

Main Identity

From: "Mailing List" <update@slrc-csa.org>
To: <update@slrc-csa.org>
Sent: Friday, June 25, 2010 4:58 PM
Subject: [SLRC Update] June 25, 2010 eUpdate

THE SOUTHERN LEGAL RESOURCE CENTER

eU P D A T E

TUESDAY, JUNE 22, 2010

Published electronically by the Southern Legal Resource Center

P.O. Box 1235, Black Mountain, NC 28711/(828)669-5189/ www.slrc-csa.org

McCLAREN CASE DIES FOR LACK OF FUNDING

After two and a half years of preparation and preliminary sparring, the case of Paul McClaren, a Sons of Confederate Veterans member who was fired from his job for displaying a state-issued Mississippi SCV license tag on his vehicle, has had to be abandoned due to lack of funding to cover going forward, the SLRC revealed Tuesday.

The fate of the case was sealed when the SCV's General Executive Counsel, apparently by a one-vote margin, refused a request to help underwrite the case at the national level. The request sought \$5,000 from SCV National, to be matched by equal amounts from the Tennessee and Mississippi SCV Divisions, who were acting as co-sponsors of the case.

McClaren, a resident of Olive Branch, MS, worked across the river in Memphis, TN, as a counselor at Compass Intervention Center in Memphis. Through the SLRC, he filed suit against his employer and its parent company in October of 2008, a year after his dismissal. The intervening year had been spent researching McClaren's grounds for action and in responding to legal maneuvering by the defendant's attorneys, as well as in seeking to build a war chest to support the case. Some SCV camps, including the N.B. Forrest Camp and McClaren's camp in Memphis, contributed directly as did several individuals, and the Mississippi and Tennessee SCV Divisions agreed to share costs of the case since McClaren was a Mississippi resident (and a Mississippi SCV license tag was involved) but was a Tennessee SCV member. In dollar-and-cent terms, the Mississippi Division bore most of the costs associated with pursuing the case.

As anticipated, a lower Tennessee court dismissed McClaren's retaliatory discharge suit in January, on grounds that

Tennessee's right-to-work laws trumped McClaren's claim of wrongful dismissal. The SLRC, together with local counsel Tarry Beasley, immediately filed notice of appeal to the United States Sixth Circuit Court of Appeals and the request for funding the appeal was made to the General Executive Counsel.

By a vote of 8 to 7, the GEC decided not to fund further action in the McClaren case. Among those voting against the measure were Judge Advocate-in-Chief Simon B. (Chip) Buckner, IV, who had been an outspoken critic of the case in terms of its viability, and SCV Commander-in-Chief Chuck McMichael.

"Nearly every significant heritage defense case the Confederate community has won, including SCV license plate cases, has initially been lost at the lower court level and won on appeal," said SLRC Chief Trial Counsel Kirk Lyons. "This case was a lot bigger than Paul McClaren and deserving of our best shot."

"This was unconscionable," a grim SLRC Executive Director Roger McCredie, himself a Past SCV Chief of Heritage Defense not known for mincing words, said of the decision. "We aren't talking about a kid and a t-shirt here; we're talking about one of our own - an SCV member and a professional man who got caught in the crossfire of political correctness for defending an SCV issued tag. Abandoning his case after three years of work sends a message to big business and the PC crowd, on the eve of the [WBTS] sesquicentennial, that we can rattle our saber all we want to but in the end we don't intend to draw it."

IRS GIVES SLRC CLEAN BILL OF HEALTH

After seven months of combing through the SLRC's financial records and peering into every nook and cranny of its corporate operations, the Internal Revenue Service has concluded that the SLRC is functioning in compliance with Federal guidelines and as such will retain its status as a bona fide public charity.

"Our examination . disclosed that your organization continues to qualify for exemption from Federal income tax," Exempt Organizations Director Nanette M. Downing said in a half-page letter to the SLRC dated June 17, exactly seven months after Field Agent Russell Gagnon began an investigation of the SLRC that was undertaken at the request of an unnamed individual.

Although privacy laws prohibit the IRS from revealing the identity of the party seeking the investigation, it is obliged to disclose the nature of the allegations made by that party to the company under investigation. Based on this information, the SLRC "has a pretty good idea of who was seeking to hassle us," Chief Trial Counsel Kirk D. Lyons said. "This was

an act of pure malice designed to inconvenience and embarrass us, and to undermine our credibility, which is the most harmful thing you can do to a public charity. Well, it backfired."

"Being investigated by the IRS, even if you're squeaky clean, is pretty stressful," said Executive Director Roger McCredie, "but being vindicated is a good feeling. People who send their hard-earned money to a nonprofit need to be reassured that it's being used correctly. So actually, whoever intended us such harm has actually done us a tremendous favor. 'He that diggeth a pit shall fall into it,' " McCredie said, quoting Ecclesiastes.

#####

- -

listsupport@slrc-csa.org

Telephone: (828) 669-5189

Fax: (828) 669-5191

Please DO NOT REPLY to this message.

<http://slrc-csa.org>