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Inside This Issue

IJ Scores
New Free Speech Victory

2

Victory Dance
For San Tan Flat

3

IJ Lobbies for Liberty
In State Capitals

5

Kelo House
Finds a New Home

6

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New Book by
Chip Mellor
& Bob Levy

THE DIRTY DOZEN

How Twelve Supreme Court Cases Radically
Expanded Government and Eroded Freedom

By John E. Kramer

Ever wonder how our nation changed from a country with a Constitution that limited government power to a land where the Constitution is interpreted to limit the rights of the citizenry? And what can be done to restore the founding vision for a free and prosperous nation?

A new book called *The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom* (Sentinel, \$25.95) offers the answers.

Written by IJ President Chip Mellor and IJ Board Member (and senior fellow in constitutional studies at the Cato Institute) Bob Levy, *The Dirty Dozen* examines the 12 worst U.S. Supreme Court rulings of

the modern era—decisions that led us away from our Founders' Constitution.

Mellor and Levy ask, "If America truly is the Land of the Free, should we have to ask for government permission to participate in an election? Or pursue an honest occupation? And should our government be empowered to take someone's home only to turn the property over to others for their private use?"

They answer unequivocally, "Of course not," then take the reader through the sad state of America's current jurisprudence while pointing the way for judges, justices and legal advocates who are inclined to follow a path to greater freedom.

Richard Epstein, the James Parker Hall Distinguished Service Professor of Law at the University of Chicago Law School, provided the book's

The Dirty Dozen continued on **page 8**

VICTORY FOR SPEECH

IJ Once Again Secures Freedom For Online Real Estate Advertisers

By Valerie Bayham

Government bullying threatened to shut down the online real estate advertising firm of entrepreneurs Ed Williams and Frank Mackay-Smith. But thanks to yet another victory in a series of wins for Internet publishers by the Institute for Justice, Ed and Frank are free to provide their service, undisturbed by petty bureaucrats who often do the bidding of private competitors.

Williams and Mackay-Smith are dedicated to giving home sellers the choice of how to sell their homes: pay a licensed real estate agent a hefty commission or enable the homeowner to sell their home themselves using the power of the Internet. Williams and Mackay-Smith's online advertising and information business, ZeroBrokerFees.com,

The court ruled that websites that advertise properties for sale are just like newspaper classified advertising and thus do not need a broker's license under New Hampshire law.

provides sellers with the tools to advertise their property themselves. But because the New Hampshire Real Estate Commission had already gone after one online advertising business, Ed and Frank were rightfully concerned that they would be the next targets of a real estate cartel that is busily protecting its members.

Then IJ took up their fight, and just this past March, Magistrate Judge James R. Muirhead of the U.S. District Court for the District of New Hampshire ruled that ZeroBrokerFees.com may do business online without first securing a real estate broker's license. The court ruled that websites that

advertise properties for sale are just like newspaper classified advertising and thus do not need a broker's license under New Hampshire law. As a result, the Court held that ZeroBrokerFees.com is entitled to an injunction preventing the state from enforcing the licensing requirement against it.

This is great news for consumers, as well as for Ed and Frank. With the housing market in the dumps, many home sellers would prefer to keep every penny of their homes' worth in their own pockets rather than using real estate brokers. And for Ed and Frank, the decision means that they won't have to waste thousands of hours on training and put their business on hold while they obtain a real estate broker's license.

In his 33-page decision, Judge Muirhead found that ZeroBrokerFees.com is a "web-based publisher of real estate advertising and information." The Court concluded that "[t]here is no logical distinction between [a newspaper classified advertising service] and plaintiff's business, and I will not construe the exemption [for newspapers] to reach the absurd result of exempting one form of classified advertising but not another." Although the Court ruled on statutory grounds, the judge clearly recognized the First



IJ client Ed Williams, CEO of ZeroBrokerFees.com, scored an important free speech victory for Internet publishers.

Amendment implications.

Ed and Frank hope that their victory will clear the way for other Internet businesses to operate without the hassles and threats of prosecution from pointless regulations.

Building on success is exactly why IJ brought this case in the first place. The decision in ZeroBrokerFees.com built on IJ's successful First Amendment challenge to California's real estate licensing laws, *ForSaleByOwner.com v. Zinnemann*. Moreover, the *ForSaleByOwner.com* decision has already been used by online advertising businesses to help insulate them from attacks by other real estate commissions across the nation. By setting precedent in one location, IJ has gotten bureaucrats—normally aggressive in protecting their turf—to back off before deciding to pick on the next budding entrepreneur. And that's a victory that can be celebrated across the World Wide Web. ♦

Valerie Bayham is an IJ staff attorney.



A Time to Dance!

IJ Defeats Arizona Dance Ban

In April, the Institute for Justice Arizona Chapter defeated a ridiculous government demand that Arizona entrepreneur Dale Bell ban dancing outside his Country & Western steakhouse, San Tan Flat, or else face fines of almost \$200,000 a year.

“My son and I built this business with our own hands,” said Dale, who runs San Tan Flat with his 17-year-old son and business partner, Spencer. “I’m very pleased that freedom



Father and son business partners and IJ clients **Dale Bell**, right, and **Spencer Bell**, defeated the government-imposed ban on dancing in their Arizona steakhouse.

and common sense have prevailed. It is hard enough to run a business these days without having to jump through arbitrary hoops bureaucrats can put in your way.”

San Tan Flat is a popular steakhouse in Pinal County—located between Phoenix and Tucson—that provides live country music in its outdoor courtyard. Customers often dance to the family-friendly entertainment under the desert stars. County officials, however, dusted off an obscure 60-year-old zoning ordinance to argue that every time one of Dale’s customers swayed to the music, the steakhouse instantly morphed into a “dance hall.” According to the old law, dancing outdoors in a “dance hall” is strictly forbidden.

During a hearing on April 30, Superior Court Judge William O’Neil strongly disagreed, stating, “When a local government restricts freedoms it’s a dangerous thing.” Judge O’Neil struck down the Pinal County ruling, stating, “San Tan Flat is not an enterprise for dance.”

IJ Arizona Chapter Staff Attorney Jennifer Perkins said, “Pinal County’s obsession with dancing was a ruse they used to harass these small businessmen, but the government didn’t appreciate the fight they were in for. We’re ready to literally kick up our heels and do a victory dance to celebrate Dale and Spencer’s restored economic liberty.”

Shortly after San Tan Flat opened in 2005, Pinal County officials began harassing Dale. They forced him to reduce the number of entrances San Tan Flat had off the highway from four to one and prohibited him from advertising with more than one sign. A government agent even made a special trip to scrutinize the restaurant’s firewood. Government agents then started showing up three times a night to see if Dale violated the county’s very restrictive noise ordinance—adopted after the steakhouse’s opening. During months of constant monitoring, San Tan Flat never once violated the noise regulation. So the bureaucrats resorted to the dance ban.

One year ago, on May 16, 2007, the Pinal County Board of Supervisors upheld the dance ban against Dale, subjecting him to steep financial penalties. The Board also made several absurd claims, including stating that public parks may also qualify as dance halls and that Dale’s stage should be used for puppet and mime shows.

This outrageous abuse of local government power turned Pinal County into a national laughingstock. Drew Carey, host of *The Price is Right*, featured San Tan Flat in his sixth episode of “The Drew Carey Project” for Reason.tv. Nationally syndicated columnist George F. Will recently wrote that the Pinal County bureaucrats demonstrate that “there must be a judicial leash on governments to prevent them from arbitrarily asserting that the plain language of a statute means something that it plainly does not say.” Judge O’Neil ended that abuse with his ruling.

Tim Keller, executive director of the IJ Arizona Chapter, said, “Dale’s fight has never been just about San Tan Flat, but about the right of all entrepreneurs who face arbitrary and abusive government power. The Institute for Justice will not rest until this fundamental right is secure for all Americans. Dale’s victory is a wonderful victory for economic liberty.” ♦

Activist Puts the BRAKES on Eminent Domain Abuse

By Ed Osborne

I was born dirt poor. Because of a bad relationship with my father, I was forced to leave home at 15. With just an eighth-grade education, I could have taken a number of paths—but I chose to work and have not rested for 40 years. I am proud to say that I own my own home and business, Osborne's Auto Service, in Wilmington, Del.

But recently, someone has been trying to take my piece of the American Dream. The Buccini/Pollin Group, a wealthy developer, wants the land where my shop sits—and because city officials believe my property (and 61 others) can be put to “better use,” they are threatening to seize it through eminent domain if I do not sell.

I first encountered eminent domain abuse in March 2004, when the state wanted to take my business to supposedly widen a road. I visited the Realtor's sales office for the new condos that were being built across the street and noticed a rendering of Phase II of the project—to be built on *my* property. Fortunately, I was able to stop this attempt, but I knew the fight wasn't over.

Sure enough, the city came back with another threat in 2007—this time under the guise of “slum and blight” clearance. For the second time in four years, real estate agents have said publicly that it is just a matter of time before my business is replaced by new development. To show you their arrogance, the rendering of their project that they share with prospective buyers shows their development where my business now stands. A friend of mine captured their rendering in their office with his cellphone camera to document their desire to drive me out.

I have spent nearly every waking moment for 10 months struggling to come to terms with possibly losing everything. I have endured months of uncertainty, from the possibility of relocation and loss of customers to possible legislative reform and a court decision on my lawsuit. I worry about the amount of time I spend away from my business and the depletion of financial resources. And I fight on. While possessions admittedly mean little when compared to family, having been born in poverty, I learned to appreciate the value and self-esteem gained as a result of owning the fruits of one's labor. I cannot and will not stand

quietly by and let someone take what belongs to my family and me.

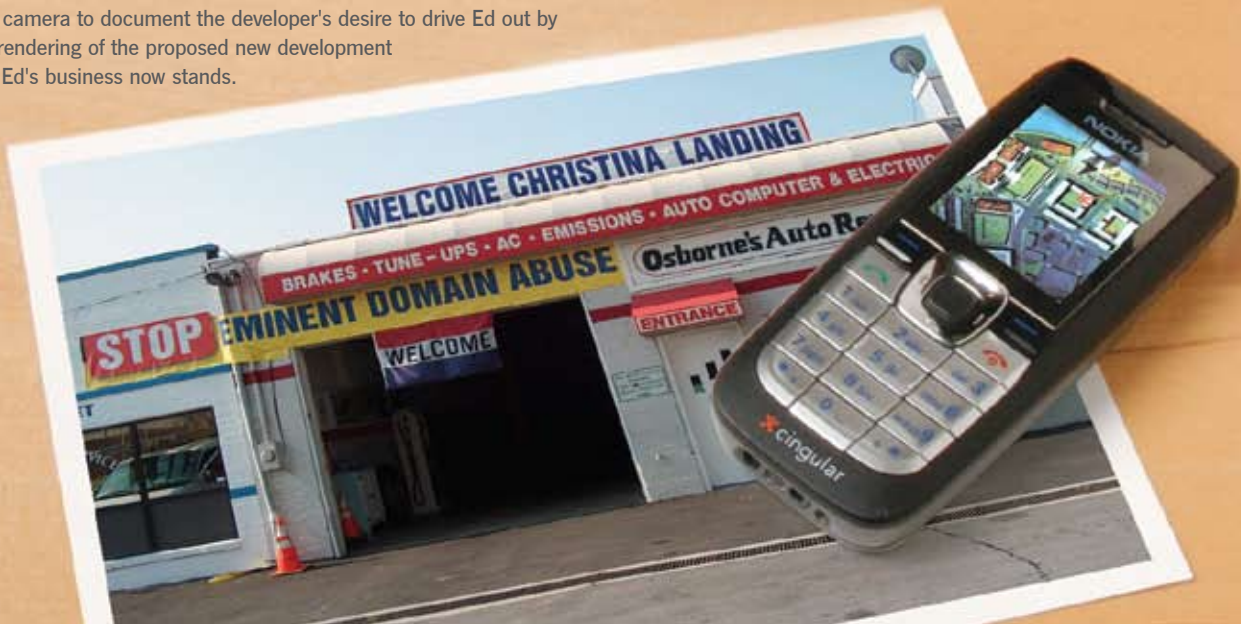
With the help of the Castle Coalition, I organized property owners, set up community meetings, and addressed the City Council to keep the fight alive and in the minds of voters. I contacted a prominent Wilmington radio station and distributed flyers I made across the city. I attended dozens of legislative meetings and hearings, spent thousands of dollars on legal advice and wrote guest editorials for the local paper.

I remember the first time I was on the radio—my heart was pounding so fast that when they told me it was my turn to speak, I nearly hung up the phone. I have always pondered where soldiers find the courage to stand on a field of battle. But life, I believe, presents moments when fear has no power, when something else takes over. I summoned the courage to speak that day and continue to make my voice heard.

Without a willingness to fight, my belief in myself and in my dream will cease to exist. I am standing up to defend what is rightfully mine, because in the end, it is worth any effort or sacrifice. ♦

Ed Osborne is a member of IJ's Castle Coalition.

Castle Coalition activist **Ed Osborne** fights for his business (below). A friend of Ed's used a cellphone camera to document the developer's desire to drive Ed out by photographing a rendering of the proposed new development to be built where Ed's business now stands.



Lobbying for Liberty

IJ's State Chapters Give Freedom
A Voice In State Capitals

By William Maurer

No matter the state, the halls of the Capitol are choked with lobbyists seeking more regulation, special treatment and government benefits for their clients. But in Arizona, Minnesota and Washington, there are individuals lobbying for something different: freedom.

IJ's state chapters not only allow us to employ a sustained litigation strategy in courtrooms across each of these states, but our local presence allows us to selectively influence state policy to favor liberty as well. Our policy successes in each of these states are a testament to the importance of having people on the ground all year round who know the political culture of their state and who appreciate the constitutionally imposed limits on the power of government.

Our efforts are often devoted to reforming state eminent domain laws. For example, IJ Minnesota Executive Director Lee McGrath led a diverse coalition of groups—from evangelical Christians to car dealers to the NAACP—to fight for reform of that state's eminent domain regime, resulting in the enactment of meaningful reform.

Likewise, in Washington, IJ-WA led the effort to put eminent domain reform on the legislative agenda by drafting policy papers and op-eds on the need for reform. The efforts led to our participation in Attorney General Rob McKenna's Eminent Domain Task Force, which continuously monitors the use and abuse of eminent domain in the Evergreen State. IJ-WA's recommendations bore fruit in 2007 with a major change in Washington's unfair eminent domain notice procedures.

Lobbying for Liberty continued on **page 10**

IJ Argues Case for Summer Camp

For 31 years, Summer's Best Two Weeks, a non-denominational Christian summer camp in southwestern Pennsylvania, rafted the storied whitewater in Ohiopyle State Park. For the camp, which never had an accident, rafting was a cherished rite of passage that 15,000 kids had shared over the years.

Remarkably, the attorney for the state freely admitted what was going on: "We have complete control over the four outfitters . . . and we get a piece of the action," he said, referring to the government's sizeable cut of the outfitters' gross. He also suggested that the government had camper safety at heart, but the Court



Then, in 2001, the Bureau of State Parks kicked the kids off the river because government-licensed commercial outfitters wanted to force the camp to pay for the outfitters' services. The camp refuses, however, because the outfitters are demonstrably less safe, operate in a morally unacceptable way to the faith-based camp and are too expensive.

The camp got its day in court in early April when IJ Staff Attorney Jeff Rowes argued to a three-judge panel of the Commonwealth Court of Pennsylvania that the Pennsylvania Constitution does not allow the government to interfere with liberty just to supply private businesses with customers.

met this with skepticism because the camp has a far safer history of running the rapids than anyone, including the outfitters. No camper in the camp's long history of rafting the river has ever suffered serious injury, while a number of the commercial outfitters' clients have died.

In his closing remarks, Rowes summed things up for the judges: "[The government] needlessly ended a genuine Pennsylvania tradition that has taught courage, teamwork, leadership, faith and good citizenship" to thousands of young people, just to sweep money into the hands of the outfitters.

IJ hopes to get a favorable decision in time to get the camp on the river this summer. ♦

DONATE ON KELO DAY: JU

SPECIAL ONE-DAY DONATION

Mark your calendar for Monday, June 23, to **donate to IJ** so we can continue the fight to protect home and small business owners nationwide. (www.ij.org/KeloDay)

SUSETTE KELO'S LITTLE PINK HOUSE FINDS A NEW FOUNDATION

Piece by piece, the Kelo house
from the Fort Trumbull nei
Photos by D

by **Scott Bullock**

The little pink house that launched a nationwide property rights movement is standing at a new location in New London, Conn. On June 21, the Institute for Justice will host a ribbon-cutting ceremony and party to celebrate the fact that this historic house has found a new home.

The house, moved from the Fort Trumbull neighborhood, will stand as a testament to the bravery of Susette Kelo and her neighbors, and to the thousands of others who have battled and are battling government's abuse of eminent domain across the country. The *Kelo* case caused a nationwide backlash against eminent domain abuse, resulting in reform legislation in more than 40 states and numerous

state court decisions in favor of property owners. It also inspired increased citizen activism to protect property rights from takings for private development.

The dedication of the Kelo house will be the first in a three-day series of events leading up to the anniversary of the U.S. Supreme Court's infamous ruling. On Sunday, June 22, the Institute will highlight the fact that, like so many other projects that use eminent domain and rely on massive public subsidies, the Fort Trumbull project has so far been a major debacle. Close to three years after the Court's decision, no new construction has taken place in the area, and the developer, desperate to obtain financing, has even applied to the U.S. Department of Housing and Urban Development to receive taxpayer-backed

loans to build luxury rental housing. So far, more than \$78 million in taxpayer funds have been spent on the project with nothing to show for it but brown, empty fields.

Finally, on Monday, June 23, the exact date of the three-year anniversary of the decision, Susette Kelo, in a special video release, will ask people throughout the nation to contribute on that day to the Institute so that we can continue the fight to protect home and small business owners. To get on the electronic distribution list for this video, email Brandon Adkins here at IJ at badkins@ij.org. ♦

Scott Bullock is an IJ
senior attorney.



Attend the ribbon-cutting ceremony at the recently moved Kelo house on Saturday, June 21, in New London, Conn.

JUNE 23, 2008

3 YEARS AFTER *KELO*

Castle Coalition Inspires and Trains Activists for Victories

By Christina Walsh

City officials were not the only ones emboldened by the *Kelo* decision. While many municipalities viewed *Kelo* as a green light to abuse eminent domain to benefit developers, activists across the country began making their voices heard louder than ever before—and winning.

The Castle Coalition educates and empowers these home and small business owners to protect what is rightfully theirs. We help turn ordinary citizens into indomitable activists who get results. And indeed they do. Since *Kelo*, our materials and involvement have led to the defeat of at least 23 private projects that threatened the use of eminent domain. The vast majority of these hard-fought battles were won in states that have failed to pass real legislative reform—California, Illinois, Missouri, New Jersey and New York—proving that activism *works*, especially in states where the worst abuses occur.

These successes have prevented tax-hungry governments from seizing more than 1,700 homes and businesses and thousands of acres of private property for private gain. In Seattle alone, activists stopped a “blight” designation that would have covered more than two square miles of homes and small businesses. In Cheektowaga, N.Y., homeowners saved an entire community of 300 homes and 700 apartments. Castle Coalition members also defeated projects in metropolises like Chicago and St. Louis, where the “political machine” was seemingly invincible, and stopped smaller, power-hungry town councils from seizing mom-and-pop shops and historic homes.

By employing the strategies we outline in our *Eminent Domain Abuse Survival Guide* and our DVD *Not for Sale*, and by attending our training programs, these activists and many others like them have organized, raised awareness and prevailed, proving that you *can* fight City Hall and win.

Our continued involvement on the ground, our regularly updated materials and website, and our army of more than 500 new activists that we have trained since *Kelo* means there are many more victories on the horizon. And with steadfast resolve and confidence, we continue to stand with them on the frontlines and say, “Hands off my home!” ♦

Christina Walsh is IJ's Castle Coalition coordinator.



e is moved
neighborhood.
oug Schwartz





Cato Institute's Roger Pilon (left) moderated a recent event promoting *The Dirty Dozen*. Bob Levy, center, responds to a question from the audience as his co-author, Chip Mellor, looks on.

UPCOMING BOOK TOUR EVENTS

Charlotte, N.C. (May, 29, 2008)

Washington, D.C. (June 24, 2008)

Seattle, Wash. (June 24, 2008)

Raleigh, N.C. (June 30, 2008)

Contact Shaka Mitchell at smitchell@ij.org for details.

“Straightforward and clear. . . . brilliantly reasoned and meticulously researched... *The Dirty Dozen* tells the story of how the Supreme Court has undermined our liberty.”

—Patrick J. Toomey,
Club for Growth

The Dirty Dozen continued from page 1

preface in which he says, “Into [the] void step two fearless writers . . . [Mellor and Levy] act with one consistent objective—to increase the protection of individual rights by limiting the size and functions of government. That singular and admirable vision exerts a profound influence on their selection of cases for inclusion in *The Dirty Dozen*.”

Lyle Denniston—the dean of the U.S. Supreme Court beat, who has covered the Court for more than 50 years for various news organizations, and who now edits the influential SCOTUSblog.com website—wrote, “The book is an easy read, and it is a very informative primer on some long-neglected cases. Each chapter begins with a discussion of the constitutional issue at stake (with the language of the Constitution on the point spelled out), followed by the facts of the key case or cases, the critique (“Where Did the Court Go Wrong?”), and concluding with implications for the present and future. . . . The book could well become a document of some import during this year’s presidential election campaign, if it should turn out that the voting public (and the candidates) take any interest in the kind of judicial philosophy that they want to see pursued in future appointments to the Supreme Court.”

Despite the enormous impact these rulings have had on the everyday lives of Americans, few of the 12 cases are widely known. Whether it is political speech, economic liberty, property

“A passionate, thoughtful, provocative, and eminently readable book by two of America’s most influential libertarian lawyers and legal thinkers.”

—Eugene Volokh, Professor of Law, UCLA; founder of the Volokh Conspiracy blog

rights, welfare, racial preferences, gun owners’ rights, or imprisonment without charge, the U.S. Supreme Court has behaved in a manner that would have stunned, mystified and outraged our Founding Fathers. Since the New Deal, the Court has expanded the reach of government and restrained the rights of individuals. The following are among the cases featured in *The Dirty Dozen*:

- *Helvering v. Davis* (1937) allowed the federal government to tax and spend for the “general welfare,” thereby opening the floodgates of the redistributive state—taking money from some and giving it to others, without any meaningful constitutional constraints.
- *Wickard v. Filburn* (1942) let Congress use the Interstate Commerce Clause to restrict activities that are neither interstate nor commerce, thus extending federal regulatory authority to nearly every productive activity and eviscerating the principle that federal powers are limited to those enumerated in the Constitution.
- *Kelo v. City of New London* (2005) declared that the government can seize private property and transfer it to another private owner, providing one more deplorable example of eroding property rights. The

IJ Saddles Up In Horse Teeth Fight

By Krissy Keys

There was no horsing around at a recent townhall meeting the Institute for Justice hosted in Texas for those involved in the care of horses' teeth. The seemingly arcane subject holds a wealth of opportunities in IJ's nationwide fight to advance economic liberty in all trades.

Equine dental practitioners, horse owners, concerned citizens and IJ attorneys gathered in Austin in April to discuss the monopolistic licensing scheme imposed by the Texas State Board of Veterinary Medical Examiners on those who want to practice horse teeth "floating," which is the filing of horse teeth. We hosted a townhall meeting on the eve of a second lawsuit filed by the Institute for Justice against the state board on behalf of practitioners who wish to float horse teeth in Texas without first having to attend veterinary school.

Townhall participants, many of whom will be affected by the board's sudden, unaccountable change in policy, shared ideas, expressed frustrations and gained a better understanding of where the board's policy originated and whose interests it really serves—in this case, those of the veterinary cartel. Attendees left the meeting with a

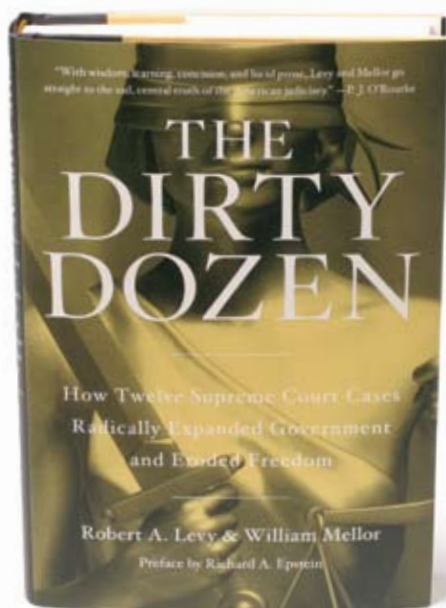


IJ clients and our legal team gather on the courthouse steps to launch our challenge to government restrictions on Texas horse teeth floaters.

greater understanding of what is at stake for horses, equine dental practitioners and horse owners in Texas. They also learned new tactics to fight those who would use government power to limit competition.

In 2007, the state board reinterpreted the Texas Veterinary Licensing Act, making it illegal for anyone except a licensed veterinarian to file horses' teeth in Texas. Prior to the board's flip-flop, skilled equine dental practitioners floated the majority of horse teeth in Texas at rates typically well below those of government-licensed veterinarians and with greater skill than most vets because licensed veterinarians typically receive no more than a few hours of training, if any, on equine dental care. Although challenges like this may seem limited in scope, they hold important potential to reinforce earlier economic liberty precedents won by the Institute for Justice as well as victories earned in the court of public opinion. When one entrepreneur—be she a van driver, casket seller or florist—opens the door to her trade, it creates momentum for the next IJ entrepreneurial client, regardless of his or her occupation.

The Institute for Justice is committed to restoring the right to earn a living for all those who pursue honest occupations wherever they are harassed by the state.◆



The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom (Sentinel, \$25.95), available at Amazon.com.

decision permitted local planners to run roughshod over isolated and vulnerable members of society.

Levy said, "The Court's primary responsibility is to secure individual rights and guarantee a federal government of limited and enumerated powers. Sadly, that's not what the Court has done since the New Deal. It's time to restore constitutional government."

Mellor reminds readers, "Judicial activism created new constitutional rights out of whole cloth and erased rights that are constitutionally protected. Only principled and consistent judicial engagement can restore proper respect for the Constitution as it was written."

And those who know Mellor and Levy well know that they back up statements like that with their own actions: each has been centrally involved in legal cases brought before the U.S. Supreme Court—from those dealing with economic liberty to property rights to Second Amendment rights and more—to restore constitutional protections to the public and limit the size and scope of government.

The Dirty Dozen is available in bookstores across the country and through Amazon.com.◆



John E. Kramer is IJ's vice president for communications.



Krissy Keys is IJ's assistant outreach coordinator.

DECREASE YOUR TAXES & SUPPORT FREEDOM

Would you like to make a gift that helps secure individual liberty while providing a charitable tax deduction, earning fixed income for life, and reducing your capital gains tax?

Consider establishing a charitable gift annuity with the Institute for Justice.

Here is an example of how an immediate payment annuity works: John Q. Justice, age 72, has securities worth \$10,000 that he purchased for \$5,000 several years ago. When Mr. Justice establishes a charitable gift annuity with IJ, he becomes eligible for a charitable deduction of \$3,478 and an annual income of \$670, based on an annuity rate of 6.7 percent. A portion of the income will be tax-free, a portion will be taxed as capital gains, and a portion will be taxed as ordinary income. By using his appreciated securities to fund a charitable gift annuity with IJ, Mr. Justice has secured income for life and tax benefits for himself, and helped extend the benefits of freedom to those whose full enjoyment of liberty has been denied by government.

Income rates for gift annuities will drop effective July 1, 2008. Now is the time to lock in a higher return.

Establishing a gift annuity with IJ will also entitle you to membership in IJ's **Four Pillars Society**. For more information about gift annuities, the Four Pillars Society, or other ways to leave a legacy of liberty, contact Melanie Hildreth at mhildreth@ij.org or 703-682-9320 x. 222.

These calculations are for illustration purposes only and should not be considered legal, accounting or other professional advice. Actual benefits may vary depending on the timing of the gift.

*Four Pillars
Society*

Lobbying for Liberty continued from page 5

But our efforts are not limited to eminent domain. Economic liberty is another area where IJ's state chapters have led successful efforts. IJ-AZ successfully lobbied the Legislature to rid that state of a bureaucratic pest, the Structural Pest Control Commission, which regularly interfered with the free market and consumer choice. IJ-WA helped defeat efforts to establish a cartel in interior design. And, in an example of local efforts, IJ-MN helped Minneapolis deregulate its taxi market and is working to deregulate the household movers business.

We spread the word of freedom to neighboring states as well, employing our geographic proximity to remind lawmakers in those states that they cannot abuse liberty without consequences. For instance, IJ-AZ Staff Attorney Jen Perkins was active in New Mexico's successful eminent domain reform efforts and IJ-WA Staff Attorney Michael Bindas lobbied Idaho's legislature on enacting meaningful eminent domain reform.

Of course, the proponents of big government are well entrenched and will always make reform difficult. In Arizona, for example, even though both houses of the state legislature passed real eminent domain reform, the Governor bowed to special interests and vetoed it. And in Washington, substantive reform of the state's eminent domain laws has fallen victim to the lawyers and lobbyists of local governments.

Nonetheless, with IJ's never-say-die attitude, we continue to fight in state capitals for more freedom, less regulation and greater opportunity. And the opponents of reform can rest assured that we will be there every legislative session to continue the fight for a freer, more prosperous country.

William R. Maurer is IJ-WA's
executive director.



Volume 17 Issue 3

About the publication

Liberty & Law is published bimonthly by the Institute for Justice, which, through strategic litigation, training, communication and outreach, advances a rule of law under which individuals can control their destinies as free and responsible members of society. IJ litigates to secure economic liberty, school choice, private property rights, freedom of speech and other vital individual liberties, and to restore constitutional limits on the power of government. In addition, IJ trains law students, lawyers and policy activists in the tactics of public interest litigation.

Through these activities, IJ challenges the ideology of the welfare state and illustrates and extends the benefits of freedom to those whose full enjoyment of liberty is denied by government.

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Quotable Quotes

The Wall Street Journal

IJ Senior Attorney Clark Neily: “Imagine you were a state legislator and some folks asked you to pass a law making it a crime to give advice about paint colors and throw pillows without a license. And imagine they told you that the only people qualified to place large pieces of furniture in a room are those who have gotten a college degree in interior design, completed a two-year apprenticeship, and passed a national licensing exam. And by the way, it is criminally misleading for people who practice interior design to use that term without government permission. You might stare at them incredulously for a moment, then look down at your calendar and say, ‘Oh, I get it – April Fool! Right?’ Wrong. These folks represent the American Society of Interior Designers (ASID), an industry group whose members have waged a 30-year, multimillion-dollar lobbying campaign to legislate their competitors out of business.”

Cleveland Plain Dealer

IJ Assistant Director of Communications Bob Ewing: “Civil forfeiture is now a nationwide epidemic with proceeds from federal civil forfeiture alone reaching hundreds of millions of dollars each year. This is part of a larger trend over the past several decades of weakened property rights protection. . . . Governments should protect, not plunder, our property. Common sense and justice demand that the rampant abuse of civil forfeiture must end.”

Pittsburgh Post-Gazette

A Christian camp booted off the Youghiogheny River now is making waves in Commonwealth Court. The Boswell-based camp, Summer’s Best Two Weeks, argued in Commonwealth Court yesterday that the state Department of Conservation and Natural Resources is improperly preventing it from conducting rafting trips by requiring it to use commercial outfitters. . . . “They want to keep the commercial outfitters happy, and the commercial outfitters don’t want the camp on the river. . . . even though it has insurance and a perfect safety record,” said attorney Jeff Rowes, of the Institute for Justice, which is representing the camp. “The DCNR needlessly ended a Pennsylvania tradition that has taught courage, teamwork, leadership, faith and good citizenship.”

The Washington Post

Center for Competitive Politics Chairman Bradley A. Smith and IJ Senior Attorney Steve Simpson: “A victory for SpeechNow.org would bring federal campaign finance laws into line with the constitutional principles of free speech and association, and bring them closer to the First Amendment that most Americans already believe we have.”



We've challenged judicial activism
where it invented new rights
out of whole cloth.

We've challenged judicial passivism
where it refuses to protect rights
that are clearly stated in the Constitution.

And now we've written a book that calls for
judicial engagement to protect our rights
and limit government's power.

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The Dirty Dozen is available in bookstores nationwide and at Amazon.com.

Coauthors
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“Levy and Mellor write [about] ‘a new hierarchy of rights based on class and found nowhere in the Constitution.’ In fact, ‘nowhere in the Constitution’ is a good phrase to describe how many court decisions go wrong.”

—Amity Shlaes
The Wall Street Journal



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