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Volume 21 Issue 5

Inside This Issue

IJ Defends
School Choice
in Louisiana

2

IJ's Never-Say-Die
Attitude

4

Activism Efforts
Grow Nationwide

6

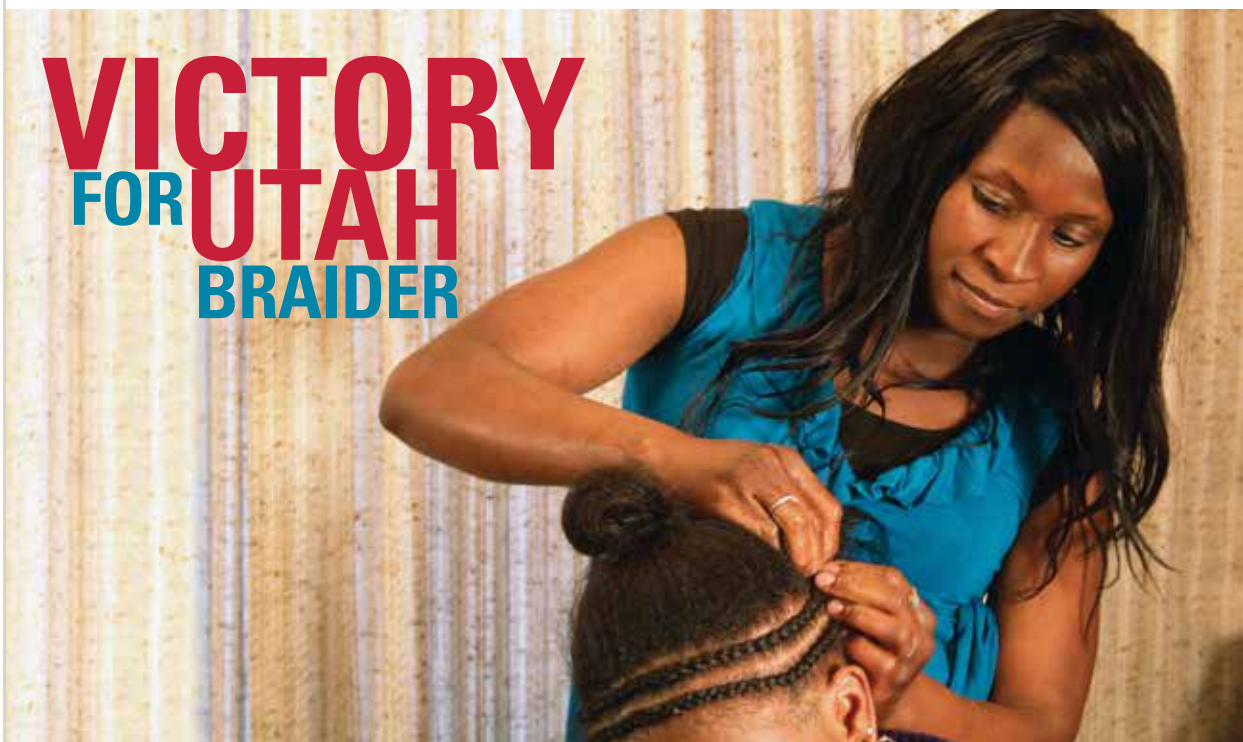
Hey Seattle:
We Told You So

10

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VICTORY FOR UTAH BRAIDER



IJ client **Jestina Clayton** helped strike down a Utah law that required her to spend thousands of dollars for 2,000 hours of government-mandated cosmetology training—training entirely irrelevant to African hairbraiding—before she could practice her trade.

IJ Earns Economic Liberty Victory For Utah Hairbraider

By Paul Avelar

In August, IJ won a major economic liberty victory in a case that attracted national media attention. Judge David Sam of the U.S. District Court in Utah struck down as unconstitutional Utah's requirement that hairbraiders have a government-issued cosmetology license. IJ filed the legal challenge to Utah's licensing law on behalf of African hairbraider Jestina Clayton.

Jestina—whose name means “justice” in her native language—learned to braid in Sierra Leone when she was just six years old. She came to the United States after fleeing the horrible violence of

her home country's civil war. In college, she began braiding hair for money. She continued her business after graduating because it combined the opportunity to provide for her family with the flexibility of being a stay-at-home mother.

But even though the state licensing board previously said she did not need a license to practice her trade, the board threatened to shut down her braiding business. Under Utah law, Jestina could not be paid to braid hair unless she first spent thousands of dollars for 2,000 hours—one full year—of government-mandated cosmetology training.

Hairbraiding continued on **page 9**

IJ Defends Louisiana School Choice Program

By Bill Maurer

Louisiana's public school system is one of the worst in the country. In 2007, the federal government found that Louisiana ranked between 43rd and 50th in fourth and eighth grade English and math on national tests. In 2011, 44 percent of Louisiana's public schools received a D or F in standards set by the state. Unless another generation of Louisiana's school children was to be condemned to a failing educational system, the state needed to take bold, innovative steps.

That is exactly what it did when it passed Act 2, one of the largest school choice programs in the nation. Under Act 2, low-income students attending public schools rated C, D or F by the Louisiana Department of Education may apply for scholarships to more than 100 participating private schools. Louisiana parents showed their support for the program when more than 10,000 students applied to participate.

In June, however, Louisiana teachers' unions and the statewide School Boards Association sued to force kids to remain in the public school quagmire. One teachers' union even took the unprecedented step of threatening to sue any private school that accepted a child using a scholarship from the state to try to stop the exodus.

The bureaucrats and unions are not challenging whether Louisiana can provide state aid to children attending private schools. The Louisiana Constitution clearly permits the state to fund education at private schools—including those tied to churches and other religious groups. Rather, the plaintiffs claim that the state constitution does not permit the government to fund the system through Louisiana's Minimum Foundation Program (MFP) system.

The MFP is a constitutionally mandated process for providing a minimum amount of funding for Louisiana's public schools. It requires the government to do two things:



"This program is a lifesaver for my child," said IJ client **Valerie Evans**, a school choice mom from New Orleans. "The Act 2 scholarship ensures that my child will be in a safe environment first and foremost."

establish a minimum level of funding for public schools, and ensure that this minimum level is distributed equitably to each parish school district. The plaintiffs are wrong in their litigation because Act 2 does not interfere with the constitutional process in any way.

The state chose to place the scholarship program in the MFP process for an important reason: Under the Louisiana Constitution, the MFP must be funded. If the plaintiffs succeed in getting the scholarship program out of the MFP process, it would mean there would be a partisan fight every legislative session over whether, and to what extent, the government should fund the program. To see the wisdom of this means of funding, just consider the yearly funding battles over Washington, D.C.'s Opportunity Scholarships.

IJ joined with the state of Louisiana to defend Act 2 in court because the program offers an educational lifeline to students. IJ represents two single mothers—Valerie Evans and Kendra Palmer—who want to send their

kids to private schools in New Orleans and are using the program to do so. IJ is also representing an organization that was directly involved in passing Act 2—the Black Alliance for Educational Options.

The Louisiana Supreme Court has already upheld the trial court's decision to allow the program to go forward, meaning thousands of parents can finally choose the school that is best for their children. The trial on the underlying legal issues is scheduled to start on October 15, 2012, and IJ will be there to ensure the voices of parents are heard.

The stakes could not be higher for Louisiana's kids. The educational bureaucracy wants desperately to keep students in underperforming and failing public schools. But IJ will continue to stand with parents and students through every step on the path to victory. ♦

Bill Maurer is executive director of the IJ Washington Chapter.



IJ Testimony Provides a Choice Option For Educational Reform Nationwide



IJ Senior Attorney **Dick Komer** talks with school choice mom **Valerie Evans** in Louisiana, where IJ is litigating in defense of the new statewide choice program.

By Dick Komer

Providing legal counsel in the design and passage of school choice programs has long been an essential component of IJ's school choice advocacy. Although the vast majority of that counsel takes place behind the scenes, occasionally we are asked to testify before state legislative committees. Indeed, IJ attorneys are often the only constitutional experts on school choice invited to testify. I have even testified before the U.S. House of Representatives' Judiciary Committee (about the *Zelman* case, which IJ litigated before the U.S. Supreme Court) and the federal Civil Rights Commission (about the discriminatory state Blaine Amendments). Testifying before legislative committees puts a premium on providing a clear and succinct explanation of complex issues in the briefest possible time. Like an oral argument in court, you hope for an informed audience of legislators who will

ask concise and intelligent questions.

When invited to testify on school choice legislation, we provide expert advice, usually on state constitutional issues, such as Blaine Amendments designed to prohibit state funding of religious schools. Such highly conten-

tious issues can lead to a lot of political posturing and a significant degree of hostility towards the witness, expressed in the form of questions that reflect the policy preferences and biases of the committee members. The political cultures of states vary widely and as a witness one must remain calm and professional at all times, especially when facing legislators with a clear opposition to giving parents greater control over a child's education.

But the most difficult questions to answer tend to be the ones that require the most wide ranging knowledge of related subject matter. For example, when I testified in the Wisconsin Legislature on a proposed scholarship bill that would enable families with students receiving special education in the public schools to send their children to private schools, I would have been totally at sea without a thorough grasp of how the federal Individuals with Disabilities Education Act (IDEA) works.

That incredibly complex federal law forms a backdrop to special education in all 50 states, because all states receive federal funds from the U.S. Department of Education to operate their programs and have to abide by its mandates. Having worked at the department before coming to IJ has proved invaluable in explaining how school choice can operate harmoniously with the IDEA.

The past two years have brought a tremendous increase in legislative interest in school choice, with more states considering and passing school choice legislation than ever before. This has resulted in opportunities to testify in new states seriously considering school choice for the first time. For example, IJ Arizona Chapter Executive Director Tim Keller testified in Montana about a proposed tax-credit scholarship program, and I testified before the Alaska Legislature about a constitutional amendment to repeal their Blaine Amendment to reverse the outcome of several old and deeply flawed decisions of the Alaska Supreme Court. But while Tim actually got to go to Montana, I had to testify by telephone for an hour in Alaska! (Somehow it just wasn't as much fun for me.)

Regardless of whether we carry our message of educational freedom face-to-face with legislators or do so remotely, advocates from the Institute for Justice will continue informing lawmakers across the nation about not only the need for choice, but about the clear constitutionality of such programs, as well. ♦

Dick Komer is an IJ senior attorney.





PERSISTENCE: A Required Virtue at IJ

By Dana Berliner

“IJ’s cases are always uphill battles because we are trying to change the law. In fact, if they weren’t such challenging cases, there would be no reason for IJ to litigate them in the first place.”

Resilience and dogged persistence

are required traits for any IJ attorney. We need these qualities because court losses, especially at the initial stages, are inescapable for cutting-edge constitutional lawyers. Indeed, we tend to view an initial loss in a case as a good warm-up to an ultimate victory.

IJ’s cases are always uphill battles because we are trying to change the law. In fact, if they weren’t such challenging cases, there would be no reason for IJ to litigate them in the first place. Easy cases can be litigated by anyone. Instead, we take cases as part of a long-term strategy to improve constitutional protection for individual freedom, particularly in areas of the law where that freedom has been degraded by courts and legislatures over time.

Given the difficulty of the cases that IJ litigates, our record of winning is truly remarkable—70 percent of our cases win in court or result in legislative change to the law we are challenging. But we do not win

all of these cases at the trial court or even necessarily at the mid-level appellate courts. Instead, because our cases raise such difficult and important legal issues, we often must go to the appellate or supreme courts to secure a victory that then protects everyone’s rights.

That has certainly been true in the area of eminent domain. For example, in our litigation on behalf of home and business owners against the city of Norwood, Ohio, we lost at the trial court and appellate court. Then, when we tried to prevent the buildings from being torn down during the litigation, we lost again at both the trial and appeals courts. Yet at the Ohio Supreme Court, we secured a unanimous decision that the use of eminent domain was unconstitutional and that the properties could not be torn down.

We had the same experience in the area of school choice. We have won two enormously important school choice cases

at the U.S. Supreme Court—*Zelman* (out of Ohio) and *Winn* (out of Arizona), and both of those were appeals from losses in the federal courts of appeal. In each case, the U.S. Supreme Court let stand the school choice programs and made it possible for more states to pass programs to enable kids to get meaningful school choice. But those victories came only after earlier losses.

In fact, losing some of our cases tells us that we are litigating the right issues. Losses tell us that rights are in jeopardy and are in need of protection. A series of recent lower court losses in the area of free speech for businesses is serving just this purpose—it is telling us we are on the right track in choosing our cases.

The standard rule is that free speech rights get very strong protection, while government-imposed limits on economic rights get substantial deference from the courts through the “rational basis test.” What happens, however, when businesses

“Given the difficulty of the cases that IJ litigates, our record of winning is truly remarkable—70 percent of our cases win in court or result in legislative change to the law we are challenging.”



IJ client **Kim Houghton** displays an image of the mural Arlington County has been trying to force her to paint over or turn into a government sign.

want to speak? IJ has brought a series of such cases in recent years. Despite the supposed high levels of protection for free speech in this nation, our cases have not fared well in the courts. The judiciary’s reflexive deference to the other branches of government whenever a law has anything to do with business has outweighed even the strong protections of the First Amendment.

Our three losses in these business speech cases have all been in the 4th U.S. Circuit Court of Appeals, which covers Maryland, Virginia, West Virginia, North Carolina and South Carolina. In our *Wag More Dogs* case, we represent a woman who put up a mural on the side of her dog daycare business showing happy dogs playing. Even though the county sign code was plainly unconstitutional, the courts ruled against us because they thought she was trying to advertise her business. In our Norfolk sign case, the trial court has just denied a preliminary injunction to allow Central Radio to keep its banner objecting to the city of Norfolk’s attempt to take its property by eminent

domain. Although it is a political sign, which should get the highest level of protection, the court was unwilling to issue the injunction. Similarly, in North Carolina, the trial court denied a preliminary injunction for our client, Steve Cooksey, which would have allowed him to continue offering guidance on his website regarding a “paleo” diet for diabetics while his legal battle continues.

The 4th Circuit losses tell us that the law is in even worse shape than we thought and therefore that IJ’s work is desperately needed. We must redouble our commitment to protecting the right to earn a living through speaking and the right of everyone to speak freely, including people who own small businesses.

Through resilience and persistence, we will secure protection not only for free speech but economic liberty, property rights and school choice, as well. ♦

Dana Berliner is IJ’s litigation director.



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Looking for a rewarding and consistent way to support the Institute for Justice? Consider joining our Merry Band of Monthly Donors. Monthly giving is simple, convenient, cost-effective and essential to IJ’s long-term success.

Here at IJ, we believe in changing the world through long-term, strategic litigation, communications, activism and research. Monthly givers allow us to focus on the future by providing a reliable source of income.

Monthly gifts go even further in advancing liberty because of lower administrative costs for processing donations. Instead of spending your money on solicitations and reminders, we can put all of your support towards fighting for a freer and more just society.

Simply sign up once using the form and envelope in the center of this newsletter, or contact Mary Quintanilla at (703) 682-9320 x239 or Mary@ij.org for more information. You may cancel or modify your membership at any time. Thank you! ♦

On The Road with IJ: Activism Coast to Coast



Activists meet to fight for free speech in Norfolk, Virginia.

By Christina Walsh

The Institute for Justice's activism team has worked in hundreds of communities across the country to educate, organize, and mobilize victims of abuses of government power to defend their rights outside the courtroom. We work both in conjunction with, and independent of, IJ's litigation and have become an integral part of the Institute's long-term success.

We have institutionalized a strategy that we first brought to bear in our defense of property rights both before and in the wake of the U.S. Supreme Court's 2005 decision in *Kelo v. City of New London*. Once IJ took on the issue of eminent domain abuse, we received an ever-increasing number of requests for assistance from property owners. We soon recognized that these fights could be won outside the courtroom. So we created the Castle Coalition, IJ's first widespread foray into activism. Since *Kelo*, IJ has trained nearly 2,000 activists in more than 120 communities and helped save more than 16,600 properties. Three years ago, we formally expanded our activism efforts into our other pillars of litigation: school choice, free speech and economic liberty.



IJ's activism team empowers and trains individuals to fight for themselves with confidence and to take personal responsibility for their communities, their jobs and their families. Every initiative we take on is designed to bring about fundamental change at the local level by inspiring new advocates who will put government officials on notice when they use their powers to unduly restrict liberty.

Sometimes our efforts take the form of workshops that inform entrepreneurs about their constitutional right to earn a living, or property owners about the threat a blight designation poses to their neighborhood. We help them form a group or coalition, appoint a leader, develop an online and community presence, and teach them basic public relations skills, like how to write a press release or testify before city council. Other times, we'll coordinate demon-

strations like protests in front of state capitols or provide expert testimony to local lawmakers. Some activism situations may be more intensive than others and necessitate large-scale campaigns, but we aim to make local residents largely self-sufficient by giving them the tools, training and support they need to be bold and uncompromising in defending their rights.

Training is the cornerstone of IJ's grassroots mobilization efforts, specifically at the local level. IJ has pioneered community organizing around the civil rights traditionally rejected by the Left, which has, until recently, claimed ownership over these mobilization strategies. We go into low-income neighborhoods with a unfamiliar message about liberty and an equally foreign optimism and enthusiasm, and both consistently resonate. We challenge the assumption that the powers-that-be have only the needs of their



“At IJ we believe that people can be effective advocates both inside and outside of the courtroom—it is our job to inspire them to fight.”

constituents at heart and instead show residents how government oftentimes seeks to maximize its power and grow its coffers.

Take for example our recent activism work in defense of the right of food truck and cart operators to earn an honest living. IJ’s activism team is playing an integral role in IJ’s National Street Vending Initiative and works with street food entrepreneurs across the country to push back against protectionist and arbitrary laws that try to keep them away from popular commercial areas or out of business altogether. We keep a close watch on vending law developments around the country. Since 2011 alone we have been active in 23 cities, from Chicago, New Orleans and Las Vegas, to Lexington, Ky., New Bedford, Mass., and Grand Rapids, Mich.

Our involvement varies, from writing op-eds and letters to the editor, to traveling to meet with and organize vendors, to speaking at city council meetings. For instance, when Buffalo, N.Y., began contemplating its first food truck regulations and a few politically connected restaurant owners began to mobilize, IJ tracked down the city’s gourmet food trucks and arranged to meet. We went to Buffalo, strategized, filmed and put together a well-received, compelling video (located

at www.ij.org/BuffaloFoodTrucks); created a website; testified and spoke to council members one on one; and provided extensive research on how other cities appropriately and inappropriately regulate food trucks. Ultimately we were victorious: The city passed the law that the food trucks favored.

On the other end of the street food spectrum are *loncheras*, traditional Mexican taco trucks. In Charlotte, city regulations make it impossible for food trucks to operate. Before the current regulations passed, there were 50 food trucks, including *loncheras*; now there are seven. We organized a forum with Action NC, a progressive activist group passionate about this cause. IJ spoke about how the 14th Amendment protects the right to earn an honest living, a non-traditional message for this audience but one that motivated the entrepreneurs. The panel included a *lonchera* owner who exclaimed through a translator that if the brick-and-mortar restaurants were afraid that the food trucks would take away business, the restaurant owners should make better food. Through

these discussions, these entrepreneurs and others discovered their inner capitalist. Everyone left the forum re-energized, and organizers scheduled meetings with the new

city council to address the issue. We are still in touch with activists in the city and will remain a resource for them throughout their fight.

Most organizations have an outreach department, but no other philosophically similar public interest law firm translates that into activism. At IJ we believe that people can be effective advocates both inside and outside of the courtroom—it is our job to inspire them to fight. We have a unique approach to mobilizing communities and activists, recognizing that different factors motivate different people, but with honesty and humility, *all* are within our reach to engage, inspiring a way of thinking that promotes increased liberty and the rule of law. We will be on the road to many places in the coming years and we look forward to coming to your community when the need arises. ♦

Christina Walsh is IJ’s director of activism and coalitions.



IJ *Amicus* Brief Alerts High Court To Abuse of Civil Forfeiture Using Drug Dogs

By Darpana Sheth

Police are increasingly using drug-detection dogs to establish probable cause that results in the seizure and ultimate forfeiture of cash, cars and other property on the grounds that the property is somehow linked to a drug crime. Numerous studies show, however, that there is a significant risk that the dog's "alert" is due to cues from its handler or residual odors, rather than the actual presence of drugs.

On October 31, 2012, in *Florida v. Harris*, the U.S. Supreme Court will hear arguments on what evidence, if any, the government must introduce to establish the reliability of drug-detection dogs. In a criminal case involving the constitutionality of a search under the 4th Amendment, the Florida Supreme Court ruled that because it is the government's burden to prove probable cause when conducting a warrantless search, it must introduce objective evidence of the reliability of the drug-detection dog, just as it is required to do when relying on confidential informants to establish probable cause.

“By giving law enforcement officials a direct financial stake in seizing property and subjecting it to forfeiture, today’s civil forfeiture laws have skewed legitimate law enforcement objectives into a profit-seeking enterprise.”

Although this case is in the criminal context, it provided a great opportunity for the Institute for Justice to submit a “friend of the court” brief, bringing the abuses of civil forfeiture to the attention of the High Court. Under the rules of civil forfeiture, police may seize property based on what is known as “probable cause” that the property is tied to criminal activity. Under certain federal and state statutes, police can even subject the property to forfeiture based only on that showing of probable cause.



Watch a short video on this case: www.ij.org/HarrisVideo.

Consequently, if a positive dog alert, by itself, is all that is required to establish probable cause, law enforcement will be able to forfeit property such as cash and cars based merely on the roadside “testimony”

of a barking dog. Indeed, there are numerous instances in which the police have sought to forfeit cash merely because a dog alerted to the money even though there was no other evidence of criminal wrongdoing. IJ filed a brief in this case to urge the Court to stop this abuse of government power.

Relying on IJ's own strategic research, our brief explains how modern civil forfeiture laws represent one of the most serious assaults on private property rights today. By giving law enforcement officials a direct

financial stake in seizing property and subjecting it to forfeiture, today's civil forfeiture laws have skewed legitimate law enforcement objectives into a profit-seeking enterprise. After detailing how the explosion of civil forfeitures under federal and state law has created self-financing law enforcement agencies, IJ's brief chronicles the resulting systemic abuse, including the improper use of drug-detection dogs to seize property without any evidence of criminal activity. In light of this background, IJ urges the High Court to uphold the Florida Supreme Court's ruling and require the government to show that the drug-detection team, dog and handler, are reliable in light of all the circumstances. ♦

Darpana Sheth is an IJ attorney.



Library of Congress Archives IJ.org

The Institute for Justice is pleased to announce that the U.S. Library of Congress has selected our IJ.org website for inclusion in the library's historic collection of Internet materials related to public policy topics. Inclusion of IJ's material demonstrates that the Library of Congress considers our website to be an important part of this collection and the historical record.

The Library of Congress preserves the nation's cultural artifacts and provides enduring access to them. The library's traditional functions—acquiring, cataloging, preserving and providing collection materials of historical importance to Congress and the American people to foster education and scholarship—now extends to digital materials, including websites.

As a representative of the Library of Congress conveyed to IJ, “[The Library’s] web archives are important because they contribute to the historical record, capturing information that could otherwise be lost. With the growing role of the web as an influential medium, records of historic events could be considered incomplete without materials that were ‘born digital’ and never printed on paper.”

Now that the Library of Congress is gathering IJ's material for use by our nation's lawmakers, let's hope those same lawmakers themselves understand once and for all that their powers are limited and that constitutional rights must be respected—two messages regularly and clearly stated on IJ.org and in all of our other work. ♦



Excessive government-imposed licensing on a safe and uncomplicated practice, such as hairbraiding, is both outrageous and unconstitutional.

Hairbraiding continued from page 1
Jestina went to the licensing board and to legislators to explain why Utah's licensing scheme made no sense for hairbraiders, but no one was willing to change the laws. Instead, at one hearing, a pack of licensed cosmetologists and cosmetology schools showed up *en masse* to protest against any relaxing of the licensing rules.

In our constitutional system, the courts offer a sanctuary where people go when government violates their rights, so Jestina and IJ filed suit to stop Utah's unconstitutional licensing scheme. Judge Sam ruled decisively for economic liberty. He recognized that “[t]he right to work for a living in the common occupations of the community is the very essence of the personal freedom and opportunity that the Constitution was designed to protect.” As an engaged judge, he then looked at the facts of the case and realized that “[m]ost of the cosmetology curriculum is irrelevant to hairbraiding. Even the relevant parts are at best, minimally relevant.”

Accordingly, he ruled that “Utah's cosmetology/barbering licensing scheme is so disconnected from the practice of African hairbraiding, much less from whatever minimal threats to public health

and safety are connected to braiding, that to premise Jestina's right to earn a living by braiding hair on that scheme is wholly irrational and a violation of her constitutionally protected rights.”

Jestina is now back to work.

“I am so grateful,” she exclaimed. “It has been a long time that I've been fighting with Utah just so that I could braid hair. I am relieved that the judge protected the right to earn a living when

the other branches of government did not.”

Utah could still appeal its loss. If it does, IJ will vindicate economic liberty again, and we will keep going all the way to the U.S. Supreme

Court if necessary. No one should have to hire a lawyer or a lobbyist just to go to work. ♦

Paul Avelar is an IJ Arizona Chapter attorney.



Watch IJ's video, “Untangling African Hairbraiders from Utah's Cosmetology Regime.”





Why Crony Capitalism Doesn't Work

By Jeanette Petersen

As the smell of garbage still lingers across Seattle following this summer's strike by garbage and recycling drivers, 220,000 homeowners in the area learned the hard way that protecting multibillion-dollar corporations from competition is, unfortunately, our government's highest priority. But this is a lesson many should have already learned. After all, four years ago, the Washington Supreme Court ruled that Seattle could ban competition and reserve exclusively for two large, out-of-state corporations the right to haul construction, demolition and land-clearing waste. But as the debris piled up and cooked in the summer heat, it came as a surprise to many that we were in this mess because the government thought it was for our own good.

In 2002, the Seattle city government changed its code to ban small companies from transporting construction waste and the like. In making the change, Seattle contended that the market had to be closed to competition from nonunion businesses so it could ensure that the public health and safety were protected. With a stroke of a pen, the government insulated all but two large corporations from competition and made illegal all other businesses that had been successfully operating in the market. With the

help of the Institute for Justice Washington Chapter, two small business owners sued, arguing that Seattle's actions constituted economic favoritism in violation of the Privileges or Immunities Clause of the Washington Constitution. But their challenge fell on deaf ears and a majority of the Washington Supreme Court decided that hauling waste

“Seattle contended that the market had to be closed to competition from nonunion businesses so it could ensure that the public health and safety were protected.”

is a “government service” and that constitutional protections do not apply to government-provided services. The dissenting justices warned that the court's decision advanced an “unholy alliance between the government and big business, which ultimately not only dis-serves the excluded businesses but also the public in general.”

How right they were.

Examples of this “unholy alliance” abound. Take the case of Institute for Justice client Hector Ricketts, who wished to operate a commuter van in New York City. At the behest of the public transportation union, the New York City Council vetoed virtually all new commuter van licenses. And for the lucky few with licenses, arbitrary regulations forbade vans from providing timely and convenient service. When faced, however,

with a massive public transit strike in the early 1980s and then with a taxicab strike in the late 1990s, commuter vans like Hector's mobilized to rescue the city's transportation system from grinding to a halt. Thanks to IJ litigation, Hector and other operators at last had their day in court and vindicated their right to earn an honest living. But other simi-

lar arbitrary, government-imposed-and-enforced monopolies remain to this day to the detriment of would-be entrepreneurs and consumers alike.

When courts fail to enforce constitutional limits on government power, we are left to rely on the self-restraint of public officials. But experience has shown that this is no restraint at all and it leads to the inevitable loss of freedom and the proliferation of laws that protect the politically connected.

In Seattle, as waste haulers walked out on strike and all other service providers were banned, the public was right to question how this system of crony capitalism advances anyone's health or safety. Something definitely stinks—and this time it's not just the garbage. ♦

Jeanette Petersen is an IJ Washington Chapter attorney.



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About the publication

Liberty & Law is published bimonthly by the Institute for Justice, which, through strategic litigation, training, communication, activism and research, 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

BBC News

IJ Client Abbot Justin Brown: “Before we sold our first casket we received a cease and desist letter . . . saying that we were in violation of the state law. We think the law is economic protectionism and we feel that we have the right to be able to sell caskets as anyone else.”



NBC Nightly News with Brian Williams



IJ Senior Attorney Jeff Rowes: “This decision is a total game-changer. Right now, any donor, any doctor, any patient across the country can use compensation in order to get bone marrow donors.”

USA Today

IJ Senior Attorney Dick Komer: “The bottom line is this: In study after study, school choice offers a cost-saving alternative to continuing to reward failure with ever increasing public funding. By empowering parents, school choice gives them real power to improve their children's lives, resulting in greater parental involvement and increased satisfaction.”

American Medical News

“[IJ client] Dr. Monteferrante is not alone in his frustration with the Virginia CON requirement. He is one of several physicians now suing the state over the program’s constitutionality. The doctors say the mandate is anti-competitive and biased against businesses attempting to enter the state or those with out-of-state ties, and that it keeps needed new medical services from reaching patients.”

Minnesota Public Radio

IJ Attorney Anthony Sanders: “The tenants and landlords in this case demonstrated Red Wing’s program violates the right to be secure in one’s home and to be free from unreasonable searches. Whether this kind of search is even allowed under the Minnesota Constitution is an important and timely issue that the Minnesota Supreme Court has never decided.”

**“The Institute for
Justice . . . has
been doing the
lord’s work with
respect to occupa-
tional licensing.”**

—The Economist



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I am IJ.



*Russ Caswell
Tewksbury, Mass.*

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