarships to economically disadvantaged youngsters.” [Washington Times, 4/26/94]

1997: Bolick took a lobbyist-sponsored junket to the Marianas Islands to discuss school vouchers and then penned op-eds defending the islands in conservative outlets. “Although they sound like a tropical paradise, the Mariana Islands are actually something close to the opposite. An American territory in the Pacific, just north of Guam, they have become a notorious haven for foreign-owned sweatshops in recent years. [...] Between 1996 and 1998, [lobbyist Patrick] Pizzella brought Republicans on regular jaunts to the islands--I spoke to eleven he'd personally invited. By The Wall Street Journal's estimate, more than 100 representatives, congressional aides, and activists accepted Preston Gates's invitations. Nor was it just Hill dwellers. Pizzella specialized in courting conservative intellectuals and journalists. In 1997 he organized a trip that included Clint Bolick (of the Institute for Justice), John Fund (of The Wall Street Journal), Kellyanne Conway (a pollster), Ron Bailey (of Reason), and Marc Lampkin (then general counsel to the House Republican Conference), among others.

[...] For social conservatives, they highlighted the islands' growing church population. Pizzella even arranged for Bolick, a staunch proponent of school choice, to meet government officials to discuss the cmni's interest in school vouchers. As David Cahn, a former consultant to the Marianas, puts it, 'Pat's very effective. Visitors to the island seemed to get all the right information.' There are several ways to measure the work Preston Gates did on the Marianas' behalf. For starters, consider the propaganda generated from just that one 1997 trip led by Pizzella. Bolick returned to defend the Marianas in editorials for Human Events and The Wall Street Journal." [The New Republic, 6/18/01]

Hurricane Katrina

2005: Bolick called for school vouchers for the victims of Hurricane Katrina, calling the opportunity "a silver lining to this tragedy." "Earlier this week, Secretary of Education Margaret Spellings lamented that there are no clear answers to where the 372,000 schoolchildren in Louisiana and Mississippi displaced by Hurricane Katrina will attend school or who will pay for their education. For a major part of the answer, Mrs. Spellings need only look down the street toward her boss and mentor. With a stroke of a pen, President Bush could open educational opportunities in private and charter schools for thousands of displaced children. [...] If there could be a silver lining to this tragedy, it would be that children who previously had few prospects for a high-quality education now would have expanded options. Even with the children scattered to the winds, that prospect now can be a reality - if the parents are given power over their children's education funds." [Clint Bolick Op-Ed, Washington Times, 9/15/05]

Bolick argued that general aid to religious schools in the wake of Katrina was constitutionally permissible and anyone who opposed it should be "tarred and feathered." "But Clint Bolick, a lawyer who runs the pro-voucher Alliance for Choice in Phoenix, said he believes that general aid to religious schools also could pass constitutional muster. '[S]o long as the choice of the school has been made by the parent, the courts would find it permissible,' he maintained. 'And anyone who would go to court seeking an injunction against such aid ought to be tarred and feathered.'" [Education Week, 9/28/05]

Bolick accused teachers unions and Senator Ted Kennedy of being "the educational Grinch" for opposing school vouchers for Hurricane Katrina victims. "The last few weeks have demonstrated like never before who truly puts ideology above children. Many who purport to value the needs of children are now playing the role of the educational Grinch. When Hurricane Katrina left 372,000 without schools, President Bush responded with a plea to Congress to provide educational aid to every displaced child, regardless of where they found refuge--in public, private, or religious schools. Louisiana's Democratic senator Mary Landrieu and her Republican counterpart David Vitter immediately followed suit with an across-the-board relief bill. But soon, groups like the National Education Association and the National School Boards Association expressed outrage. They strongly objected to public funds being channeled to private schools in order to accommodate displaced children. The handmaidens in Congress quickly followed suit, saying that now is not the time for a debate over vouchers. Senator Ted Kennedy proposed a bill that would provide aid only to public schools--and explicitly not private schools--that have taken in displaced children." [Clint Bolick Op-Ed, National Review, 10/5/05]

Bolick was "morally outraged by those who purport to value the needs of children yet advocate for blatant discrimination in providing relief to Hurricane Katrina's displaced students." "I continue to be morally outraged by those who purport to value the needs of children yet advocate for blatant discrimination in providing relief to Hurricane Katrina's displaced students ("Public-school lobbyists on guard against voucher proposal," Sept. 29). Katrina struck just as the new school year was beginning.

Hundreds of thousands of children were left not only homeless but school-less. Because the New Orleans public schools already were a shambles even before the hurricane struck as a result of chronic corruption and mismanagement, nearly a third of the displaced children in New Orleans already were attending private schools. Many of the displaced children are now warehoused in overcrowded public schools in host cities that already were having trouble delivering a decent education. Meanwhile, there are empty seats in high-quality private schools that stand ready to help more students than they already have.” [Clint Bolick Letter to the Editor, The Hill, 10/5/05]

Bolick accused four Republican members of Congress of delivering “a lump of coal” to Katrina victims for voting against aid to private schools. “When Sen. Ted Kennedy announced a few weeks ago that he would include private schools among the options in his aid package for thousands of schoolchildren displaced by Hurricane Katrina, it appeared a sea change had occurred in the national discourse: A persistent critic of school choice had acknowledged that in emergency circumstances, we should look to every possible avenue for relief, including private and religious providers. Soon thereafter, Reps. John Boehner (R., Ohio) and Bobby Jindal (R., La.) introduced legislation in the House to provide educational relief to Katrina children who found haven in public or private schools. But the bill was dealt a serious setback when four Republican members of Congress--Judy Biggert (Ill.); Todd Platts (Pa.); Randy Kuhl (N.Y.); and Bob Inglis (S.C.)--voted in committee, in an otherwise strict party-line vote, to defeat it. We might call the renegades the four horsemen, except that in the face of crisis, they galloped off in the wrong direction. [...] Perhaps the White House and congressional leadership can persuade the Republican renegades to reclaim their principles, or enough Democrats will cross party lines to do the right thing. If not, countless Katrina children can expect a lump of coal in their Christmas stockings, thanks to the NEA and its congressional minions. That would be a true shame; the displaced children can use all the help they can get.” [Clint Bolick Op-Ed, National Review, 11/10/05]

Bolick said including vouchers in a Katrina aid package would set a precedent that would lead to a national voucher program. “Weaver said the Senate proposal will lead to a national voucher program. Bolick, of the Alliance for School Choice, agreed. ‘Once the precedent is established that private schools can be part of an education relief package when there is a crisis, all that remains is to demonstrate that the New Orleans public schools were in crisis long before the hurricane hit, and most other urban school districts are in serious crisis as well,’ Bolick said.” [National Journal, 11/19/05]

2006: Bolick said “hell froze over” when Ted Kennedy supported including private schools in the Katrina school aid plan.. “When the Arizona Legislature concluded its 2006 session last week, it set a record for school-choice legislation by enacting four new or expanded programs allowing disadvantaged children to attend private schools. Even more remarkable: The programs were enacted in a state with a Democratic governor. Arizona is not an aberration. Already in 2006, a new Iowa corporate scholarship tax credit bill was signed into law by Gov. Tom Vilsack; and in Wisconsin, Gov. Jim Doyle signed a bill increasing the Milwaukee voucher program by 50 percent. Gov. Ed Rendell may expand Pennsylvania's corporate scholarship tax credit program, as he did last year. Vilsack, Doyle and Rendell are all Democrats. And last year, hell froze over: Sen. Edward Kennedy, D-Mass., endorsed the inclusion of private schools in a rescue effort for over 300,000 children displaced from their schools by Hurricane Katrina.” [Clint Bolick Op-Ed, Arizona Republic, 6/26/06]

1992: Bolick Called For A Presidential Pardon For A Man Convicted Of Filling In Wetlands.

“Will George Bush, less than fortnight before election day, send a dedicated conservationist to prison for creating wetlands? That is exactly what could happen to Bill Ellen of Mathews, Va. Last week, the Nine Supremes declined to examine Ellen's arguably ex post facto conviction on five counts of "filling the navigable waters of the United States," aka wetlands. [...] In an election year, Ellen has had difficulty finding a congressional patron to press his case at the White House, but the volunteer effort on Ellen's behalf may yet pay off. When the Institute for Justice's Clint Bolick recently learned of the case, he fired off a strongly worded letter to Attorney General William Barr and White House Counsel C. Boyden Gray - with whom the Institute has close ties. Mr. Bolick said Ellen's sentence ‘truly is a travesty and cries out for a presidential pardon.’ Sending Ellen to prison for a ‘technical’ and ‘minor’ infraction, he said, ‘is extremely harsh given Ellen's efforts to comply with the regulatory maze surrounding wetlands.’” [Thomas Harvey Holt Op-Ed, Washington Times, 10/20/92]

2023: In unanimous decision, the AZ Supreme Court ruled that the town of Marana violated state law by forcing future homeowners to bear the complete costs of a new water reclamation facility.

“The Arizona Supreme Court has ruled that the town of Marana is in violation of state law after forcing future homeowners to bear the complete costs of a new wastewater reclamation facility. The justices said in an unanimous decision that development investment fees may not be imposed onto new residents if it is a burden that all taxpayers should carry equally, according to state law. The justices emphasized that their ruling was to not second-guess Marana’s policy judgements about what is needed to obtain a 100-year water supply, but to ‘narrowly construe the Town’s authority to assess development fees... to ensure that new residents do not bear a disproportionate share of the costs of necessary public services.’ ‘As a threshold matter, most if not all of the acquired, new, improved, and expanded facilities clearly provide necessary public services,’ Justice Clint Bolick wrote.” [AZPM, [1/17/23](#)]

2009: Bolick opposed a solar tax credit bill because “government is terrible” at “forecasting economic winners and losers.

“Sen. Jay Tibshraeny and his colleagues deserve praise for recognizing the need for favorable tax policies to diversify Arizona's economy (‘Solar-tax credit would expand Ariz. economy,’ My Turn, May 23). But they have fallen prey to the fatal conceit of chasing business trends -- in this case, solar-energy firms -- rather than establishing a climate that is broadly favorable to all businesses. It's not that government isn't good at forecasting economic winners and losers -- it's that government is terrible at it. Were it otherwise, film subsidies would have made Arizona the new Hollywood, the Coyotes would be playing before packed houses, the CityNorth development would be an ‘urban oasis’ instead of a ghost town, and we would be riding a roller coaster at Decades theme park and riding the surf at Waveyard. Of course, it would be terrific for Arizona to have a bigger share of the growing solar-energy industry, and clearly the tax burden helps determine where a solar company (or any business) will locate. A solar company locating in Oregon reportedly will have tax liability, after solar subsidies, amounting to less than one-fourth of Arizona's tax burden. So, the logical response is for Arizona to subsidize solar companies, too, right? That is the premise of the Tibshraeny bill, which would create a tax credit for renewable-energy companies that invest in land, facilities, equipment and high-wage job creation. But why limit favorable tax policies to renewable energy? What about other companies that provide the same benefits? Indeed, the only thing unique about solar companies is that they often require subsidies on the consumer side as well as the business side.” [Clint Bolick Op-Ed, Arizona Republic, 6/6/09]

2009: Bolick opposed regulating solar companies as utilities. “Many aspects of environmental and energy policy divide the authors of this column. But we join together to urge the Arizona Corporation Commission not to squelch an innovative approach to solar energy that benefits private and public entities alike. At issue are solar-service agreements, in which solar companies install and maintain solar panels on schools and other tax-exempt organizations for free. The schools receive power for a low monthly fee over an extended period of time. The solar companies collect renewable-energy tax credits for which tax-exempt entities are not eligible. Such solar-service agreements are a reality with unlimited potential in Arizona -- but only if the commission decides in the coming days not to treat the solar companies as public utilities and subject them to costly and burdensome regulation. Regulating the solar firms as utilities would require them to secure a certificate of public convenience and necessity and for approval of rates and other business operations, which in turn would greatly inflate the cost of solar installation and maintenance. The likely effect would be to send the firms packing to other states that do not regulate them like utilities.” [Clint Bolick and Sandy Bahr Op-Ed, Arizona Republic, 10/24/09]

2011: Bolick: “Production and distribution of renewable energy have proven enormously costly and technologically infeasible in most instances.” In an op-ed, Clint Bolick wrote, “As the congressional supercommittee nears its deadline for recommendations to cut the massive federal deficit, one idea stands out not only for its large fiscal impact but its potential to bridge the partisan divide: ending financial benefits for the energy industry. Those benefits run the gamut from direct subsidies to loan guarantees and tax credits. Earlier this year, the U.S. Energy Information Agency (yes there is such an entity) found that, in the past four years alone, energy subsidies had increased from \$17.9billion to \$37.2billion annually. As the deficit grows, so do the unconscionable giveaways. It is difficult to justify tax breaks and other benefits for fossil-fuel companies when gas prices are north of \$3 per gallon and industry profits dwarf the revenues of entire countries. The federal government can encourage growth by expanding drilling and mining opportunities without throwing tax dollars at the industry. At the other end of the spectrum, renewable energy is probably the most subsidized sector in American history, with subsidies on both the production and consumer sides. Production and distribution of renewable energy have proven enormously costly and technologically infeasible in most instances.” [Arizona Republic, 11/21/11]

2012: Bolick helped draft legislation giving authority over energy policy to the legislature and governor instead of the Arizona Corporation Commission. “A power struggle over who has the authority to set the state’s energy policies has erupted with a bill that would make the Arizona Corporation Commission answerable to the Legislature and governor. The House Committee on Government approved HB2789 in 6-3 party-line vote Feb. 14 that drew the solar industry’s sizable opposition to the bill. The bill requires the Corporation Commission to submit proposed rules and rule changes ‘that are policy decisions’ for approval by the Legislature and governor. [...] The Goldwater Institute’s litigation director, Clint Bolick, said the conservative think tank helped draft the bill, which he called a modest effort to restore checks and balances between the Legislature and commission. Solar lobbyists, meanwhile, said the bill is unconstitutional and creates a bad business climate for the solar industry by creating more government burdens. ‘The solar-subsidy lobby wants to prevent this bill from seeing the light of day and the reason they want to do so is because they only want to have to convince three policymakers rather than many dozens to give them subsidies,’ said Bolick. ‘This would put democratic accountability back into that process.’” [Arizona Capitol Times, 2/17/12]

2018: Bolick partially dissented in ruling that allowed developers in rural areas to withdraw as much as they needed from underground aquifers, even if it harmed the water supply of others. “Developers in rural areas are pretty much free to withdraw what they need from underground aquifers even if it might harm water supplies of others, the Arizona Supreme Court ruled Thursday. In a decision with significant statewide implications, four of the seven justices concluded that the Department of

Water Resources is required only to consider whether a developer — or the water company that will serve the area — has a 100-year supply of water beneath its land, the legal right to the water and the financial ability to supply it. More to the point, the majority said the state agency need not consider other potential claims for the same underground water or even the effects that such massive pumping could have on other properties. [...] The ruling drew a pair of stinging dissents. [...] Justice Clint Bolick conceded that the Legislature, in requiring a finding that water is ‘legally available,’ never defined exactly what that means. But he derided the majority’s conclusion that it was bound by how the state agency interprets that term.” [Casa Grande Dispatch, [8/10/18](#)]

- **Bolick: There is no meaningful analysis that the promised 100-year water supply really will be available for the homeowners.** “The Arizona Supreme Court has given the go-ahead to new development in and around Sierra Vista even if it could dry up the San Pedro River -- and even if it turns out that the homebuyers later end up with nothing but sand coming out of their faucets. In a ruling with statewide implications -- particularly for rural areas -- four of the seven justices concluded Thursday that the Department of Water Resources is required only to consider whether developer Castle & Cooke Inc. and the Pueblo del Sol water company it owns have a 100-year supply of water beneath its land where it plans to construct up to 7,000 homes on 2,000 acres, the legal right to the water, and the financial ability to supply it. [...] In his own dissent, Justice Clint Bolick said his colleagues are ‘creating a Swiss cheese statute with robust obligation on either side and a hole in the middle.’ He said they claim the statute ‘provides consumers with vigorous protections against unscrupulous developers.’ But Thursday’s ruling, Bolick said, ‘eviscerates’ that law because there is no meaningful analysis that the promised 100-year water supply really will be available for the homeowners.” [Yuma Sun, 8/9/18]

2018: Bolick dissented in AZ Supreme Court decision to allow the use of treated effluent to make snow on the San Francisco Peaks used by the Hopi Tribe as sacred area. “The Arizona Supreme Court has squashed what could be the last legal maneuver to block the use of treated effluent to make snow on the San Francisco Peaks. In a 5-2 ruling Thursday, the majority concluded the Hopi Tribe has no right to file a claim that the practice creates a ‘special nuisance’ because it interferes with the ability of tribal members to practice their sacred rituals on the mountains north of Flagstaff. The majority said the effect of claimed environmental damages on tribal members is no greater than those suffered by other members of the general public who use the land. And the justices said only those with a specific interest in the land, whether by virtue of ownership or financial impact, are entitled to bring such ‘special nuisance’ claims under Arizona law. The ruling drew a stinging dissent from Justice Scott Bales who chided his colleagues for failing to understand what he said is the special nature of the harm the tribe is alleging. Bales, joined by Justice Clint Bolick, said long before there was Snowbowl — and long before the public was concerned about the Coconino National Forest — tribal members were going to what they considered sacred peaks to conduct sacred rituals. All that, he said, would be changed if treated effluent, which is unfit for human consumption and retains some contaminants, is used on the land. ‘In the spring melt, sacred springs will be tainted with the melting wastewater, turning formerly pure ceremonial locations into a secondary sewer,’ Bales wrote.” [Casa Grande Dispatch, 11/30/18]

RENEWABLE POWER MANDATES

2008: Bolick filed a lawsuit challenging Arizona’s renewable energy standards. “Arizona Corporation Commission rules requiring electric utilities it regulates to get a set percentage of their power from renewable sources face a court challenge. A special-action lawsuit filed by the Phoenix-based Goldwater Institute alleges the commission exceeded its authority under the Arizona Constitution, intruded on the Legislature’s policymaking role in state government and interfered with the

utilities' relationships with their customers. [...] The rules affect ratepayers, said institute attorney Clint Bolick, citing a surcharge approved last month by the commission for Arizona Public Service Co., 'At a time when Arizonans are struggling to make ends meet, it's important to prevent government from overstepping its bounds in ways that add costs to every family's budget,' Bolick said.' [Associated Press, 6/27/08]

- **Bolick: Renewable energy rules are “are an unconstitutional power grab.”** “The Goldwater Institute is suing the Arizona Corporation Commission over a fee it is allowing utilities to charge customers in an effort to develop renewable energy sources. The lawsuit was filed with the Arizona Supreme Court to block the charge, with is capped at about \$1.32 on each customer's bill to fund renewable energy. The lawsuit argues it is the Legislature's job to set policy, not the ACC. ‘The rules are an unconstitutional power grab by an agency that is rapidly becoming Arizona's fourth branch of government,’ Clint Bolick, director of the institute's Scharf-Norton Center for Constitutional Litigation, said in a prepared statement. The lawsuit was filed by the institute on behalf of Roy Miller, Thomas F. Husband, Jennifer Bryson and Corpus Communications Inc.” [Phoenix Business Journal, 6/27/08]
- **Bolick said renewable energy standards meant everyone was “paying a tax for this unconstitutional government activity.”** “The Goldwater Institute is asking the state Supreme Court to strike down rules that require Arizona Public Service Co. to get a certain percent of electricity from renewable sources such as solar. The organization filed a petition last week arguing that the Arizona Corporation Commission overstepped its authority by requiring APS to charge customers a monthly tariff to support renewable energy. Officials said they are hopeful that by targeting the APS tariff, they can get the renewable-energy rules stricken and free other state utilities from the requirement. [...] ‘The market certainly is dictating a shift to alternative technologies, but we would expect that in the normal course of events, APS and other utilities would pursue the most efficient blend of technology,’ said Clint Bolick, director of the Goldwater Institute's litigation arm. ‘That is not what the commission did. The commission took a one-size-fits-all approach, and all of us are going to be paying a tax for this unconstitutional government activity.’” [Arizona Republic, 6/29/08]
- **Bolick: “Utility companies already are shifting to alternative sources. The commission's costly, top-down, bureaucratic approach forces it to shed considerations of efficiency, reliability and cost that are crucial in a rapidly changing and uncertain marketplace.”** “The commission's mandate under the Arizona Constitution limits it to establishing rates for utilities and related regulations. But the commission, acting over the strong dissent of Chairman Mike Gleason, decided to leapfrog its constitutional boundaries and set itself up as the state's energy czar. And now, all of us as ratepayers are picking up the tab. The commission decreed that all utility companies must generate specified amounts of power from renewable resources, no matter the cost to consumers, the reliability of alternate power sources or the market conditions. Moreover, it mandated that a certain percent of renewable energy come from "distributed" sources, such as residential or business solar panels, even though neither the commission nor utility companies can ensure such sources will exist. Utility companies already are shifting to alternative sources. The commission's costly, top-down, bureaucratic approach forces it to shed considerations of efficiency, reliability and cost that are crucial in a rapidly changing and uncertain marketplace. The commission's rules are a power grab from the Legislature, which has exclusive authority and responsibility over energy policy. The Legislature can delegate those powers to the commission, but it has not. To the contrary, the Legislature has adopted such policies as tax credits for solar panels, which, of course, the commission cannot provide.” [Clint Bolick Op-Ed, Arizona Republic, 7/26/08]

- **2009: Maricopa County Superior Court ruled against Bolick.** “The Arizona Corporation Commission has the authority to set renewable energy standards and allow utilities to collect tariffs to meet them, a Maricopa County Superior Court judge has ruled. [...] Goldwater litigation director Clint Bolick said the decision sustained ‘an unprecedented power grab by a renegade agency.’” [Phoenix Business Journal, 9/2/09]

2008: Bolick argued that The Arizona Corporation Commission “has no constitutional authority over energy policy in Arizona.” “The state Supreme Court on Tuesday threw out a lawsuit challenging an Arizona Corporation Commission requirement that Arizona Public Service Co. and other public utilities obtain a portion of their electricity from renewable resources. The court did not provide a reason for tossing the lawsuit. The Goldwater Institute filed the suit in June, naming the five corporation commissioners and Arizona Attorney General Terry Goddard, whose office confirmed the commission's rules last year. The institute, a Phoenix-based think tank, argued that the commission acted unconstitutionally by passing a rule in 2006 that requires the public utilities it regulates to obtain 15 percent of their electricity from renewable sources by 2025. [...] Clint Bolick, director of the Goldwater Institute's litigation arm, said the organization expected the Supreme Court would choose not to hear the case. He said the group expects to file a new lawsuit either in Maricopa County Superior Court or the Arizona Court of Appeals. ‘We were hoping because this is a case of statewide importance and there are no facts in dispute that the court would accept the case, but they clearly decided not to, so we will start again in a different court,’ Bolick said. ‘Our view is that the commission has no constitutional authority over energy policy in Arizona,’ he added.” [Arizona Republic, 9/24/08]

- **Bolick: “We have no quarrel with the idea for renewal energy but, rather, with the notion of an obscure commission dictating energy policy for the entire state at enormous cost to the consumer.”** “‘We have no quarrel with the idea for renewal energy but, rather, with the notion of an obscure commission dictating energy policy for the entire state at enormous cost to the consumer,’ said Clint Bolick, the Goldwater Institute's litigation director.” [Arizona Republic, 9/28/08]

2010: Bolick called renewable power mandates a “power grab” that would raise utility rates for consumers. “Ryan Hurley, whose firm lobbies for solar companies, writes that the Goldwater Institute's legal challenge to the Arizona Corporation Commission's renewable-energy rules, along with proposed legislation to modify them, are a bad idea because they will hurt his clients' interests (‘Bills may unhinge industry,’ My Turn, Jan. 23). What he doesn't mention is the price tag: at least \$2.4 billion, every dollar of which is being passed along to Arizona consumers in the form of yearly utility rate increases. The Corporation Commission is a five-member agency with the limited authority to set utility rates plus any other powers granted by the Legislature. Over many decades, the commission has tried to expand its powers, but the courts have repeatedly clipped its wings. The renewable-energy rules, however, are a power grab far more brazen than anything the commission has ever before attempted. The rules set minimum requirements for the amount of renewable energy that utility companies must use, increasing the amount each year. The rules include certain forms of renewable energy but exclude others. Most important, they impose onerous requirements without regard for cost or technological feasibility.” [Clint Bolick Op-Ed, Arizona Republic, 2/6/10]

2010: Bolick opposed raising the renewable portfolio standard from 15 percent to 25 percent. “It's time to consider raising the amount of energy Arizona utilities are required to get from solar power, one of the five state utility regulators said Friday. Corporation Commissioner Paul Newman issued a statement asking for support and feedback on a proposal to increase the requirement that utilities get 15 percent of their energy from renewable sources, such as solar, by 2025. [...] ‘The existing

renewable-energy rules are illegal, costly to consumers, and more about ideology than sound energy policy,' said Clint Bolick, who has been challenging the rules in court for the Goldwater Institute. 'Commissioner Newman's proposal makes them even more so.' Bolick's group challenged the authority of the Corporation Commission to mandate power from renewables but lost. It is appealing the case." [Arizona Republic, 4/25/10]

2010: Bolick made a fourth attempt to quash Arizona's renewable portfolio standard. "A Goldwater Institute attorney attempted for the fourth time yesterday to convince Arizona courts to quash rules that force the state's utilities to use renewable energy and get certain percentages of that energy from 'distributed' sources such as rooftop solar. The five-member Arizona Corporation Commission oversees the state's utilities, such as Arizona Public Service Co., and passed the rules in 2006. The rules also give utilities the authority to collect monthly tariffs from residential customers to subsidize the cost of renewable energy sources. Arizona Public Service Co. has proposed raising the tariff from \$3.46 a month to \$4.05. 'I would say it is the poster child for excessive commission regulation that has nothing to do with [the commission's] rate-making authority," said Clint Bolick, the attorney, in front of the Arizona Court of Appeals yesterday. Bolick last lost his case in September 2009. Then, Maricopa County, Ariz., Superior Court Judge Joseph Heilman said regulators can put rules on power sources and that renewable energy is good policy." [Greenwire, 11/17/10]

2011: The Arizona Court of Appeals unanimously ruled against Bolick. "The Arizona Court of Appeals has unanimously ruled the Arizona Corporation Commission has authority to require utilities generate portions of their power from renewable energy sources. The three-judge panel today upheld a Maricopa County Superior Court judge's ruling in a lawsuit challenging the Corporation Commission's authority that was filed by the Goldwater Institute in 2008. 'This decision opens the door for very substantial rate increases that come at a very bad time for families and businesses that are struggling,' said Clint Bolick, director of the Goldwater Institute's Scharf-Norton Center for Constitutional Litigation. Bolick said no decision has been made about appealing to the Arizona Supreme Court, but he is leaning that way. 'I wouldn't want to leave the job half unfinished,' he said." [Arizona Capitol Times, 4/7/11]

2022: Bolick authored majority's opinion granting members of the Arizona Corporation Commission the ability to subpoena utilities for investigations. "The Arizona commission that regulates utilities cannot prevent a single member from issuing subpoenas to investigate companies that the panel oversees, the state Supreme Court ruled Tuesday. [...] In Tuesday's decision written by Justice Clint Bolick that overturned rulings by a trial court and the state court of appeals, the court said the state constitution gives each of the five commissioner the right to investigate regulated utilities. The commission sets rates for electricity, gas and water providers that are granted monopolies in their service areas. 'The framers plainly meant to authorize not only the Commission but also individual commissioners, for their purposes, to issue investigatory subpoenas,' Bolick wrote in the ruling, which was joined by three other justices. Bolick said reading the constitution to allow other commission members to block a member's subpoena would lead to an absurd result, since commissioners are given the individual right to investigate regulated companies. 'It would expressly vest powers in individual commissioners but then subordinate that right to the unreviewable determinations of other commissioners,' he wrote." [Associated Press, 9/27/22]

GOVERNMENT ISSUES

Arizona Public Media: On behalf of the Goldwater Institute, Bolick won several cases challenging state and local laws across the country, including on contract disputes, school vouchers, and union practices. “Bolick, on behalf of Goldwater, has won several cases challenging state laws across the nation and local governmental ordinances, including one that led to striking down of a Tucson ordinance giving preference to local businesses in awarding city contracts. He also has been involved in litigation to uphold school voucher laws in Arizona and elsewhere and in a challenge to the city of Phoenix's practice of allowing paid ‘release time’ for city employees to conduct union business.” [AZPM, [1/6/16](#)]

1999: Bolick: “The purpose of our federal system is to restrict the powers of both national and state governments.” “Gene Healy represents a disturbing trend among some libertarians to nostalgically recall the good old days when states were bastions of freedom. Those days never existed; and as James Madison depicts them in Federalist No. 10, even at the founding they were such bastions of tyranny that a stronger national government was called upon to restrain them. The concept of states' rights libertarianism is oxymoronic. All libertarians know that states do not have rights. States have powers. The purpose of our federal system is to restrict the powers of both national and state governments. The Fourteenth Amendment was the product of the most libertarian Congress in history. Properly construed, the amendment's scope is purely negative in the sense of restraining state and local violations of civil rights. Let's see ... John Calhoun versus Roger Pilon and Randy Barnett? Not exactly a tough choice for libertarians.” [Clint Bolick Letter to the Editor, The Freeman, 2/1/00]

1995: Bolick opposed devolving more power to localities because “states and cities are just another form of big government.” “The point many conservatives miss in their zeal for devolution is that states and cities are just another form of big government And they touch ordinary Americans in ways far more personal and meaningful than the national government. In the sometimes mischievous, sometimes malign ways it exercises its sweeping powers over education, business, taxation, and private property, Alexandria exemplifies contemporary city government. City Manager Vola Lawson -- unelected and largely unknown to ordinary citizens -- has a greater day-to-day impact on the lives of Alexandrians than does Bill Clinton. If all the congressional Republican majority accomplishes is the transfer of power from one set of bureaucrats to another, in the end it will have effectuated little fundamental change. A real devolution revolution will empower individuals and the communities they choose to organize, not local fiefdoms.” [Clint Bolick Op-Ed, The Weekly Standard, 12/18/95]

Bolick: “Government at the local level has grown far beyond its original purposes of providing for schools, fire protection and police services.” “Q. Bill Clinton said the era of big government is over. Is that true? A. No. Big government moved to the suburbs. Even as the federal government has slightly downsized in recent years, state and local government have continued to grow voraciously. Q. Why? What have they got to do that's new? A. Government at the local level has grown far beyond its original purposes of providing for schools, fire protection and police services. Now, you find government in the business of providing utility services, garbage collection and even running water slide parks . . . The growth is coming from what I call invisible governments. These are special districts that construct highways and provide electric and water services and provide other functions. They now outnumber municipal governments two to one. The reason that I say they're invisible is that they're rarely elected, their budgets are usually not reported within local municipal budgets, but they have all of the powers of government, like eminent domain, the power to issue bonds, the power to raise and collect taxes. They are completely unaccountable to the people they serve. Most people have no idea that they even exist.” [Milwaukee Journal Sentinel, 7/27/04]

- **Bolick: “The more people find out about their local governments, the more worried they become.”** “Q. I've seen surveys that say that local government is actually fairly popular with people, that they rate their local governmental units fairly high, and as you go up the ladder -- county, state, especially federal -- opinion goes down. So is growth in local government an unpopular trend? A. Well, I think the more people find out about their local governments, the more worried they become. We tend to keep an eye on Washington, but we tend to treat governments close to home with benign neglect. In the meantime, they're raising our taxes, often confiscating our property, regulating what we can read and violating our rights in other ways.” [Milwaukee Journal Sentinel, 7/27/04]

2004: Bolick: “States do not have rights. People have rights. And the purpose of federalism is to protect those rights.” “By long-standing tradition, Americans prefer their government to be close to home, where ostensibly we can control it. We've got half our wish: Most government is local, but it is out of control. Local governments are multiplying like rabbits, at a rate of one new entity added each day. They operate the schools our children attend, determine the uses of our property, and tax us at a higher rate than the national government. It wasn't supposed to be this way. The Founding Fathers, fearing all government, created federalism not to aggrandize state governments but to protect individual liberty, presuming that government closer to the people could be trusted to guard those rights. As tyrannical state leaders violate liberty in the name of ‘states' rights,’ we discover that those who coined that term had it wrong. States do not have rights. People have rights. And the purpose of federalism is to protect those rights.” [Clint Bolick Op-Ed, Wichita Eagle, 9/21/04]

2011: Bolick said “the state needs to keep [local government] powers in check because of the great propensity for abuse.” “In its Sept. 28 editorial ‘State needs to stop meddling in municipal affairs,’ The Republic accuses the Arizona Legislature of ‘hypocrisy’ for resisting federal edicts while regulating local government affairs. Not only is the charge incorrect, but the prescription that the Legislature stop ‘meddling’ in local government business is disastrous. The limited powers of the federal and local governments derive from the same place: the states. The states, acting as sovereign representatives of the people, created the federal government. It is not only proper but imperative that they hold the federal government to the boundaries of its limited powers. Likewise, cities, counties, school districts and other local governments owe their existence and limited powers to the state. Indeed, they are political subdivisions of the state. And the state needs to keep their powers in check because of the great propensity for abuse.” [Clint Bolick Op-Ed, Arizona Republic, 10/11/11]

2013: Bolick filed lawsuit against the city of Phoenix over rejection of political ads on bus shelters and other government-owned sites. “Attorneys sparred at the state Court of Appeals on Tuesday over whether cities have the right to reject advertising on bus shelters and other government-owned sites. Alan Korwin bought space on Phoenix bus shelters to advertise firearms training and talk about gun rights, but the city says its policy only permits commercial ads. Assistant Phoenix Attorney David Schwartz argues the city is entitled to turn away political ads. ‘There is a significant impact on revenues as well as the city's constitutional right to operate its business,’ Schwartz said. Korwin’s attorney, Clint Bolick of the Goldwater Institute acknowledged that cities have certain rights when they run a private business, like the bus shelters and the buses themselves but says those rights are not absolute. ‘When the government owns a business, it does not create a Constitution-free zone,’ Bolick said. ‘It is still acting as a state and it is still subject to the First Amendment and the Arizona Constitution.’” [KJZZ, [12/4/13](#)]

2012: Bolick said he Arizonans had legitimate concerns about “illegal immigration” and agreed that the federal government isn’t doing a good job policing the border. “Bolick said Arizonans have legitimate concerns about illegal immigration, and he agrees with those who believe the federal government isn't doing a good job policing the border. He also agrees that states have a ‘vitally important’ role in enforcing the law. ‘But going out and rounding up people for no other offense than having broken taillights on their cars, that shows hostility rather than a genuine desire to solve the problem,’ Bolick said.” [Arizona Republic, 9/17/12]

Bolick: “No question exists that a large number of illegal immigrants reside in Maricopa County and that they are disproportionately associated with crime.” In a 2008 report, Bolick wrote, “One activity on which MSCO has intensely targeted its resources is its highly publicized and controversial immigration sweeps. No question exists that a large number of illegal immigrants reside in Maricopa County and that they are disproportionately associated with crime. Illegal immigrants make up approximately nine percent of the county’s population . While official figures suggest that the percentage of illegal immigrants who are booked or incarcerated in Maricopa County jails is only slightly higher than that, County Attorney Andrew Thomas reports that in 2007, illegal immigrants made up 18.7 percent of those who were actually convicted of felonies—including 33.5 percent of drug convictions, 20.7 percent of crimes with weapons, 20.3 percent of felony DUIs, and 10.6 percent of murders and manslaughters.³³ Hence, apart from policing illegal immigration itself, a strong law-enforcement justification exists to focus resources on secondary crimes associated with illegal immigrants. Still, it is necessary to raise two questions regarding the sweeps: (1) are they effective in accomplishing their objective and (2) do the costs outweigh the benefits in terms of relative law-enforcement priorities?” [Goldwater Institute, “*The Misplaced Priorities of the Maricopa County Sheriff’s Office*,” [12/2/08](#)]

2013: Bolick opposed a pathway to citizenship for undocumented immigrants. “*Steve Inskip*: Clint Bolick, why not a path to citizenship? *Clint Bolick*: We think that it's very important to send a message that there are consequences for those who do come illegally. To reward people who have come here illegally would create the exact kind of problem that we saw after the 1986 amnesty, which was more illegal immigration.” [“Morning Edition,” NPR, 3/5/13]

- **Bolick called for “proposing not a path to citizenship but a path to permanent legal residency” for adult undocumented immigrants.** “What do we do with those who came here illegally? We believe those who were brought here illegally as children - and who have committed no crimes and either graduated from high school or entered the military - ought to be offered citizenship. They have done nothing wrong and, in many instances, know no other country than our own. The citizenship status should be part of the law, rather than the ad hoc policy created by President Barack Obama. For adults who entered our nation illegally, the situation is significantly different. Some (including this newspaper's editorial board) have criticized Gov. Bush and me for proposing not a path to citizenship but a path to permanent legal residency. We do so for two reasons: fairness and the rule of law.” [Clint Bolick Op-Ed, Arizona Republic, 3/31/13]
- **2006: Bolick called for guest worker programs and “a lawful path to citizenship” for immigrants.** “The irony is that by opposing measures such as guest-worker policies that allow immigrants to enter the nation lawfully, anti-immigrant activists fuel the very problems they

decry. A black market in immigration weakens border security, making it easier to enter the country unlawfully. Restrictive limits force many who want to work to become outlaws. By contrast, a policy that allows people to come to America to work and pursue a lawful path to citizenship would destroy the black market and reduce the burden of border security. It would enrich the cultural diversity that defines our nation while reinvigorating the American spirit and values that many who were lucky enough to be born here too often take for granted.” [Clint Bolick Op-Ed, Arizona Republic, 4/23/06]

2013: Bolick condemned the Affordable Care Act’s Medicaid expansion for providing coverage to the children of undocumented immigrants. “Seemingly out of nowhere, Bush condemns the Affordable Care Act’s Medicaid expansion, recently accepted by his successor, Gov. Rick Scott (R-FL), for doling out ‘welfare’ to the children of illegal immigrants. ‘This is why the Obama administration’s attempt to coerce states to adopt a major Medicaid expansion as part of its national health-care program had the effect of inflaming anti-immigration sentiment,’ he and co-author Clint Bolick write. ‘Although the administration assured the states that illegal immigrants would not be eligible for Medicaid benefits, their children who are born in the United States are eligible because they are citizens. Moreover, if illegal immigrants are offered a path to citizenship or permanent legal residency, eventually they will become eligible as well. Fortunately the US Supreme Court struck down the Medicaid expansion by a 7-2 vote as unduly coercive and therefore contrary to constitutional principles of federalism. The proposal should not be resurrected.’” [Talking Points Memo, 3/5/13]

2012: Bolick called for limiting system that allowed legal permanent residents and naturalized citizens to petition for family members to join them in the U.S. “Under the current system, immigrants who become legal permanent residents or naturalized citizens can petition for a wide circle of family members, including parents, children and siblings. Bolick would like to see the family-based visa system limited only to parents and non-adult children. ‘Chain migration has been the 800-pound gorilla,’ Bolick said. ‘It shuts out people we desperately need.’” [Arizona Republic, 9/17/12]

- **Bolick: “We need immigrants more than ever, but we have a system that does, that has extensive family preferences that include parents and siblings that crowd out work-based immigrants both on the high skill side and on the lower skill side.”** “*Melissa Harris-Perry*: Thank you. So, Clint an op-ed in "The Wall Street Journal", with Jeb Bush saying that it's not law enforcement, but the law itself that is broken, that the nation has changed dramatically since the Immigration and Nationality Act of 1952, and that legislation was not held up well. In short we need to start from scratch. So, how realistic is it to make policy from the ground-up? *Clint Bolick*: Well, it is super important to do that, because America's realities in 2013 are so different than when the law was passed over 60 years ago. First of all, we need immigrants more than ever, but we have a system that does, that has extensive family preferences that include parents and siblings that crowd out work-based immigrants both on the high skill side and on the lower skill side. That is the sort of thing that we really need to grapple with as we move forward, but we do think that the best way of preventing illegal immigration is to have a workable legal immigration system, and we haven't had that for a very long time.” [“Melissa Harris-Perry,” MSNBC, 2/2/13]

2014: Bolick opposed President Obama’s Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) executive order. “Many opposers of President Barack Obama’s executive actions on immigration argue the move is illegal. It is also a setback for the long-term agenda of immigration reform, argued Clint Bolick, who is with the Goldwater Institute in Phoenix. He said the U.S. Constitution doesn’t point to the president having any power over immigration policy changes. ‘He is bound by the laws that Congress has passed,’ Bolick said. ‘And I think that this action exceeds and

changes the laws under which he is purporting to act...this goes far beyond his lawful powers, unfortunately.’ Gov. Jan Brewer Thursday authorized Arizona joining a multi-state lawsuit challenge Obama’s actions on immigration. In a statement, Brewer called the actions ‘illegal and unconstitutional.’ On Nov. 20, Obama took action to expand deportation deferrals for as many as 5 million people in the country illegally, but who have children who are U.S. citizens or legal residents and have no criminal record.” [AZPM, [12/6/14](#)]

2012: Bolick called for “legalization” for illegal immigrants: It’s “crazy” to “to send these people packing when they’ve become true Americans.” “Those who see politics behind everything might note that former Florida Gov. Jeb Bush, a potential 2016 presidential contender, is a George W. Bush Institute board member. And it couldn’t go unnoticed that Clint Bolick of the Goldwater Institute was a panel member Tuesday. Bolick is co-author with Jeb Bush of the upcoming book ‘Immigration Wars: Forging an American Solution.’ ‘It appears that after the 2012 election we have that rare historical moment when Democrats and Republicans may be willing to come together not just to put another Band-Aid on the issue, but to fix it fundamentally,’ Bolick said. He called for a legalization (not citizenship) program for illegal immigrants. It’s ‘crazy,’ he said, ‘to send these people packing when they’ve become true Americans.’ And Bolick called for something far more profound than merely making foreign-born children of illegal immigrants eligible for in-state college tuition. ‘We can go further and give these kids, who are Americans in every sense of the word, citizenship in a very, very quick manner,’ Bolick said.” [Austin American-Statesmen, 12/5/12]

1996: Bolick said he did not support California’s anti-immigrant Proposition 187. “*Clint Bolick:* Yolanda, I’ve got to jump in here. First of all, I did not support 187, but I’ll tell you who did support Proposition 209. A quarter of black Californians, a quarter of self-described liberals, a third of Hispanics, and half of Asians and women. Now this is a... The reason that it drew such broad support is that it’s a very simple proposition. The government should not classify people on the basis of race. It goes back an awful long time in this history. A hundred years ago, Adolph Plessy was told he couldn’t sit on a certain street car because he was one-eighth black. It’s got to stop, and the California people have put an end to it.” [“Talkback Live,” CNN, 12/16/96]

2008: Bolick said birthright citizenship was guaranteed by the Constitution. “Clint Bolick, a constitutional expert at the Goldwater Institute told me, ‘A state cannot change the conditions of citizenship. On this the language in the Constitution is as clear as day. I wish that all constitutional provisions were as clearly worded as is the 14th Amendment. There are many issues on which reasonable minds can differ, but this is not one of them. The Constitution says that any person born in the U.S. and subject to the jurisdiction of its laws is a citizen.’ [...] According to Bolick, ‘Nothing short of an amendment to the Constitution will change the citizenship status of people born in the United States. If one is interested in the changing the law and not merely in making a point, that would be the way to proceed.’” [E.J. Montini Column, Arizona Republic, 1/6/08]

- **2010: Bolick said he was “sympathetic to the objectives of those who believe that it is unfair that people born here of illegal immigrants are automatically citizens,” but affirmed that birthright citizenship is guaranteed by the Constitution.** “‘I’m sympathetic to the objectives of those who believe that it is unfair that people born here of illegal immigrants are automatically citizens,’ Bolick told me. ‘But if you believe in the Constitution, you have to support it whether you agree with it or disagree with it, and there is one proper way to change the Constitution. That is not through judicial fiat but through the amendment process. All you need to know about this provision is apparent from its language. If one thinks that illegal immigrants are not ‘subject to the jurisdiction’ of our laws, then it’s curious that so many of them populate our jails. Obviously they are subject to our laws.’” [E.J. Montini Column, Arizona Republic, 9/23/10]

2008: Bolick criticized the Maricopa County Sheriff's Office under Joe Arpaio for diverting resources away from basic law-enforcement functions to "highly publicized" and ineffective immigration sweeps. In a 2008 report, Bolick wrote, "The Maricopa County Sheriff's Office is responsible for vitally important law-enforcement functions in one of the largest counties in the nation. It defines its core missions as law-enforcement services, support services, and detention. MCSO falls seriously short of fulfilling its mission in all three areas. Although MCSO is adept at self-promotion and is an unquestionably "tough" law-enforcement agency, under its watch violent crime rates recently have soared, both in absolute terms and relative to other jurisdictions. It has diverted resources away from basic law-enforcement functions to highly publicized immigration sweeps, which are ineffective in policing illegal immigration and in reducing crime generally, and to extensive trips by MCSO officials to Honduras for purposes that are nebulous at best. Profligate spending on those diversions helped produce a financial crisis in late 2007 that forced MCSO to curtail or reduce important law-enforcement functions. In terms of support services, MCSO has allowed a huge backlog of outstanding warrants to accumulate, and has seriously disadvantaged local police departments by closing satellite booking facilities." [Goldwater Institute, "*The Misplaced Priorities of the Maricopa County Sheriff's Office*," [12/2/08](#)]

2012: Bolick: "Going out and rounding up people for no other offense than having broken taillights on their cars, that shows hostility rather than a genuine desire to solve the problem." "Bolick said Arizonans have legitimate concerns about illegal immigration, and he agrees with those who believe the federal government isn't doing a good job policing the border. He also agrees that states have a 'vitally important' role in enforcing the law. 'But going out and rounding up people for no other offense than having broken taillights on their cars, that shows hostility rather than a genuine desire to solve the problem.' Bolick said." [Gannett News Service, 9/17/12]

2012: Bolick said that instead of states passing enforcement laws, he would like to see them partner with the federal government to deport undocumented immigrants who committed state crimes. "Bolick said that instead of states passing enforcement laws, he would like to see them partner more with the federal government through programs such as Secure Communities and 287(g) to deport illegal immigrants who commit state crimes. Those programs, however, have drawn criticism from immigration advocates who say they encourage racial profiling by police and have led to the deportation of large numbers of illegal immigrants who committed only minor offenses such as driving without a license." [Arizona Republic, 9/17/12]

2012: Bolick: "In five years, when we talk about the immigration problem, it will be because we will have too few rather than too many." "Bolick of the Goldwater Institute said immigration policy should be thoughtful and that it should focus on filling gaps in the labor force and boosting the economy. He mocked the 'inane' efforts in Alabama to drive out illegal immigrants by allowing law enforcement to check immigration status, saying it caused a dramatic drop in the state's gross domestic product. 'In five years, when we talk about the immigration problem, it will be because we will have too few rather than too many,' he said." [Dallas Morning News, 12/5/12]

2013: Bolick: "Market forces ought to dictate immigration." "Well, first of all, we need to look opposition to the bipartisan plan is not just coming from Republicans, labor unions on the left are really sounding the alarm that we are going to be allowing too many immigrants in, so this is an issue that has many dimensions to it, but right now, we are not producing through births enough new Americans to keep our population as it is right now, and we are about to have a massive number of people begin retiring, and we need productive workers to fill those spots and to sustain our economy and our social welfare system. So, this is something that is really missing from the debate, we do need productive

workers and the only place to get them right now is through immigration. So, I think that Republicans will understand that. Beyond that, really, we are not calling for a bigger government solution at all, and quite the contrary. We think that market forces ought to dictate immigration, and right now for both farm worker jobs, tourism jobs as well as high-tech jobs, there are not enough Americans filling those jobs. We saw what happened when Alabama sent a bunch of illegal immigrants back, their crops died on the vines, likewise, jobs, high-tech jobs are being exported to foreign countries, because we don't have enough high skilled workers to fill those jobs. We need to fix both of those problems and we need to seize the moment to do it now." ["Melissa Harris-Perry," MSNBC, 2/2/13]

2013: Bolick: "You cannot secure the border until you have a legal immigration system that works." "*Sean Hannity*: I like Rand Paul saying that we've got to secure the borders first and verify it before we move forward. You disagree in the book? *Clint Bolick*: Definitely disagree with that. That's like, Sean, that is like a doctor saying we're not going to treat the cancer until the symptoms go away. Basically, you cannot secure the border until you have a legal immigration system that works." ["Hannity," Fox News, 3/4/13]

- **Bolick: "We're not going to stop people coming to pursue the American dream until we give them a realistic hope of coming in."** "*Sean Hannity*: Why can't you do that? Why can't you secure the border first, so -- I don't want to use an analogy, we're talking about people's lives and I'm worried about terrorists that don't have our best interests at heart. If your boat's leaking and you plug up the hole, then you bail the water. *Clint Bolick*: Right, we take terrorism very seriously in the work, we talk about ways to do that, but in terms of illegal immigrants, we come from people who risked a lot more than people are risking told and overcame obstacles far greater. We're not going to stop it. We're not going to stop people coming to pursue the American dream until we give them a realistic hope of coming in. So you solve these problems together, not one at a time." ["Hannity," Fox News, 3/4/13]

2013: Bolick: "The best way to end illegal immigration is through a workable legal immigration system that will cost us a lot less money and produce a great economy over time." "*Clint Bolick*: The best way to end illegal immigration is through a workable legal immigration system that will cost us a lot less money and produce a great economy over time. The biggest single obstacle to all of this is Barack Obama who is playing politics with this issue. Republicans need to unite behind a positive immigration program and take this issue." ["Hannity," Fox News, 3/4/13]

2013: Bolick: "Only by fixing our system of legal immigration can we prevent future waves of illegal immigration." "Only by fixing our system of legal immigration can we prevent future waves of illegal immigration. We need to start with the question of why people risk their lives and family savings to cross the border illegally. The answer is as harsh as it is simple: They do so because there is no way to enter the country legally. Unless they have family members in the U.S. or can obtain one of a small number of work visas, foreigners have almost no lawful means to come to the U.S. to work or become citizens. There is literally no line for them to get into. Until that gaping flaw in our immigration policy is fixed, illegal immigration will continue no matter how many walls we erect." [Clint Bolick Op-Ed, Arizona Republic, 3/31/13]

2013: Bolick said the "Gang of Eight" immigration proposal sounded fair and effective. "The so-called Gang of Eight bipartisan senators have released their proposed immigration reform legislation. Clint Bolick, co-author of 'Immigration Wars: Forging an American Solution' with former Florida Governor Jeb Bush, said the proposal sounds fair and effective in making modifications to how legal and undocumented immigration is handled. Arnie Bermudez, former 'Tucson Citizen' editorial cartoonist

and contributor to FoxNewsLatino.com, also gave his perspective. Bermudez grew up in Yuma before moving to Tucson.” [KJZZ, [4/17/13](#)]

IMMIGRATION POLITICS

Bolick reportedly left the Republican Party “in protest over its anti-immigrant policies and the Iraq war.” “A fierce defender of Clarence Thomas during his nomination battle, Bolick left the Republican Party not long ago in protest over its anti-immigrant policies and the Iraq war.” [New York Times, 4/17/05]

- **2013: Bolick said he left the Republican Party over its “strident” position on immigration.** “Bolick, the co-author, also noted he had left the Republican Party a decade before over the “strident” position on immigration in his home state of Arizona.” [Miami Herald, 3/9/13]

1998: Bolick: “If welcoming hard-working and freedom-loving people to America is a ‘liberal instinct,’ please count me as one, too.” “Your series on race and politics contained an odd assertion that ‘Sen. Spencer Abraham ... is considered by some conservatives as a centrist with a liberal’s instincts’ (‘Race card’ is wild card as campaign gets under way,’ April 14). Mr. Abraham’s conservative credentials run deep and true. He was one of the founders of the Federalist Society, the nation’s premier conservative lawyers organization. As a senator, he has remained steadfast in his commitment to principle. On race issues, he consistently has voted against preferences, and his vote was crucial in denying confirmation to Acting Assistant Attorney General Bill Lann Lee. Immigration hardly is a litmus issue, for it divides both liberals and conservatives. If welcoming hard-working and freedom-loving people to America is a ‘liberal instinct,’ please count me as one, too. If all Republican officials were as principled as Mr. Abraham, we wouldn’t be witnessing a conservative tailspin on Capitol Hill. Complainers should direct their ire elsewhere.” [Clint Bolick Letter to the Editor, Washington Times, 4/19/98]

2005: Bolick said anti-immigrant positions were “disastrous for the Republican Party.” “I have known Representative Tom Tancredo for a long time, but his anti-immigration crusade is disastrous for the Republican Party (‘Border Wars,’ March 28 & April 4). Most Mexican immigrants embrace traditional values, hard work, education, and entrepreneurship. The GOP should be recruiting them, not driving them away. Republicans need only look to the demise of California’s GOP to see the consequences of nativism. Unfortunately for Republicans in states like Arizona and Texas--states with tremendous immigrant growth--there are no Arnold Schwarzeneggers to save the party from itself.” [Clint Bolick Letter to the Editor, The New Republic, 6/27/05]

2006: Bolick said Republican opposition to immigration and nativism was destroying the party. “Anti-immigrant passion is high right now, threatening to drown out legitimate border security concerns with nativist rhetoric. Some Republicans will win primaries and possibly even general elections by whipping up fears and prejudices. But longer term, the math isn’t optimistic. In a nation whose founders endured challenges and hardships far greater than those who seek to enter America over our southern border today, we ought to understand the powerful allure of opportunity. And, when they come, they will not reward the party that tried to wall them out. Those who call for stringent controls insist they are not against immigration, only illegal immigration. But universally, they oppose attempts to increase legal immigration levels to reflect the demand for immigrant labor and the unshakable desire of millions around the world to pursue the American Dream. [...] The contemporary argument against immigration is nothing new. Aside from Native Americans, who were not cynical enough to impose anti-immigration policies, every generation has witnessed movements that derided newcomers, fueled anti-immigrant hysteria and tried to keep immigrants out. Among the millions of pro-immigration protesters waving

American flags last week, many saw a sea of illegals. I saw a sea of Americans. Republicans would be well-advised to see a sea of would-be Republicans. The fact that they don't may result in all of us soon having to get used to saying the words 'President Clinton' once again." [Clint Bolick Op-Ed, Arizona Republic, 4/23/06]

2006: Bolick praised Mike Pence's "compassionate immigration policy" and decried "the nativism exemplified by the likes of Pat Buchanan." " In supporting a compassionate immigration policy, Representative Mike Pence, the Indiana Republican, is true not only to his own roots but also to the freedom philosophy underlying the modern conservative movement. Immigrants today, as in the past, seek economic opportunity through hard work and believe deeply in family values and education. Building upon that commonality, Republicans ought to be recruiting immigrants, not trying to wall them out. Unless Republicans reject the nativism exemplified by the likes of Pat Buchanan and follow the principled lead of statesmen like Mr. Pence, they will consign themselves to well-deserved oblivion." [Clint Bolick Letter to the Editor, New York Times, [9/2/06](#)]

2012: Bolick authored a book on immigration with Jeb Bush. "Former Florida Gov. Jeb Bush is a working on a book about one of the Republican Party's most contentious issues: immigration. Bush has a deal with Threshold Editions, a conservative imprint of Simon & Schuster, for 'Immigration Wars: Forging An American Solution.' Threshold announced Wednesday that the book is scheduled for next spring and will be co-authored by conservative attorney and activist Clint Bolick. Financial terms were not disclosed." [Associated Press, 9/13/12]

- **Jeb Bush flip-flopped on a pathway to citizenship in his book with Bolick.** "Bush used to support a pathway to citizenship for undocumented immigrants, but wrote in his new book, co-authored by Clint Bolick, that he now only supports a pathway to legal residency for illegal immigrants currently living in America. 'It is absolutely vital to the integrity of our immigration system that actions have consequences - in this case, that those who violated the laws can remain but cannot obtain the cherished fruits of citizenship,' he and Bolick wrote in Immigration Wars: Forging an American Solution. 'To do otherwise would signal once again that people who circumvent the system can still obtain the full benefits of American citizenship. ... A grant of citizenship is an undeserving reward for conduct that we cannot afford to encourage.'" [Tampa Bay Times, 3/8/13]

2012: Bolick: "The stridency of the debate in Arizona over immigration is the only negative experience I have had in my years here." "Under a headline that read, 'Republicans risk losing Latinos,' Bolick wrote in part, 'To the extent that Arizona Republicans address issues of importance to Hispanics at all, they choose issues that seem calculated to alienate them.' The nasty phone calls and e-mails that followed shocked him. 'I have never had such venom directed at me,' Bolick said. 'The personal attacks were unbelievable. It made me realize that this was an issue where it is very difficult to bridge the divide.' Bolick has been in Arizona for 11 years, working at the right-leaning, right-thinking Goldwater Institute. On immigration, those credentials didn't help him. 'The stridency of the debate in Arizona over immigration is the only negative experience I have had in my years here,' he told me. 'It's really been disappointing. In so many ways, Arizona is still the land of Barry Goldwater, hospitable and independent-minded. The stridency over immigration is the exception to the individualism that otherwise continues to pervade the state.'" [E.J. Monitni Column, Arizona Republic, 9/16/12]

- **Bolick: "Republicans in Arizona, it almost seems like their goal in life is to alienate Hispanics."** "Bolick said the Republican Party ought to be reaching out to Hispanics but the illegal-immigration stance by GOP leaders in Arizona is driving them away from the party. 'Ronald Reagan once said that 'Hispanics are Republicans, they just don't know it yet,' Bolick

told KPNX-TV. ‘We share an awful lot of values, like entrepreneurship and conservative social values. But Republicans in Arizona, it almost seems like their goal in life is to alienate Hispanics.’” [Gannett News Service, 9/17/12]

Bolick: “Ronald Reagan once said that 'Hispanics are Republicans, they just don't know it yet.'” “Bolick said the Republican Party ought to be reaching out to Hispanics but the illegal-immigration stance by GOP leaders in Arizona is driving them away from the party. ‘Ronald Reagan once said that 'Hispanics are Republicans, they just don't know it yet,’ Bolick told KPNX-TV. ‘We share an awful lot of values, like entrepreneurship and conservative social values. But Republicans in Arizona, it almost seems like their goal in life is to alienate Hispanics.’” [Arizona Republic, 9/17/12]

2013: Bolick: “Republicans have lots in common with immigrants, a desire for entrepreneurship, a desire for educational opportunities, pursuit at the American dream. It has to begin by talking to immigrants and making common cause.” “*Matt Lauer*: And in the book, here’s what you say. This is an alarm to your party. You called Republicans tone deaf and hostile to immigrants and Hispanics. You fault the party for being unwilling to expand the base and you warn the Republicans face, your word, ‘extinction’ if they continue to alienate Hispanics. Is this damage that was caused and has been inflicted, whether self or not, something that can be repaired in time for 2016? *Clint Bolick*: Absolutely. And it’s not just a Hispanic problem. Romney got even fewer Asian votes, and that is absolutely remarkable. Basically, Republicans have lots in common with immigrants, a desire for entrepreneurship, a desire for educational opportunities, pursuit at the American dream. It has to begin by talking to immigrants and making common cause.” [“Today Show,” NBC, 3/4/13]

2013: Bolick said Extreme Republican positions on immigration were “very, very much a minority position.” “Bolick says last year's presidential election, with Hispanic voters breaking nearly 4-1 for Barack Obama, was a big wake-up call for the Republican Party. Most House Republicans, however, are far more concerned with their own re-election prospects in 2014. Bolick thinks their concern is overblown. ‘The conservative base of the party, by and large, remains militantly opposed to any immigration reform, and they are extremely vocal and active in primaries, and as a result, they terrify members of Congress who ought to know better,’ he said. ‘But if you look at the landscape, we don't have President Tom Tancredo. We don't have Congressman Randy Graf. We don't have Senator J.D. Hayworth. When it comes down to the actual elections, you find out that this extreme position is also very, very much a minority position.’” [Laurie Roberts Column, Arizona Republic, 7/10/13]

2014: Bolick said GOP voters wanted border security and immigration reform. “The massive diaspora of Central American children coming to the United States has reignited passion among conservative activists over immigration issues. But Republican politicians who perceive the reaction as a demand to secure the border and forget about immigration reform are reading it wrong: GOP voters want both. [...] It appears that most conservative voters understand that to effectively stop illegal immigration, we must also fix a badly broken immigration policy. Instead of recognizing that reality, many GOP candidates try to stoke populist fever through platitudes such as ‘enforcement only’ or ‘secure the border first.’ Perhaps that's why so many candidates invoking those platitudes end up losing. Conservative voters like their candidates tough - but also smart.” [Clint Bolick Op-Ed, Arizona Republic, 8/9/14]

1994: Bolick opposed Bill Clinton's health care plan, calling mandatory universal health insurance." unconstitutional. "A new line of attack on President Clinton's health reform plan and similar proposals that congressional committees have adopted is that they are unconstitutional because they would take choices away from Americans. Such is the argument being advanced by the Institute for Justice, a libertarian legal interest group, which plans to announce its intention to take a Clinton-like plan to court should it become law. 'Any mandatory system that places government regulations on the business of making health care decisions for people cannot pass constitutional scrutiny,' said Clint Bolick, litigation director for the institute. So far, constitutional arguments tied to health care reform have gotten little attention in Washington. But several law professors and others involved with reform proposals yesterday discounted Mr. Bolick's argument. [...] Mr. Bolick will outline the institute's case to congressional aides and the media on Capitol Hill Thursday. In a two-part analysis of the Clinton health plan and three of the four plans approved by congressional committees, the institute argues that all of the proposals 'invade personal autonomy.' 'They all share two common fundamental flaws, and that is - there is no ability to opt out of the system and it subjects basic health care decisions to government regulations,' Mr. Bolick said. He also said the plans limit the choice of health insurance, establish cost-containment mechanisms that could lead to rationed health care, and jeopardize privacy by creating a national computer database that would contain Americans' health information." [Washington Times, 7/19/94]

- **Bolick: Clinton's "insistence on a highly regulated mandatory health-care regime places it on a collision course with the body of law that produced Roe v. Wade."** "Indeed, as Clint Bolick of the Washington, D.C.-based Institute for Justice put it in a recent briefing: 'The courts consistently have recognized a sphere of personal autonomy into which the government may not intrude. The administration's insistence on a highly regulated mandatory health-care regime places it on a collision course with the body of law that produced Roe v. Wade.'" [Editorial, Orange County Register, 7/21/94]

2008: Bolick supported the Freedom of Choice in Health Care Act to protect against "future schemes" to mandate health insurance. "Many proposals swirling around Arizona and the rest of the country would increase government's role in health care. Their common denominator: reduced individual choice and control over medical decisions. Proposition 101, the Freedom of Choice in Health Care Act, would preserve the rights of Arizonans to make their own health-care decisions. The initiative would amend the state constitution to protect against future schemes that would restrict individuals' 'freedom of choice of private health care systems or private plans of any type,' the 'right to pay directly for lawful medical services,' or freedom to participate or not participate in health insurance programs. Essentially it would codify the choices we can exercise today. [...] Proposition 101 would assure that whatever policies are adopted, they must preserve voluntary individual choice. Such freedom of choice, on matters as vital and intimate as medical care, is a bedrock of our free society. That freedom is under serious assault. Proposition 101 would provide bulletproof armor against those who would take it away." [Clint Bolick Op-Ed, Tucson Citizen, 10/8/08]

- **Bolick said Proposition 101 would trigger a constitutional clash "between state sovereignty and national power" if a national health insurance program passed.** "Proposition 101 would protect Arizonans not only against abridgements of their liberties by their state government, but also perhaps against comparable actions by the federal government. Clint Bolick, director of the Goldwater Institute's Center for Constitutional Litigation, believes that if Washington were to

enact a national health insurance program of prescriptive regulations, Proposition 101 would trigger an epochal constitutional clash ‘between state sovereignty and national power.’ In 1997, the U.S. Supreme Court said: ‘The Constitution established a system of ‘dual sovereignty.’ ... It is an essential attribute of the states’ retained sovereignty that they remain independent and autonomous within their proper sphere of authority.’ Therefore, says Bolick, any national health insurance scheme would be vulnerable to constitutional challenge because it would impermissibly command actions by state officials. Furthermore, Bolick says: ‘It is a bedrock principle of constitutional law that the federal Constitution established the floor for the protection of individual liberties; state constitutions may provide additional protections.’” [George Will Column, Washington Post, 10/25/08]

2009: Bolick opposed an individual mandate to purchase health insurance. “Individual mandates are a form of corporate welfare, forcing people to buy what they do not need or want and often can’t afford. The push for individual mandates does not emanate from concern over people who are uninsured, but from a desire to create a new funding pool to subsidize health care for others. To the extent it taxes marginal earners, it is Robin Hood in reverse,” Clint Bolick, Goldwater Institute litigation director. The Phoenix-based group favors limited government.” [Phoenix Business Journal, 11/6/09]

2009: Bolick: “Once you force someone to belong to a medical system, it’s bad from an economic standpoint, and it’s also bad from the control that we ought to have over our own health care freedom.” “*Clint Bolick*: It seems to us that once you force someone to belong to a medical system, it’s bad from an economic standpoint, and it’s also bad from the control that we ought to have over our own health care freedom.” [“Morning Edition,” NPR, 12/4/09]

2009: Bolick devised the idea to use state constitutional amendments to try to block Obamacare, calling it an opportunity “to generate some rumble at the grassroots.” “The idea of amending state constitutions to block the core of the federal health care legislation, including the requirement that individuals and businesses buy insurance, began at the conservative Goldwater Institute in Arizona, the state where the first such measure will appear on the ballot next year. ‘The measures are an opportunity for people to make their views known in a tangible way, to generate some rumble at the grass roots,’ said Clint Bolick, a lawyer at the Goldwater Institute who helped devise the idea.” [New York Times, 12/29/09]

- **Bolick: “These amendments are a way to manifest grass roots opposition” to the Affordable Care Act.** “Supporters of the state measures portray them as a way of defending individual rights and state sovereignty, asserting that the federal government has no authority to tell states and their citizens to buy health insurance. ‘I think the alarm bell has been rung,’ said Clint Bolick, the constitutional litigation director at the Goldwater Institute in Phoenix, which helped craft an Arizona amendment on this November’s ballot that has been used as a model in other states. ‘These amendments are a way to manifest grass roots opposition’ to federal health insurance mandates, Bolick said.” [Associated Press, 2/1/10]

2010: Bolick said he was “itching” to litigate against the Affordable Care Act’s individual mandate. “*Audio Cornish*: But critics say that, while Congress has the power to tax and spend, it can’t make you buy. Clint Bolick is with the Goldwater Institute, a conservative think-tank. He helped write the ballot initiative before Arizona voters this November. *Clint Bolick*: Well, I am personally itching to litigate these issues, and I think they are very winning issues, especially with the current United States Supreme Court, which takes very seriously, the limits on federal government power; and takes equally seriously the autonomy of states to protect their citizens against excessive federal regulation.” [“Morning Edition,” NPR, 2/22/10]

2010: Bolick said if states opting out of the individual mandate caused the entire Affordable Care Act to “unravel” he would be “ecstatic.” “The Virginia Legislature this week is poised to become the first state to pass legislation that says citizens cannot be required to have medical insurance. [...] But if states such as Virginia opted out of the federal mandate, the plan could unravel. Clint Bolick, a litigation specialist with the conservative Goldwater Institute who wants to test the mandate in the US Supreme Court if it passes, said Obama's plan to mandate insurance coverage is nothing more than an effort to require one group of people to subsidize insurance for another. ‘To the extent it would unravel an important component of the bill, we would be ecstatic if that happened,’ Bolick said.” [Boston Globe, 3/8/10]

2010: Bolick: “Congress lacks constitutional authority to regulate commerce in a way that would compel individuals to purchase government-approved health insurance.” “‘Congress lacks constitutional authority to regulate commerce in a way that would compel individuals to purchase government-approved health insurance,’ says lawyer Clint Bolick of the Goldwater Institute, a conservative think tank and law firm.” [Gannett News Service, 3/14/10]

2010: Bolick said individuals have a Constitutional “right to direct one's own medical affairs without excessive government regulation.” “*Nina Totenberg*: Health care opponents have been gearing up for the legal fight for months. Some of the challenges that will be filed in court are widely viewed as frivolous, while others are not. The first will likely come from states that have enacted laws to exempt themselves from the bill. The Goldwater Institute's Clint Bolick is among those who've spearheaded the drive in the states to opt out of various provisions of the law, including the mandate to buy health insurance. *Clint Bolick*: Here you have a right that's been recognized under the Constitution - namely the right to direct one's own medical affairs without excessive government regulation. You've got an area that is traditionally a matter of state concern, and the federal government is trying to impose on it.” [“Morning Edition,” NPR, 3/23/10]

2010: Bolick advised states on a legal strategy and said he hoped Obamacare would die a “death of a thousand cuts” in the courts. “Efforts to block a key provision of the new health care overhaul law are under way in 33 states, as a growing roster of mostly Republican officials have mounted legal and legislative challenges to an eventual requirement that virtually all Americans buy health insurance or pay a penalty tax. [...] ‘This is going to be a long, protracted war of attrition, and we haven't even seen the first wave of regulations yet,’ said Clint Bolick, litigation director of the Goldwater Institute, an Arizona-based group that is advising state officials. [...] For all his work coordinating it, Bolick said ‘the frontal assault on Obamacare faces very tough odds.’ But he likened the fight to previous efforts to block the 2002 McCain-Feingold campaign-finance law, parts of which the Supreme Court struck down in January. ‘The initial challenges to McCain-Feingold were rejected,’ Bolick said. ‘But since then, litigators found the vulnerabilities. Likewise, here I think you're going to see a thousand flowers bloom in terms of lawsuits. I'm hoping that this will die a death of a thousand cuts.’” [Washington Post, 5/13/10]

2010: Bolick filed a federal lawsuit challenging the Affordable Care Act on several fronts. “The Goldwater Institute filed a federal lawsuit Thursday to block national healthcare reform, arguing it violates the rights of a Tempe business owner, Arizona lawmakers and even members of Congress. The suit attacks the plan on several fronts, arguing it tramples individual rights and that Congress won't have proper oversight of a health care system that it doesn't even have the authority to create. It also violates the First Amendment rights of 29 Arizona lawmakers who signed onto the suit, said Goldwater attorney Clint Bolick. ‘We believe that the lawsuit that we filed this morning is the strongest challenge yet to the federal health care law,’ Bolick said Thursday. The Phoenix-based Goldwater attacked the bill, which is

backed by President Barack Obama, as the most sweeping invasion of personal liberty in U.S. history.” [East Valley Tribune, 8/11/10]

- **Bolick: “We hope to bring the entire thing down.”** “The suit, *Coons v. Geithner*, was filed in the U.S. District Court in Phoenix. It names U.S. Treasury Secretary Timothy Geithner, Obama and others as defendants. Bolick has argued and won two cases before the U.S. Supreme Court. He predicted hearings will begin quickly and the case will go in Goldwater's favor. The U.S. Supreme Court has the strongest federalist stance in a lifetime and has recently blocked federal intervention in areas reserved for states, he said. Bolick said other suits against the federal law and the variety of challenges posed by Goldwater could produce a death of a thousand cuts to the sweeping health care package. ‘We hope to bring the entire thing down,’ Bolick said.” [East Valley Tribune, 8/11/10]

2011: Bolick: “The idea of forcing individuals to get government-prescribed health insurance, not for our own good but for the sake of subsidizing others, is not right.” “Arizona voters in November approved, by a 55 percent majority, a state constitutional amendment saying that no one can be compelled to ‘participate in any health care system.’ ‘The idea of forcing individuals to get government-prescribed health insurance, not for our own good but for the sake of subsidizing others, is not right,’ said Clint Bolick, the litigation director at the Goldwater Institute, a Phoenix-based conservative research group.” [McClatchy, 2/8/11]

2021: In unanimous ruling, the AZ Supreme Court ruled that Tucson Medical Center could not sue CVS for filling opioid prescriptions in larger battle over opioid addiction liability. “In a unanimous ruling, the Arizona Supreme Court said Tucson Medical Center cannot sue CVS over the pharmacy's filling of opioid prescriptions. The case is part of a larger action filed in 2018 by TMC against opioid makers and distributors. TMC wanted to make CVS at least partially liable for unpaid care for patients with opioid addictions or injuries related to the prescription painkillers. The justices on the Arizona Supreme Court said state law does not allow the hospital to sue the company. Instead, the justices wrote that it must go after the patients that didn't pay their bills. ‘Arizona, however, prohibits assignment of personal injury claims. And TMC cannot circumvent this rule by asserting a direct claim for uncompensated care against a third party it contends cause personal injury to patients,’ Justice Clint Bolick wrote in the opinion.” [AZPM, [9/1/21](#)]

MEDICAID

2013: Bolick condemned the Affordable Care Act’s Medicaid expansion for providing coverage to the children of undocumented immigrants. “Seemingly out of nowhere, Bush condemns the Affordable Care Act's Medicaid expansion, recently accepted by his successor, Gov. Rick Scott (R-FL), for doling out ‘welfare’ to the children of illegal immigrants. ‘This is why the Obama administration's attempt to coerce states to adopt a major Medicaid expansion as part of its national health-care program had the effect of inflaming anti-immigration sentiment,’ he and co-author Clint Bolick write. ‘Although the administration assured the states that illegal immigrants would not be eligible for Medicaid benefits, their children who are born in the United States are eligible because they are citizens. Moreover, if illegal immigrants are offered a path to citizenship or permanent legal residency, eventually they will become eligible as well. Fortunately the US Supreme Court struck down the Medicaid expansion by a 7-2 vote as unduly coercive and therefore contrary to constitutional principles of federalism. The proposal should not be resurrected.’” [Talking Points Memo, 3/5/13]

2016: Under Bolick, the Goldwater Institute fought to stop Medicaid expansion in Arizona, an expansion pushed by then-Gov. Jan Brewer. Columnist EJ Montini wrote, “The Goldwater Institute

fought to stop the Medicaid expansion for our poorest brothers and sisters in Arizona, a law that was signed by then-Gov. Jan Brewer. At the time, Attorney Tim Hogan of the Arizona Center for Law in the Public Interest, which represented four Medicaid recipients who have intervened in the lawsuit, told The Arizona Republic, ‘It is easy for legislators to vote to deny benefits and health care to others when it's not going to affect them. They are on the state plan at taxpayer expense, so they are all set.’” [Arizona Republic, [1/6/16](#)]

1988: Bolick Claimed That The Federal Minimum Wage Was An Example Of A “Modern Version of Jim Crow Laws.” “In addition to government-imposed monopolies for taxicabs and other businesses, examples of such barriers include: o Arbitrary licensing laws that restrict entry into hundreds of occupations, including such basic jobs as hair-dressing and gardening. o The federal minimum wage, which destroys precious entry-level job opportunities by making them too expensive for employers. o A District of Columbia regulation that prohibits shoe shine stands on public streets, which operates to deprive homeless individuals of a chance to become self-sufficient. o A New Orleans ordinance that limits to two the number of hotdog pushcarts in the city's historical section, which was used to drive competitors out of business. Economic regulations such as these are typically adopted not to promote public health or safety, but to limit competition. They are modern versions of Jim Crow laws, which shackled economic opportunities in order to maintain blacks as a separate, subordinate caste. These restrictions stifle the tradition of bootstraps capitalism that was once America's beacon to the enterprising poor. Now, with legitimate opportunities circumscribed, the most talented ghetto entrepreneurs are often merchants of drugs and vice. Civil rights leaders from an earlier era -- Frederick Douglass, Booker T. Washington, W.E.B. DuBois -- recognized that economic liberty is the key to individual self-determination. Now that political rights have been guaranteed, a civil rights movement led by advocates of individual liberty should focus on making America's promise of opportunity a reality.” [Clint Bolick Op-Ed, San Diego Union Tribune, 2/28/88]

1993: Bolick Filed Suit To Overturn The Davis-Bacon Act Mandating A Prevailing Wage. “Until the IFJ came along, civil rights litigation was largely the province of the left. Conservatives had been hesitant to pursue social policy through the courts. But the IFJ not only was willing to use legal action to further its political goals, Mr. Mellor and Mr. Bolick stole the Left's playbook. The NAACP, for instance, has always known the value of having plaintiffs who were appealing to the public imagination and knew to build its legal precedents through small cases, creating a framework to win the high-profile battles. Copying that strategy, the IFJ has built precedents for protecting the economic rights of minorities, and is now set to use them against one of the most insidiously racist laws on the federal books, the Davis-Bacon Act. The IFJ, on the behalf of eight minority contracting companies, organizations and individuals is suing Secretary of Labor Robert Reich in the U.S. District Court for the District of Columbia on the grounds that the ongoing implementation of the Davis-Bacon act is racially discriminatory and unconstitutional. Davis-Bacon, passed in 1931, was almost explicitly racist, in its text and especially its legislative history. The act mandates that a ‘prevailing wage’ be paid to workers in any construction project using more than \$2,000 of federal monies - currently about a fifth of all building projects in the country. The ‘prevailing wage’ has almost always meant the union wage, as it was intended to.” [Editorial, Washington Times, 11/22/93]

- **1995: Bolick argued against the Davis-Bacon Act in federal court.** “A conservative think tank challenged the Davis-Bacon Act in opening arguments in federal court Tuesday, saying the 1931 law discriminates against minorities by requiring that construction companies pay an area's prevailing wages on government contracts. But Senior U.S. District Judge William Bryant, who expressed an unusual amount of skepticism from the bench, indicated he may grant the government's motion to dismiss the suit because the think tank and several organizations it represents may not be directly affected by the law. [...] Lawyer Clint Bolick, of the conservative Washington-based Institute for Justice, said his group represents five minority contractors and several organizations of public housing tenants opposing the act. [...] Black migrant workers were the original targets of the Davis-Bacon Act, Bolick argued, saying the legislative history of

the original bill shows congressmen trying to make sure that funds spent on government construction projects went to local white union workers. ‘Ultimately, we believe this law was passed because of racial animus’ on the part of white members of Congress, Bolick said, adding that it still keeps unskilled black workers from being hired for lower- paying training positions on federal construction projects.” [United Press International, 3/7/95]

June 1996: Bolick testified in favor of repealing the Davis-Bacon Act in front of the House Committee on Economic and Educational Opportunities. “Mr. Chairman and members of the Committee, it is my honor to appear before you today to testify about the Davis-Bacon Act. The real problem is not that the law doesn't work as it is supposed to, but that that it does. The purpose of Davis-Bacon was to reserve federal construction contracts for union companies and workers, to the detriment of non- union companies and entry-level workers. The law accomplishes that purpose all too well, effectively cutting off the bottom rungs of the economic ladder for tens of thousands of Americans, at untold expense to the taxpayers. The law represents naked economic protectionism, a blight on the American free enterprise system. It cannot be fixed. It ought to be repealed.” [Clint Bolick Testimony, House Committee on Economic and Educational Opportunities, 6/20/96]

1995: Bolick opposed a dress code for Atlanta cabdrivers claiming that such regulations are “eroding the bottom rungs of the socio-economic ladder.” “This city, which is busily sprucing up for the 1996 Summer Olympics, has been dealt a setback in its efforts to refurbish its cabdrivers sartorially. A Federal court in a ruling late last week said the city's proposed dress code for taxi drivers, which was to have gone into effect on Jan. 1, was too loosely written for the court to conclude that it had any ‘rational basis’ in furthering the city's goal of a safe and efficient taxi industry. [...] In October, the proposals prompted a 12-hour shutdown by many of the city's estimated 1,500 taxi drivers. In Addition, the drivers' cause has drawn support from national conservative groups who see such legislation as stifling ‘entry-level entrepreneurship.’ ‘Slowly but surely, regulations have been eroding the bottom rungs of the socio-economic ladder,’ said Clint Bolick, litigation director of the Institute for Justice in Washington, a conservative organization that has aided similar court battles in other cities. ‘Our society ought to be much more worried about allowing people to earn an honest living than imposing regulations that are unnecessary.’” [New York Times, 12/26/95]

1996: Bolick: The Davis-Bacon Act “represents naked economic protectionism, a blight on the American free enterprise system. It cannot be fixed. It ought to be repealed.” “Mr. Chairman and members of the Committee, it is my honor to appear before you today to testify about the Davis-Bacon Act. The real problem is not that the law doesn't work as it is supposed to, but that that it does. The purpose of Davis-Bacon was to reserve federal construction contracts for union companies and workers, to the detriment of non- union companies and entry-level workers. The law accomplishes that purpose all too well, effectively cutting off the bottom rungs of the economic ladder for tens of thousands of Americans, at untold expense to the taxpayers. The law represents naked economic protectionism, a blight on the American free enterprise system. It cannot be fixed. It ought to be repealed.” [Clint Bolick Testimony, House Committee on Economic and Educational Opportunities, 6/20/96]

2010: Bolick said unions “can operate to the detriment of the greater good” and “drive the whole business into the ground.” “Bolick is director of the Scharf-Norton Center for Constitutional Litigation at the Goldwater Institute. He told me, ‘They (unions) do what they are supposed to do. But when you focus on the narrow and immediate interest of workers who are employed at a particular place and particular moment, unions can operate to the detriment of the greater good. ... They can drive the whole business into the ground.’” [E.J. Montini Column Arizona Republic, 9/30/10]

2012: Bolick criticized most Republicans for being “weak-kneed” and refusing to stand up to unions. “*Sean Hannity*: I think two things out of the election in Wisconsin. One, a courageous principled politician that didn't backed down, didn't equivocate enormous pressure brought to bear on him. I'll take that out of it. And also, I am inspired by the people of Wisconsin. It seems that fiscal responsibility won the day, not special interests for once. *Clint Bolick*: That's right. Don't forget, Wisconsin is the land of -- this is a union state. *Hannity*: Progressive movement started in Wisconsin. *Bolick*: It is not just Democrats who are beholden to the union, it is Republicans who are weak-kneed and won't stand up to them. And Scott Walker, I think has so much back bone to spare that he may buck up a lot of other Republicans, including -- I hope -- Mitt Romney.” [“Hannity,” Fox News, 6/8/12]

PRAISED ANTI-LABOR LOCHNER V. NEW YORK DECISION

In his book, Bolick praised the U.S. Supreme Court decision in *Lochner v. New York* which struck down the state’s law shortening the work day for bakery workers to 10 hours per day. “In *Death Grip* (which, it’s worth noting, Bolick published after leaving IJ), the incoming justice praises the U.S. Supreme Court’s decision in *Lochner v. New York*, a 1905 case that is often taught in law schools as an example of how judges should never behave. ‘*Lochner*,’ Bolick writes, ‘is a celebration of freedom of enterprise and freedom of contract, and a repudiation of government paternalism and excessive regulation. It reflects a careful and proper balancing of freedom and the state’s power.’ *Lochner* struck down a New York state law limiting bakery workers’ hours to 10 hours a day — prior to that law, the average workday was 13 to 14 hours, and some bakers worked even longer hours. [...] The majority opinion in *Lochner* claimed that the Constitution protects an implicit ‘right of contract between the employer and employes [sic],’ and thus there are strict limits on the state’s power to enact laws regulating the workplace. If a worker agrees to work 16 hour days in a sweltering basement bakery, that is their ‘right,’ under *Lochner*, regardless of whether they had the bargaining power to seek better working conditions. Later decisions relied on *Lochner*’s so-called right to contract to strike down minimum wage laws and laws protecting the right to organize.” [Think Progress, [1/6/16](#) (archived)]

CARD CHECK

2008: Bolick joined the SOS Ballot advisory board and drafted a state constitutional amendment to protect the secret ballot in workplace elections. " With Congress poised to act to end the secret ballot right of employees choosing representation, a national movement to protect the secret ballot in state constitutions launched today in Washington, DC, and in five states. Entitled SOS Ballot -- Save Our Secret Ballot -- the new group announced its efforts to place before voters a secret ballot constitutional amendment in Arizona, Arkansas, Missouri, Nevada and Utah, with the expectation that additional states will be announced in the coming weeks. [...] The initiative language was written by noted attorney and constitutional scholar Clint Bolick, director of the Goldwater Institute's Scharf-Norton Center for Constitutional Litigation. The Goldwater Institute has pledged its efforts for legal defense of the language if challenged.” [SOS Ballot Press Release, 12/30/08]

- **Bolick: “If you don't have the secret ballot, it increases the threat of intimidation on both sides” of union elections.** “Arizona is among a handful of states in which a new coalition will seek to amend the state Constitution by preserving secret-ballot elections for employees being asked to unionize. Announced Tuesday by a group calling itself Save Our Secret Ballot, the proposal would appear on the 2010 ballot. The move is intended to head off a push by congressional Democrats to make it easier for workers to gain union representation. That federal legislation, known as the Employee Free Choice Act, would prevent employers from requiring an election if more than 50 percent of a company's workers petitioned to join a union.

Secret-ballot supporters argue that the petition process can be rife with intimidation from both union representatives and company officials. ‘If you don't have the secret ballot, it increases the threat of intimidation on both sides,’ said Clint Bolick, an attorney with the Phoenix-based Goldwater Institute who is providing legal advice for the Save Our Secret Ballot campaign. ‘The secret ballot is critical as a protection of privacy, freedom of association and freedom from intimidation.’” [Arizona Republic, 12/31/08]

2010: Bolick drafted Proposition 13, an anti-union ballot initiative to “save our secret ballot.”

“Clint Bolick is a nice man and a good lawyer and, like many other nice people these days, he hates labor unions. This made Bolick a logical choice to write the anti-labor-union proposition on the ballot in Arizona and three other states. The official title of Proposition 113 is the "Save Our Secret Ballot Amendment." Like many official titles, this one is a smoke screen, although it doesn't sound that way when a nice man like Bolick explains it. ‘People ought to be protected from being forced to join a union or from having unions recognized where there is not a clear and voluntary expression of majority support,’ he said. ‘The unions say there is a lot of employer coercion (prior to an election), but I can't think of a better mechanism to weigh genuine worker sentiment than the secret ballot.’” [E.J. Montini Column Arizona Republic, 9/30/10]

Bolick: “People ought to be protected from being forced to join a union or from having unions recognized where there is not a clear and voluntary expression of majority support.” “The Goldwater folks were also behind Proposition 113, the ‘Save Our Secret Ballot Amendment’ that passed in Arizona two years ago. Clint Bolick told me at the time, ‘People ought to be protected from being forced to join a union or from having unions recognized where there is not a clear and voluntary expression of majority support. The unions say there is a lot of employer coercion (prior to an election), but I can't think of a better mechanism to weigh genuine worker sentiment than the secret ballot.’” [E.J. Montini Column Arizona Republic, 1/27/13]

POLICE UNIONS

2011: Bolick filed a lawsuit targeting police unions. “The folks at the Goldwater Institute say that the purpose of a recently filed lawsuit is not to bust the police union in Phoenix. Although that could happen if they win. Attorneys from Goldwater claim that it is an unconstitutional ‘gift’ for the city to pay officials from the Phoenix Law Enforcement Association to do union work. Clint Bolick, director of the Scharf-Norton Center for Constitutional Litigation at Goldwater, released a statement saying, ‘Taxpayer money should be used exclusively for public purposes. The practice of shoveling millions of taxpayer dollars into union coffers must be stopped.’ [...] Bolick told me that he isn't sure that the views of union negotiators ‘reflect the cop on the beat’ when it comes to the arrangement that currently exists. He said it's possible that regular officers could make more money if the current practice of paying union officials was discontinued. ‘Rational police officers or other unionized workers might find that they don't want to pay for quite that much in terms of union activity,’ he said.” [E.J. Montini Column Arizona Republic, 12/15/11]

- **Bolick: “The union has hijacked the city's treasury to fulfill its responsibilities.”** “During Friday's hearing, Goldwater attorney Clint Bolick attempted to show that the city couldn't quantify the direct benefits it receives for what it spends on release time for the officers who conduct union business. The gift clause requires the city to prove it receives direct, tangible benefits from money it gives to a private entity, he said. Bolick also said the city didn't have a clear way of tracking how union officers spend their release time. ‘The union has hijacked the city's treasury to fulfill its responsibilities,’ Bolick said.” [Arizona Capitol Times, 5/6/12]

2012: Bolick said Phoenix was paying police officers to do union work instead of patrolling the streets. “*Clint Bolick*: It's called release time, and it's literally that. Officers are released from their police work to do union work full time. It's one of the big hidden scams in America *Jon Stossel*: So it's in the union contract for the police that you've got to pay us not to patrol streets, but also to do union work? *Bolick*: Right. To lobby. To negotiate against the city for its pay increases, to ask for pension increases, to do union recruiting, you name it, anything except patrolling the streets and keeping us safe. *Stossel*: And in Phoenix, there are -- where you are, there are several people who don't do any street patrols. They just do full-time union work? *Bolick*: That's right. There's six full-time police officers who do nothing but union work, and over 2,000 hours a year allocated for others to do the same. *Stossel*: How much union work can there be? *Bolick*: Well, there's no end to it, John. *Stossel*: It's kind of a like a slush fund then. They can do with this work whatever they want. *Bolick*: It is a total slush fund. It amounts to \$1 million a year.” [“Stossel,” Fox Business, 6/28/12]

2013: Bolick: Police union “release time is an unlawful gift to the union.” “Once again taxpayers have gone to court to protect their wallets - and their rights. The issue is the widespread practice of union ‘release time,’ in which public employees are paid full-time city salaries and benefits to work on union business.[...] Release time is an unlawful gift to the union in another important way. City employees are bound by conflict-of-interest requirements, they can't receive compensation from third parties when they're on duty, and they're prohibited from political activities on city time. But when cities give unions control of their employees, they confer the valuable gift of exemption from the rules that otherwise would govern them. Why don't more people know about this? Perhaps because the collective-bargaining process between city and union officials takes place in secret. That is why the Goldwater Institute, in addition to challenging release time in court, is urging the Legislature to open labor negotiations to the public. Cozy deals like release time are far less likely to occur in the light of day.” [Clint Bolick Op-Ed, Arizona Republic, 2/9/13]

2013: A Maricopa County Superior Court Judge granted a preliminary injunction against release time. “Phoenix officers must immediately stop working for the police union at taxpayers' expense, a judge has ruled. Judge Katherine Cooper of Maricopa County Superior Court on Tuesday granted the Goldwater Institute's request for a preliminary injunction against part of the two-year labor contract ending June 2014 between the city and the Phoenix Law Enforcement Association. [...] Goldwater lead attorney Clint Bolick said some of the union's activities, including lobbying, should not be done on city time. ‘The streets of Phoenix will be safer now that union officials must go back to the important police work for which they were hired,’ Bolick said in a statement.” [Arizona Republic, 4/14/13]

2014: Bolick: “Placing city employees at the union's disposal, that is a flagrant violation of the Constitution.” “A judge on Wednesday permanently blocked Phoenix from paying police officers for doing union work, finding that the practice violates the Arizona Constitution because it doesn't benefit the public. [...] Bolick said several other city unions have release time written into their contracts, as do many other cities in the Phoenix area and across the state. But the Phoenix police contract was the most egregious he's seen, he said. ‘What distinguished Phoenix is that there are fewer limits on how release time is used than any other contract we have seen,’ he said. ‘Representing police officers in disciplinary proceedings, even though the city is not obligated to do that, we think it would be permissible to do that. And in that case it would be a payment for service, rather than a blank check,’ Bolick said. ‘But placing city employees at the union's disposal, that is a flagrant violation of the Constitution.’” [Associated Press, 1/29/14]

2014: Bolick sought an injunction to block a “release time” agreement to allow city workers to use a bank of vacation time for union activities. “The Goldwater Institute on Thursday filed a motion for a

temporary restraining order to bar part of ‘release time’ agreements the Phoenix City Council approved this week for two of its employee-union groups. Council members on Wednesday amended contracts for the Laborers' International Union of North America, or LIUNA 777, and the Phoenix Law Enforcement Association. The amendments outlined activities that employees cannot perform on public time, such as lobbying, union organizing and attending grievance or disciplinary proceedings. Those members who wish to participate in those activities must now do so through a ‘bank’ of extra vacation time. [...] The Goldwater Institute, a conservative think tank, is seeking a restraining order on the extra vacation time before the agreement takes effect. ‘This is a shell game and a blatant violation of the court's injunction,’ Goldwater attorney Clint Bolick said in a statement. ‘It will mean back to business as usual, with the city diverting resources to union activities and the taxpayers continuing to pick up the tab.’” [Arizona Republic, 2/21/14]

Arizona Republic Columnist EJ Montini: “Bolick’s Goldwater attorneys also have been at the forefront of demonizing first responders over what had been a generations-long practice of work release... our cops are not crooks.” Columnist EJ Montini wrote, “Bolick’s Goldwater attorneys also have been at the forefront of demonizing first responders over what had been a generations-long practice of work release, calling it a ‘huge and widespread taxpayer scam.’ I said at the time, and still say, that our cops are not crooks. Not when they’re willing to step in front of bad guys with weapons for us. But then, maybe that’s just me.” [Arizona Republic, [1/6/16](#)]

Bolick shared view that the Constitution is not a “living document” subject to change... Bolick: “Take the words of the Constitution literally...” “What worries the Left is that Bolick shares with Justice Clarence Thomas, a mentor of his, the view that the Constitution is not a ‘living document’ subject to changes in public opinion. ‘Take the words of the Constitution literally,’ he told KJZZ radio this week. ‘When judges stray from the text of the Constitution and supplant [it with] their own ideas, like changing the words ‘public use’ into ‘public benefit,’ they’re amending the Constitution. That, to me, is beyond the scope of proper judicial action.’” [National Review, [1/8/16](#)]

AZU College of Law Dean Emeritus Paul Bender: “As I understand it... Bolick's opinions of the court basically relies upon stare decisis. That is, that's already been decided, and they're not going to change it.” In an interview with KJZZ, Dean Emeritus Paul Bender from Arizona State University’s Sandra Day O’Connor College of Law said, “As I understand it, the — Justice [Clint] Bolick's opinions of the court basically relies upon stare decisis. That is, that's already been decided, and they're not going to change it. If they were doing it from the ground up for the first time, I'm not sure what they would do. But he doesn't do that. He says if this has been the law for a long time — and the most important thing in his opinion is that the legislature has obviously relied upon this because over and over again, the legislature authorizes the attorney general to do things and they wouldn't bother doing that if he had power to do it without their authorization.” [KJZZ, [12/1/20](#)]

Bolick: “I have dissented more than any justice in the court’s history, though I have also written dozens of unanimous decisions.” In an op-ed, Bolick wrote, “I am the only independent ever appointed to the Arizona Supreme Court. I have dissented more than any justice in the court’s history, though I have also written dozens of unanimous decisions. I am especially passionate about our state constitution and have authored opinions vindicating its speech and privacy guarantees, among others.” [Arizona Republic, [5/20/24](#)]

Bolick: “I cannot count the number of cases in which I have voted against my policy preferences.” In an op-ed, Bolick wrote, “Shortly thereafter, the Maricopa County Republican Party executive committee ‘censured’ my court for ruling incorrectly, in its view, on certain election challenges. They should debate with their ‘Vote Them Out!’ counterparts over whether we are a right-wing or a left-wing court. Hint: we are neither. We rule based on the law. I cannot count the number of cases in which I have voted against my policy preferences. One example is when Gov. Doug Ducey vetoed nearly two dozen conservative bills over a budget dispute with the Legislature. They were passed again, then challenged by the Arizona School Boards Association. We struck them all down because they were passed unconstitutionally as part of the budget rather than as standalone bills.” [Arizona Republic, [5/20/24](#)]

Bolick: “I never once had an ethics complaint. As a judge I have never ruled on the basis of politics — apparently, to my current detriment.” In an op-ed, Bolick wrote “I chose a career in law over politics in large part because it has rules and guardrails. I am proud that in more than 30 years as a litigator, I never once had an ethics complaint. As a judge I have never ruled on the basis of politics — apparently, to my current detriment. I would rather go down in electoral flames than to compromise my constitutional oath.” [Arizona Republic, [5/20/24](#)]

Arizona Capitol Times: When litigation has proven not to be the answer, Bolick has been involved in crafting changes to the Arizona Constitution. “When litigation has proven not to be the answer, Bolick has been involved in crafting changes to the Arizona Constitution, including a measure requiring a secret ballot for union elections.” [Arizona Capitol Times, [1/6/16](#)]

Yellow Sheet Report: At the Goldwater Institute, Bolick drafted model legislation that would have allowed challenges to any law, rule, or regulation, and would instruct judges to rule on statute challenges with a stricter set of parameters. “The Right to Earn a Living Act, the Goldwater Institute bill touted for protecting an individual's right to work in a profession of their choosing, passed the Legislature this year, but not in the form being pushed nationally by the libertarian think tank. Both Ducey and the Goldwater Institute sent out press releases in April boasting that the governor had signed S1437 (agencies; review; grrc; occupational regulation), which includes language from Goldwater's model legislation. Arizona is the first state in the nation to approve such a bill. But lobbyists say the bill as approved is ‘crumbs’ compared to what Goldwater originally sought: The ability to challenge in court any law, rule or regulation. As passed by the Legislature, S1437 permits new challenges to rules and regulations in court, but does not extend that ability to statutes. A summary of the model legislation, which Goldwater boasted has been picked up by ALEC, includes language that broadly gives a litigant such as Goldwater the ability to challenge even state statutes in court, and it instructs judges to rule on the statute with a stricter, narrower set of parameters than what courts have traditionally used. Drafted by Arizona Supreme Court Justice Clint Bolick, then the Goldwater Institute's vice president of litigation, the model legislation would instruct judges to rule based on two benchmarks: First, whether a regulation is in effect burdensome on the entry into a given profession or occupation, and second, if the regulation does not fulfill a legitimate public health, safety or welfare need.” [Yellow Sheet Report, 6/15/17]

In 2017 ruling on whether the city of Tucson could destroy seized guns, Bolick agreed with the majority but wrote separate opinion arguing that the court should go further than the specific issues of the case and reconsider the whole realm of charter cities, home rule and state law.

“Columnist Tim Steller wrote, “Bolick is also a judicial activist, Collins argued. And that came out in the case decided last year, over whether the city of Tucson could destroy seized guns. Pelander, the other justice up for retention, wrote the majority opinion finding that Tucson’s practice of destroying rather than selling seized guns violates state law and must end. Bolick agreed but wrote a separate opinion, arguing that the court should go beyond the specific issues raised in the case and reconsider the whole realm of charter cities, home rule and state law. ‘While thought-provoking, Justice Bolick’s concurrence is puzzling not because of its content but rather because of its gratuitous nature,’ Pelander wrote in the majority opinion. ‘We generally do not reach out to decide important constitutional issues or to upset established precedent when no party has raised or argued such issues.’ Tucson City Attorney Mike Rankin told me Thursday: ‘I agreed with Pelander’s characterization of how far Bolick was wanting to go with the decision. It wasn’t necessary to the case and it wasn’t part of the issues presented to the court.’” [Arizona Daily Star, 10/19/18]

Think Progress: “Sympathetic plaintiffs” in Bolick’s cases are “often cat’s paws for a much more sweeping agenda seeking to invalidate much of American law.” “One of IJ’s core strategies is to find genuinely sympathetic plaintiffs who are harmed by economic regulations that sound ridiculous on their face, and then use them as vehicles to push sweeping changes to legal doctrine that mirror limits on state power repudiated during the New Deal. As Bolick notes in his not-so-subtly named book *Death Grip: Loosening the Law’s Stranglehold over Economic Liberty*, one of his early cases involved a businessman who tried to start a cab company that served a low-income neighborhood, but then got tripped up by licensing regulations that are hard to defend as good policy. Yet these sympathetic

plaintiffs are often cat's paws for a much more sweeping agenda seeking to invalidate much of American law.” [Think Progress, [1/6/16](#) (archived)]

1995: Bolick opposed Republican tort reform. “Victorious Republicans in the U.S. House of Representatives are finally getting a chance to crack down on litigious lawyers and big-dollar verdicts, but their proposal to remake the civil justice system is running into serious trouble from a surprising source -- their friends. As part of their Contract With America, Republicans say they want to “stem the endless tide of litigation” by making it easier to defend against lawsuits seeking damages. They have crafted a mix of measures designed to stop seemingly outrageous verdicts like the \$ 2.9 million awarded in August to a woman burned by hot coffee and the \$ 7.1 million that a sexually harassed legal secretary won in September. Lawyers who file such cases and their mostly Democratic allies hate the proposal, arguing that it would deprive consumers of a potent weapon against corporate wrongdoing. But traditional GOP supporters -- free-marketeers and opponents of federal power -- are upset as well. They say Congress should stay out of personal-injury lawsuits, which are primarily matters of state law. And, they say, the court system already seems to be curbing its excesses and turning against plaintiffs without congressional tinkering. [...] ‘It bucks against ordinary conservative tendencies,’ said Clint Bolick, head of litigation for the conservative Institute for Justice in Washington, D.C. ‘That’s one of the reasons we’re steering clear of the area (of lawsuit reform). It’s not an easy fit for us to deal with it at the federal level.’” [San Francisco Chronicle, 2/13/95]

- **Bolick: “A company that explodes a nuclear power plant negligently should not have its liability capped.”** “Many proponents of free markets worry that rigid legislative measures could do more harm than good. ‘A company that explodes a nuclear power plant negligently should not have its liability capped,’ Bolick said. ‘Reformers could make matters less just than the unjust situation in which we find ourselves today.’” [San Francisco Chronicle, 2/13/95]

JUDICIAL ETHICS

2002: Bolick: “If a justice recuses himself or herself every time someone who made a campaign contribution has something at stake in a case, you would see an empty court in every case.” “The state Supreme Court should reconsider its historic 1998 ruling in support of the Milwaukee private school choice program after one justice became enmeshed in a campaign finance flap, voucher opponents argue in a court filing Wednesday. Justice Jon Wilcox should have stepped aside from the case because choice supporters helped his 1997 election campaign and their aid led to a state Elections Board investigation, the voucher critics say in a motion that Madison attorney Ed Garvey filed. [...] But an attorney for some voucher supporters in the case said elected judges can never completely avoid apparent conflicts of interest. ‘If a justice recuses himself or herself every time someone who made a campaign contribution has something at stake in a case, you would see an empty court in every case,’ said Clint Bolick, litigation director at the Washington-based Institute for Justice. [Milwaukee Journal Sentinel, 1/10/02]

2002: Bolick called on a member of the Arizona Supreme Court to recuse himself from ruling on the Clean Elections system: “Most of the justices realize that with significant public policy issues that they need to bend over backwards to avoid an appearance of conflict.” “A member of the Arizona Supreme Court chose to use a \$2,500 Clean Elections tax credit last year, sparking a request that the justice step aside in August when the state’s highest court decides if the publicly funded election system violates free speech. Opponents want Justice Stanley Feldman to remove himself from the case that could largely determine the financial future of Arizona’s new campaign finance system. The Clean Elections Commission, which distributes public money to political candidates, is a defendant in the case

that could help shape Arizona's political landscape. 'In a case like this with so much at stake, it's essential that the court render its opinion with no appearance of impropriety,' said Clint Bolick, a lawyer from a Libertarian public interest law firm opposed to Clean Elections. 'Most of the justices realize that with significant public policy issues that they need to bend over backwards to avoid an appearance of conflict.' [Arizona Republic, 7/9/02]

2005: Bolick supported subjecting Arizona Supreme Court justices to retention elections by voters. "Regarding 'Judge selection bill clears hurdle' (Valley & State, Saturday): The article on legislative efforts to reform the judiciary read more like an editorial than a news report. Currently the governor chooses judges from a group selected by a commission with no check whatsoever. The result is predictable: The current Arizona Supreme Court is a rubber stamp for the governor. It does her bidding consistently, uncritically, and without dissent, creating tortured jurisprudence in the process. State Supreme Court justices should be subject to retention by the voters, just like trial and appeals court judges. Failing that, legislative confirmation is a modest check to ensure that justices are accountable not only to the governor, but to the law and the people." [Clint Bolick Letter to the Editor, Arizona Republic, 3/2/05]

2010: Bolick questioned the nomination of law professor Paul Bender to the Arizona Independent Redistricting Commission because of his unpaid service as a judge in tribal courts. "The three-inch stack of reference letters for applicants to the Independent Redistricting Commission read mostly the same. Insert the name of the applicant and he or she has extensive community involvement, works hard, is fair, honest, honorable and most importantly, bipartisan and a uniting force. A few, however, opposed candidates. And one letter even led the Commission on Appellate Court Nominees, the body charged with choosing nominees for the Redistricting Commission, to seek a legal opinion on the eligibility of a candidate, law professor Paul Bender. [...] Bender, a professor of Constitutional law at Arizona State University, made the list of candidates who will move on. Clint Bolick, the lead lawyer at Goldwater Institute, questioned in a Nov. 10 letter Bender's eligibility to serve, saying Bender's paid and unpaid service as a judge in two tribal courts violates the Arizona Constitution, which prohibits anyone from being on the commission if they have 'held any public office within the past three years, except for school board members and officials.' Bolick also contends that Bender's service in the tribal courts raises an appearance of conflict and undermines the integrity of the redistricting process because the interests of the tribes are often at issue during redistricting. 'I write this letter reluctantly because although I disagree with many of Prof. Bender's positions on legal issues, I respect him tremendously,' Bolick wrote. Bender submitted a letter to the selection commission Nov. 16, saying Bolick's reading of the Constitution was incorrect and that officials in Indian tribes are not part of Arizona's government system." [Arizona Capitol Times, 11/16/10]

2014: Bolick defended the appearance of Maricopa County Superior Court Judge Susan Brnovich in her husband's campaign ad. "Ethics questions have been raised regarding the appearance of Maricopa County Superior Court Judge Susan Brnovich's appearance in a campaign video for her husband Mark, who is running for Attorney General. The assertions of impropriety are ludicrous and raise more concerns about the accuser than the accused. Susan Brnovich is not only a judge but also a wife and mother. She appears in the video in those capacities, and is nowhere identified as a judge. The purpose of ethical restrictions on judges endorsing candidates is to avoid the appearance that the judiciary is lending its weight to a campaign. No such danger exists here. Nobody would know that Susan Brnovich is a judge from the video. Indeed, if people find out she is a judge, it will likely be the result of the complaints being raised rather than anything Judge Brnovich did. If the ethics rules were applied to prevent Judge Brnovich from speaking in this manner, it would be the rules rather than her conduct that create the problem. The U.S. Supreme Court and other state and federal courts have

consistently ruled that judges do not shed their First Amendment rights.” [Clint Bolick Press Release, 2/7/14]

JUDICIAL NOMINATIONS AND APPOINTMENTS

2014: Bolick: “Judicial nominations are the most important reason to vote for a particular candidate for president.” “As the stakes have grown, so too has the importance of the philosophy of the individuals appointed to federal judgeships. Hence for better or worse, judicial nominations are highly political. Indeed, I have argued that judicial nominations are the most important reason to vote for a particular candidate for president. This is nothing new: Abraham Lincoln, Franklin Delano Roosevelt, and Richard Nixon all tried with varying success to pack their respective Supreme Courts. [...] I agree with John Lott that the best (indeed only) way to reduce the importance of judicial nominations is to reduce the stakes by reducing the power of government. In fact that is an apt prescription for much of what ails our nation. But until that day comes, we must join the fray, big-time. For better or worse, a robust judiciary is the best antidote to our worst fears.” [Clint Bolick, Judicial Nominations and the Freedom Movement, Cato Unbound, [1/17/14](#)]

Center for American Progress: “Far-Right legal activist” Clint Bolick coined the verb “to bork,” which meant to destroy a nominee by whatever means necessary. “To prove this point, he quotes the far-right legal activist Clint Bolick, who coined the angry verb ‘to bork,’ which meant to destroy a nominee by whatever means necessary. The line, he says, ‘from Bork to today’s ugly politics is a straight one.’” [Center for American Progress, 10/29/11]

June 2001: Bolick testified before the Senate Judiciary Committee that “left-wing advocacy groups like People for the American Way and the Alliance for Justice” were elevating ideology to “an unprecedented level of consideration” in the judicial confirmation process. “I offer this statement on behalf of the Institute for Justice, a libertarian public interest law firm that litigates nationally in support of individual liberties and limited government. We have always asserted, in Democratic and Republican administrations alike, that the Senate’s advice and consent role should be both robust and principled. At the same time, the President is constitutionally entrusted with the authority to nominate judges; and in past administrations, the Senate has accorded due deference to the President to nominate judges who reflect his philosophy. To preserve the independence of the judiciary and to keep the confirmation process moving, the Senate has focused primarily on the qualifications and judicial temperament of nominees to district and appellate judgeships, confining questions about ideology to nominees’ ability and willingness to abide the constitutional oath and adhere to the rule of law. What we are now seeing is an effort by left-wing advocacy groups like People for the American Way and the Alliance for Justice to elevate ideology to an unprecedented level of consideration. They seek to manipulate the Senate into abandoning its traditional role and bringing the judicial confirmation process to the halt, solely on the grounds that the President is nominating highly qualified judges who share his philosophy. And I fear that this hearing, far from exploring important philosophical issues, is really a an attempt to place an academic fig leaf on a partisan and fiercely ideological campaign of judicial obstructionism.” [Clint Bolick Testimony, Senate Judiciary Committee Subcommittee on Administrative Oversight and Courts, 6/26/01]

2018: In text exchange with Gov. Ducey, Bolick recommended Republican Chris DeRose for the position of Maricopa County Superior Court clerk. “Other text messages between Ducey and Bolick obtained by New Times reveal text correspondence that is warm and friendly, if somewhat sporadic. On January 22, Bolick texted Ducey to recommend Republican Chris DeRose for the position of Maricopa County Superior Court clerk. Sure enough, in March, Ducey appointed DeRose for the interim position of clerk after his predecessor retired. (DeRose lost in the Republican primary in August to Jeff Fine.) A

few days later, on January 26, Bolick asked Ducey if he had seen a New York Times interview with California Governor Jerry Brown in which Brown received a call from Ducey and at first didn't recognize the Arizona governor's name. 'You could use that anecdote to update your references to him (I was just calling to thank him for everything he does to improve the economy – Arizona's economy,' Bolick suggested.'" [Phoenix New Times, [11/27/18](#)]

1994: Bolick praised D.C. Court of Appeals appointee David Tatel but complained that the groundbreaking rulings that Tatel won on school desegregation gave courts too much power to effect social change. "“Highly respected in the legal community, Mr. Tatel is expected to breeze through confirmation. Even ideological opponents, such as Clint Bolick of the conservative Institute for Justice, remark on his ‘unquestionable’ intellect and legal skill. Mr. Bolick, however, says that the ground-breaking rulings Mr. Tatel won in school desegregation cases -- such as those that permit federal judges to order tax increases to pay for reforming discriminatory school districts -- gave courts too much power to effect social change. ‘It gives me tremendous pause as to whether he'd be an impartial jurist or a results jurist,’ he adds. But those who know him say that Mr. Tatel will be a fair, compassionate, nonideological judge, ‘sensitive to the changing face of America,’ says Paul L. Vance, superintendent of the Montgomery County schools.” [The Baltimore Sun, 6/21/94]

1994: NAACP counsel Elaine Jones said, “Thurgood Marshall could not pass Clint Bolick's test.” Bolick acknowledged that this was probably true. “When Bolick was invited on the ‘MacNeil/Lehrer NewsHour’ to discuss the nomination of Deval Patrick, Clinton's subsequent choice for the civil rights post, [Gwen] McKinney urged the show's producers to drop him. But she decided to counter with Elaine Jones, director-counsel of the NAACP Legal Defense Fund. During the cab ride to the program, McKinney says, she and Jones came up with the perfect sound bite. When Bolick began criticizing Patrick, Jones said: ‘Thurgood Marshall could not pass Clint Bolick's test.’ Bolick acknowledged that this was probably true. ‘For Clint Bolick to fall into the trap was just splendid,’ McKinney says. ‘I don't want to make it appear I'm telling Elaine what to say; she is brilliant. What I did was help her frame the discussion.’” [The Washington Post, [6/23/94](#)]

Obama Judicial Nominees

2010: Bolick supported Godwin Liu’s nomination to the 9th Circuit Court of Appeals. “Goodwin Liu, the UC Berkeley law professor nominated last month by President Obama to a federal appeals court, has run four marathons and is making plans for a fifth. His road to Senate confirmation could be even longer. [...] The most eye-catching endorsement comes from Clint Bolick, a conservative heavyweight who directs the Goldwater Institute in Phoenix. In letters to two Republican Judiciary Committee members, Bolick said he disagrees with Liu on some issues but supports the nomination, in large part because of Liu's backing for charter schools and vouchers. ‘It took a great deal of courage and integrity’ for Liu to co-author an influential 2005 Fordham Law Review article supporting school choice, Bolick said. He said Liu's other writings show ‘fresh, independent thinking and intellectual honesty.’” [San Francisco Chronicle, 3/14/10]

George W. Bush Judicial Nominees

2000: Bolick called judicial appointments “the crown jewel” of the 2000 election. “‘The judiciary is definitely the crown jewel of this election,’ the institute's president, Clint Bolick, told me. ‘A single appointment on the Supreme Court would shift the court very hard to the left. This is a pretty libertarian court, but many cases are decided by a 5-4 decision.’” [Steven Greenhut Column, Orange County Register, 7/30/00]

- **Bolick: “This is a two-for election. Whoever wins the White House, gets the Judiciary as well.”** [“All Things Considered,” NPR, 9/5/00]
- **Bolick called the judiciary “the big prize” of the 2000 election.** “Overall, with 31 of the nation's 179 appeals-court judgeships open, Bush is in an unprecedented position to install or significantly bolster a Republican majority of lifetime-appointed judges in all but two of the nation's 13 appeals courts. ‘This was the big prize in the presidential election. As went the presidency, so goes the judiciary,’ says Clint Bolick, legal director of the conservative Institute for Justice in Washington.” [Christian Science Monitor, 5/9/01]

2000: Bolick supported then-appellate court judge J. Michael Luttig as a potential Supreme Court nominee. “I visited two judges who have written influential opinions on opposite sides of the debate: J. Michael Luttig, an appellate judge in Virginia; and David S. Tatel, an appellate judge in Washington. This choice of judges was not made casually. Luttig is considered a leading candidate for a Supreme Court appointment in a Bush administration; Tatel is among those who are similarly well regarded by the Gore camp. Conversations with each of them, therefore, offer insights into the very different directions the Supreme Court could take in a Bush or Gore administration. ‘Michael Luttig is a conservative's conservative,’ says Clint Bolick of the Institute for Justice in Washington. ‘He's not afraid to be a risk-taker and to look behind the meaning of statutes and use the judicial power to rein in the federal government.’” [Jeffrey Rosen Column, New York Times, 10/22/00]

2000: Bolick suggested that George W. Bush appoint Republican Senator Jon Kyl to the Supreme Court. “Clint Bolick of the Institute for Justice, a conservative legal advocacy group, said Bush also could bolster the conservative wing of the court and virtually guarantee confirmation by naming a Republican member of the Senate such as John Kyl of Arizona. But Bolick said that despite Bush's narrow victory and the court's involvement in the election, ‘conservatives will be looking to the Republican president to appoint conservative justices.’ ‘I don't see Bush appointing another David Souter,’ said Bolick of the justice named by Bush's father in 1990. Souter, billed as a conservative by his backers, has often sided with the liberal wing of the court.” [Newhouse News Service, 12/15/00]

2001: Bolick on judicial nominating fights under the Bush presidency: “The only rule to which the opposition groups adhere is that the ends justify the means. So we can expect to see anything and everything in a nomination battle.” “‘Ashcroft was purely a warm-up. The big show is yet to come, but it is certain to come,’ predicted Clint Bolick, director of litigation at the Institute for Justice, a conservative policy group in Washington. ‘The only rule to which the opposition groups adhere is that the ends justify the means. So we can expect to see anything and everything in a nomination battle.’” [National Journal, 2/17/01]

- **Bolick said a Democratic filibuster of a Supreme Court nominee would be “tactically unwise” and would “overly politicize the Supreme Court.”** Bolick argued that a Democratic filibuster of a Supreme Court nominee would be ‘tactically unwise,’ because it would ‘bring one of the most important institutions in our society (the Court) to a halt, especially with a Court that otherwise might be divided 4-4 on a lot of issues.’ He added: ‘We saw what happened when Republicans thought it would be a good idea to shut down the federal government. Democrats may get a taste of the same if they decide to overly politicize the Supreme Court and hold it hostage to partisan politics.’” [National Journal, 2/17/01]

2001: Bolick applauded George W. Bush for ending the American Bar Association’s role in vetting prospective judges. “President George W. Bush has ended the American Bar Association's

preferential, half-century role in vetting prospective nominees for federal judge positions. [...] Republican officials said the president's decision was driven largely by conservatives who still blame the ABA's mixed review of Robert Bork's qualifications for his failure to win Senate confirmation to the Supreme Court under President Ronald Reagan. Clint Bolick at the conservative Institute for Justice accused the ABA of using "a liberal prism to disqualify highly qualified conservative nominees." [Associated Press, 3/22/01]

- **Bolick: "The ABA is a liberal advocacy group. It should play no role in the evaluation of judicial nominees."** "*Barbara Bradley*: The move comes none too soon for conservatives such as Clint Bolick at the Institute for Justice. *Clint Bolick*: We're delighted to see the White House send the ABA packing. The ABA is a liberal advocacy group. It should play no role in the evaluation of judicial nominees. It is hopelessly biased and its ratings over the years reflect that." ["All Things Considered," NPR, 3/22/01]
- **Bolick criticized the ABA for including "compassion" and "sensitivity" as criteria for evaluating judges.** "*Barbara Bradley*: But Clint Bolick says isn't it about time that the White House, quote, "sent the ABA packing." Bolick is the legal director of the conservative group Institute for Justice. And he says the ABA often gives conservative jurists a lower rating than they deserve because of ideology. For example, judges considered luminaries in conservative legal circles, such as Richard Posner and Frank Easterbrook, were given mixed reviews of qualified, unqualified. Bolick says the ultimate insult to conservatives was the ABA's treatment of Robert Bork. The ABA Committee rated him well qualified, but four members rated him unqualified. *Clint Bolick*: That shows that the ABA is substituting ideology for objective evaluation of a judge's credentials. And it's not surprising that it does. The kinds of criteria it employs include compassion, sensitivity and things like that that are really subjective criteria, and when viewed through a liberal prism could be used and are used to disqualify conservative nominees." ["Morning Edition," NPR, 3/23/01]

2001: Bolick called George W. Bush's judicial nominees "the most distinguished group of judicial nominees that any president has ever put forward." "*Peter Kenyon*: To hear Clint Bolick tell it, this is a high-water mark in the history of judicial nominations. Bolick is litigation director at the conservative Institute for Justice. *Clint Bolick*: This may be the most distinguished group of judicial nominees that any president has ever put forward. It's bipartisan, it's diverse and each of these individuals is impeccably qualified." ["All Things Considered," NPR, 5/9/01]

- **Bolick: "All of these are mainstream nominees."** "*Gwen Ifill*: Mr. Bolick, are we talking about conservative activism or just conservatism *Clint Bolick*: Just conservatism. All of these are mainstream nominees. Seven of them are sitting judges with very established track records. The other four have argued 70 cases before the United States Supreme Court and won a whopping majority of them. They are solidly in the middle of American jurisprudence. They definitely believe - many of them believe that Congress does have limited powers. None of them would disagree with the notion that Congress can pass environmental standards or civil rights laws; that's really pure rhetoric, but they don't believe that Congress has open-ended authority and anyone who reads the Constitution would agree with them." ["NewsHour With Jim Lehrer," PBS, 5/9/01]
- **Bolick: "The qualifications of these candidates are so strong that it leaves liberal interest groups with only ideology as a basis of opposition."** "But Bush appeared to put Democrats on the defensive by choosing candidates whose personal ethics and professional qualifications are hard to challenge. 'The qualifications of these candidates are so strong that it leaves liberal

interest groups with only ideology as a basis of opposition,' said Clint Bolick, vice president of the conservative Institute for Justice." [Chicago Tribune, 5/10/01]

2001: Bolick praised the nomination of Miguel Estrada to the DC Court of Appeals. "Peter Kenyon: This batch of nominees includes seven sitting judges, two of whom were previously appointed by Bill Clinton, three women, two African-Americans and one Hispanic. Some, such as Miguel Estrada, picked for the DC Court of Appeals, are seen as outspoken conservatives. Estrada gets high marks from Bolick. Clint Bolick: Estrada is an American success story. He came over at age 15 from Honduras not speaking English, and he is one of the most distinguished young lawyers in America today. He was an assistant solicitor general and made 15 arguments before the United States Supreme Court. He's got a stellar winning record." ["All Things Considered," NPR, 5/9/01]

2001: Bolick praised Bush's selection of Ted Olson as Solicitor General. "Clint Bolick: I've always thought that the president should get the person that he wants for that job, and I don't understand what the big delay is. Ted Olson is extremely well qualified for this job. One way or the other, I think he's going to be solicitor general. He's going to be a good one." ["Crossfire," CNN, 5/10/01]

2001: Bolick supported Jeffrey Sutton's nomination to the 6th Circuit Court of Appeals. "A leading organization that champions the legal rights of disabled Americans has announced it will oppose President Bush's nomination of former Ohio solicitor Jeffrey Sutton to become a federal appeals court judge. At a rally in Washington scheduled for today, the Americans with Disabilities Act Watch will launch the first active opposition to Sutton's nomination to the 6th U.S. Circuit Court of Appeals. In a letter to Bush, the ADA Watch assailed Sutton as a 'threat to the rights of people with disabilities.' [...] Clint Bolick, a conservative legal scholar for the Institute for Justice, defended Sutton, saying: 'Jeff is an exceedingly well-qualified attorney whose resume would be the envy of a lawyer twice his age. Certainly, most Bush nominees are going to have upset some special- interest group somewhere along the way, and it's not surprising to hear of a group coming out against Jeff. If you haven't irritated someone in your career as a lawyer, then probably you don't have a very distinguished or interesting career.'" [Columbus Dispatch, 5/19/01]

2001: Bolick said the Bush administration was "an opportunity to shift the pendulum back toward a more conservative judiciary." "With 101 vacancies out of 844 judgeships, the White House had hoped to have a long-term impact on the federal court system where judges are appointed for life and on a host of issues, including abortion, church-state boundaries and the limits of federal power. 'This is an opportunity to shift the pendulum back toward a more conservative judiciary,' said Clint Bolick, director of the conservative Institute for Justice. 'Bush is well aware that a judicial legacy can last beyond any administration.'" [Newhouse News Service, 5/29/01]

2001: Bolick testified before the Senate Judiciary Committee decrying "ideological" opposition to George W. Bush's judicial nominees. "I offer this statement on behalf of the Institute for Justice, a libertarian public interest law firm that litigates nationally in support of individual liberties and limited government. We have always asserted, in Democratic and Republican administrations alike, that the Senate's advice and consent role should be both robust and principled. At the same time, the President is constitutionally entrusted with the authority to nominate judges; and in past administrations, the Senate has accorded due deference to the President to nominate judges who reflect his philosophy. To preserve the independence of the judiciary and to keep the confirmation process moving, the Senate has focused primarily on the qualifications and judicial temperament of nominees to district and appellate judgeships, confining questions about ideology to nominees' ability and willingness to abide the constitutional oath and adhere to the rule of law. What we are now seeing is an effort by left-wing advocacy groups like People for the American Way and the Alliance for Justice to elevate ideology to an

unprecedented level of consideration. They seek to manipulate the Senate into abandoning its traditional role and bringing the judicial confirmation process to the halt, solely on the grounds that the President is nominating highly qualified judges who share his philosophy. And I fear that this hearing, far from exploring important philosophical issues, is really a an attempt to place an academic fig leaf on a partisan and fiercely ideological campaign of judicial obstructionism.” [Clint Bolick Testimony, Senate Judiciary Committee Subcommittee on Administrative Oversight and Courts, 6/26/01]

2002: Bolick claimed Democratic opposition to Bush’s judicial nominees was “entering a truly unprecedented era.” “On the national level that fight has taken the form of bickering between the White House and the Senate, and Republicans and Democrats, over how much resistance lawmakers can mount to President Bush's picks. That bitterness has only deepened since the Democrats rejected Charles Pickering of Mississippi for an appeals court seat March 14. Future battles are likely and acrimony has spilled into other Senate business. ‘We are entering a truly unprecedented era,’ said Clint Bolick, vice president of the Institute for Justice, a conservative legal group. ‘The president seems poised to devote a substantial amount of political capital to getting his nominees confirmed.’ At the same time, Bolick added, liberal groups are dedicated to defeating a slew of Bush's nominees. ‘It is a recipe for bitter fighting,’ he said.” [Chicago Tribune, 4/10/02]

2003: Bolick: “Everyone on the Right agreed in 2000 that judicial nominations were the single most important reason to be for Bush.” “Mr Bush's determination to proceed with his nominees demonstrates the importance of the issue to the Republican Right. For many conservatives, the future of the judiciary and the political dynamic of key courts is of paramount concern. ‘Everyone on the Right agreed in 2000 that judicial nominations were the single most important reason to be for Bush,’ said Clint Bolick, a former Justice Department official.” [The Australian, 1/10/03]

2003: Bolick hoped that Janice Rogers Brown was being named to the DC Circuit Court of Appeals “as an audition for the U.S. Supreme Court.” “Justice Janice Rogers Brown, considered the most outspoken conservative member of the California Supreme Court, was nominated by President Bush on Friday to the U.S. Court of Appeals in Washington, D.C. [...] Her nomination was greeted with enthusiasm by conservatives, who venture that Brown likely is being groomed to become the first black woman on the U.S. Supreme Court. ‘My hopeful speculation is that she is being placed on this court as an audition for the U.S. Supreme Court,’ said Clint Bolick, director of the Institute for Justice in Washington, D.C., who lobbied the White House to nominate Brown. ‘She's certainly one of the most prominent conservative judges in the country.’” [San Francisco Chronicle, 7/26/03]

Clinton Judicial Nominees

Bolick: “The Clinton judges are more likely than Reagan or Bush judges to side with criminal defendants.” “*Clint Bolick*: Well, whatever you call them - liberal, conservative, or use any other kind of definition- what I found in a study that I did for the Goldwater Institute in Phoenix is that, in fact, Clinton judges are different than Reagan and Bush judges in key ways in three respects. And this is, I might add, at the margins. Most judges would decide most cases the same way. But as you work your way up, particularly with the Supreme Court, there are big differences. The Clinton judges are more likely than Reagan or Bush judges to side with criminal defendants.” [“Burden of Proof,” CNN, 5/8/96]

1993: Bolick criticized Bill Clinton’s appointment of large numbers of women and minority judges. “Conservatives said Clinton's high percentage of women and minority appointments was in keeping with what they said was the traditional Democratic accent on numbers and ‘quotas’ rather than individual qualifications. ‘The notion that one's color or gender should be primary the criterion (for

judicial nomination) is something that most Americans would strongly reject,' said Clint Bolick, an official in the Reagan Justice Department and co-founder of the Washington-based Institute for Justice, a conservative public interest group." [Hearst Newspapers, 12/30/93]

1993: Bolick Promised “Judicial Armageddon” Over The Nomination To Replace Byron White On The Supreme Court. “Byron (Whizzer) White, the All-America football player and Rhodes scholar who played a cautiously conservative role in 31 years on the Supreme Court, announced yesterday that he will retire this summer. [...] Conservatives, still smarting from the contentious ideological battles over the nominations of Robert Bork and Clarence Thomas to the court, are spoiling for a confirmation battle if an outspoken liberal such as Harvard law professor Laurence Tribe - who has served in the past as an unofficial Clinton adviser - is nominated. Bork, whose nomination eventually was rejected, has been involved in fund-raising for a conservative group being established to oppose judicial nominations along the lines of liberal groups during the Reagan and Bush presidencies. Clint Bolick, president of a libertarian law center, yesterday promised a ‘judicial Armageddon’ if the nominee is not ‘within the mainstream’ of ‘American legal thought.’” [New York Newsday, 3/20/93]

1994: Bolick questioned the appointment of the first blind person to the US Court of Appeals. “Washington lawyer David S. Tatel strolled up and down the National Mall at President Clinton's inauguration, remarking to his friends about the crowds, the color, the pageantry. To his friends, the observations of this noted civil rights and education lawyer were nothing unusual. They are accustomed to what they say is his unusual vision, one that transcends eyesight and will serve him well if he is confirmed to the U.S. Court of Appeals for the D.C. Circuit and becomes the first blind person to assume a judgeship this high in the federal system. Yesterday, President Clinton nominated Mr. Tatel, who lost his eyesight as a young adult, to what is considered the second-most-powerful court in the nation and a grooming ground for the Supreme Court. [...] Highly respected in the legal community, Mr. Tatel is expected to breeze through confirmation. Even ideological opponents, such as Clint Bolick of the conservative Institute for Justice, remark on his ‘unquestionable’ intellect and legal skill. Mr. Bolick, however, says that the ground-breaking rulings Mr. Tatel won in school desegregation cases -- such as those that permit federal judges to order tax increases to pay for reforming discriminatory school districts -- gave courts too much power to effect social change. ‘It gives me tremendous pause as to whether he'd be an impartial jurist or a results jurist,’ he adds.” [Baltimore Sun, 6/21/94]

- **Bolick acknowledged his qualifications, but said Bill Clinton probably appointed David Tatel to the DC Circuit because of “political correctness”.** “‘Given this Administration's propensity for such factors as political correctness, it wouldn't surprise me if his blindness was a factor, but it's emphatically true that Tatel has the qualifications to be nominated without that,’ said Clint Bolick, litigation director of the Institute for Justice. Known for firing the first shots in the fusillade that brought down the nomination of Lani Guinier as assistant attorney general for civil rights, Bolick added, however: ‘If Tatel transports his personal ideology to the bench, we're in for a pretty wild ride.’” [Los Angeles Times, 7/28/94]

1995: Bolick worked with other conservatives to “raise the importance of judicial selection” during the 1996 presidential campaign. “‘The conservative majority on the Supreme Court hangs by a single thread,’ said Clint Bolick, vice president of the Institute for Justice, a libertarian public-interest group. ‘Most people are pretty happy’ with the current Court, he said, but the balance on the Court could quickly change. His group plans to work with other conservatives to ‘raise the importance of judicial selection’ during next year's presidential campaign, given the likelihood of vacancies during the next presidential term, Bolick said.” [National Journal, 10/28/95]

1996: Bolick called 11th Circuit Court of Appeals Judge Rosemary Barquette “pro-criminal defendant” and a “judicial activist.” “*Clint Bolick*: Well, there have been a couple of instances in which President Clinton has nominated people who he knew to be judicial activists, and there has been opposition by Republican senators. For example, Judge Rosemary Barquette, who had been a justice in the Florida Supreme Court. She had been notoriously pro-criminal defendant and reading the law however she wanted to read it. Clinton stuck with the nomination, and guess what? Now she's on the 11th Circuit Court of Appeals, and she's every bit as activist as before. But if you don't have the kind of record like Judge Barquette had, it's very difficult sitting in the Senate to know whether someone's going to be liberal or Republican.” [“Burden of Proof,” CNN, 5/8/96]

2001: Bolick: “We did not oppose any nominations during the Clinton years.” “*Gwen Ifill*: Clint Bolick, when President Clinton made his nominations, he said it was a judicial emergency, that he felt it was a need to fill these slots, and generally, you and others disagreed with that. Now, President Bush is making that same argument. Does it just matter whether a judicial emergency is painted conservative or liberal? *Clint Bolick*: Actually, we did not oppose any nominations during the Clinton years. The Alliance for Justice, one of the few things that we would agree on, in 1999, when there were 70 vacancies, said that there was a judiciary crisis, in their words. There are now 101 judicial vacancies. Thirty-three of them have been declared judicial emergencies. Eight of the candidates today are named to slots that are in that category, judicial emergency. I do think that the Senate has a very important advice and consent role to play here, but to hold these folks who are extremely well qualified on grounds purely of ideology is a dangerous game to play.” [“NewsHour With Jim Lehrer,” PBS, 5/9/01]

George H.W. Bush Judicial Nominees

1992: Bolick Applauded George Bush’s Judicial Nominations. “Conservatives, often unhappy with Bush's track records in other areas, was euphoric over the President's judicial nominations. ‘A tour de force,’ cheered Clint Bolick, vice president and director of litigation at Washington's conservative Institute for Justice, who has been at odds with the Bush Administration on such issues as the 1991 Civil Rights Act. ‘He has been ever better than Reagan,’ Bolick added. ‘Bush has made the judiciary more solidly conservative without spending a lot of political capital on the issue.’” [National Journal, 1/25/92]

1992: Bolick Blamed George Bush For Not Appointing More Judges. “The Democratic-controlled U.S. Senate adjourned two weeks ago without acting on 51 of President Bush's nominations for federal judgeships. The White House, meanwhile, never got around to submitting candidates for 48 other vacancies on the federal bench. [...] Clint Bolick, co-founder of the Institute for Justice in Washington, a conservative public interest law firm, says that the delay in filling vacancies for the lifetime appointments could result in ‘a huge inauguration present for President-elect Clinton, if there is such a president-elect.’ Some Republicans have suggested that Senate Democrats dragged their feet for political purposes. Democrats on the Senate Judiciary Committee, which reviews the nominations, contend that the White House created a logjam by waiting an average of 13 months to nominate candidates for judicial vacancies. ‘Given the backlog in the courts, I think it's pure partisanship by the Democrats in holding these nominations back,’ Bolick said. ‘But the first blame goes to the White House.’” [San Francisco Chronicle, 10/28/92]

U.S. SUPREME COURT

1996: Bolick called lifetime Supreme Court appointments “a very important protection of the judiciary and the rule of law.” “*Greta Van Susteren*: Clint, this is the reason why they have- they're appointed for life, so presumably, if they have some sort of interest in the beginning, at least the fact that

their jobs are not at jeopardy, that they will develop some sort of independence. Isn't that true? *Clint Bolick*: Oh, absolutely. And I think that's a very important protection of the judiciary and of the rule of law. But it does underscore how important the appointment power is and really trying to focus on these individuals on the point at which they're going in. Last year, almost every single major decision of the Supreme Court was a 5 to 4 decision. Bill Clinton's two appointees have been very, very liberal. They get the label 'moderate,' and I don't know where that comes from, because they have really solidified the liberal wing of the court on civil rights issues, criminal issues, you name it." ["Burden of Proof," CNN, 5/8/96]

Clarence Thomas

Bolick: "Clarence Thomas Is My Mentor And A Friend." "*Clint Bolick*: Clarence Thomas is my mentor and a friend. I lived and died with him in this process." ["Nightline," ABC, 10/16/91]

Clarence Thomas Is The Godfather Of Bolick's Son. "But Washington lawyer Clint Bolick, a longtime friend of the justice whose son is a godchild of Justice Thomas', counters: 'Some people think that . . . Clarence Thomas doesn't think race is a big problem in our society. But anyone who knows him will tell you that he is acutely aware of racism and . . . quite frankly, he hated his dealings with a number of people in the Reagan administration who he thought were racist.' Mr. Bolick, who is white, also worked in the Reagan administration." [Washington Post, [4/19/93v](#)]

Bolick Worked For Clarence Thomas At The Equal Employment Opportunity Commission. "Clint Bolick, director of the Landmark Center for Civil Rights and an employee of Mr. Thomas' during his tenure as head of the Equal Employment Opportunity Commission, said Judge Thomas 'assigns a high value to liberty.'" [Washington Times, 7/11/91]

1989: Bolick Applauded The Nomination Of "Conservative Champion Of Civil Rights" Clarence Thomas To The Federal Bench. "Moreover, the administration deserves applause for nominating to the federal bench Equal Employment Opportunity Commission Chairman Clarence Thomas, a leading conservative champion of civil rights; and for reaching out to the black community without abandoning the core principles of individual liberty and equality under law. Now that many of the most divisive issues of the past are (hopefully) behind us, we can restore momentum in the quest for civil rights by giving individuals the power to control their own destinies." [Clint Bolick Letter to the Editor, Washington Times, 10/20/89]

Bolick Called Clarence Thomas "A Man Of Tremendous Personal Integrity." "Reaction to President Bush's nomination of Judge Clarence Thomas to the U.S. Supreme Court. [...] 'He is a man of tremendous personal integrity. He is extremely independent and he values individual liberty about as much as any person I've ever known. I think those are all hallmarks of a great justice.' Clint Bolick, director of the Landmark Legal Foundation Center for Civil." [Washington Times, 7/2/91]

Bolick's Organization Paid For Thomas's Hometown Friends And Family To Travel To DC To Boost His Supreme Court Nomination "On a day in which he was battered by critics, Judge Clarence Thomas found truth in the poet Robert Frost's description of home as a place where, when you have to go there, they have to take you in. The power of old ties was proven once more as Thomas found support from a band of hometown friends and neighbors who traveled from Georgia to support his nomination to the US Supreme Court. [...] The visit was paid for by the Landmark Legal Foundation and other conservative supporters of the nominee, said Clint Bolick, the foundation's director. For the administration, the reunion served as a warm photo opportunity that provided friendly film footage to counter the news from the NAACP." [Boston Globe, 8/1/91]

Bolick On Clarence Thomas: “He Projects An Image Of Humility And Competence. . . His Views Don't Frighten People.” “Judge Clarence Thomas, caught in a summer shower of rhetoric over his conservative views, receives the first chance to defend his record when hearings on his Supreme Court nomination open Tuesday. [...] ‘He projects an image of humility and competence. . . His views don't frighten people,’ said Clint Bolick, director of litigation at the Institute for Justice, a new conservative public interest law center. ‘And because of his background, it will be very difficult for opposition senators to take him on.’” [Washington Times, 9/8/91]

Bolick Said Thomas Had “An Unparalleled Record Of Effective Civil Rights Law Enforcement.” “Thomas consistently used his position in the Reagan administration as a bully pulpit to encourage conservatives to get serious about civil rights and to develop strategies to help disadvantaged Americans earn their share of the American Dream. Likewise, as chairman of the Equal Employment Opportunity Commission, he compiled an unparalleled record of effective civil rights law enforcement, even while he infuriated liberals by rejecting the use of racial quotas. Fortunately, there is evidence that Clarence Thomas' message is getting through despite the best efforts of his detractors. Polls show nearly identical levels of support for the Thomas nomination among both whites and blacks -- a remarkable and quite uncommon phenomenon. What these poll numbers suggest is that the Thomas nomination has transcended the color line. Clarence Thomas, both in his personal background and in the principles he espouses, personifies the aspirations and values that unite Americans, rich and poor, black and white. If confirmed, Clarence Thomas will as a result be uniquely positioned to appeal to the conscience of America.” [Clint Bolick Op-Ed, San Diego Union-Tribune, 9/21/91]

Bolick Described Clarence Thomas’s Relationship With Ginni Thomas As “One Of The Richest Mutual Admiration Societies I Have Ever Seen.” “‘They have one of the richest mutual admiration societies I've ever seen,’ says Clint Bolick, vice president of the Institute for Justice, a conservative public-interest law center. ‘They're both extremely gentle and passionate individuals. And they have a high degree of respect for each other. Clarence is the only person I know who calls her Virginia. Everyone else knows her as Ginny.’ [...] In fact, say their friends, when it comes to issues, they are seldom apart. ‘They're extremely gentle with each other when they disagree,’ says Bolick. But it doesn't happen often. ‘They really do see the world through the same eyes.’” [New York Newsday, 10/1/91]

Bolick Said That Race Was Probably A Factor In Thomas’s Nomination To The Supreme Court But Insisted That It Wasn’t A “Quota.” “*Robert Novak*: I want to ask you on this point and you can get back in. I want to ask Mr. Bolick, if this- how can you call this a quota, 'cause I think you were starting to agree with him that this was a quota on the Supreme Court, when the fact is that if the Senate had rejected Clarence Thomas a white person would have been named. How is that a quota? *Clint Bolick*: It's not a quota. *Novak*: OK, then *Bolick*: But he asked whether it was a factor in the selection and I think as a matter of politics, it probably was, but Clarence Thomas is an individual who transcends the color line. He showed that in his confirmation battle.” [“Crossfire,” CNN, 11/21/91]

1992: Bolick Called Thomas’s First Year On The Bench “A Tour De Force.” “Clint Bolick, a Washington lawyer who is a friend of Thomas, said he was impressed with Thomas' ‘productivity, consistency, scholarship and clarity’ on the bench. ‘His first year has been a tour de force,’ Bolick said.” [New York Newsday, 10/8/92]

1993: Bolick Said Thomas Was “Hitting His Stride” On The Court. “Justice Clarence Thomas has largely retreated from public view, still nursing wounds from his confirmation ordeal. He rarely speaks from the bench or in public and reportedly often works at his secluded home in rural Virginia, communicating by computer modem. Thomas continues to tell friends he reads no newspapers except

for a Dallas Cowboys fan publication. ‘He holds the press responsible for creating the Anita Hill issue,’ says longtime friend Clint Bolick. ‘It made a lasting impression.’ But those who know him say Thomas is beginning to gain confidence about mastering the pace, workload and rituals of the Supreme Court. ‘He went from the most painful experience of his life into the . . . court without a chance to catch his breath,’ says Bolick of the conservative Institute for Justice. ‘He’s hitting his stride now.’” [USA Today, 5/7/93]

1994: Bolick called Thomas “the court’s conscience on civil rights.” “As the Reagan administration’s enforcer of job-bias laws, Thomas spoke out against race-conscious remedies he believed went too far in aiding minorities who had not suffered direct illegal bias. Many of Thomas’s views are shared by a five- or six-justice majority. ‘He is emerging as the court’s conscience on civil rights,’ asserts Clint Bolick, a Thomas aide in the 1980s.” [US News & World Report, 11/7/94]

1995: Bolick on Thomas: “The spectacle of an impassioned black conservative Supreme Court justice is simply intolerable to the liberal elite.” “[Clarence Thomas] is a individualist to the core, more interested in principle than forging a consensus,’ said Clint Bolick, litigation director for the Institute for Justice, which is active before the court and is involved in two voting-rights cases due for decision any day. [...] ‘I think the spectacle of an impassioned black conservative Supreme Court justice is simply intolerable to the liberal elite,’ said Mr. Bolick, who worked at the Equal Employment Opportunity Commission in the Thomas era.” [Washington Times, 6/19/95]

2001: Bolick said Thomas’s influence on the Supreme Court was growing. “Justice Thomas enjoys marching to his own drummer,’ said Clint Bolick, vice president of the libertarian law firm Institute for Justice. Bolick has known Thomas since they worked together in the 1980s. [...] ‘His influence is growing and will grow increasingly over time,’ Bolick said. ‘Thomas is more willing than any other justice to return to the original text of the Constitution and to urge the court to correct past mistakes.’” [Associated Press, 9/3/01]

Anita Hill and Angela White

Columnist Tim Steller: Bolick was among those who defended Clarence Thomas against accusations of sexual harassment by Anita Hill in 1991. Columnist Tim Steller wrote, “The real issue is Bolick. Known for his charm and ready smile, Bolick has also been a street fighter in conservative political battles on race issues in his work for the Institute for Justice and the Goldwater Institute, something barely considered when he was nominated. Bolick, who had worked for Clarence Thomas in the Equal Employment Opportunity Commission, was among those who defended Thomas against accusations of sexual harassment by Anita Hill in 1991.” [Arizona Daily Star, 10/19/18]

Bolick Attacked The Credibility Of Angela Wright, A Woman Who Accused Clarence Thomas Of Sexual Harassment, Calling Her “A Disgruntled Former Employee.” “But she has already been assailed by Senate Republicans and supporters of Mr. Thomas as a disgruntled former employee with an uneven work history whose testimony will not be viewed as credible. ‘I think Angela Wright is so clearly a disgruntled former employee who has an ax to grind that, if anything, it will diminish the credibility of his critics,’ said Clint Bolick, a conservative activist, a former Thomas aide and vice president of the Institute for Justice, a new public interest law firm. Ms. Wright, who has been subpoenaed to testify before the Senate Judiciary Committee, was quoted today in The Observer as saying Judge Thomas pressured her for dates, asked her breast size and showed up at her apartment uninvited.” [New York Times, 10/12/91]

1997: Bolick questioned why women’s groups did not pursue justice for Paula Jones the way they did for Anita Hill. In an op-ed, Bolick wrote, “Congratulations to The Post's Kevin Merida for skillfully reporting the liberal feminist movement's hypocrisy in backing Anita Hill's charges against Justice Clarence Thomas while sitting out Paula Jones's case against President Clinton {‘In Jones Story, Silence of the Sisterhood Stirs Charges of Hypocrisy,’ news story, Jan. 14}. Women's Legal Defense Fund President Judith Lichtman justifies her group's inaction by contending that ‘Paula Jones will have her day in court with all the due process protections that Anita Hill never had.’ Actually, the converse is true. Anita Hill had plenty of due process: She elected never to use it. As an EEOC attorney, Ms. Hill knew that she could file a charge and that she would be protected against retaliation. That would have given Justice Thomas a chance to respond and have the charges resolved in a timely and impartial fashion. Instead, Ms. Hill waited 10 years and raised charges under cover of darkness, thus denying the accused due process. Mrs. Jones, by contrast, has followed all the rules, but the president's lawyers tell her that while Bill Clinton is in office he is above the law. What happened to the old and true adage, ‘justice delayed is justice denied’? The situational ethics that pervade both sides of the partisan divide in this town are enough to sustain a national tide of cynicism.” [The Washington Post, [1/25/97](#)]

1993: Bolick said it was “clear” that the Anita Hill accusations had not “permanently scarred” Clarence Thomas. “Clint Bolick, a longtime friend, said that while it may have been true that Justice Thomas's first year on the bench was marked by some anger, that is no longer so. ‘There's no question that for the first year he was angry over what happened and did not have a chance to catch his breath before he assumed his new position,’ Mr. Bolick said. ‘But to a large extent, he has moved beyond that, and I think a sense of optimism and ebullience has returned. He's really gregarious again.’ Mr. Bolick, who was one of Justice Thomas's strongest defenders during the confirmation hearing, said, ‘It's clear he has not been permanently scarred by the Hill incident.’” [New York Times, 11/27/93]

John Roberts

2005: Bolick called John Roberts “truly an unknown quantity.” “For two decades, the court has been narrowly divided, usually (though less frequently lately) siding with individual liberty over state power, precisely the role the framers intended the federal judiciary to play. Judge John Roberts, the nominee to fill Justice O'Connor's position, is truly an unknown quantity. If Bush nominates a Rehnquist replacement who is less committed to conservative principles than his predecessor, it could have the effect of turning the court to the left.” [Clint Bolick Op-Ed, Arizona Republic, 9/5/05]

Neil Gorsuch

Bolick praised Neil Gorsuch as a “wonderful addition to the court.” “There's two trends that I think are very positive from a freedom standpoint. The first is that we have justices on the US Supreme Court, particularly Clarence Thomas and Neil Gorsuch, that are very interested in defending individual rights and reading the Constitution very, very strictly. In other words, to protect our individual rights. Gorsuch, in particular, has been a wonderful addition to the court.” [Declare Your Independence with Ernest Hancock, [9/12/19](#)]

Sonia Sotomayor

2009: Bolick called Sonia Sotomayor “a well-qualified mainstream liberal judge.” “Barack Obama won the presidency and Democrats overwhelmingly control the U.S. Senate. So, conservatives could expect one of two things when Obama made his choice to replace liberal Supreme Court Justice David Souter: a mainstream liberal or a radical who would reshape the Constitution. In Sonia Sotomayor,

Obama found a well-qualified mainstream liberal judge. Some of her off-the-bench comments regarding the role of ethnicity and gender in decision-making are troubling. But actions are more important than words, and Sotomayor has a long record as an appellate judge. More of her decisions are liberal than conservative, but generally, she takes a restrained approach and has written or joined numerous opinions in areas ranging from education to freedom of speech that are more conservative than those of the man she will replace. Republicans can gain credibility by confirming Sotomayor and holding their fire for the time Obama nominates a true fire-breathing radical to the court. For now, they have far more important battles to wage on defining issues like nationalized health care and a paralyzing budget deficit. And, after all, would conservatives really have preferred Justice Janet Napolitano?" [Clint Bolick Letter to the Editor, Arizona Republic, 5/31/09]

Ruth Bader Ginsburg

1993: Bolick Was “Cautiously Supportive” Of Ruth Bader Ginsburg’s Nomination To The Supreme Court. “Conservative activist Clint Bolick, who was first to raise objections to the nomination of Lani Guinier as assistant attorney general for civil rights, said he was ‘cautiously supportive’ of Ginsburg's nomination. ‘On an initial look, she's obviously well-qualified, moderate in temperament and philosophy and looks like she'd made an outstanding Supreme Court justice,’ said Bolick, litigation director of the conservative Institute for Justice.” [Associated Press, 6/14/93]

Bolick on Ginsburg: “We are very much inclined to be supportive of the nomination.” “Clint Bolick, who heads the conservative Institute for Justice and played a leading role in forcing Clinton to withdraw the nomination of Professor Lani Guinier to a high Justice Department post two weeks ago, said: ‘We have looked at Judge Ginsburg's writings and some of her case decisions. She seems genuinely moderate. She seems to be more a legal tactician than a legal ideologue.’ ‘No alarm bells have gone off, and we are very much inclined to be supportive of the nomination,’ Bolick added. ‘I think she will bolster the center on the court and takes a very restrained view of the role of the judiciary.’” [Boston Globe, 6/15/93]

Bolick: Ginsburg “will probably be a truly moderate justice.” “In that spirit, some Republicans view Judge Ginsburg as about all they can hope for. ‘Within the realm of possibilities, Ginsburg is a rare prominent judge who truly takes a constrained view of the proper role of the judiciary,’ said Clint Bolick, vice president of the Institute for Justice. ‘Because of that and her willingness to cross the ideological lines, she will probably be a truly moderate justice,’ he said. Mr. Bolick was instrumental in creating the conditions that led to the withdrawal of President Clinton's nomination of Lani Guinier as assistant attorney general. ‘If Lani Guinier had never happened,’ Mr. Bolick said, “we might have seen someone much more liberal” than Judge Ginsburg.” [Washington Times, 6/20/93]

Bolick: “We have to choose our battles carefully. Strident opposition to Ginsburg is unjustified and politically risky.” “Senate Judiciary Committee hearings on Judge Ruth Bader Ginsburg's nomination to the Supreme Court will begin July 20, committee members said yesterday. Activists on both sides have been scrambling to review her 32-year paper trail. So far it looks like she will be confirmed with little controversy. ‘If it is perceived that we are opposing nomination on the basis of partisan objectives, we will lose and deserve to lose,’ said Clint Bolick, vice president of the Institute for Justice, who led the charge against Lani Guinier, Mr. Clinton's nominee to head the Justice Department's civil rights division. ‘We've got to keep our powder dry and remember that we, too, have limited political capital. We have to choose our battles carefully. Strident opposition to Ginsburg is unjustified and politically risky.’” [Washington Times, 6/23/93]

1994: Bolick called Ginsburg “a solid centrist, not a major innovator, but a solid legal technician.” “As the Supreme Court announced the final six decisions of its 1993-94 term Thursday, Justice Ruth Bader Ginsburg sat mute, choosing not to read her one concurring opinion and one dissent. It was typical in several ways of the role that she carved out during her first year on a court that is increasingly known for its low profile. She did not dominate the decision-making, and she voted most often with the majority of her colleagues. She was a reliable ally of the court's centrists, inciting neither the left nor right wings. ‘She seems to be a solid centrist, not a major innovator, but a solid legal technician,’ said Clint Bolick, vice president of the Institute for Justice, a conservative civil liberties group.” [Dallas Morning News, 7/2/94]

Bolick mourned the death of Ruth Bader Ginsburg on his Facebook page. “So sad to hear of the passing of Justice Ruth Bader Ginsburg. Just the other day in the Con Law class I teach, I spoke admiringly of her brilliant litigation strategy to secure greater constitutional protection for women. Her friendship with Justice Scalia despite their great differences was an example of the respect and admiration that can transcend philosophical differences. Her legacy is towering. I hope we will take some time to lament the passing of a true modern pioneer.” [Clint Bolick Facebook, [9/18/20](#)]

Antonin Scalia

Bolick mourned the death of Antonin Scalia on Twitter. “What a tragedy. America has lost one of its giants. #scalia” [@lawyer4liberty, [2/13/16](#)]

Stephen Breyer

1994: Bolick supported Stephen Breyer’s nomination to the Supreme Court. “Institute for Justice Vice President Clint Bolick, who has opposed several of the president's judicial nominees, praised Judge Breyer as intelligent and reasoned. ‘Breyer evidences a healthy skepticism toward government power,’ Mr. Bolick said. ‘It appears that Clinton is replacing one civil libertarian with another, which we view as positive within the realm of the possible.’ Mr. Bolick said Judge Breyer could move the court to the center on property rights, an issue the court has grappled with in the past five years.” [Washington Times, 5/14/94]

Bolick: “Unless there is something we didn't see last time, Breyer is not going to inspire heated opposition.” “Breyer, in sharp contrast, had won friends among the Republican senators on the Judiciary Committee while working with them during the Carter administration, when he served as committee counsel. He impressed the GOP with his free-market approach on airline deregulation, and his work on issues like mandatory sentencing guidelines. ‘Unless there is something we didn't see last time, Breyer is not going to inspire heated opposition,’ said Clint Bolick, who heads the conservative Institute for Justice, a legal think tank.” [Boston Globe, 5/14/94]

Bolick called Stephen Breyer “the models of what most people think of as a judge” and “a smart pick for Clinton.” “The point is, Breyer's not an ideologue. He's really the model of what most people think of as a judge,’ said Clint Bolick, litigation director for the Institute for Justice, a conservative public interest law firm in Washington. ‘He has a fairly libertarian perspective and that makes him hard to pigeonhole, and that's worked well for him in the past in Washington. He was a smart pick for Clinton.’” [Dallas Morning News, 5/14/94]

David Souter

1990: Bolick Supported The Nomination Of David Souter To The Supreme Court. “President Bush's nomination of David Souter to the U.S. Supreme Court appears to face no significant threat as the formal confirmation process begins this week. [...] ‘The entire battle is in David Souter's hands at this point,’ said Clint Bolick, director of the Landmark Legal Foundation Center for Civil Rights, a conservative think tank. Referring to the lagging mobilization efforts of Souter's opponents, Bolick added, ‘It would take a cataclysmic blunder on Souter's part to get that apparatus moving.’ [...] By contrast, conservative interest groups, such as the one represented by Bolick, appear to be falling into line behind Souter after some initial grumbling about the nominee's lack of a clear-cut record.” [San Diego Union-Tribune, 9/10/90]

1992: Bolick Soured On Souter Because He Appeared To Be “More Centrist Than Anyone Would Have Thought.” “Clint Bolick, a conservative with a libertarian bent who is president of the Washington-based Institute for Justice, declined to salute Souter for his decisions so far. Bolick was particularly unhappy with Souter's concurring opinion in *Freeman v. Pitts*, a major school desegregation case in which the Court unanimously held that school districts ‘are under no duty to remedy imbalance that is caused by demographic factors.’ Although approving of his vote, Bolick complained that Souter sounded like Justices Harry A. Blackmun and John Paul Stevens in supporting long-term judicial control over some school districts with a history of racial bias. Nor was Bolick pleased that Souter apparently has little interest in defending property rights that are infringed upon by federal regulations. ‘Souter may be more centrist than anyone would have thought,’ Bolick cautioned. Over all, he added, Souter still seems to be looking for a coherent judicial philosophy.” [National Journal, 5/30/92]

1992: Bolick: “I Think George Bush Would Definitely Not Have Appointed Souter If He Knew How He Was Going To Vote.” “Clint Bolick, director of the conservative Institute for Justice, said conservatives are ‘very pleased with Clarence Thomas. Souter is conservative in criminal cases, but he's left- of-center on social issues. He's impossible to predict, the most unpredictable justice.’ Insiders at the White House insist that the president basically got what he expected in Souter -- a careful, cautious jurist with a true conservative's reluctance to upset precedent. But Bolick disagrees. ‘I think George Bush would definitely not have appointed Souter if he knew how he was going to vote,’ he said.” [Miami Herald, 7/1/92]

1994: Bolick called Souter “the liberal leader in the post-Blackmun era.” “Lawyers on both sides of the ideological spectrum point to Souter as a growing force, a surprise for a little-known judge who was derided as the ‘stealth candidate’ when then-President George Bush nominated him in 1990. ‘Souter is emerging as the liberal leader in the post-Blackmun era,’ said Clint Bolick, counsel to the conservative Institute of Justice, referring to Justice Harry A. Blackmun, who retired after 24 years on the high court.” [Los Angeles Times, 7/3/94]

2000: Bolick called Souter’s appointment “a very painful, self-inflicted wound.” “Court watchers predict Bush could end up filling as many as three vacancies on the Supreme Court. ‘We can be fairly confident that, with a few appointments, the court's current conservative philosophy will be maintained, if not strengthened greatly,’ said Clint Bolick, litigation director for the libertarian Institute for Justice. ‘We're certainly prepared to fight a nomination battle, if one arises,’ he added. [...] ‘I don't see something like Souter happening again,’ said Bolick of the libertarian Institute for Justice. ‘That was a very painful, self-inflicted wound, from a conservative's viewpoint.’” [Atlanta Journal Constitution, 12/17/00]

Anthony Kennedy

1996: Bolick said Anthony Kennedy was “emphatically not a squishy moderate.” “Respect has come slowly and grudgingly, but it is coming now. ‘In a very thoughtful and principled way, Kennedy is quietly constructing a libertarian jurisprudence on the Court,’ Clint Bolick, vice president of the Institute for Justice, a conservative think tank and law firm here, said in an interview. He said Justice Kennedy's skepticism of government explains many of his votes, from abortion to property rights, First Amendment, and federalism cases. While conservatives would not always be happy with Justice Kennedy, Mr. Bolick said, ‘this is emphatically not a squishy moderate.’” [New York Times, 5/26/96]

Robert Bork

2001: Bolick said that Democratic opposition to the confirmation of Robert Bork “raised some legitimate concerns that resonated with real people.” “*Barbara Bradley*: But when it came to law Professor Lani Guinier, President Clinton's choice for the Civil Rights Division, Republicans found their moment. Clint Bolick, at the conservative Institute for Justice, was the architect of the campaign against Guinier. As soon as she was nominated, he poured over her writings. He dubbed her ‘the quota queen,’ portraying her as an extremist, just as liberal groups had done with Bork. *Clint Bolick*: In Bork's case, it was his views on privacy. I thought that the liberal groups raised some legitimate concerns that resonated with real people. We did exactly the same thing in the Lani Guinier context where she had referred to democracy as ‘simple-minded notions of majority rule.’ So we were able to take some very abstract philosophical arguments and make them very tangible to mainstream Americans.” [“Morning Edition,” NPR, 1/16/01]

2001: Bolick said four ABA committee members voting Robert Bork unqualified was “an utter travesty.” “*David Shuster*: For 50 years, dating back to the Eisenhower administration, the ABA has been providing confidential reviews of a judge's competence, integrity, and judicial temperament. Once an administration went forward, the ABA would declare a nominee either well qualified, qualified, or unqualified. But Republicans in pointing to the Supreme Court have repeatedly accused the Bar Association of being biased. The ABA found Clinton Supreme Court Justices Ruth Bader Ginsburg and Steven Breyer well qualified. Clarence Thomas, nominated by George Herbert Walker Bush, was found to be qualified. And long-time appellate Judge Robert Bork, unsuccessfully nominated by President Reagan in 1987, was qualified, although four of 15 ABA committee members found him unqualified. *Clint Bolick*: Whether you like Bork or whether you dislike Bork, he was one of the most qualified people ever to be appointed to the Supreme Court. So, that was an utter travesty. And it revealed the ABA's ideological agenda.” [“Special Report with Brit Hume,” Fox News, 3/22/01]

2011: Bolick said conservatives seethed for years over the “systemic demonization” of Robert Bork. “I'll take it one step further. The Bork fight, in some ways, was the beginning of the end of civil discourse in politics. For years afterward, conservatives seethed at the ‘systematic demonization’ of Bork, recalls Clint Bolick, a longtime conservative legal activist.” [Joe Nocera Column, New York Times, 10/22/11]

1990: Bolick said the “age lobby,” special interest groups for seniors, had an “ultimate goal” of “an ever-expanding welfare state for older Americans, needy or not.” “Congressional negotiators and the White House blame partisan politics for their failure to reach accord on the massive budget deficit. But both sides have contributed to this failure by placing off-limits nearly 30 percent of all federal spending: programs for the elderly. Sensible reform proposals abound, but they are stymied by what former Sen. Barry Goldwater calls a ‘gag rule,’ enforced by America's most powerful special interest, the age lobby. Several dozen national organizations claim to speak for the nation's elderly, using lobbying, campaign donations, and litigation to promote a policy agenda that often differs widely from the views and interests of the elderly themselves. The ultimate goal: an ever-expanding welfare state for older Americans, needy or not. This welfare apparatus is already enormous and threatens to defeat any efforts to deal effectively with the budget deficit.” [San Diego Union-Tribune, 10/28/90]

1990: Bolick criticized the AARP and accused them of having an agenda that included costly long-term health care benefits, “socialized medicine,” increased subsidized housing for the elderly and other goals that went “well beyond age-related issues.” In an op-ed, Bolick wrote, “Now on AARP's agenda: costly new long-term health care benefits, socialized medicine, universal telephone service financed by a surtax on long-distance phone calls, and increased federally subsidized housing for the elderly. Other AARP legislative goals go well beyond age-related issues and would shock many AARP members: reduced defense spending, handgun control, ‘comparable worth’ legislation, and opposition to a balanced budget amendment. AARP pursues this agenda in the name of its 31 million members, who are lured not by AARP's politics but by group insurance policies, travel services and the like.” San Diego Union-Tribune, 10/28/90]

- **Bolick agreed that AARP was a “well-oiled money and propaganda machine.”** “AARP is not a beneficent service organization, however, but what Forbes magazine calls a ‘well-oiled money and propaganda machine,’ with a \$10 million national lobbying apparatus and a staff of 125. Policy is guided by the Washington staff, and is not subject to membership review. Several other groups ranging from the more radical Gray Panthers to the Union-affiliated National Council of Senior Citizens -- 95 percent of whose \$58 million budget comes from taxpayers -- promote similar objectives.” [San Diego Union-Tribune, 10/28/90]

1990: Bolick Supported Privatizing And Means Testing Social Security. “There is no shortage of solutions to the challenge of caring for the elderly without bankrupting the young: privatize Social Security, ‘means-test’ benefits for the elderly, restore full deductibility of IRAs, and individual health accounts. But serious discussion of these and other proposals cannot take place so long as the age lobby dictates the terms of the debate. America does not need and cannot afford to turn its elderly into wards of the state. We must -- and can -- meet their special needs without mortgaging America's future.” [Clint Bolick Op-Ed, San Diego Union-Tribune, 10/28/90]

- **Bolick: “America does not need and cannot afford to turn its elderly into wards of the state. We must -- and can -- meet their special needs without mortgaging America's future.”** In an op-ed, Bolick wrote, “The elderly themselves revolted against the catastrophic health care law because most do not want to saddle their children and grandchildren with an impossible financial burden. There is no shortage of solutions to the challenge of caring for the elderly without bankrupting the young: privatize Social Security, ‘means-test’ benefits for the elderly, restore full deductibility of IRAs, and individual health accounts. But serious discussion

of these and other proposals cannot take place so long as the age lobby dictates the terms of the debate. America does not need and cannot afford to turn its elderly into wards of the state. We must -- and can -- meet their special needs without mortgaging America's future." [San Diego Union-Tribune, 10/28/90]

2003: Bolick filed suit against North Carolina, objecting to a program providing cash incentives to film production companies. “A conservative legal group sued the state Department of Commerce on Thursday, charging that a program providing film production companies with cash incentives violates the state constitution. The lawsuit is the first in the state filed by the Institute of Justice, a Washington, D.C.-based libertarian public interest group that recently opened a North Carolina office. ‘Today’s lawsuit is our opening salvo in North Carolina. We hope it will serve notice to bureaucrats and politicians that there will be consequences if they fail to heed the limits of the state constitution,’ said Clint Bolick, the group’s national director of state chapters. The lawsuit challenges a state Department of Commerce program that would allow movie production companies to receive a cash grant of up to 15 percent of the money they spend in the state, up to \$200,000 per production. The group contends the program, by singling out a specific industry, violates a clause in the constitution restricting the state from handing out gifts or special privileges to individuals or groups. The state constitution allows gifts or privileges to be awarded only if they are in exchange for performing ‘public services.’” [Associated Press, 2/20/03]

- **Bolick: “We want to drive a stake in the heart of government subsidies with this lawsuit.”** “The Institute for Justice says it will file a lawsuit today in Raleigh that challenges a new economic incentive program administered by the N.C. Department of Commerce. The program awards production companies 15 percent of what they spend in the state, up to \$200,000 per production. ‘It strikes us as odd, in an economic climate where the state is facing a deficit, that the state would shower \$200,000 on Hollywood producers,’ said Clint Bolick, vice president with the Institute for Justice. ‘We want to drive a stake in the heart of government subsidies with this lawsuit.’” [Charlotte Observer, 2/20/03]

2003: Bolick criticized Arizona Governor Janet Napolitano’s line item budget vetoes claiming she was usurping the legislature’s powers. “In most states where governors have line-item veto powers, taxpayers are lucky. The governor can line out excessive spending and act as a check against legislative mischief. But apparently not in Arizona, where Gov. Janet Napolitano used her line-item veto to add \$65 million in spending that the Legislature had cut from last year’s budget in an effort to solve the state’s fiscal crisis. To keep the budget balanced, Napolitano also vetoed an appropriation to settle a lawsuit the state had lost -- funds that will have to be raised in the next budget. By what authority did the governor use a line-item veto to cancel budget cuts? Certainly not the Arizona Constitution, which provides that ‘(I)f any bill presented to the Governor several items of appropriations of money, he may object to one or more of such items, while approving other portions of the bill.’ The Arizona Supreme Court has defined ‘appropriation’ as legislation setting aside a certain sum for a specific purpose and creating authority to spend. Napolitano went beyond vetoing appropriations, which is within her constitutional power, and instead vetoed budget reductions, thus taking unto herself the power of appropriation that belongs to the Legislature.” [Clint Bolick Op-Ed, Arizona Republic, 7/3/03]

2009: Bolick opposed a \$80 million subsidy to build a luxury resort and convention center in Mesa. “In the face of a plummeting economy, huge budget shortfalls and massive layoffs, Mesa has decided to give more than \$80 million in subsidies to two developers to build a luxury hotel, resort and convention center at the Mesa Proving Ground. [...] Mesa is no stranger to failed economic development schemes. The Waveyard amusement park, which Mesa convinced voters to approve, is languishing. Ten years ago, Mesa used its power of eminent domain to bulldoze an entire neighborhood to make way for a resort that was never built because the developer couldn’t find financing. When a

commercial project is not viable without a subsidy, the market is speaking. Will Mesa listen?" [Clint Bolick Op-Ed, Arizona Republic, 2/11/09]

2010: Bolick called a scheme to forgive property tax payments for new developments “just horrendous.” “Goldwater doesn't oppose all incentives. It supports reimbursing developers for public infrastructure and even is generally supportive of Mesa's incentives for a conference center at the Gaylord resort. The conference center is a legitimate need, Bolick said, that would likely be built by Mesa had a private company not offered to do so. However, Goldwater's victory with incentives could trigger a lawsuit on what Bolick considers a similar perk that forgives property tax payments. Under one type of incentive, cities can buy land for new developments and lease it back to the owner for a nominal charge. Property taxes cannot be collected on government-owned land even when private developments are on the lots. ‘At a time when cities are laying off police and firefighters and suffering from overspending and a lack of tax revenues, the notion of taking businesses off the tax rolls is just horrendous,’ he said. ‘I think that will probably be the next area of litigation for the Goldwater Institute.’” [East Valley Tribune, 2/6/10]

2012: Bolick threatened the Arizona Commerce Authority with legal action over small grants to businesses. “The Arizona Commerce Authority set off alarms at the Goldwater Institute this week after the government agency announced it would be awarding thousands of dollars to companies that were eliminated from a competitive grant program. At a Wednesday event to reveal which of the 25 semifinalist companies would move on to the next round in the ACA’s Innovation Challenge, CEO Don Cardon surprised the crowd when he announced that each of the 15 companies that did not make the cut would be awarded \$5,000 each – a total of \$75,000. [...] But if the awards are not tied to creating a tangible public benefit for Arizona, they could violate the state’s Gift Clause, a fact pointed out to the ACA Thursday in a letter from Clint Bolick, director of the Goldwater Institute's litigation unit. ` Bolick cited the CityNorth opinion in which the Arizona Supreme Court in 2010 declared that government subsidies are illegal unless the benefits in return are of equal value. The case involved Phoenix’s nearly \$100 million subsidy to a shopping mall developer. ‘As such, the payments appear to be more in the nature of a slush fund rather than the type of carefully delineated expenditures that are permitted under the Gift Clause,’ Bolick wrote of the ACA’s announcement of the awards. The letter did not allude to any action the institute might take, but it did express the hope that the ACA would ‘consider the legality of those payments before they are issued.’ Bolick later said the Goldwater Institute hasn’t decided yet whether it will sue over the payments. ‘It’s always a possibility. We’re trying to keep a very careful eye at what’s happening at the Commerce Authority, and certainly would always keep our litigation options open,’ Bolick said today. ‘We’ll certainly give them an opportunity to give us a response.’” [Arizona Capitol Times, 5/4/12]

- **The ACA canceled the grants.** “The Arizona Commerce Authority announced late this afternoon that it will not be awarding the \$5,000 stipends it had earlier promised to 15 companies eliminated from a competitive grant program. The Goldwater Institute’s Clint Bolick sent a letter to the ACA last week, warning that the awards for unsuccessful semifinalists in the agency’s Innovation Challenge could be a violation of a constitutional provision banning government gifts to private companies, unless the money creates a tangible public benefit. Today, CEO Don Cardon replied to the institute with a letter of his own, saying that although the ACA doesn’t necessarily agree with Bolick’s concerns, ‘the ACA operates with public funding and we are committed to being good stewards of taxpayer dollars.’” [Arizona Capitol Times, 5/11/12]

2013: Bolick opposed city-funded recreation centers. “The Southeast Valley's city-run recreation centers operate at a loss and most do not have a defined expectation for cost recovery, a Republic analysis has found. The cost of running the centers is a price area municipalities pay to provide residents

with a quality-of-life amenity. [...] ‘There just doesn't seem to be an obvious need for cities to get into the recreation-center business, and when they do so, they may very well be displacing private businesses and putting an unnecessary burden on the taxpayers as well as diverting funds from core services,’ said Clint Bolick, Goldwater's vice president for litigation.” [Arizona Republic, 5/29/13]

2019: Bolick partially dissented in AZ Supreme Court ruling that taxing car rentals to pay for sports facilities and tourism projects was legal. “The Arizona Supreme Court has ruled that taxing car rentals to pay for sports facilities and tourism projects is legal. The justices upheld a lower court's decision Monday morning. Car rental companies have been fighting this tax for 14 years, citing a constitutional provision that says all tax revenue ‘related to’ vehicles has to be put toward building and maintaining roads. In their decision, the justices said there has to be a limit, otherwise revenue from car and tire sales or even vehicle repairs could be diverted — and that would be too broad an impact. [...] However Justice Clint Bolick did partially dissent, acknowledging that the tax does disproportionately affect out-of-state visitors. He also said the text of the constitution supports the rental companies’ argument that ‘If the vehicles are used or operated on public highways, then any fee or tax specially directed toward that use implicates the anti-diversion clause,’ he wrote.” [KJZZ, [2/25/19](#)]

CITYNORTH

2007: Bolick filed a lawsuit challenging tax breaks used to lure new development as an unconstitutional gift of public funds to selected businesses. “Some Arizona businesses are launching a legal attack on a \$100 million tax break by the city of Phoenix to lure a new development - a lawsuit that eventually could ban similar incentives statewide. The lawsuit, scheduled to be filed today in Maricopa County Superior Court, contends these programs amount to an unconstitutional gift of public funds to selected retailers and developers. Attorney Clint Bolick of the Goldwater Institute, who is representing the business owners, also said the incentives illegally favor some firms over others, giving recipients a financial advantage over competitors. This lawsuit specifically seeks to void a vote by the Phoenix City Council to provide \$100 million for CityNorth to build a \$2 billion project of upscale retail, residential and office space in northeast Phoenix. It was designed to convince the developer to build there - and let Phoenix collect sales tax revenues from the stores - rather than in nearby Scottsdale. But Bolick said that if he succeeds and the case is upheld on appeal it will void similar arrangements by cities around the state.” [Arizona Daily Star, 8/8/07]

- **Bolick said “cities have taken one giant step too far” in subsidizing large retail developments.** “The Goldwater Institute filed suit Wednesday challenging Phoenix's controversial subsidy of almost \$100 million to CityNorth, a luxury development under construction in northeast Phoenix. [...] ‘There is no possibility this development will not produce large profits and tax revenues,’ said Clint Bolick of the Goldwater Institute, a conservative think tank based in Phoenix. ‘That makes this incentive very difficult to support.’ He referred to CityNorth as ‘a fancy shopping mall.’ [...] Cities throughout the Valley have used similar subsidies to lure major companies to locate within their boundaries. After the CityNorth decision, the city of Surprise agreed to reimburse Westcor \$240 million from future sales taxes if it agreed to build a mixed-use retail, office and residential project and build all the roads and infrastructure up front. Most other cities have used subsidies to attract jobs and taxes. ‘The cities have taken one giant step too far,’ said Bolick, ‘and we now believe the pendulum is swinging in the other direction.’” [Arizona Republic, 8/9/07]
- **Bolick said subsidies for the CityNorth mall amounted to “Robin Hood in reverse.”** “The Goldwater Institute has filed a lawsuit against the city of Phoenix for its \$100 million handout to

the developer of a north Phoenix shopping mall. ‘This is Robin Hood in reverse,’ said spokesman Clint Bolick. ‘The city is taking nearly \$100 million in taxpayer money to give to a Chicago developer to build a fancy shopping mall.’ Bolick estimates the CityNorth subsidy would fund two years of the tax increase the city is seeking from its residents. Voters go to the polls next month to decide whether to raise their 8.1 percent sales tax by 0.2 percent to hire more police and firefighters.” [Arizona Republic, 8/11/07]

2007: Bolick: Government officials “should not be in the business of picking economic winners and losers.” “Oro Valley collected nearly 82 percent less sales-tax revenue than originally projected from two retail developments granted tax-sharing incentives by the town, figures show. [...] That demonstrates that government officials ‘should not be in the business of picking economic winners and losers,’ said Clint Bolick, director of the Goldwater Institute's Center for Constitutional Litigation. ‘The market indicates that they may not have been the wise investments (the town) thought they were,’ he said.” [Arizona Daily Star, 11/1/07]

- **Bolick: “Instead of concentrating tax benefits on a single developer, the city can attract and sustain businesses by lowering taxes and providing a favorable regulatory climate.”** “At the same time, as the city agreed to subsidize a luxury shopping center that many of those who are bearing the tax burden can't even afford to patronize, it was asking voters to approve a retail sales tax increase. Now it faces a massive budget deficit. What an odd time for the city's leaders to embrace corporate welfare and trickle-down economics. But the city should not have been trying to pick economic winners in the first place. Instead of concentrating tax benefits on a single developer, the city can attract and sustain businesses by lowering taxes and providing a favorable regulatory climate. To avoid costly competition that benefits only developers, cities can agree to share retail tax revenues -- a course Phoenix abandoned in favor of subsidies.” [Clint Bolick Op-Ed, Arizona Republic, 4/18/08]

2008: A Maricopa County Superior Court judge ruled against Bolick and upheld the city of Phoenix’s subsidy for the CityNorth development. “The controversial \$97.4 million subsidy offered by Phoenix to a shopping-mall developer is constitutional, according to a ruling Wednesday by Maricopa County Superior Court. In his opinion, Judge Robert Miles denied a claim by the Goldwater Institute that the incentive to the CityNorth luxury development in northeast Phoenix unfairly favored one business at the expense of others. [...] The institute, which filed its lawsuit on behalf of six small-business owners, said it would appeal Wednesday's ruling. ‘The ruling creates such a gaping loophole in the Arizona Constitution that you could drive a Mack truck through it,’ Clint Bolick, the group's litigation director, said in a statement. ‘In this case, a Mack truck filled with taxpayer dollars.’ Bolick said the ruling was ‘only the first step in the judicial process’ and expressed confidence that Goldwater's argument would prevail.” [Arizona Republic, 4/3/08]

2008: The Arizona Court of Appeals reversed the Superior Court’s decision. “The Arizona Court of Appeals issued a stunning reversal of a case that pitted the Goldwater Institute and a number of businesses against the city of Phoenix and developer of the CityNorth mixed-use project. [...] The announcement met with glee from the Goldwater think tank. ‘Santa got a head start on Christmas this year,’ said Clint Bolick, litigation director for the Goldwater Institute. ‘This ruling is an early present for the citizens of Phoenix. ... No longer will cities and towns be able to give away our tax dollars to pay private businesses to pursue a profit.’” [Phoenix Business Journal, 12/23/08]

2009: Bolick called for the Arizona Supreme Court to put an “end to the subsidy wars that are destructive to taxpayers, local governments, and businesses alike.” “If the Arizona Supreme Court upholds the Appeals Court decision striking down the CityNorth deal, it will place Arizona cities and

businesses on a level playing field, which is exactly what the framers intended. And it will put a merciful end to the subsidy wars that are destructive to taxpayers, local governments and businesses alike.” [Clint Bolick Op-Ed, Arizona Republic, 8/8/09]

2010: The Arizona Supreme Court ruled to limit development subsidies in a ruling Bolick called a vindication. “State and local governments can't consider indirect benefits when deciding whether development subsidies are legal, the Arizona Supreme Court said Monday in ruling on a challenge to a nearly \$100 million subsidy for the CityNorth project in Phoenix. [...] The Supreme Court's ruling sends the CityNorth challenge, mounted by Goldwater Institute attorneys on behalf of taxpayers, back to a lower court to consider remaining issues. The ruling ‘vindicates a core protection of taxpayers rights’ in the Arizona Constitution, said Clint Bolick, a Goldwater Institute lawyer. ‘The days of rampant corporate welfare in Arizona are coming to an end.’” [Associated Press, 1/25/10]

- **Bolick: “We lost the battle for now, but we won the war.”** “Clint Bolick of the Goldwater Institute, who filed the lawsuit challenging the deal, said he was disappointed that the agreement itself was not ruled out. ‘We lost the battle for now, but we won the war,’ Bolick said. Bolick, who filed the case in August 2007 on behalf of six small-business owners, said that in the future, ‘grandiose promises used by developers to justify subsidies are not enough anymore.’” [Arizona Republic, 1/26/10]

2011: Bolick called Phoenix’s efforts to end the CityNorth subsidy agreement “a significant symbolic step.” “The Phoenix City Council has decided to pursue efforts to end the city's \$97.4 million agreement to assist CityNorth's development, an accord that the city spent more than \$750,000 in court defending between 2007 and 2010. [...] Bolick, who filed and lost a lawsuit against the agreement, said Tuesday's decision was ‘a significant symbolic step’ that he hopes ‘indicates the council has overcome its subsidy addiction.’ ‘This was a grandiose scheme that seemed destined to fail from the beginning,’ Bolick said.” [Arizona Republic, 10/14/11]

SPORTS STADIUMS

2009: Bolick opposed subsidies to keep the Phoenix Coyotes in Arizona: “If people want to gamble on hockey in the desert, we prefer they not do it with taxpayer dollars.” “And as soon as Glendale unveils any form of concession, the lawsuits will fly. The Goldwater Institute is watching this matter closely, having already filed record requests to monitor negotiations between the city and the team. And they've already halted development of the City North project over a \$100- million subsidy offered by the city of Phoenix. ‘An overt incentive of taxpayer dollars to bail out the Coyotes to keep them in Glendale would ring serious alarm bells,’ said Clint Bolick, lead attorney for the Goldwater Institute, good enough to sport a 2-0 record in the U.S. Supreme Court. ‘We don't think the taxpayers should be asked to throw good money after bad, and we would be very interested in challenging further taxpayer subsidies. If people want to gamble on hockey in the desert, we prefer they not do it with taxpayer dollars.’” [Dan Bickley Column, Arizona Republic, 5/6/09]

- **Bolick opposed a proposal to subsidize the Coyotes via a “special district” to impose a sales tax surcharge.** “Recently leaked court documents outlining the terms of the Reinsdorf Group's offer to ‘purchase’ the bankrupt Phoenix Coyotes hockey team should have taxpayers up in arms, given that the offer contains no long-term assurance that the team will stick around. The document demonstrates why the city has fought so hard to keep the public from obtaining the terms of proposed deals: It puts the lie to the city's repeated assertions that taxpayer subsidies are not on the table. Reinsdorf's bid is less an offer to buy the Coyotes than a demand for a huge subsidy. [...] Special districts have many of the powers of government, such as taxation, but little

if any direct democratic accountability. They typically operate outside public scrutiny. No wonder they have been proliferating at an alarming rate and now make up by far the most common form of local government across America. A special district created to subsidize a private business would violate both the purposes that special districts are supposed to serve as well as the state Constitution's prohibition against gifts to individuals or corporations.” [Clint Bolick Op-Ed, Arizona Republic, 8/25/09]

2010: Bolick called a Mesa’s plans to build a new spring training facility for the Chicago Cubs “a subsidy on steroids.” “East Valley cities have lost one of their most powerful tools to use taxpayer money to lure shopping centers, auto malls and other developments to their communities, city leaders and real estate experts agree. Whether that's good for taxpayers is being hotly debated and will likely take years to know for certain. For now, elected officials and economic development experts are studying a recent Arizona Supreme Court ruling that cities can only hand over taxpayer dollars to developments when the projects directly produce at least that much economic benefit. Indirect perks cannot be considered -- which likely would make it impossible to repeat many of the big incentives cities offered to projects that include Mesa Riverview, the Chandler and Gilbert auto malls, the planned Mesa Waveyard and more. Critics of subsidies are certain to put any new incentives under a microscope to see if they comply with the ruling. The first one of those incentives likely will involve Mesa's plans for a new Chicago Cubs spring training complex. Mesa will use \$25 million to partially fund some facilities open to the team and the public, while car rental taxes and Cactus League ticket surcharges would kick in \$59 million more. Mesa says it will comply with the court ruling, which was triggered by a lawsuit from the Phoenix-based Goldwater Institute over incentives for a Phoenix development called CityNorth. The institute is skeptical of the economic benefits that will come from the proposed \$119 million Cubs complex, said Clint Bolick, director of Goldwater's Scharf-Norton Center for Constitutional Litigation. ‘It looks like to us, to borrow an unfortunate baseball metaphor, to be a subsidy on steroids, and precisely the type of deal the Supreme Court was talking about when the Supreme Court described impermissible subsidies,’ Bolick said.” [East Valley Tribune, 2/6/10]

- **Bolick threatened a lawsuit over the Cubs stadium.** “Public financing of the proposed \$84 million Cactus League ballpark for the Chicago Cubs could face a lawsuit from the Goldwater Institute. Goldwater attorney Clint Bolick said Tuesday the deal between the city of Mesa and the Cubs could violate state prohibitions against government gifts to private entities crossing the Arizona Supreme Court's recent decision on tax incentives given by Phoenix to the CityNorth development. [...] Bolick said he has concerns about the agreement, which calls for financing by Mesa as well as countywide measures in the form of higher rental car taxes and state-imposed fees on all Cactus League baseball games. The Cubs would buy land for the new ballpark and turn it over to Mesa for development. The Cubs would get rights to signage, naming rights and would be able to book extra events at the stadium. Bolick said the plan is one-sided in favor of the Cubs, which should put in more money or offer a better deal for Mesa. ‘The Cubs might have to put some more skin in the game,’ Bolick said.” [Phoenix Business Journal, 2/16/10]

2011: Bolick joined a Facebook group suggesting that he wanted the Phoenix Coyotes to return to Winnipeg. “Goldwater litigation Director Clint Bolick and his wife, Shawna Bolick, joined a Facebook group called ‘Support the Goldwater Institute, bring home the Jets.’ The group's title refers to the Winnipeg Jets, the team that became the Coyotes when it moved to the Valley and may return to Winnipeg if the Glendale deal doesn't close. Glendale spokeswoman Julie Frisoni said the Bolicks' participation shows the institute wants the team to leave. ‘For members of the institute to be a part of a group that supports the Coyotes' move to Canada is completely inappropriate,’ Frisoni said. ‘(It) removes any guise of impartiality the institute may have in evaluating this agreement.’ Bolick said he joined the group because it supports Goldwater and is a source of news on the deal. ‘The Glendale

staffers who are spending their time perusing Facebook apparently overlooked my profile picture,' said Bolick, who wears a Coyotes shirt in the photo and said he enjoys going to games. 'All of this of course is irrelevant to the constitutionality and merits of the deal.'" [Arizona Republic, 3/18/11]

- **Bolick criticized Sen. John McCain for his support for subsidies for the Coyotes.** "U.S. Sen. John McCain has intensified his criticism of the Goldwater Institute for its 'disgraceful' refusal to negotiate with Chicago investor Matthew Hulsizer on his pending purchase of the Phoenix Coyotes. [...] One Goldwater Institute official questioned McCain's stance, given his long crusade against government waste. 'It's disappointing that someone who has made such a career fighting pork in Washington, D.C., is so willing to support the city of Glendale shoveling \$100 million into a Chicago businessman's pocket,' said Clint Bolick, the institute's litigation director. 'We think it's a bit inconsistent. If he wants the Coyotes to stay, he certainly could consider putting together a group that would buy it on terms that are more favorable to the taxpayers of Glendale.'" [Arizona Republic, 3/27/11]
- **McCain criticized Bolick for not living in the "real world."** "In 2007, Bolick moved to the Goldwater Institute, Arizona's free-market think tank, where he opened a litigation division that challenged taxpayer subsidies being provided to build a private sports stadium. That drew the ire of Senator John McCain (R., Ariz.), who denounced Bolick for not living in 'the real world.' Bolick also attacked the constitutionality of subsidies for solar energy, which drew the anger of solar supporter Barry Goldwater Jr., the son of the conservative patriarch after whom Bolick's institute is named." [National Review, [1/8/16](#)]

1994: Bolick praised Supreme Court rulings limiting minority representation, calling them a “rebuke to those who see the Voting Rights Act as a means for massive social engineering.” “The Supreme Court unanimously scrapped a Florida redistricting plan yesterday that had increased the number of predominantly Hispanic election districts for the state House of Representatives. In a separate case, the justices ruled 5-4 that the federal Voting Rights Act does not require a Georgia county to expand its one-member county commission to five to give blacks a chance to elect a black commissioner. [...] Clint Bolick, vice president of the Institute for Justice, said the rulings will ‘prevent the opening of litigation floodgates in the voting-rights area. They are important not so much for their immediate ramifications as for reining in dangerous innovations in the voting-rights area.’ Cumulative voting, ‘supermajorities’ and other innovative remedies got wide attention last year during media coverage of Lani Guinier’s nomination to head the Civil Rights Division of the Justice Department. President Clinton withdrew her name in a firestorm of criticism surrounding these positions Mr. Bolick said yesterday’s rulings are a ‘rebuke to those who see the Voting Rights Act as a means for massive social engineering.’” [Washington Times, 7/1/94]

1994: Bolick opposed the creation of majority minority congressional districts. “The immediate issue is the future of more than 50 districts, most in the South, which were drawn to maximize minority voting strength and comply with the Voting Rights Act of 1965. Many of the districts are now under legal assault as a result of a 1992 Supreme Court ruling that compared the creation of two black political districts in North Carolina to racial gerrymandering and political apartheid and sent them back for review. [...] But some white liberals as well as conservatives say the districts carve out artificial black enclaves that institutionalize racial division. ‘I think we are at a very crucial historical moment, and the crossroads will determine whether we will be a permanently race-conscious society or whether the races will be forced to deal with each other,’ said Clint Bolick, litigation director for the Institute for Justice, a conservative legal group in Washington. ‘Racial gerrymandering removes any incentive for racial consensus.’” [New York Times, 9/25/94]

- **1994: Bolick called majority minority districts “an electoral apartheid system.”** “*Jesse Jackson*: In Louisiana, after- 27 years after Sambo [?] and the judges found proof of race discrimination. They had a seat redrawn and Cleo Fields won the seat. It was 65 black, 35 white. Then 55, 45. Now it's 30/70, black to white. If that stands up, then David Duke will replace Cleo Fields in that seat. Doesn't that disturb you? *Clint Bolick*: The lines should be drawn in a race-neutral fashion. What- the alternative is an electoral apartheid system, and I'd hate to see Jesse Jackson ever on the side of apartheid of any sort.” [“Both Sides With Jesse Jackson,” CNN, 12/3/94]
- **1994: Bolick: “Dividing voters on racial lines is a self-fulfilling prophecy of racial division.”** “However, Clint Bolick, vice president of the Institute for Justice, said minority-drawn districts are dangerous because they polarize society along racial lines. ‘We are hopeful that the Supreme Court will stress what it said - that dividing voters on racial lines is a self-fulfilling prophecy of racial division,’ he said. ‘If we are ever to overcome race consciousness in our society, we have got to have integrated electoral districts.’” [Washington Times, 12/10/94]

1995: Bolick: “The area of voting rights is where affirmative action has its most pernicious effects.” “The Supreme Court today takes up two cases that will determine whether congressional and

local political districts can be drawn to boost the likelihood a minority will be elected. [...] ‘The area of voting rights is where affirmative action has its most pernicious effects,’ says Clint Bolick of the conservative Institute for Justice. ‘By categorizing voters on racial lines, you perpetuate racial divisions. Elections are supposed to be the great melting pot.’” [USA Today, 4/19/95]

1997: Bolick: “The Voting Rights Act was designed to be temporary and to deal with an emergency.” “Some think the Voting Rights Act has outlived its usefulness and should be repealed. ‘The Voting Rights Act was designed to be temporary and to deal with an emergency,’ said Clint Bolick, legal director of the Washington-based Institute for Justice. ‘Ironically, the emergency has receded and has all but disappeared, but the act has expanded and lies waiting for mischievous hands to use it in ways the framers never intended. What was intended to be a law to ensure equal access to the ballot has turned into another form of racial quotas.’” [Atlanta Journal-Constitution, 6/8/97]

2008: Bolick supported requiring a majority of registered voters to pass a ballot initiative. “Conning voters has always been a part of Arizona's initiative process. But that could end in November. If the folks behind Proposition 105 have their way, this could be the last election in which special interests use the initiative process to fool voters. In order for that to happen, however, the special interests will have to fool you into voting for Proposition 105. Step 1 in that process was creating a deceptive title for their proposition, which they did. They call it ‘Majority Rule -- Let the People Decide Act.’ We're Americans. Who among us is going to vote against majority rule? You. If you fall for this scam. Proposition 105 says that if a ballot initiative ‘establishes, imposes or raises a tax, fee, or other revenue, or mandates a spending obligation ...’ that it must be approved by a ‘majority of qualified electors registered to vote.’ Not a majority of people who actually vote, but a majority of those who are registered to vote. In other words, all of those men and women who don't show up to the polls or don't file early ballots will be counted as ‘no’ votes. [...] There are some very smart people who don't look at it that way, however. One of them is Clint Bolick of the Goldwater Institute. ‘The initiative has become a way for people who can't get something through the Legislature to get things passed,’ he said. ‘Particularly well-heeled advocates. However, just as the Legislature can't pass a spending bill without an absolute majority of its members -- and a supermajority for raising taxes -- this type of restraint on the initiative process is proper.’ [...] ‘The baseline question is: Should it be tougher for initiatives that raise spending through fees and taxes to win approval than other initiatives?’ Bolick said. ‘In light of this year's budget mess, the answer is yes.’” [E.J. Montini Column, Arizona Republic, 10/7/08]

2012: Bolick supported limiting initiative and referendum elections. “The Arizona House of Representatives recently passed a bill that would limit a citizen’s right to referendum and recall under the state constitution if it is ever signed into law. On March 1, the House passed HB 2826 which mandates all elections in Arizona, including recalls, initiatives and referenda, occur only during even-numbered years and only on specific dates, regardless of any city or municipality statute. [...] Supporters of the measure, including Sen. Don Shooter (R-Yuma) who is a co-sponsor of the bill, claim it will decrease costs, increase voter turnout and mitigate the influence special interests have on elections since off-year, local elections frequently have less participation than statewide or national ones. ‘Municipal and school board elections have become exactly that,’ said Clint Bolick, an attorney for the Goldwater Institute, in a Capitol Media Services article. ‘The plethora of elections at odd times of the year is confusing and achieves all too well its intended purpose: the suppression of voter turnout.’” [Yuma Sun, 3/16/12]

2013: Bolick celebrated the Supreme Court striking down Section 5 of the Voting Rights Act, calling it “a victory for Arizonans.” “What was enacted as an emergency measure in response to widespread resistance to black voting rights has long outlasted the emergency. Section 5 imposes heavy burdens on states that do not deserve them. By keeping some states in a perpetual penalty box and

forcing them to seek Justice Department approval for the most basic government decisions, section 5 violates principles of federalism. Both the Constitution and other provisions of the Voting Rights Act will continue to protect essential voting rights. The Supreme Court has helped restore the proper balance between the federal protection of civil rights and state autonomy. In particular, the decision is a victory for Arizonans. Arizona never should have been subjected to section 5 in the first place. It was added in a 1975 expansion that added language minorities to the section 5 protection. The case for sweeping Arizona within section 5 was weak nearly 40 years ago, and it is nonexistent today. Moreover, section 5 contributes to the racial balkanization of American politics. Voters are packed into districts based on race or ethnicity. That prevents political parties from having to compete for the voters of minority voters and contributes heavily to the political polarization. Voting districts drawn on racial or ethnic lines divide Americans. This decision helps move us toward the day in which racial gerrymandering becomes a relic of the past.” [Goldwater Institute Press Release, 6/15/13]

- **2013: Bolick argued that Arizona should never have been subjected to pre-clearance requirements under the Voting Rights Act.** “The U.S. Supreme Court struck down a key section of the Voting Rights Act Tuesday, freeing Arizona and eight other states from having to submit electoral changes to the federal government. The court ruled 5-4 that Section 4 of the Voting Rights Act is unconstitutional because its formula is out of date and thus can no longer be used as a basis for subjecting states to preclearance. [...] Arizona officials have complained for years that the state does not discriminate in its voting processes and therefore should not be subject to preclearance. ‘Arizona really never belonged in this penalty box in the first place, and now 38 years later, it's finally released from this purgatory,’ Bolick said. Goldwater in 2011 offered to pay the state's legal costs to fight it.” [AZPM, [6/25/13](#)]

2015: Bolick called for proof of citizenship requirements for voter registration. “States have a great interest in protecting the integrity of elections. The U.S. Supreme Court already has ruled that states may require voters to show photo identification prior to voting. However, in 2013, the Court ruled that a state law requiring proof of citizenship to qualify to vote in federal elections was preempted by federal law. States may, though, impose proof of citizen requirements to register for state and local elections. A comprehensive immigration reform law should extend that discretion to federal elections as well.” [Clint Bolick, Federal Immigration Reform, Texas-Style, Texas Public Policy Foundation, [September 2015](#)]

2017: AZ Supreme Court unanimously ruled that state laws limiting legislation to a single subject did not apply to ballot proposals from voters. “The state’s high court on Aug. 2 paved the way for more wide-ranging citizen initiatives — assuming the proponents can get their issues on the ballot. Without dissent the justices ruled that state laws which limit legislation to a single subject do not apply when the proposal comes from voters. That means initiative backers are free to propose new statutes with a full garden of ideas in a single measure, even if they are unrelated. The justices also said that constitutional requirements for ballot measures to provide a funding source like a new tax do not apply when nothing in the proposal actually mandates new expenditures. They said the fact there might be indirect financial implications — even those lawmakers contend are necessary — is not enough. Wednesday’s ruling involves Proposition 206. Approved by voters last year, it immediately raised the state minimum wage from \$8.05 an hour to \$10. Future increases will boost that to \$12 by 2020. The same measure requires employers to provide at least three days of paid sick leave to workers. Foes led by the Arizona Chamber of Commerce and Industry sued to block implementation, contending the measure was illegal.” [Arizona Capitol Times, [8/2/17](#)]

2018: AZ Supreme Court ruled that a citizens initiative aimed at eliminating “dirty money” in Arizona elections would not appear on the November ballot. “The decision is final: A citizens initiative that aimed to eliminate ‘dirty money,’ or anonymous political spending, in Arizona elections

won't appear on the Nov. 6 ballot. In a ruling Wednesday afternoon, the Arizona Supreme Court ordered that the 'Outlaw Dirty Money Act' not appear on the ballot because supporters didn't submit enough valid voter signatures to qualify. The order upholds a lower court's ruling that invalidated thousands of signatures after conservative political groups filed a lawsuit challenging the initiative. Supporters of the Outlaw Dirty Money campaign had urged the court to let voters decide the issue in November. They contend so-called 'dark money' or 'dirty money' allows wealthy individuals to buy elections while hiding their influence. Their proposal would have amended the Arizona Constitution to make public the identity of major campaign contributors." [Arizona Republic, [8/29/18](#)]

2020: Bolick voted with the majority in ruling that barred Kanye West from the general election ballot. "The Arizona Supreme Court has barred Kanye West from the general election ballot, upholding a lower court ruling that he can't run for president as an independent. Justices Clint Bolick, John Lopez, Bill Montgomery and Ann Timmer ruled on Tuesday that the rap superstar didn't follow a state law requiring candidates to file a statement of interest with election officials. Under the 2019 law, any signatures a candidate collects prior to filing that statement are invalid." [AZ Mirror, [9/8/20](#)]

2022: Bolick did not participate in deliberations over a ballot initiative to change election laws. "A ballot measure that would have proposed extensive changes to campaign and election laws to increase access for voters won't be on the November ballot, the Arizona Supreme Court affirmed Friday. [...] Brutinel said the court will explain its reasoning in a future filing. Justice Clint Bolick did not participate in the deliberations on the matter, the court said, without offering any explanation as to why. Bolick's wife, state Rep. Shawna Bolick, R-Phoenix, in 2021 proposed a bill that would have allowed lawmakers to override the vote of the people in presidential elections — one of the actions that the initiative sought to prevent. Her proposal never got a vote." [Arizona Republic, [8/26/22](#)]

2023: The AZ Supreme Court ruled that a law criminalizing per-signature compensation for canvassers was constitutional. "The Arizona Supreme Court ruled Wednesday that a law criminalizing per-signature payment is constitutional, possibly complicating efforts for groups trying to get initiatives on the ballot. The seven-member panel unanimously agreed the 2017 law does not violate the First Amendment rights of petition circulators, reversing an Arizona Court of Appeals opinion. The court determined the law was not broadly restrictive. 'The statute forbids only per-signature compensation, leaving other productivity-based compensation intact,' Justice Clint Bolick wrote. 'Our clarification also means that the statute is not vague on its face.' The case was brought by Petition Partners, the state's largest signature-gathering firm. In 2020, then-Attorney General Mark Brnovich, a Republican, slapped the company with 50 misdemeanor criminal counts for its bonus programs that paid people for signatures collected for Proposition 208, a tax on incomes over \$250,000." [Associated Press, [6/21/23](#)]

2024: The Maricopa County Republican Committee censured all seven Justices of the AZ Supreme Court after they declined to hear challenges to the 2022 election results. "The Maricopa County Republican Committee has censured all seven of Arizona's Supreme court justices for 'failure to perform their duties fairly and impartially' because they rejected bids by Kari Lake and Abe Hamadeh to overturn the 2022 election and allowed a defamation case against Lake to continue. The MCRC's Executive Guidance Committee unanimously adopted the censure on May 7, condemning the actions of Arizona's high court for 'unjustly' dismissing the 2022 election challenge cases of Republicans Lake and Hamadeh, as well as for allowing Republican Maricopa County Recorder Stephen Richer's defamation suit against Lake to move forward. While Lake and Hamadeh both continue to attempt to fight their election losses in 2022, Lake is running for the U.S. Senate and Hamadeh is in the race for the U.S. House of Representatives in Arizona's District 8." [AZ Mirror, [5/8/24](#)]

December 2020: AZ Supreme Court unanimously threw out attempt to void the results of the 2020 Presidential Election. “The Arizona Supreme Court late Tuesday threw out the bid by the head of the state Republican Party to void the results of the presidential race. In a unanimous ruling, the justices said that party Chairwoman Kelli Ward failed to present any evidence of misconduct or illegal votes in the tally that found Joe Biden outpolled President Trump in Arizona. Chief Justice Robert Brutinel, writing for the court, said Ward, who has the burden of proof when challenging an election, provided no evidence that the electors pledged to Trump got more votes than those pledged to Biden, ‘let alone (to) establish any degree of fraud or a sufficient error rate that would undermine the certainty of the election results.’ Brutinel acknowledged, as did the trial judge, that there were some errors made when damaged or ballots with extra marks had to be redone by hand so they could be fed through counting machines.” [Arizona Daily Star, [12/9/20](#)]

2021: Bolick declined request for the Supreme Court hear challenge to Maricopa County Superior Court decision halting the AZ Senate’s audit of election results. “The Senate's audit of Maricopa County election returns will continue, at least for the time being. Maricopa County Superior Court Judge Christopher Coury on Friday ordered a halt to the process through at least noon Monday. He said there were sufficient questions raised about the procedures being used by Cyber Ninjas, the Florida firm hired by the Senate to do the work, and whether they complied with state law. But Coury made his order contingent on the Arizona Democratic Party posting a \$1 million bond. That would compensate Cyber Ninjas should they need to hire additional help to make up for lost time. [...] But Coury said his overwhelming concern is the protection of both the integrity of the ballots as well as the secrecy of information turned over to the Senate – and now in the hands of Cyber Ninjas. So he scheduled a hearing to review all that on Monday. Dissatisfied with that response, Langhofer late Friday asked Supreme Court Justice Clint Bolick to overturn the order. But Bolick, who is the duty justice, said he saw no reason to second-guess Coury's order to produce documents about hiring and training. ‘I think that Judge Coury was overtly mindful of the fact that courts have to tread very carefully in this area,’ Bolick said. ‘And I do not see anything in the order that makes me think that we ought to intervene at this point.’ But Bolick said he and his colleagues may be forced to take up the issue later of whether Coury ultimately has any power to intercede in the audit.” [Yuma Sun, 4/24/21]

2022: Bolick recused himself from unanimous AZ Supreme Court ruling that rejected attempt to disqualify Republicans Andy Biggs, Paul Gosar, and Mark Finchem from the 2022 ballot over their alleged roles in the Jan. 6 Capitol attack. “The Arizona Supreme Court flatly rejected an attempt to disqualify Republican Congressmen Andy Biggs and Paul Gosar and State Rep. Mark Finchem from the 2022 ballot for their alleged roles in the Jan. 6 attack on the Capitol. ‘The Candidates are not disqualified from appearing on the ballot for the 2022 primary election,’ the court ruled Monday. The justices agreed with a lower court’s determination that the authority to disqualify candidates under the Fourteenth Amendment rests more in the hands of Congress than it does in the hands of the courts. The decision comes from a trio of lawsuits that are part of a growing legal effort to use the Fourteenth Amendment to disqualify candidates because of their support of the Jan. 6 attack, claiming they are ‘insurrectionists’ and thus unable to hold public office. [...] Arizona Supreme Court Justice Clint Bolick did not participate in deciding the case; his wife, state Rep. Shawna Bolick, is also running for secretary of state.” [AZ Mirror, [5/9/22](#)]

2022: Bolick recused himself from a case requesting the release of records related to the Republican election review in Maricopa County. “Arizona Supreme Court Justice Clint Bolick recused himself from the state Senate’s appeal of an order for Republican leaders to disclose hundreds of records related to its partisan election review in Maricopa County. The court announced Tuesday it

would consider the Senate’s appeal, and blocked the release of the records pending a hearing. A day later, Bolick sent a letter to all parties involved announcing he will not participate in the case moving forward. Bolick cited the records at issue, roughly 1,000 documents in a ‘privilege log’ that Bolick wrote includes email correspondence sent to his wife, Republican Rep. Shawna Bolick.” [KJZZ, [2/17/22](#)]

- **Arizona Republic** columnist **Elvia Diaz** criticized **Bolick for not recusing from other cases involving his wife, Rep. Shawna Bolick**. “Arizona Supreme Court Justice Clint Bolick is recusing himself over a case disclosing records of the Republican-led ‘audit’ of Maricopa County’s ballots. That’s good. But what about everything else that his wife, state Rep. Shawna Bolick, is involved with at the Legislature? It’s just nuts to think the legal fight over disclosing records related to the bogus ballot review that challenged President Joe Biden’s victory is the only thing that might represent a conflict with the couple. On Friday, Justice Bolick deemed it important not to participate in an appeal by Republican legislative leaders to block releasing the ballot review records, saying that some 1,000 documents included emails to his wife. Oddly, Justice Bolick didn’t bother to do the same with Proposition 208, the voter-approved measure to fund public schools that Republicans want to strike down. His wife, as a lawmaker, also has a beef over it. Head-scratcher, right?” [Elvia Diaz Column, Arizona Republic, 2/22/22]

NOTE: Please see the section on “Shawna Bolick” for details on her involvement in the election denial, far-right movement.

OTHER NOTABLE POSITIONS

TECHNOLOGY

1984: Bolick Lobbied For An Unregulated Cable TV Market. “Cable TV reaches more than 25 million U.S. homes, over 35% of the TV households. It could hit 62% by 1990. Still, most cable systems are monopolies, Clint Bolick argues in a recent Cato Institute report. The Supreme Court ruled in 1982 that cities awarding monopolies could be subject to antitrust liabilities, says Bolick, a lawyer with Denver's Mountain States Legal Foundation, which is working for an unregulated cable market there. Antitrust laws aside, he says, cable is ‘the most regulated communications medium in history, probably even more so than telephones.’” [Forbes, 4/30/84]

2001: Bolick launched the NetChoice coalition to defend internet commerce on First Amendment grounds. “Web businesses frustrated by the way in which established market players have used licensing and franchising laws to their advantage officially launched their NetChoice coalition on Wednesday by arguing that the Constitution presented powerful weapons to fight back. The First Amendment, the Commerce Clause and the Constitution's ban on states infringing upon the privileges and immunities of others states' citizens all present opportunities for Internet businesses -- which by definition cross state borders – to strike down anticompetitive laws, said Clint Bolick, vice president of the Institute for Justice and a NetChoice member. [...] Bolick, whose Institute for Justice has sued to challenge laws regulating the content of financial newsletters and blocking New York laws barring out-of-state wine sales, said the Constitution supports NetChoice's cause on many fronts. ‘Inherently, the Internet involves the transmission of speech,’ meaning that the First Amendment provides a powerful defense for much of its commercial activity, he said. ‘It is the greatest public square in the history of mankind, and the greatest marketplace in the history, and we are interested in protecting both.’” [National Journal, 6/27/01]

2002: Bolick called on the FTC to investigate restrictions on online commerce. “The United States was created as one big ‘free trade zone’ among the states; our Constitution was written to ensure no state would bar another's products. But, evidently, some American states still haven't gotten that message. Today, everything from contact lenses to caskets are blocked at state borders. That is why the Federal Trade Commission [FTC] is holding hearings this week with the goal of removing state-issued tariffs and other anticompetitive regulations, especially those dealing with the Internet. These regulations hurt not only producers and consumers, but national unity and prosperity as well. [...] The Federal Trade Commission has an important role to play preserving economic liberty and consumer freedom - two pillars of a free society. As the foremost watchdog over national free trade, it should investigate state trade barriers that separate producers and consumers, and it should weigh in on federal legislation that impacts free trade and in court cases that raise issues of free trade. Never before has the role of the FTC been more important. The promise of our constitutional design - and the vast potential of the Internet to produce greater consumer freedom than ever before - demand its vigilance.” [Clint Bolick Op-Ed, Washington Times, 10/10/02]

WELFARE

1994: Bolick supported a program in New Jersey to discourage AFDC recipients from having additional children. “Fewer babies were born in New Jersey in the first three months of a controversial welfare program designed to discourage out-of-wedlock births. Proponents of the family cap were encouraged by the lower birth numbers. Opponents, who call the cap a ‘child exclusion,’ say it's too

early to draw conclusions and that the program's greatest achievement is to penalize poor mothers and their new babies. A family cap is in a major welfare reform bill to be unveiled today by House and Senate Republicans, led by Rep. James M. Talent, Missouri Republican. The New Jersey program, written by state Assemblyman Wayne Bryant, does not increase Aid to Families With Dependent Children benefits for women who have additional children. In the past, a mother on AFDC typically received an extra \$64 a month for another baby. [...] The lower birth numbers 'aren't conclusive, but they are very, very encouraging,' said Clint Bolick, vice president of the Institute for Justice, a legal defense organization in Washington." [Washington Times, 4/28/94]

APPENDIX I: CAMPAIGN FINANCE

BOLICK’S 2018 RETENTION CAMPAIGN

A Candidate Search Conducted In Arizona’s Spotlight Campaign Finance Database For “Clint Bolick” Returned No Results. [Arizona Secretary of State, Election Funds Portal, accessed 5/7/24]

Rules governing sitting judges prohibit them from soliciting donations to convince voters to keep them on the bench. “While Progress Arizona can raise funds to defeat them — Jackson said she does not know how much that will take — Paton said the rules governing sitting judges prohibit them from soliciting funds to convince voters to keep them on the bench. Instead, only someone acting as a “surrogate” for them can raise money for a campaign. Potentially more significant, the rules bar judges judge from speaking about or defending individual decisions. About the only option is the ability to respond to “false, misleading or unfair allegations” made against them during the campaign.” [Daily Independent, [4/22/24](#)]

BOLICK DONATIONS TO OTHER CANDIDATES

Federal Contributions

Clint Bolick

Clint Bolick - Federal Contributions		
Date	Recipient	Amount
2/1/2020	WINRED	\$100
6/30/2017	JEFF FLAKE FOR US SENATE INC	\$1,000
12/4/2015	JEB 2016, INC.	\$1,000
2/17/2015	RIGHT TO RISE USA	\$1,025
6/2/2014	RYAN FOR CONGRESS, INC.	\$50
11/6/2012	JEFF FLAKE FOR US SENATE INC	\$35
11/2/2012	PATON FOR CONGRESS	\$100
6/14/2012	JEFF FLAKE FOR US SENATE INC	\$100
9/23/2011	RICKPERRY.ORG INC	\$500
6/24/2011	CLUB FOR GROWTH PAC	\$100
10/3/2010	DAVID SCHWEIKERT FOR CONGRESS	\$200
6/26/2010	COMMITTEE TO ELECT SYDNEY HAY TO CONGRESS	\$250
6/26/2010	COMMITTEE TO ELECT SYDNEY HAY TO CONGRESS	\$250
3/26/2010	FRIENDS OF JOHN MCCAIN INC	\$1,000
12/11/2007	RUDY GIULIANI PRESIDENTIAL COMMITTEE INC	\$100
9/30/2007	RUDY GIULIANI PRESIDENTIAL COMMITTEE INC	\$200
TOTAL:		\$6,010

[Federal Election Commission, accessed 5/7/24]

Shawna Bolick

Shawna Bolick - Federal Contributions		
Date	Recipient	Amount
4/17/2013	ARIZONA REPUBLICAN PARTY	\$200
12/31/2012	PATON FOR CONGRESS	\$50
2/29/2012	ARIZONA REPUBLICAN PARTY	\$430
9/20/2011	RICKPERRY.ORG INC	\$300
8/10/2007	RUDY GIULIANI PRESIDENTIAL COMMITTEE INC	\$250
TOTAL		\$1,230

[Federal Election Commission, accessed 5/7/24]

Arizona Contributions

Clint Bolick

Clint Bolick – AZ Statewide Contributions		
Date	Recipient	Amount
1/3/2024	Vote Bolick (Shawna Bolick for State Senator – District No. 2)	\$1,000
12/1/2021	Andrew Gould For Attorney General	\$100
9/8/2021	Vote Bolick	\$1,000
5/29/2021	Yavapai County Republican Committee	\$125
11/8/2017	Vote Bolick	\$4,150
10/3/2014	Ducey 2014	\$100
9/5/2014	Ducey 2014	\$500
9/2/2014	Elect Bolick for Arizona	\$1,000
9/1/2014	Mark for AZ	\$1,000
8/20/2014	Kavanaugh for State Senate 2014	\$100
8/18/2014	Seel in 2014	\$100
8/15/2014	Boyeraz.Com	\$100
6/26/2014	Mark for AZ	\$100
5/17/2014	Norgaard 2014	\$100
5/11/2014	Elect Justin Olson	\$100
5/11/2014	Kimberly Yee for AZ	\$100
5/2/2014	Ducey 2014	\$51
2/6/2014	Elect Bolick For Arizona	\$150
1/24/2014	Az Republican Party	\$80
11/23/2013	Ducey 2014	\$500
10/7/2013	Elect Bolick For Arizona	\$1,000
10/2/2013	Mark For Az	\$500
7/18/2012	Michelleugenti.Com	\$100
7/5/2012	Elect Lori Klein	\$100
9/19/2011	Patriots For Pearce - Special Election	\$100

9/12/2010	Felecia For Arizona	\$100
8/1/2010	Klein For Senate	\$100
7/4/2010	Bolick 2010	\$1,700
2/10/2010	Munger For Governor	\$100
2/5/2010	Bolick 2010	\$1,000
1/23/2010	Bouie For Senate	\$100
1/3/2010	Huppenthal2010	\$100
11/30/2009	Arizonans For Health Care Freedom	\$100
5/15/2009	Brenda Burns 2010	\$140
6/5/2008	Committee To Elect Kanani Henderson, District 18	\$150
10/5/2006	All Children Matter-Arizona	\$250
9/16/2002	Matt Salmon for Governor	\$100
7/29/2002	Matt Salmon for Governor	\$100
TOTAL:		\$16,297

[Arizona Secretary of State, Election Funds Portal, accessed 5/8/24]

Shawna Bolick

Shawna Bolick – AZ Statewide Contributions			
Date	Recipient	Amount	Description
3/27/2024	Busam 4 Arizona	\$220.00	Contribution from Individuals
7/28/2023	Vote Bolick	\$1,025.00	Contribution from Candidate or Family
4/20/2023	Walt Blackman For State Representative - District 7	\$150.00	Contribution from Individuals
9/12/2022	Nancy Barto For State Senate 2022	\$150.00	Contribution from Individuals
7/20/2022	Vote Bolick	\$50.00	In-Kind Cont. Candidate or Family
7/13/2022	Vote Bolick	\$25.00	Contribution from Candidate or Family
7/12/2022	Vote Bolick	\$22.00	Contribution from Candidate or Family
7/11/2022	Vote Bolick	\$15.22	In-Kind Cont. Candidate or Family
7/5/2022	Vote Bolick	\$35.00	In-Kind Cont. Candidate or Family
7/4/2022	Vote Bolick	\$22.79	In-Kind Cont. Candidate or Family
6/18/2022	Vote Bolick	\$20.00	Contribution from Candidate or Family
6/14/2022	Vote Bolick	\$30.00	In-Kind Cont. Candidate or Family
6/13/2022	Vote Bolick	\$25.00	In-Kind Cont. Candidate or Family

6/7/2022	Vote Bolick	\$44.00	In-Kind Cont. Candidate or Family
6/7/2022	Vote Bolick	\$4.25	In-Kind Cont. Candidate or Family
6/2/2022	Vote Bolick	\$44.00	Contribution from Candidate or Family
5/23/2022	Tucson Republican Women Pac	\$40.00	Contribution from Individuals
5/23/2022	Vote Bolick	\$40.00	In-Kind Cont. Candidate or Family
4/28/2022	Vote Bolick	\$16.78	In-Kind Cont. Candidate or Family
4/22/2022	Vote Bolick	\$18.00	Contribution from Candidate or Family
4/20/2022	Jamie Kelly For State Senator - District No. 27	\$101.00	Contribution from Individuals
4/17/2022	Arizona Young Republicans	\$100.00	Contribution from Individuals
4/13/2022	Vote Bolick	\$36.00	Contribution from Candidate or Family
4/7/2022	Vote Bolick	\$20.00	Contribution from Candidate or Family
3/7/2022	Vote Bolick	\$21.00	In-Kind Cont. Candidate or Family
3/4/2022	Vote Bolick	\$25.00	In-Kind Cont. Candidate or Family
2/19/2022	Vote Bolick	\$25.00	In-Kind Cont. Candidate or Family
2/9/2022	Vote Bolick	\$500.00	In-Kind Cont. Candidate or Family
2/4/2022	Vote Bolick	\$59.56	In-Kind Cont. Candidate or Family
1/27/2022	Vote Bolick	\$60.00	In-Kind Cont. Candidate or Family
1/21/2022	Vote Bolick	\$29.55	In-Kind Cont. Candidate or Family
1/11/2022	Vote Bolick	\$143.28	In-Kind Cont. Candidate or Family
12/6/2021	Vote Bolick	\$40.00	In-Kind Cont. Candidate or Family
12/5/2021	Vote Bolick	\$30.00	Non-Contribution In-Kind Income
11/13/2021	Alex For Arizona	\$200.00	Contribution from Individuals
11/1/2021	Vote Bolick	\$140.31	Non-Contribution Income
11/1/2021	Nancy Barto For State Senate 2022	\$300.00	Contribution from Individuals
9/4/2021	Vote Bolick	\$20.00	Non-Contribution Income
9/3/2021	Yavapai County Republican Committee	\$175.00	Contribution from Individuals
8/30/2021	Vote Bolick	\$65.18	Non-Contribution Income

7/15/2021	Mohave County Republican Central Committee	\$500.00	Contribution from Individuals
7/15/2021	Yavapai County Republican Committee	\$60.00	Contribution from Individuals
7/12/2021	Ld21 Republican Committee	\$143.70	Contribution from Individuals
5/29/2021	Yavapai County Republican Committee	\$125.00	Contribution from Individuals
4/12/2021	Christian Lamar For State Representative - District 20	\$150.00	Contribution from Individuals
9/18/2020	Elect Jacqueline Parker	\$100.00	Contribution from Individuals
6/26/2020	Alex For Az	\$150.00	Contribution from Individuals
6/5/2020	Nancy Barto For State Senate 2020	\$200.00	Contribution from Individuals
11/20/2019	Nancy Barto For State Senate 2020	\$160.00	Contribution from Individuals
3/29/2019	Az Republican Party	\$600.00	Contribution from Individuals
1/12/2019	Maricopa County Republican Committee	\$25.00	Contribution from Individuals
11/6/2018	Vote Bolick	(\$1,000)	Refund Candidate or Family Contribution
11/6/2018	Vote Bolick	(\$1,000)	Refund Candidate or Family Contribution
10/20/2018	Mark For Az	\$100.00	Contribution from Individuals
8/13/2018	Ld 20 Republican Committee	\$45.00	Contribution from Individuals
6/30/2018	Conservatives For Toma	\$150.00	Contribution from Individuals
6/27/2018	Terry For Arizona	\$100.00	Contribution from Individuals
1/13/2018	Maricopa County Republican Committee	\$25.00	Contribution from Individuals
11/13/2017	Vote Bolick	\$1,000.00	Contribution from Candidate or Family
11/9/2017	Vote Bolick	\$21.70	Candidate/Family In-Kind Cont.
11/8/2017	Vote Bolick	\$1,000.00	Contribution from Candidate or Family
8/23/2017	Riggs For Arizona	\$150.00	Contribution from Individuals
6/20/2017	Maricopa County Republican Committee	\$100.00	Contribution from Individuals
10/3/2016	Team Schmuck	\$100.00	Contribution from Individuals
8/26/2016	Norgaard 2016	\$150.00	Contribution from Individuals
7/29/2016	Friends Of Warren Petersen 2016	\$150.00	Contribution from Individuals
7/26/2016	Elect Darin Mitchell 2016	\$200.00	Contribution from Individuals
7/26/2016	Grantham For Arizona	\$250.00	Contribution from Individuals
5/23/2016	Elect Rick Gray	\$60.00	Contribution from Individuals
10/3/2014	Ducey 2014	\$100.00	Contribution from Individuals

9/17/2014	Elect Bolick For Arizona	\$35.00	Candidate/Family In-Kind Cont.
9/10/2014	Republican Committee Of Ld 28	\$45.00	Contribution from Individuals
9/5/2014	Ducey 2014	\$500.00	Contribution from Individuals
8/25/2014	Elect Bolick For Arizona	\$35.45	Candidate/Family In-Kind Cont.
8/25/2014	Elect Bolick For Arizona	\$138.12	Candidate/Family In-Kind Cont.
8/23/2014	Elect Bolick For Arizona	\$1.26	Candidate/Family In-Kind Cont.
8/22/2014	Elect Bolick For Arizona	\$3.15	Candidate/Family In-Kind Cont.
8/21/2014	Elect Bolick For Arizona	\$2.64	Candidate/Family In-Kind Cont.
8/15/2014	Elect Bolick For Arizona	\$0.76	Candidate/Family In-Kind Cont.
8/13/2014	Elect Darin Mitchell	\$100.00	Contribution from Individuals
8/11/2014	Elect Bolick For Arizona	\$3.79	Candidate/Family In-Kind Cont.
8/10/2014	Elect Bolick For Arizona	\$1.16	Candidate/Family In-Kind Cont.
8/10/2014	Elect Bolick For Arizona	\$0.21	Candidate/Family In-Kind Cont.
8/10/2014	Elect Bolick For Arizona	\$46.20	Candidate/Family In-Kind Cont.
8/4/2014	Elect Bolick For Arizona	\$28.35	Candidate/Family In-Kind Cont.
7/20/2014	Elect Bolick For Arizona	\$8.66	Candidate/Family In-Kind Cont.
7/20/2014	Elect Bolick For Arizona	\$40.00	Candidate/Family In-Kind Cont.
7/3/2014	Elect Bolick For Arizona	\$169.02	Candidate/Family In-Kind Cont.
6/23/2014	Elect Bolick For Arizona	\$30.00	Candidate/Family In-Kind Cont.
6/15/2014	Elect Bolick For Arizona	\$37.04	Candidate/Family In-Kind Cont.
6/13/2014	Yes For Common Sense	\$200.00	Contribution from Individuals
5/10/2014	Elect Bolick For Arizona	\$150.00	Candidate/Family In-Kind Cont.
5/7/2014	Elect Bolick For Arizona	\$35.00	Candidate/Family In-Kind Cont.
5/2/2014	Ducey 2014	\$51.00	Contribution from Individuals
2/5/2014	Elect Bolick For Arizona	\$400.00	Candidate/Family In-Kind Cont.
1/9/2014	Elect Bolick For Arizona	\$47.53	Candidate/Family In-Kind Cont.
1/7/2014	Vote Rick Gray	\$100.00	Contribution from Individuals
12/30/2013	Norgaard 2014	\$100.00	Contribution from Individuals

11/23/2013	Ducey 2014	\$500.00	Contribution from Individuals
11/22/2013	Elect Bolick For Arizona	\$1,000.00	Contribution from Candidate or Family
11/6/2013	Elect Bolick For Arizona	\$126.47	Candidate/Family In-Kind Cont.
10/28/2013	Elect Bolick For Arizona	\$76.63	Candidate/Family In-Kind Cont.
10/2/2013	Mark For Az	\$500.50	Contribution from Individuals
6/17/2013	Elect Bolick For Arizona	\$20.00	Contribution from Candidate or Family
3/5/2013	Sophiafordistrict19	\$100.00	Contribution from Individuals
9/9/2012	No New Taxes, No On Prop 204	\$100.00	Contribution from Individuals
8/14/2012	Save Our Vote, Opposing C-03-2012	\$100.00	Contribution from Individuals
8/9/2012	Dubreil 2012	\$75.00	Contribution from Individuals
1/5/2012	Vote Rick Gray	\$100.00	Contribution from Individuals
5/7/2011	Arizona Grassroots	\$50.00	Contribution from Individuals
11/1/2010	Www.WendyRogers.Org	\$100.00	Contribution from Individuals
10/12/2010	Kimberly Yee 2010	\$100.00	Contribution from Individuals
2/5/2010	Bolick 2010	\$1,000.00	Contribution from Candidate or Family
5/15/2009	Brenda Burns 2010	\$140.00	Contribution from Individuals
TOTAL			\$14,401.26

[Arizona Secretary of State, Election Funds Portal, accessed 5/8/24]

NOTE: Contributions received by Shawwna Bolick's campaigns over the years are not included in the chart above but can be provided upon request.

EMPLOYERS/ SOURCES OF PERSONAL COMPENSATION

2024: Bolick reported compensation greater than \$1,000 for Teaching at Harvard University John F. Kennedy School of Government. According to Clint Bolick’s 2024 Financial Disclosure Statement, Bolick received compensation greater than \$1,000 for teaching at the Harvard University John F. Kennedy School of Government. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2024](#)]

2023 - 2024: Bolick reported compensation greater than \$1,000 for providing a lecture at the Hoover Institution. According to Clint Bolick’s Financial Disclosure Statements, Bolick reported providing a lecture to the Hoover Institution in Stanford, California for compensation greater than \$1,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2023](#), [2024](#)]

2024: Bolick reported compensation greater than \$1,000 for a lecture at American Juris Link. According to Clint Bolick’s 2024 Financial Disclosure Statement, Bolick reported providing a lecture for American Juris Link in Phoenix, AZ for compensation greater than \$1,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2024](#)]

- **2023: Bolick reported compensation greater than \$1,000 for speaking and writing for American Juris Link.** According to Clint Bolick’s 2023 Financial Disclosure Statement, Bolick reported providing speaking and writing for American Juris Link in Phoenix, AZ for compensation greater than \$1,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2023](#)]

2022 - 2024: Bolick reported providing lectures for the Federalist Society with compensation of over \$1,000. According to Clint Bolick’s Financial Disclosure Statements, Bolick reported providing lectures for the Federalist Society, located in Washington, DC, for compensation greater than \$1,000 in disclosures from 2022 to 2024. The Federalist Society was described as a nonprofit public policy organization. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2022](#), [2023](#), [2024](#)]

2020 – 2024: Bolick reported his spouse, Shawna Bolick, was employed full-time by “Choose a School” in Chandler, AZ. According to Clint Bolick’s Financial Disclosure Statements, Bolick reported his spouse, Shawna Bolick, was employed full-time at “Choose a School” in Chandler, AZ in filings from 2020 to 2024. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

- **2018 – 2019: Bolick reported his spouse, Shawna Bolick, was employed full-time by the Arizona School Choice Trust.** According to Clint Bolick’s Financial Disclosure Statements, Bolick reported his spouse was employed full-time at the Arizona School Choice Trust in Chandler, AZ in filings from 2018 and 2019. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2018](#), [2019](#)]

2021 - 2022: Bolick reported compensation greater than \$1,000 for writing for the Hoover Institution. According to Clint Bolick’s Financial Disclosure Statements, Bolick reported receiving compensation greater than \$1,000 for “writing” for the Hoover Institution located in Stanford, CA in

disclosures from 2021 to 2022. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2021](#), [2022](#)]

2020: Bolick reported compensation greater than \$1,000 for services as an adjunct instructor at the Arizona State University School of Law. According to Clint Bolick's 2020 Financial Disclosure Statement, Bolick reported receiving compensation greater than \$1,000 for serving as an adjunct instructor at the Arizona State University School of Law in Phoenix, AZ. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2020](#)]

2020: Bolick reported compensation greater than \$1,000 for a lecture at the University of Arizona. According to Clint Bolick's 2020 Financial Disclosure Statement, Bolick reported receiving compensation greater than \$1,000 for a lecture at the University of Arizona in Tucson, AZ. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2020](#)]

2019: Bolick reported compensation greater than \$1,000 for teaching at the Harvard University John F. Kennedy School of Government in Cambridge, MA. According to Clint Bolick's 2019 Financial Disclosure Statement, Bolick reported receiving compensation greater than \$1,000 for teaching at the Harvard University John F. Kennedy School of Government on his 2019 Financial Disclosure Statement. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2019](#)]

2016 - 2017: Bolick reported being employed full-time by the Goldwater Institute as an attorney with compensation of over \$1,000. According to Clint Bolick's Financial Disclosure Statements, Bolick was employed full-time as an attorney at the Goldwater Institute located in Phoenix, AZ. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2016-2017: Bolick reported being employed full-time at Arizona School Choice Trust as a development officer with compensation of over \$1,000. According to Clint Bolick's Financial Disclosure Statements, Bolick was employed full-time as a development officer at Arizona School Choice Trust located in Chandler, AZ in filings from 2016 and 2017. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2016-2017: Bolick reported providing legal services for the Fantasy Sports Trade Association with compensation of over \$1,000. According to Clint Bolick's Financial Disclosure Statements, Bolick reported providing legal services for the Fantasy Sports Trade Association located in Chicago, Illinois in filings from 2016 and 2017. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2016: Bolick reported providing lectures for the Federalist Society with compensation of over \$1,000. According to Clint Bolick's 2016 Financial Disclosure Statement, Bolick reported providing lectures for the Federalist Society, located in Washington, DC. The Federalist Society was described as a nonprofit public policy organization. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2016: Bolick reported providing a lecture at the University of California King Hall School of Law with compensation over \$1,000. According to Clint Bolick's 2016 Financial Disclosure Statement, Bolick reported providing a lecture at the University of California King Hall School of Law located in Davis, California. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2016: Bolick reported providing mentorship for the Atlas Network with compensation over \$1,000. According to Clint Bolick's 2016 Financial Disclosure Statement, Bolick reported providing

mentorship for the Atlas Network, located in Washington, DC. Atlas Network was described as a nonprofit public policy organization. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

Speaker Honorarium

2024: Bolick reported compensation greater than \$1,000 for speaker honorarium services at the Bradley Foundation in Milwaukee, WI. According to Clint Bolick's 2024 Financial Disclosure Statements, Bolick reported receiving compensation greater than \$1,000 for speaker honorarium services at the Bradley Foundation in Milwaukee, Wisconsin. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2024](#)]

2021 – 2024: Bolick reported compensation greater than \$1,000 for speaker honorarium services at the Arizona State University School of Law in Phoenix, AZ. According to Clint Bolick's Financial Disclosure Statements, Bolick reported receiving compensation greater than \$1,000 for speaker honorarium services at the Arizona State University School of Law in Phoenix, AZ in filings from 2021 to 2024. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2021](#), [2022](#), [2023](#), [2024](#)]

2017 – 2020: Bolick reported compensation greater than \$1,000 for speaker honoraria services at the Federalist Society in Washington, DC. According to Clint Bolick's Financial Disclosure Statements, Bolick reported receiving compensation greater than \$1,000 for speaker honoraria at the Federalist Society, located in Washington, DC in filings from 2017 to 2020. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#), [2018](#), [2019](#), [2020](#)]

2017 – 2020: Bolick reported compensation greater than \$1,000 for speaker honoraria services at the Hoover Institution in Stanford, CA. According to Clint Bolick's Financial Disclosure Statements, Bolick reported receiving compensation greater than \$1,000 for speaker honoraria at the Hoover Institution, located in Stanford, California in filings from 2017 to 2020. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#), [2018](#), [2019](#), [2020](#)]

2018: Bolick reported compensation greater than \$1,000 for speaker and writing honorarium services at Lewis and Clark Law School in Portland, OR. According to Clint Bolick's 2018 Financial Disclosure Statement, Bolick reported receiving compensation greater than \$1,000 for speaker and writing honorarium at Lewis and Clark Law School in Portland, OR. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2018](#)]

2018: Bolick reported compensation greater than \$1,000 for speaker honorarium at the Arizona State University School of Civic and Economic Thought and Leadership in Tempe, AZ. According to Clint Bolick's 2018 Financial Disclosure Statement, Bolick reported receiving compensation greater than \$1,000 for speaker and writing honorarium at Arizona State University School of Civic and Economic Thought and Leadership in Tempe, AZ. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2018](#)]

2018: Bolick reported compensation greater than \$1,000 for speaker honorarium services at the Conservative Forum of Silicon Valley in Cupertino, CA. According to Clint Bolick's 2018 Financial Disclosure Statement, Bolick reported receiving compensation greater than \$1,000 for speaker and writing honorarium at the Conservative Forum of Silicon Valley in Cupertino, CA. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2018](#)]

2017 - 2018: Bolick reported compensation greater than \$1,000 for speaker honoraria and writing honorarium services at the Cato Institute in Washington, DC. According to Clint Bolick's Financial Disclosure Statements, Bolick reported receiving compensation greater than \$1,000 for speaker honoraria at the Cato Institute in Washington, DC in filings from 2017 and 2018. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#)]

2017: Bolick reported compensation greater than \$1,000 for speaker honoraria services at the Nevada Policy Research Institute in Las Vegas, NV. According to Clint Bolick's 2017 Financial Disclosure Statement, Bolick reported receiving compensation greater than \$1,000 for speaker honoraria at the Nevada Policy Research Institute in Las Vegas, NV. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#)]

2017: Bolick reported compensation greater than \$1,000 for speaker honoraria services at the Cascade Policy Institute in Portland, OR. According to Clint Bolick's 2017 Financial Disclosure Statement, Bolick reported receiving compensation greater than \$1,000 for speaker honoraria at the Cascade Policy Institute in Portland, OR. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#)]

2016: Bolick reported compensation greater than \$1,000 for speaking and writing at the Hoover Institution. According to Clint Bolick's 2016 Financial Disclosure Statement, Bolick reported receiving compensation greater than \$1,000 for speaking and writing at the Hoover Institution, located in Stanford, California. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

OTHER PAID SERVICES

2018 - 2019: Bolick reported his spouse Shawwna Bolick earned over \$1,000 for consulting at the "Invest in Education Coalition" in Latham, NY. According to Clint Bolick's Financial Disclosure Statements, Bolick reported that his wife provided consulting services for the "Invest in Education Coalition" in Latham, NY in filings from 2018 and 2019. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2018](#), [2019](#)]

OTHER LICENSES

2017 - 2024: Bolick reported having a State Bar license in Arizona. According to Clint Bolick's Financial Disclosure Statements from 2017 to 2024, Bolick reported that he held a state bar license in Arizona. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#), [2018](#), [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

2017 - 2024: Bolick reported having a State Bar license in California. According to Clint Bolick's Financial Disclosure Statements from 2017 to 2024, Bolick reported that he held a state bar license in California. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#), [2018](#), [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

2017 - 2024: Bolick reported having a State Bar license in the District of Columbia. According to Clint Bolick's Financial Disclosure Statements from 2017 to 2024, Bolick reported that he held a state bar license in the District of Columbia. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#), [2018](#), [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

2016: Bolick reported being licensed to practice law in Arizona and reported being inactive in Washington, DC and California. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

GIFTS

2017: Bolick reported receiving a gift valued at over \$500 from the State Bar of AZ. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#)]

2017: Bolick reported receiving a gift valued at over \$500 from the State Policy Network. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#)]

NONPROFIT, TRUST OR BUSINESS POSITIONS

2020 -2024: Bolick reported his wife, Shawna Bolick, served as CEO of Arizonans for Government Efficiency. According to Clint Bolick's Financial Disclosure Statements, Bolick's wife, Shawna Bolick, served as the CEO of Arizonans for Government Efficiency in Phoenix, Arizona in filings from 2020 to 2024. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

2020 – 2024: Bolick reported his wife, Shawna Bolick, served as a Board member of Benchmark School in Phoenix, AZ. According to Clint Bolick's Financial Disclosure Statements, Bolick's wife, Shawna Bolick, served as a Board Member of Benchmark School in Phoenix, Arizona in filings from 2020 to 2024. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

2020: Bolick reported serving as the President of Arizonans for Government Efficiency. According to Clint Bolick's 2020 Financial Disclosure Statement, Bolick served as the President of Arizonans for Government Efficiency in Phoenix, Arizona. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2020](#)]

- **2021: Bolick reported that he had resigned as President of Arizonans for Government Efficiency in 2020.** According to Clint Bolick's 2021 Financial Disclosure Statement, Bolick reported that he had resigned his position as President of the Arizonans for Government Efficiency in 2020. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2021](#)]

2016 - 2018: Bolick reported serving as a director of the Board of Directors of the Arizona School Choice Trust. According to Clint Bolick's Financial Disclosure Statements, Bolick reported serving as a Board member of Arizona School Choice Trust, located in Chandler, AZ in filings from 2016 to 2018. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#), [2017](#), [2018](#)]

- **2019: Bolick reported that he resigned as a Board member of the Arizona School Choice Trust in July 2018.** According to Clint Bolick's 2019 Financial Disclosure Statement, he served as a Board member of Arizona School Choice Trust in Chandler, AZ and resigned in July 2018. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2019](#)]

2016 - 2017: Clint Bolick reported serving on the Board of Directors and as Secretary for BASIS Schools, Inc. According to Clint Bolick's Financial Disclosure Statements from 2016 to 2017, Bolick

reported serving as a Board of Directors member and Secretary for BASIS Schools, Inc. in Scottsdale, AZ. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#), [2017](#)]

2016 - 2017: Bolick reported serving as a member of the Board of Directors of Great Hearts Academics. According to Clint Bolick's Financial Disclosure Statements from 2016 to 2017, Bolick reported serving as a Board member for Great Hearts Academics located in Phoenix, AZ. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#), [2017](#)]

2017: Clint Bolick reported Shawna Bolick served as a director of "First Things First" and resigned on January 16, 2017. According to Clint Bolick's 2017 Financial Disclosure Statement, Bolick reported that his spouse served as a director for First Things First in Phoenix, AZ and resigned on 1/16. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#)]

2016: Bolick reported serving as a member of the Board of Directors for American Private Radio. According to Clint Bolick's 2016 Financial Disclosure Statement, Bolick reported serving as a Board member of American Private Radio, located in Oxford, MS. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2016: Bolick reported serving on the Board of Directors for Arizonans for Responsible Drug Policy. According to Clint Bolick's 2016 Financial Disclosure Statement, Bolick reported serving as a Board member of Arizonans for Responsible Drug Policy, located in Prescott Valley, AZ. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

FINANCIAL INTERESTS

2019 – 2024: Bolick reported retirement accounts worth over \$100,000 with Charles Schwab. According to Clint Bolick's 2019 to 2024 Financial Disclosure Statements, Bolick reported "retirement accounts" under Charles Schwab in Scottsdale, AZ valued at over \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

- **2017 – 2018: Bolick reported mutual funds, bond funds, ETFs (IRA) worth over \$100,000 with Charles Schwab.** According to Clint Bolick's 2017 and 2018 Financial Disclosure Statements, Bolick reported mutual funds, bond funds, ETFs (IRA) under Charles Schwab in Scottsdale, AZ valued at over \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#), [2018](#)]
- **2016: Bolick reported an IRA, Roth IRA, and SEP IRA worth over \$100,000 with Charles Schwab.** According to Clint Bolick's 2016 Financial Disclosure Statement, Bolick reported IRA, Roth IRA, and SEP IRA accounts under Charles Schwab in Scottsdale, Arizona valued at over \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2019 – 2024: Bolick reported his spouse, Shawna Bolick, held retirement accounts worth between \$25,001 and \$100,000 with Charles Schwab. According to Clint Bolick's 2019 to 2024 Financial Disclosure Statements, Bolick reported his spouse, Shawna Bolick, held "retirement accounts" under Charles Schwab in Scottsdale, AZ valued between \$25,001 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

- **2017 – 2018: Bolick reported his spouse, Shawna Bolick, held mutual funds, bond funds, ETFs (IRA) worth between \$25,001 and \$100,000 with Charles Schwab.** According to Clint Bolick's 2017 and 2018 Financial Disclosure Statements, Bolick reported his spouse, Shawna

Bolick, held mutual funds, bond funds, ETFs (IRA) under Charles Schwab in Scottsdale, AZ valued between \$25,001 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#), [2018](#)]

- **2016: Bolick reported his spouse, Shawna Bolick, held an IRA, Roth IRA, and SEP IRA worth between \$25,001 and \$100,000 with Charles Schwab.** According to Clint Bolick's 2016 Financial Disclosure Statement, Bolick reported his spouse, Shawna Bolick, held IRA, Roth IRA, and SEP IRA accounts under Charles Schwab in Scottsdale, Arizona valued between \$25,001 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2017 – 2024: Bolick reported an annuity worth over \$100,000 with Prudential Annuities.

According to Clint Bolick's Financial Disclosure Statements from 2016 to 2024, Bolick reported an annuity valued at over \$100,000 with Prudential Annuities, located in Dresher, PA. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#), [2017](#), [2018](#), [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

- **2016: Bolick reported an annuity worth over \$100,000 with Prudential.** According to Clint Bolick's Financial Disclosure Statements from 2016 to 2024, Bolick reported an annuity valued at over \$100,000 with Prudential Annuities, located in Shelton, CT. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2019 – 2024: Bolick reported a 403(b) account with the State of Arizona 403(b) Program worth over \$100,000. According to Clint Bolick's 2019-2024 Financial Disclosure Statements, Bolick reported mutual funds and a 403(b) account with the State of Arizona worth between \$25,000 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

- **2017 - 2018: Bolick reported a 403(b) account with the State of Arizona 403(b) Program including mutual funds worth between \$25,000 and \$100,000.** According to Clint Bolick's 2017 and 2018 Financial Disclosure Statements, Bolick reported mutual funds and a 403(B) account with the State of Arizona worth between \$25,000 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#), [2018](#)]

2022 – 2024: Bolick reported a 529 college savings plan for “Minor Child 2” worth between \$25,001 to \$100,000 with the Ohio Tuition Trust Authority. According to Clint Bolick's 2022 – 2024 Financial Disclosure Statements, Bolick reported a 529 college savings account with Ohio Tuition Trust Authority, located in Columbus, OH with a value of \$25,001 to \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2022](#), [2023](#), [2024](#)]

- **2019 – 2021: Bolick reported a 529 college savings plan for two minor children worth between \$25,001 to \$100,000 with the Ohio Tuition Trust Authority.** According to Clint Bolick's 2019 – 2021 Financial Disclosure Statements, Bolick reported a 529 college savings plan account with Ohio Tuition Trust Authority, located in Columbus, OH with a value of \$25,001 to \$100,000 for “Minor Child 1” and “Minor Child 2”. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2019](#), [2020](#), [2021](#)]

2019 - 2024: Bolick reported an IRA account for his spouse, Shawna Bolick, worth over \$100,000 with Nationwide Retirement Services. According to Clint Bolick's 2019-2024 Financial Disclosure Statements, Bolick reported a 403(b) account for his spouse, Shawna Bolick, with Nationwide

Retirement Services located in Columbus, OH with a value between \$25,001 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

- **2017 – 2018: Bolick reported mutual funds for his spouse, Shawna Bolick, worth between \$25,001 and \$100,000 with Nationwide Retirement Services.** According to Clint Bolick’s Financial Disclosure Statements, Bolick reported his spouse, Shawna Bolick, held a mutual funds account with Nationwide Retirement Services located in Columbus, OH with a value between \$25,001 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#), [2017](#), [2018](#)]
- **2016: Bolick reported a 403(b) account worth between \$25,001 - \$100,000 with the name of public officer or member of household having the interest redacted.** According to Clint Bolick’s Financial Disclosure Statements, Bolick reported a 403(b) account with Nationwide Retirement Services located in Columbus, OH with a value between \$25,001 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2020: Bolick reported an IRA worth between \$1,000 and \$25,000 with IRA Resources, Inc.

According to Clint Bolick’s 2020 Financial Disclosure Statement, Bolick reported an IRA account with IRA Resources, Inc. located in La Jolla, CA. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2020](#)]

- **2019: Bolick reported an IRA worth over \$100,000 with IRA Resources, Inc.** According to Clint Bolick’s 2019 Financial Disclosure Statement, Bolick reported an IRA account with IRA Resources, Inc. located in La Jolla, CA. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2019](#)]
- **2016: Bolick reported an IRA worth over \$100,000 with IRA Resources, Inc.** According to Clint Bolick’s 2016 Financial Disclosure Statement, Bolick reported an IRA account with IRA Resources, Inc. located in La Jolla, CA. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2016: Bolick reported a 401K account worth between \$25,001 - \$100,000 with Charles Schwab.

According to Clint Bolick’s 2016 Financial Disclosure Statement, Bolick reported a 401k account with Charles Schwab worth between \$25,001 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

2016: Bolick reported a retirement account worth over \$100,000 with Billings and Co., Inc.

According to Clint Bolick’s 2016 Financial Disclosure Statement, Bolick reported a retirement account valued over \$100,000 with Billings and Co., Inc. in Sioux City, IA. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

OWNERSHIP OF BONDS

2016: Bolick reported one bond valued between \$1,000 and \$25,000 with the Yuma County UHSD.

According to Clint Bolick’s 2016 Financial Disclosure Statement, Bolick reported an acquired bond on September 8, 2014, issued by Yuma County UHSD valued between \$1,000 and \$25,000. The “Public Officer or Household Member Issued Bonds” was redacted. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#)]

- **2017: Bolick reported that his spouse divested from the bond valued between \$1,000 and \$25,000 with the Yuma County UHSD in 2016.** According to Clint Bolick’s 2017 Financial Disclosure Statement, Bolick reported that his spouse divested from a bond with the Yuma County UHSD valued between \$1,000 and \$25,000 in 2016. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2017](#)]

REAL PROPERTY OWNERSHIP

2019 - 2024: Bolick did not report owning any property other than a primary residence. According to Clint Bolick’s 2019 -2024 Financial Disclosure Statements, Bolick did not report owning any property other than his primary residence or property he used for personal recreation. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#)]

2018: Bolick reported owning one piece of property in Phoenix, AZ (owned through IRA) worth over \$100,000. According to Clint Bolick’s 2018 Financial Disclosure Statement, Bolick reported owning a property at 3302 N. 7th St. #242, Phoenix, AZ 84014. The property value increased in 2018 to over \$100,001 in value. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2018](#)]

- **2016 - 2017: Bolick reported owning one piece of property in Phoenix, AZ (owned through IRA) worth between \$25,001 and \$100,000.** According to Clint Bolick’s 2016 and 2017 Financial Disclosure Statements, Bolick reported owning a property at 3302 N. 7th St. #242, Phoenix, AZ 84014. The property was acquired in December 2007 and valued between \$25,001 and \$100,000. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2016](#), [2017](#)]

TRAVEL EXPENSES

2024: Bolick reported travel expenses between \$1,000 and \$25,000 to Park City, Utah for the State Supreme Court Justices conference. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2024](#)]

2024: Bolick reported travel expenses between \$1,000 and \$25,000 to Cambridge, Massachusetts for the John F. Kennedy School of Government. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2024](#)]

2024: Bolick reported travel expenses between \$1,000 and \$25,000 to Honolulu, Hawaii for the Law and Economics Conference for Judges. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2024](#)]

2024: Bolick reported travel expenses between \$1,000 and \$25,000 to Sarasota, Florida for the Originalism for Judges Conference. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2024](#)]

2023: Bolick reported travel expenses between \$1,000 and \$25,000 to Boa Vista, Brazil for the Roraima Supreme Court anniversary conference. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2023](#)]

2023: Bolick reported travel expenses between \$1,000 and \$25,000 to Park City, Utah for the State Supreme Court Justices conference. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2023](#)]

2022: Bolick reported travel expenses between \$1,000 and \$25,000 to Park City, Utah for the State Supreme Court Justices conference. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2022](#)]

2022: Bolick reported travel expenses between \$1,000 and \$25,000 to Miami, Florida for the Atlas Foundation International Annual Conference. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2022](#)]

2022: Bolick reported travel expenses between \$1,000 and \$25,000 to Baltimore, Maryland for “Ben & Shanna Barr wedding.” [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2022](#)]

2018 - 2020: Bolick reported travel expenses each year from 2018 to 2020 between \$1,000 and \$25,000 to Park City, Utah for the Federalist Society Conference of State Supreme Court Justices. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2018](#), [2019](#), [2020](#)]

2018: Bolick reported travel expenses between \$1,000 and \$25,000 to Laguna Beach, California for the Cato Institute Annual Summit. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2018](#)]

ADDITIONAL BUSINESS INTERESTS

2021 - 2022: Bolick reported that one of his children controlled the business “Firebird Installations” in Phoenix, Arizona. According to Clint Bolick’s 2021 Financial Disclosure Statement, Bolick’s “Minor Child 1” owned a business called “Firebird Installations” located at 610 E. Bell Rd., #2-142, Phoenix AZ 85022. The business was controlled. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2021](#), [2022](#)]

- **Firebird Installations was a “political sign installation” business.** According to Clint Bolick’s 2021 Financial Disclosure Statement, “Firebird Installations” was described as a “Political sign installation” business. [Arizona Secretary of State, Clint Bolick Financial Disclosure Statement, [2021](#), [2022](#)]

APPENDIX III: AREAS FOR ADDITIONAL RESEARCH

Below is an outline of the outstanding sources that were not reviewed for June 2024 version of this report due to their volume, but will be included in the next update:

Bolick Publications: Bolick is the author of at least 13 books. While media coverage of these books was reviewed, the books themselves were not read and analyzed for this report.

Blogs and Op-Eds: Bolick has authored hundreds of blog posts, columns, and op-eds during his career. Many of those that were also featured in newspapers were reviewed for this report but those that were featured exclusively on the websites for the [Goldwater Institute](#), the [Hoover Institute](#), and [Arizona Attorney Magazine](#), Center for Education Reform, and [Federalist Society](#) were not included in this report. Additionally, dozens of columns Bolick wrote for the Wall Street Journal dating back to the 1980s were not included in this report.

Videos and Podcasts: Bolick has done many interviews and speeches on podcasts, TV, and digital platforms throughout his career. Our review found more than 100 hours of footage of Bolick discussing his legal and political views on various programs. Some of these videos also included a notable amount of foreign language dialogue. A spreadsheet listing all of these videos is available upon request. Only a portion of these interviews and speeches were reviewed for this report and future updates to this report should continue to work through this large catalogue of videos.

Affiliated Organizations: A cursory review of the websites of organizations Bolick previously worked for was conducted for this report but a detailed analysis of the current and past postings on these sites should be included in an updated version. This analysis should include searches for controversial issues tied to these orgs that didn't necessarily involve or mention Bolick.

Shawna Bolick Social Media Review: A detailed section on Justice Bolick's wife, state Senator Shawna Bolick, is included in this report. However, a review of all of Shawna's social media posts is outstanding and could be conducted for a future update of this report.