

2023 ANNUAL REPORT

Institute for Constitutional Advocacy and Protection

GEORGETOWN LAW



A portrait of Mary B. McCord, a woman with shoulder-length blonde hair, wearing a dark grey cardigan over a black top. She is looking slightly to the left of the camera with a serious expression. The background is a blurred stone wall.

EXECUTIVE DIRECTOR'S LETTER

The past year has witnessed new and continuing challenges for our governmental institutions and democratic values. I'm immensely proud that ICAP has cemented its place not only as a leading litigating organization defending and protecting constitutional rights, but also as a national expert in protecting democratic processes against threats of political violence. We've been honored to represent individuals, civil rights organizations, and state and local governments. We've held the government accountable, and we've helped the government hold others accountable. We've worked with partners from the legal, research, communications, and activist communities. We've litigated in state and federal courts and we've testified before state and federal legislatures. Our successes—many of which you'll read about in the pages of this annual report—sustain the rule of law and restore confidence in our governmental institutions.

The defeat of election deniers running for statewide offices in the 2022 mid-terms and the Supreme Court's resounding rejection of the so-called independent state legislature theory in *Moore v. Harper* give us hope that the protection of our democratic processes is as important to the voters and members of the Court as it is to ICAP. But there is much work to be done as we head into the presidential election season and see political extremism playing an outsized role, whether as a catalyst for threats and intimidation or for legislative and other measures that reduce rather than expand constitutional rights. ICAP will continue to draw on its substantial expertise in using litigation, legislative advocacy, legal guidance, and commentary to combat the threats. We're ready for the fight!

Sincerely,

Mary B. McCord

Executive Director and Visiting Professor of Law

OUR MISSION

The Institute for Constitutional Advocacy and Protection uses strategic legal advocacy to defend constitutional rights and values while working to restore confidence in the integrity of our governmental institutions.

A non-partisan institute within Georgetown University Law Center, ICAP's experienced attorneys use novel litigation tools, strategic policy development, and the constitutional scholarship of Georgetown to vindicate individuals' rights and protect democratic processes.

Now in its sixth year, ICAP concentrates its litigation and policy efforts in five core areas:

1. Safeguarding rights to free expression, assembly, and democratic participation;
2. Combating threats from unlawful private militias and political violence;
3. Fighting the criminalization of poverty and other forms of criminal legal system overreach;
4. Defending the rights of young people and marginalized communities; and
5. Preserving fundamental separation-of-powers principles.

At the heart of ICAP is our litigation, as the courts remain a critical venue for the vindication of constitutional rights. ICAP collaborates with a wide array of litigation partners across the country, including non-profits, law firms, and governmental entities, focused on protecting constitutional rights.

Constitutional dialogue also occurs outside the courts and in the public square. Through public speaking and media engagements, op-eds, and scholarly writing, ICAP heightens and grounds today's constitutional conversation. ICAP's lawyers also drive policy change, working with lawmakers at the federal, state, and local levels to help situate their policymaking in constitutional principles and to respond to emerging and expanding threats.

Finally, ICAP helps prepare the next generation of public interest lawyers by involving law students in our work. Through a practicum seminar offered each semester at Georgetown Law, students work directly with ICAP attorneys on constitutional impact litigation and related policy efforts. In summers, law students from Georgetown and other top schools join our team as summer associates.



LITIGATION

During the past year alone, we:

- as co-counsel with the district attorney in Albuquerque, New Mexico, obtained judgments against a heavily armed vigilante private militia and its members, permanently [enjoining them from operating as an unauthorized military unit or assuming the functions of law enforcement](#) during public events;
- on behalf of journalists and community activists, won a [First Amendment challenge to a Maryland rule that banned the public from broadcasting court recordings](#) of criminal court proceedings;
- obtained an [opinion from the Oklahoma Court of Criminal Appeals that narrowed the scope of a state law](#) designed to chill peaceful demonstrations, after securing a preliminary injunction on behalf of the Oklahoma State Conference of the NAACP that found the law potentially vague and overbroad in violation of the First and Fourteenth Amendments;
- secured a [settlement with the city of New York](#) on behalf of demonstrators who, while peacefully protesting the murder of George Floyd in City Hall Park, had their rights violated when New York City officials removed and destroyed their personal belongings;
- won [reversal in the Tenth Circuit](#) of the district court's dismissal of our constitutional challenge to Oklahoma's scheme for collecting court debt, allowing the case to proceed on behalf of impoverished Oklahomans saddled with excessive fines and fees;
- won [another reversal in the Tenth Circuit](#) of the district court's grant of qualified immunity in favor of two New Mexico police officers, allowing our case to proceed on behalf of a woman shot by police while driving away;
- successfully opposed Supreme Court review of favorable decisions by the Courts of Appeals on issues ranging from sex discrimination to police brutality to prison abuse.
- representing [Wisconsin taxpayers, voters, and presidential electors in a lawsuit against the fraudulent electors and their co-conspirators who sought to have their votes for Trump and Pence counted on January 6](#) instead of the votes of the legitimate presidential electors whose ballots represented the will of Wisconsin voters;
- representing the South Carolina State Conference of the NAACP and three of its members in a lawsuit to [challenge overbroad restrictions on the unauthorized practice of law that prevent them from providing free, accurate guidance to tenants facing eviction](#);
- representing [currently and formerly detained individuals](#) challenging the unconstitutional pretrial detention system in Prince George's County, Maryland, that defers decisions about release to the corrections officials;
- [defending](#) in the Supreme Court the right of people with disabilities to bring suit against hotels that violate the Americans with Disabilities Act by failing to provide accessibility information as part of their online reservation services;
- representing a group of migrant workers unlawfully denied overtime under the Fair Labor Standards Act;
- defending a Ninth Circuit decision striking down, on Eighth Amendment grounds, enforcement of a set of city ordinances designed to force the homeless population out of the city by making it unlawful to rest anywhere at any time on public property;
- intervening on behalf of the South Carolina State Conference of the NAACP and the Orangeburg County School District [to defend a provision of the South Carolina constitution that safeguards public-school funding](#) in the state after the governor failed to mount a full defense of the provision;
- defending the Board of Education of Howard County, Maryland, [against a federal lawsuit seeking to strip the Board's student member of voting power](#) because of the student's voting record; and
- [representing](#) a disabled and then-homeless veteran in North Carolina who was subjected to excessive force by police officers who arrested him under an unconstitutional panhandling ordinance and tased his service animal, and who has since been subjected to taunting, harassment, and misrepresentations by the local police department on social media.

ICAP currently represents clients in a wide range of lawsuits defending key constitutional rights and values. For example, we are:

- [defending](#) the state of Hawaii's new law barring firearms in sensitive places including government buildings, polling places, bars and restaurants serving alcohol, parks and beaches, schools, banks, public transportation, and elsewhere;



DEFENDING CONSTITUTIONAL RIGHTS IN THE U.S. SUPREME COURT

Over the past two years, ICAP's Supreme Court practice has grown in response to the demonstrated need for dedicated public interest litigators with specialized expertise in defending constitutional rights before the nation's highest court. In the 2022 Term alone, ICAP represented the respondents in nine cases defending favorable constitutional and civil rights decisions against review by the Court. Our victories included:

- Representing the children of a man killed by excessive police force, successfully [opposing review of the Ninth Circuit's determination](#) that a state law damages limitation did not apply to the jury's award of loss of life damages under federal law. Eleven Ninth Circuit judges had dissented from the denial of en banc review.
- Representing a college student who was sexually harassed by a professor, successfully [opposing review of the Sixth Circuit's determination](#) that her complaint seeking to hold the university liable for deliberate indifference under Title IX could proceed. The Supreme Court had called for the views of the Solicitor General in a companion case.
- Representing the guardian of a man with severe mental illness who was unlawfully imprisoned for six years after he was determined incompetent to stand trial, [opposing review of the Fifth Circuit's determination](#) that his jailers violated his clearly established due process rights. The guardian obtained a settlement after we filed our brief in opposition.

Our pipeline of Supreme Court matters for the upcoming 2023 Term includes cases involving disability discrimination, migrant labor, police brutality, and prison abuse.

"I think one of the most interesting aspects of Justice Jackson joining the court is that her legal background is quite different from that of the justice she is replacing, and really from the backgrounds of any of her new colleagues," said Kelsi Corkran, the Supreme Court director at the Institute for Constitutional Advocacy and Protection at Georgetown University Law Center
— Law360, [What To Watch In Justice Ketanji Brown Jackson's First Term](#), 8/24/22

HARNESSING ICAP'S EXPERTISE AS A "FRIEND OF THE COURT"

ICAP continues to represent bipartisan groups of current and former government officials as amici curiae ("friends of the court"), addressing many of the most significant issues before the U.S. Supreme Court, including filing amicus briefs on behalf of:

- Former national security officials [raising the national security threats](#) posed by the algorithmic amplification of terrorist content by social media platforms.
- Former public officials, judges, and election experts [urging the Court to reject](#) a broad reading of the so-called independent state legislature theory.
- Current and former prosecutors [urging the Court to reverse a death sentence](#) after the State failed to disclose a statement directly implicating two other people, but not the petitioner, in the murder of a prison guard.

We've also lent our expertise in other amicus briefs. In the past year, we've:

- Represented the U.S. Conference of Mayors in the [Seventh Circuit](#) and [in federal district court](#) in support of bans on assault weapons and high-capacity magazines in Illinois and in the cities of Naperville and Highland Park;
- Joined the Constitutional Accountability Center in [urging the Supreme Court](#) to reverse a Fifth Circuit decision dismissing, on qualified immunity grounds, a First Amendment retaliation claim by a city councilwoman who was arrested after she criticized the city manager;
- Represented progressive Jewish organizations [before the Supreme Court](#) explaining why an Arkansas state law that prohibits consumer boycotts of Israel by any company or person who contracts with the state violates the First Amendment;
- [Argued that](#) privately placed signs falsely claiming that ballot drop boxes were under surveillance and misleadingly threatening that depositing ballots for others was a crime were not protected by the First Amendment and could be removed by election authorities in King County, Washington.

Since its inception, ICAP has submitted 82 amicus briefs to federal and state courts on issues ranging from freedom of the press to fundamental criminal procedural rights to limiting local entanglement with federal immigration enforcement to free expression on social media: 19 in the U.S. Supreme Court; 33 in federal courts of appeals; 21 in federal district courts; and 9 in state courts.

"A bipartisan group of 10 former public officials from Pennsylvania warned the U.S. Supreme Court last week that candidates who 'spread baseless claims' about election fraud are on Tuesday's ballot and will likely 'act in bad faith' in future elections if they win." — Philadelphia Inquirer, [Former Pa. officials warn U.S. Supreme Court of 'bad faith' in elections, citing Doug Mastriano](#), 11/4/22

ELECTION
MAIL BALLOT
DROP BOX



COMBATING EXTREMISM AND PROTECTING OUR DEMOCRACY

Since our successful and path-breaking case against white nationalists and unlawful militias that wreaked havoc during the Unite the Right rally in Charlottesville, Virginia, in 2017, ICAP's attorneys have become leading experts in litigation and policy work to protect against political violence and anti-democracy efforts.

On the litigation front, in the past year we secured a permanent injunction against [the New Mexico Civil Guard](#), which usurped legitimate law enforcement authority during racial justice demonstrations in 2020, and we won a remand of our litigation against the [Wisconsin fraudulent electors](#) after the defendants sought to have the case heard in federal court rather than state court. That case is now set for trial in September 2024, before the next presidential election.

ICAP also was privileged to help deliver an important victory for democracy when the U.S. Supreme Court firmly rejected the so-called "independent state legislature" theory in [Moore v. Harper](#). The Court dismissed the argument that state legislatures have nearly unlimited power under the Constitution's Elections Clause to draw partisan-gerrymandered congressional redistricting maps not subject to state court review for compliance with state constitutional provisions. ICAP's [amicus brief](#) on behalf of a bipartisan group of former public officials from Pennsylvania argued that a broad reading of the Elections Clause would entrench partisan interests and undermine the faith of the American public in our democratic system.

On the policy front, ICAP continues to be an essential resource for government officials and community leaders seeking to [protect public safety while preserving constitutional rights](#), as well as to media covering these issues. Among other efforts, ICAP attorneys have:

- Produced new fact sheets and guidance documents to cover emerging issues of concern, including:
 - [protecting Pride events from armed extremist activity](#);
 - [the so-called "constitutional sheriffs" movement and its efforts to interfere in election administration](#); and
 - [countering bigotry and extremism in law enforcement](#);
- [Testified](#) before the House Subcommittee on Civil Rights and Civil Liberties of the Committee on Oversight and Reform regarding the evolution of extremist groups and the ongoing threat to democracy following the January 6 attack on the U.S. Capitol;
- Provided [an expert report](#) to the Office of the Attorney General of the State of Washington on domestic violent extremism and recommended best practices for strengthening government responses to violent extremism;
- Delivered dozens of briefings and presentations about the threat of political violence and its impact on democratic processes, including to staffers of multiple House and Senate Committees; the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders; the Northern District of California Judicial Conference; the National Association of Former U.S. Attorneys; the U.S. Conference of Mayors; the U.S. Probation Office; and member state representatives of the United Nations, just to name a few.

SUPPORTING COMMUNITY RESPONSES TO POLITICAL VIOLENCE

Regional Convenings

In June 2022, ICAP hosted its first regional convening on preparing for the risk of political violence, focused on threats facing the Great Lakes region, in Milwaukee, Wisconsin. Participants included senior and elected federal, state, and local government officials, as well as civic and community leaders and activists, from Wisconsin, Minnesota, Michigan, Pennsylvania, Ohio, and Illinois.

Working with a host of research partners, policy experts, and litigators, the Great Lakes Convening aimed to give participants a solid, common understanding of the on-the-ground threat landscape and relevant constitutional principles and legal options, with the goal of facilitating a coordinated regional response to emergent political violence. Participant feedback was overwhelmingly positive, and we conducted our second convening in September 2022, in Portland, Oregon, with a focus on political violence in the Pacific Northwest. This year, we have convenings planned in the Southwest in September and the Southeast in October.

Legislative Initiatives:

In part due to the strong interest of participants at ICAP's regional convenings, ICAP this year published [comprehensive model legislation](#) to prohibit activity by paramilitary groups that threaten democratic processes and the constitutional rights of others, including by creating civil enforcement mechanisms for state officials and victims of vigilante actions to seek injunctive relief and damages. A version of this draft legislation was introduced in Oregon in early 2023 and was signed into law on July 18, 2023. ICAP's Executive Director Mary McCord testified in support of the bill before two state legislative committees, and participated in multiple meetings with legislators and community members to explain the provisions of the bill. Several legislators from other states have reached out to ICAP about introducing similar legislation in the coming months or in the 2024 legislative session.

In addition to these efforts, ICAP has supported state-level efforts to combat political violence in multiple ways, including by:

- Consulting with Vermont legislators on an anti-paramilitary-training bill and testifying in support of that bill, which was signed into law on May 8, 2023;
- Testifying in support of anti-political-violence bills, and against a bill that would empower "constitutional sheriffs" in Montana;
- Sending a [letter](#) to the Idaho legislature advising against repeal of a state law prohibiting unauthorized paramilitary organizations, which repeal effort was defeated.

" From the genesis of the idea after attending the Pacific Northwest Convening to the first-of-its-kind policy passage, ICAP was an invaluable partner with my office as we collaboratively developed a paramilitary statute here in Oregon." — Representative Dacia Grayber, Oregon House District 28



ENSURING ACCOUNTABILITY FOR THE JANUARY 6 CAPITOL ATTACK

Over the past year, ICAP continued what it started with the [resounding and historic victory](#) at the U.S. Supreme Court on behalf of the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol. The decision in [Trump v. Thompson](#), in early 2022, in which ICAP represented the Committee along with former House General Counsel (and former ICAP attorney) Douglas Letter, paved the way for the National Archivist to turn over White House records relating to the attack. Among the documents were phone logs and presidential diaries showing an alarming 7-hour gap in Trump's communications on the day of the attack, which featured extensively in the Committee's Final Report.

Other materials that ICAP supplied to the Committee based on our own work with extremism researchers were also mentioned in the [Final Report](#), and [ICAP's expert statement](#) on the role of private militias in the lead-up to and execution of the attack is part of the record. ICAP's Executive Director, Mary McCord, was a fixture of PBS NewsHour's live coverage of the committee's hearings, offering expert analysis and commentary to a national audience. ICAP has elevated the Select Committee's work in [articles](#) and during a panel discussion, [covered by C-SPAN](#) and held at Georgetown Law, featuring six former investigators for the Committee.

ICAP has also supported the work of the Senate Committee on Homeland Security and Governmental Affairs as it has engaged in its own investigation into the January 6 attack, supplying the committee with information and materials that ICAP had shared with law enforcement in the lead-up to the attack. The Committee's report, [Planned in Plain Sight: A Review of the Intelligence Failures in Advance of January 6th, 2021](#), features ICAP's work to sound the alarm before January 6.

ICAP was also vocal in explaining the merits of the government's decision to bring seditious conspiracy charges against members of two unlawful militia groups, the Oath Keepers and the Proud Boys. ICAP published [two articles](#) in Just Security about the cases and submitted a [letter](#) to the district court judge before the sentencing of Oath Keepers leader, Stewart Rhodes. Judge Mehta sentenced Rhodes to 18 years of imprisonment.

"Nearly two years after the January 6, 2021, attack on the United States Capitol, the United States remains politically and culturally polarized. Evaluating the militia extremist threat going forward requires not only understanding militia groups' use of paramilitary training and promotion of insurrectionist ideology, but also understanding and formulating responses to the strategies and developing alliances through which they seek to enter into mainstream American politics." Testimony of ICAP Executive Director Mary McCord to the House Committee on Oversight and Reform Subcommittee on Civil Rights and Civil Liberties, 12/13/22

PUBLIC ENGAGEMENT

Fulfilling its mission to use public engagement and constitutional education to empower communities through dialogue, ICAP attorneys have participated in a wide array of conferences, symposia, podcasts, documentaries, and panels on a variety of topics, including:

- hosting an [event](#) gathering former January 6 Committee investigators to discuss how extremist paramilitary groups like the Oath Keepers and Proud Boys coalesced around conspiracy theories spread through social media, interacted directly with close advisors to former President Trump, and ultimately—along with thousands of other Americans—mobilized to attack the U.S. Capitol;
- testifying on the evolution of extremist groups and the ongoing threat to democracy following the January 6 attack before the [House Committee on Oversight and Reform Subcommittee on Civil Rights and Civil Liberties](#);
- appearing on a panel hosted by Keep Our Republic and Pitt Cyber on [election threats past, present, and future](#);
- appearing on a panel [hosted by](#) Georgetown Law's Supreme Court Institute to discuss the [Supreme Court's then-upcoming October Term 2022](#);
- evaluating, as part of a select group of civil society representatives, the United Nations Secretary General's report on the implementation of the [UN's Global Anti-Terrorism Strategy](#);
- analyzing [the threat to democracy posed by hate-fueled violence](#) as part of the U.S. Government's Summit for Democracy, co-hosted by ICAP and Georgetown's School of Foreign Service;
- co-hosting a mini-symposium on [potential reforms to section 702](#) of the Foreign Intelligence Surveillance Act with Georgetown Law's Center on National Security and the American Bar Association Standing Committee on Law and National Security;
- appearing on panels [discussing the rise of, and potential solutions to, hate-fueled violence](#) at the Eradicate Hate Global Summit 2022;
- presenting a paper on [domestic violent extremism](#) at a convening hosted by the Penn Center for Ethics and the Rule of Law;
- appearing on a panel addressing the [housing crisis](#) hosted by the National Coalition for the Homeless;
- participating in a panel discussing [the Mar-a-Lago investigation](#) co-hosted by the Reiss Center on Law and Security and the NYU Law Forum;
- appearing on a discussion about [elections and public safety](#) hosted by the U.S. Conference of Mayors;
- presenting on [methods of developing inclusive language competency in clinical teaching](#) at the 50th anniversary of American University Washington College of Law's clinical program;
- participating in a panel on [threats to democracy, election infrastructure, and election officials](#) hosted by the Bipartisan Policy Center; and
- appearing on a panel discussing [domestic terrorism](#) at the National Association of Former United States Attorneys 2023 Annual Conference.





OUR WORK: PUBLIC ENGAGEMENT PUBLIC EDUCATION

The ICAP team has also added their voices to a wide range of public and private debates through articles and podcasts appearing in major media outlets, including:

- as a co-host of [Prosecuting Donald Trump](#), a podcast that dissects and discusses the prosecutorial strategies and legal issues raised by the criminal and civil investigations and charges against former President Trump;
- a PBS video, [Attack on Drag](#), as part of the Exploring Hate initiative;
- an NBC investigative documentary, [Against All Enemies](#), about the dangers of the so-called constitutional sheriffs' movement;
- an [article](#) in Just Security on the significance of reaching guilty verdicts on charges of seditious conspiracy against members of the Oath Keepers in connection with their actions of January 6;
- an [article](#) and [podcast](#) in Just Security about lessons to be learned from the January 6th House Select Committee's final report;
- an [article](#) and [podcast](#) in Lawfare about far-right extremism and the long-term runup to the January 6 insurrection;
- a [commentary](#) on Just Security on connections between domestic extremist violence and social media;
- an [op-ed](#) on MSNBC examining whether former President Trump solicited a crime of violence against former Vice President Pence;
- an [op-ed](#) on CNN evaluating the conviction of members of the Proud Boys for seditious conspiracy in connection with their actions of January 6;
- an [op-ed](#) on Just Security arguing that Stewart Rhodes's leadership of the Oath Keepers should not count toward leniency in his sentencing on conviction of seditious conspiracy;
- a [Q and A](#) in the Washington Post on the indictment of Donald Trump for mishandling classified information and obstruction of justice;
- an [episode](#) of Diane Rehm's podcast On My Mind, on legal considerations related to the Donald Trump classified documents case;
- an [article](#) in the Georgetown Law Journal memorializing Justice Ruth Bader Ginsburg.

"If [Trump] is indicted, the tragedy of that day will be that he chose to inflict what will be an ordeal of historic proportions on the nation. . . . An American president, criminally indicted for the first time in American history [will be] literally on trial, if not actually in trial, during his campaign for the presidency in 2024. That promises to scar and stain America for the rest of history." — Judge Michael Luttig during July 31, 2023, *Prosecuting Donald Trump* podcast.



TEACHING

In both the fall and spring semesters, ICAP offers a practicum seminar in which Georgetown University Law Center students learn the strategic and legal considerations involved in bringing constitutional impact litigation and receive credit for contributing to ICAP's work.

ICAP makes sure that its practicum students and student interns are exposed to a broad range of subject areas and are incorporated into its litigation teams. Students help with a range of tasks, including gathering facts in support of potential litigation; providing research for developing legal theories; producing first drafts of motions and sections of legal briefs; participating in meetings with clients and partner organizations, and contributing to policy initiatives including guidance documents and draft legislation. Practicum students contributed 2,663 hours to the Institute's work over the past year alone, and have contributed more than 12,500 hours since 2018.

Many Georgetown Law alumni who participated in the ICAP practicum have gone on to careers in support of the public interest. Practicum alumni have secured clerkships in a number of federal and state courts, have been selected for fellowships at public-interest organizations, and have embarked on careers within the U.S. Department of Justice and other federal departments and agencies. Empowering the next generation of public-interest legal leaders has always been a critical part of the Institute's mission, and ICAP is proud to have been a valuable part of its students' education as they begin their legal careers.

"The ICAP practicum was a highlight of my time at Georgetown Law. It was a phenomenal opportunity, not only to see the life cycle of a claim, helping with everything from complaints to summary judgment motions, but also to be involved in the development of novel legal theories for constitutional litigation—quite the unique experience for a 2L. Getting to work with a team of such driven and supportive public-interest lawyers was icing on the cake."

— Maya Gandhi, *Georgetown Law 2023 graduate and former ICAP Practicum Student*



OUR COVERAGE

ICAP's work and attorneys regularly receive national and local news coverage:

- 8/25/22 — [Baltimore Banner](#), [Daily Record](#), [Washington Post](#), and [Baltimore Sun](#) cover ICAP's successful defense of the Board of Education of Howard County, Maryland, in the Maryland Supreme Court against a lawsuit seeking to invalidate a student board member's power to vote on school board matters.
- 10/18/22 — [Albuquerque Journal](#), [Rio Rancho Observer](#), [Santa Fe Reporter](#), and [Reuters](#) cover the entry of an order enjoining the New Mexico Civil Guard from organizing and operating in public as part of a military unit independent of New Mexico's civil authority and without having been activated by the Governor of New Mexico, as a result of ICAP's lawsuit.
- 10/21/22 — [National Law Journal](#) names ICAP to its 2022 Appellate Hot List.
- 10/26/22 — Washington Post publishes [two articles](#) covering ICAP's lawsuit challenging Prince George's County, Maryland's unconstitutional pretrial detention practices.
- 11/3/22 — [New York Times](#)'s Editorial Board spotlights ICAP's anti-political violence work in the first of a series, The Danger Within.
- 11/4/22 — [Philadelphia Inquirer](#) covers ICAP's amicus brief in *Moore v. Harper* on behalf of former public officials, former judges, and election experts from Pennsylvania, urging the Supreme Court to reject a broad reading of the so-called independent state legislature theory.
- 12/12/22 — [Daily Record](#), [Washington Times](#), and [CBS News](#) cover ICAP's victory on summary judgment in its challenge to Maryland's ban on broadcasting criminal court proceedings.
- 1/3/23 — [Law360](#) covers ICAP's amicus brief in *Brown v. Louisiana* on behalf of current and former prosecutors, urging the Supreme Court to reverse David Brown's death sentence after the State failed to disclose a statement directly implicating two other people, but not Brown, in the murder of a prison guard.
- 2/17/23 — [Oregon Capital Chronicle](#), [Oregon Public Broadcasting](#), and [Associated Press](#) cover ICAP's assistance to legislators on a proposed Oregon state bill to address paramilitary activity.
- 3/21/23 — [FiveThirtyEight](#) covers ICAP's efforts to support passage of state laws to strengthen prohibitions on private paramilitaries.
- 3/23/23 — [Reuters](#), [Post and Courier](#), [NBC News](#), and [ABC News](#) cover ICAP's representation of the South Carolina State Conference of the NAACP and three of its members in a lawsuit to challenge overbroad restrictions on the unauthorized practice of law that prevent them from providing free, accurate guidance to tenants facing eviction.
- 6/28/23 — [Oregon Public Broadcasting](#) covers passage of the paramilitary bill crafted by ICAP.
- 7/1/23 — [WSOCTV](#) covers ICAP's lawsuit on behalf of a disabled and then-homeless veteran against Gastonia, North Carolina, police offers for excessive force and First Amendment retaliation.

OUR TEAM

Professor Neal Katyal

Faculty Chair, Paul and Patricia Saunders Professor of National Security Law

Professor Mary McCord

Executive Director and Visiting Professor of Law

Kelsi Brown Corkran

Supreme Court Director and Senior Lecturer

Amy Marshak

Legal Director and Senior Lecturer

Rupa Bhattacharyya

Special Litigation Counsel

Shelby Calambokidis

Senior Counsel

Elizabeth Cruikshank

Senior Counsel

Ben Gifford

Senior Counsel

Joseph Mead

Senior Counsel

Seth Wayne

Senior Counsel

Jacob Glick

Policy Counsel

Bill Powell

Counsel

Jonathan de Jong

Litigation and Operations Clerk

Sara Adeli

Litigation and Administrative Assistant

"This week, Maryland's highest court ruled in favor of student school board members, saying the position did not violate the state's constitution, which bars minors from voting or from serving in public office." *Washington Post, [Students on school boards can vote, Maryland high court rules, 8/25/22](#)*

"A federal judge in Maryland chastised Prince George's County officials Tuesday, saying that they should have a more efficient and transparent process for evaluating inmates who have been authorized for release from jail while awaiting trial and that "simple" changes could improve the system" *Washington Post, [Prince George's pretrial system needs improvement, federal judge says, 10/26/22](#)*



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“‘When private armies organize into military-style units that are neither responsible to, nor under the command of, the civil power of the state authorities, they may violate this constitutional command to the detriment of civil order,’ concluded a report from the Institute for Constitutional Advocacy and Protection at Georgetown Law, which compiled a state-by-state compendium of laws banning so-called militias.”— New York Times, [America Can Have Democracy or Political Violence. Not Both](#), 11/3/22