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By Matt Miller

Hours after *Kelo v. City of New London* was decided in June 2005, the city of Freeport, Texas, instructed its attorneys to redouble their efforts to use eminent domain for private redevelopment. The Gore family did not want to sell their land to the city for a private marina project, so Freeport attempted to take it by eminent domain. Developer H. Walker Royall would have been one of the primary beneficiaries of the city's plot to abuse eminent domain. When the Gores started complaining publicly about the city's attempt to take their land—and Royall's involvement—Royall sued them for defamation.

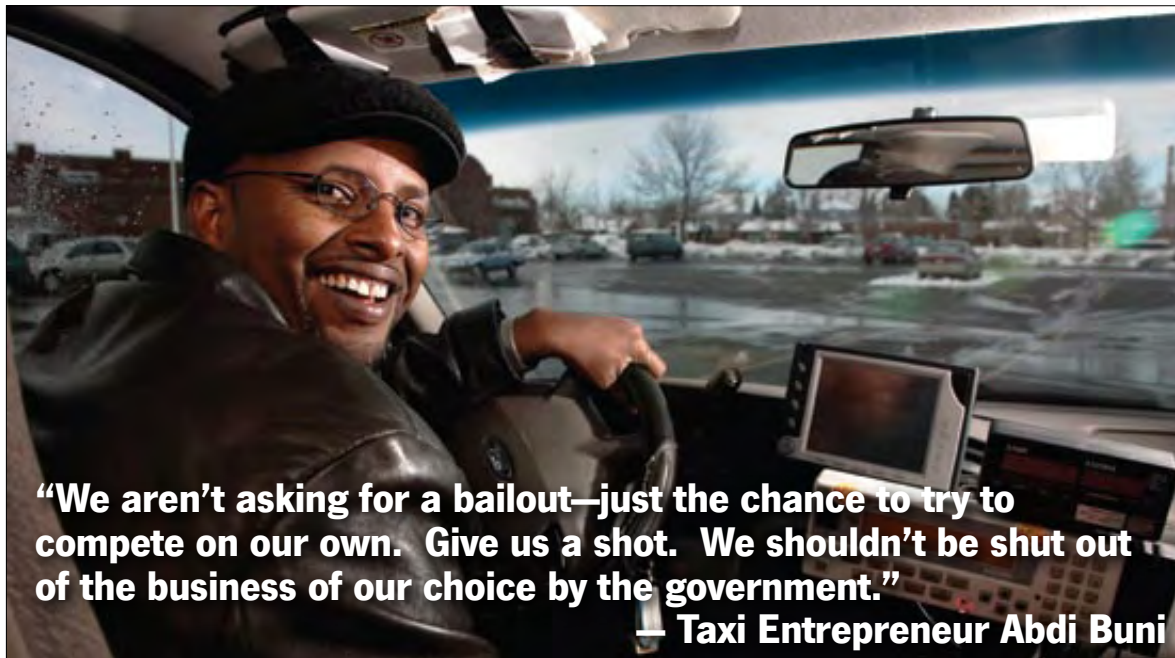
Carla Main, a journalist and author, wrote

Bulldozed: "Kelo," Eminent Domain, and the American Lust for Land, a book about the Gore family and what happened to them in Freeport. Encounter Books published *Bulldozed* in 2007. University of Chicago Law School Professor Richard Epstein provided a blurb for the book. Royall has now sued Main, Encounter and Professor Epstein for defamation. He has also sued a journalist who reviewed *Bulldozed* and the newspaper that published the review.

The Institute for Justice Texas Chapter (IJ-TX) is defending Main, Encounter and Professor Epstein in the lawsuit. Suing critics of eminent domain abuse for defamation has become an increasingly common

Bulldozed continued on page 10

IJ Continues to Free the Cabs



By Valerie Bayham

Driving a taxi is a longstanding and traditional way to achieve the American Dream. It does not take much capital or formal education, but rewards determination and a willingness to work hard.

Throughout the country, places like Minneapolis and Colorado changed their laws to eliminate outdated, protectionist taxi regulations and now permit new entrepreneurs into their markets. Following the successful effort of the IJ Minnesota Chapter to convince the city of Minneapolis in 2006 to abolish its cap on the number of taxis allowed to operate in the city, a wave of taxi reform is rising nationwide, and IJ is hard at work to make sure these changes happen.

It was almost 14 years ago that IJ helped a company called Freedom Cabs become the first new taxicab company since 1947 to enter the Denver market. Since that time, other Colorado entrepreneurs have tried, unsuccessfully, to follow Freedom Cabs' path.

"We aren't asking for a bailout—just the chance to try to compete on our own," said taxi entrepreneur Abdi Buni. "Give us a shot. We shouldn't be shut out of the business of our choice by the government."

Through our Human Action Network members—individuals IJ has trained over the years—we reached out in the Denver community to find legal representation for a taxicab entrepreneur eager to begin work. This helped pave the way for a new round of legislative reforms, which in turn led to four new taxicab company applications last year. IJ then raised the profile of this issue by drafting an amicus brief, holding a large taxi rally on the steps of the Capitol and conducting radio and television interviews.

Just before New Year's, the Colorado Public Utility Commission voted to allow Buni's company, a cooperative of more than 200 indi-

vidually owned cabs, to operate in Denver. It also expanded the vehicle allowance for Freedom Cabs thereby allowing the business to grow in response to market forces.

Unfortunately, the Commission denied the applications of two smaller start-ups; the future of a fourth remains to be determined. Although not perfect, the growth in competition is still a substantive step towards a free taxi market.

The Institute for Justice is similarly engaged in Connecticut. Last June, we organized more than 80 taxi drivers from across the state to rally outside the Capitol with a simple message: "Free Our Cabs."

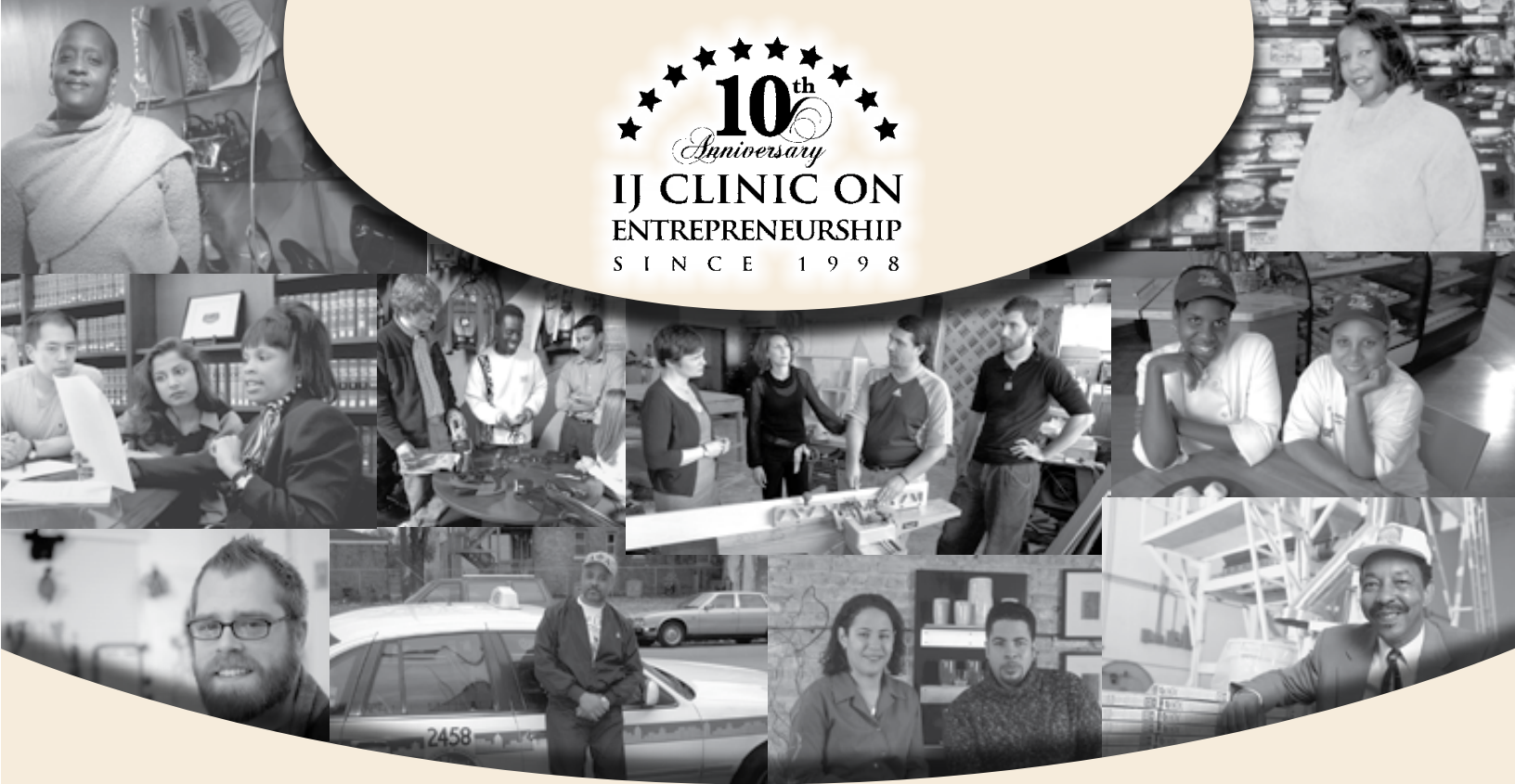
Currently, it is illegal for anyone to open a taxi business in Connecticut unless he can prove that it would be "necessary"—that is, that it would not take customers away from an existing taxi business. To make things worse, existing taxi companies are allowed to participate in the process, which amounts to full-blown litigation and can take almost a year.

Imagine this kind of system in any other industry. We do not allow Burger King to have a say in whether a new McDonald's opens in town. The results of this system are predictable: consumers suffer and taxi drivers end up locked out of the market, forced to pay exorbitant fees just to work for someone else.

Americans deserve better. That is why the Institute for Justice is taking our message of freedom to policymakers across the country. From Denver to Minneapolis to Connecticut and beyond, IJ is working to clear the roadway to allow entrepreneurs their chance to earn an honest living. ♦

Valerie Bayham is an IJ staff attorney.





10th
Anniversary
IJ CLINIC ON
ENTREPRENEURSHIP
S I N C E 1 9 9 8

IJ Clinic Marks 10 Years of Growing Entrepreneurs, Rebuilding Communities

By Beth Milnikel

University of Chicago law students have been hard at work this year. While most students spend time studying, reading and writing, some have taken additional responsibilities and opportunities to learn beyond the classroom. They are the law students who work at the Institute for Justice Clinic on Entrepreneurship, which marks its 10th Anniversary this year.

These students are busy meeting with their clients, interviewing potential new clients, and engaging in a wide range of legal issues and advocacy. With the variety of the IJ Clinic's client base, each student team has a different lens through which they learn how to counsel inner-city entrepreneurs on how to build a strong business in the face of confusing legal requirements and daunting economic hardship. For some, it is through a collard-green entrepreneur's co-packer agreement, for others, a plus-sized fashion

boutique's lease for new storefront space, and for yet others, it is the complexities of financing a new business's launch in this harsh economic environment.

During the past 10 years, more than 115 University of Chicago law students have dedicated time, energy, intellect and empathy to help entrepreneurs across the Chicago region. In the classroom, they studied regulations that are especially burdensome to entrepreneurs and discussed how the freedom to earn a living is one of the inalienable rights enshrined in the Declaration of Independence. Just as important, they stepped out of the classroom and into little shops and apartments in underserved neighborhoods all around the city. There, they helped clients chart a course for the American Dream, being careful to navigate around the shoals of zoning laws, incomprehensible contracts and government licensing requirements.

So far, the IJ Clinic has worked intensively with 175 local business clients. Among the businesses it helped create are the bustling Sweet Maple Café, Gallery Guichard, Perfect Peace Café & Bakery—which recently served cupcakes for Ringo Starr's birthday party—and Shawanimals, LLC, which sells plush toys and, last fall, launched a Nintendo DS video game featuring its quirky characters. In addition, the IJ Clinic is a hub and resource for hundreds of community members and the organizations that serve them. The Clinic continues to host dozens of educational seminars and networking events where hundreds of novice business owners learn the basics of the business world. In 2007, the Institute for Justice Clinic on Entrepreneurship hosted a citywide conference that brought inner-city entrepreneurs as well as bankers, academics and community organizers together to talk about strategies and policies that

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Ending Discrimination,
EXPANDING
Educational
Opportunity



IJ school choice parent **Shari DeBoom** and her son, **Michael**.

By Michael Bindas

The state of Washington discriminates against parents of children with special needs through its Blaine amendments—bigoted provisions from the 1800s found in many state constitutions designed to undermine educational options that involve religious schools.

The Institute for Justice aims to stop that. IJ's goal in challenging Washington's practice is to establish federal constitutional limits on the use of state Blaine amendments to deny opportunities at religious schools and thereby remove Blaine amendments as a barrier to school choice for all children.

In most states, providing educational services for kids with special needs in religious schools is not an issue. The U.S. Supreme Court held that providing services under the federal Individuals with Disabilities Education Act (IDEA) at religious schools is perfectly permissible under the Establishment Clause of the U.S. Constitution. Washington's Superintendent

of Public Instruction, however, hides behind Washington's Blaine amendments to deny vital IDEA services at religious schools. The Superintendent has declared, "No services, material, or equipment of any nature shall be provided to students on the site of any private school or agency subject to sectarian control or influence."

The result?

Children with special needs attending religious schools either must travel off-campus to access services and equipment under the IDEA, or their parents must pull them out of the school of their choice and place them in a public or non-religious private school.

Washington's discriminatory policy forces an impossible choice for parents like Shari and Derrick DeBoom. Their son, Michael, suffers from, among other things, anxiety and motor-skills problems that substantially hinder his ability to learn. Michael was evaluated under the IDEA and deemed eligible for special education services: a paraeducator to help his teach-

ers modify his curriculum and a specially-equipped laptop to assist with note-taking. But Washington prohibits these services at the school Shari and Derrick had chosen for Michael, Lynden Christian School, and instead insisted that he and his teachers travel off-site to access them. That would have been incredibly disruptive for Michael and virtually impossible for his teachers, who could not leave their classes at Lynden Christian to accompany him off-site every week. It would also have rendered the laptop Michael needed for note-taking useless; he needed it in the classroom. Consequently, after a year without any services, Shari and Derrick made the difficult decision to enroll Michael in a public school.

Unfortunately, Michael's experience is not unique. Rachael Apodaca, an eighth-grader with Down syndrome, and Skyler Hamilton, a fourth-grader in remission from brain cancer, are both eligible for special education services under the IDEA. Like Shari and Derrick DeBoom, their parents believe Lynden Christian is the best



school for them, but Washington prohibits them from receiving services there.

Under the U.S. Constitution, Washington must be neutral toward religious options in public programs, neither favoring nor discriminating against religion. It may not single out families who choose religious schools, as Washington does, and deny only their children the special education services they need to thrive.

This case presents one of the best opportunities to litigate the constitutionality of a state Blaine amendment since *Locke v. Davey*—the U.S. Supreme Court decision in a Washington case that upheld the constitutionality of a publicly funded scholarship program that excluded students pursuing a degree in theology. It provides the Institute with a chance to limit *Davey* so it won't undermine the strides IJ achieved in *Zelman*—the U.S. Supreme Court case that upheld school choice in Cleveland. Finally, a federal court ruling establishing federal constitutional limits on Washington's Blaine amendments would lay the foundation to end Blaine amendment discrimination in other states. ♦

IJ clients **Dee Apodora**, top, with her daughter **Rachael**, and **Margaret Hamilton**, above, with her son, **Skyler**, are fighting for school choice in Washington.



Michael Bindas is an IJ Washington Chapter staff attorney.

IJ Law Student Conference Application Deadline Nears

Each summer the Institute for Justice hosts the nation's best and brightest law students for a weekend-long crash course in public interest litigation, sharing with the students the Institute for Justice's vision and tactics. Students spend the weekend participating in lectures and workshops led by IJ attorneys and staff members as well as prominent legal scholars from across the nation.

IJ's 2009 Law Student Conference will be held July 23-26 at the George Washington University in Washington, D.C. For more information on the conference and how to apply, visit www.ij.org/students; the deadline to apply is March 10.

If you know a bright law student who is committed to liberty, we encourage you to let him or her know about IJ's Law Student Conference. ♦



By Chip Mellor

Long hours and late nights are familiar experiences for IJ litigators. We are always up against tough odds, so every case requires extra effort. IJ litigators expect this; they thrive on it.

But occasionally a case comes along that really demonstrates just how dedicated IJ litigators are, and how a special esprit de corps develops in the midst of exhausting litigation. Most recently, that case was *SpeechNow.org v. FEC*, our challenge to free speech restrictions imposed through campaign finance laws that limit independent expenditures in elections.

It is legal for one person independently to spend an unlimited amount of money to influence an election. But it is illegal if two or more people—independent of any party, politician, corporation or union—pool their funds to make their views known. We challenged this law because it violates *SpeechNow.org*'s and its members' First Amendment rights to free speech and association. Although the First Amendment is profoundly important, the factual record needed to establish this claim is very modest.

The FEC, however, has resorted to a defense designed to complicate and confuse the issue. It sought to exploit U.S. Supreme Court jurisprudence that upheld campaign finance laws if they claim to prevent the “appearance of corruption,” a hopelessly vague and subjective standard. The FEC attempted to introduce thousands of pages of documents ranging from newspaper clippings to hearsay testimony that discuss the activities of many other people or organizations, but not *SpeechNow.org* or anyone affiliated with it. In essence, the FEC seeks to cast a cloud of uncertainty over *SpeechNow.org* by burying it in paper.

Given the utter lack of connection to *SpeechNow.org* and the myriad unsubstantiated statements and irrelevant facts, it was essential that the FEC's position be taken apart piece by piece lest any such tenuous grounds be accepted by the Court. This was no small task given the volume of the FEC's filing and the short deadline we faced. The litigation team leapt into action, led by IJ Senior Attorney Steve Simpson and composed of three other

IJ lawyers and our colleagues at the Center for Competitive Politics. Point by point, the team refuted the FEC's claims over the next 14 days. Sleepless nights, mounds of documents that amassed to more than 300 pages of top-flight legal work and frequent infusions of Starbucks coffee dominated team members' lives. Yet in the midst of it all, the wisecracks, the energetic strategy discussions and the enthusiastic commitment to each task no matter how small, revealed the morale that is at the heart of IJ's success.

The trial court judge will now examine the massive record, make factual findings and certify the case to the full D.C. Circuit Court of Appeals for a ruling on the merits. Although we hope it will not be necessary to mount another effort like the one just described, we will continue to pursue this case with unrelenting vigor until we secure the vital free speech rights at stake.

That's the IJ Way. ♦

Chip Mellor is IJ's president and general counsel.



IJ MAKES THE ROUNDS IN FEDERAL CIRCUIT COURTS

And Swings For the Fences Protecting Economic Liberty

IJ lawyers have had a busy few months advocating for economic liberty in federal appellate courts, with Scott Bullock defending Minneapolis' free-market taxi reforms in the 8th Circuit and Clark Neily taking the fight to the Texas interior design cartel and the Maryland funeral home monopoly in the 5th and 4th Circuits, respectively.

Following an outreach campaign led by the Institute for Justice Minnesota Chapter, Minneapolis in 2006 lifted its artificial cap on the number of taxi licenses available to would-be entrepreneurs like IJ client Luis Paucar. Existing cab companies, however, filed suit to block the change on the theory that exposing them to new competition somehow amounted to a "taking" of their "right" to a government-conferred monopoly. IJ intervened and promptly got the case dismissed. The monopolists appealed, and Scott Bullock argued the case before the 8th Circuit in November. Scott explained that being protected from fair competition is not a constitutional right, and corporate welfare is not "property." We expect a swift and favorable ruling.

Economic liberty was on appeal again in December, this time in the 5th Circuit, where Clark Neily sought to enjoin a Texas law that bars people who perform interior design from calling themselves "interior

designers" without a government-issued license. While it is always difficult to predict outcomes of court cases, the judges seemed to agree from the outset that the lower court erred in refusing to issue a preliminary injunction, so Clark focused on persuading the panel that it should not stop there but should instead send the case back to the district court with instructions to skip the trial and simply enter final judgment in favor of the Institute for Justice's clients. That is really swinging for the fences, but a law this ridiculous deserves nothing less from the Litigators for Liberty.

In yet another appeal for economic liberty, Clark carried IJ's fight to break up a government-backed funeral home monopoly in Maryland to the 4th Circuit, where the question is whether the State Morticians Board should be enjoined from enforcing what the lower court judge described as "the most blatantly anti-competitive state funeral regulation in the nation." The issues on appeal are whether IJ's clients will be granted an injunction to end the cartel and also whether the state-sanctioned funeral monopoly violates not just the Dormant Commerce Clause, as the district court found, but also the more basic right to earn a living free from unreasonable government interference.♦

**"...being protected from fair competition
is not a constitutional right..."**

Defending School Choice Arizona the IJ Way



By Tim Keller

The Arizona Supreme Court heard oral arguments in December to decide the educational fates of nearly 450 special needs and foster children. Thanks to two state scholarship programs that provide educational opportunity and real hope for a better life for these vulnerable schoolchildren, these students have escaped from public schools that failed to meet their individual educational needs.

Yet the Arizona Education Association and the ACLU of Arizona, among other groups, are seeking to dash those hopes by arguing that Arizona's Scholarships for Pupils with Disabilities Program and its Displaced Pupils Grant Program unconstitutionally "aid" private schools by subsidizing tuition payments.

Last May, the Arizona Court of Appeals issued a decision in *Cain v. Horne* striking down the programs, even though Arizona school districts themselves routinely place students with

disabilities in private schools—in many cases the exact same schools our clients attend—while using state funds to pay the tuition. Under that system, government officials—not parents—decide when to provide students with a private education. The teachers' unions assert that when bureaucrats make the placement decision there is no "aid" to private schools because the expenditure benefits the student, not the school. That reasoning is exactly why the challenged scholarships are also constitutional.

The Arizona Supreme Court previously explained in *Kotterman v. Killian*, a landmark ruling that upheld a tax credit program that funds private school scholarships, that school choice programs are constitutional because parents and children are the "primary beneficiaries"—not private schools.

A victory in this case will pave the way for expanded school choice in Arizona and create persuasive legal precedent for states with

similar constitutional provisions. The stakes in this case could not be higher. IJ's school choice team rose to the occasion and exemplified what it means to litigate a case the IJ Way. We brought to bear our litigation, outreach and media arsenals to maximum effect in the courtroom, on the courthouse steps and in the court of public opinion.

In the weeks leading up to the argument, the IJ team filed our final legal briefs, worked to hone my oral argument through a series of moot courts, and, with the help of IJ Senior Litigation Attorney Dick Komer, coordinated the filing of seven "friend of the court" briefs by 12 national, state and local organizations. From a variety of perspectives, education and legal experts made clear that special needs students attending public schools throughout the state have been, and continue to be, deprived of needed services; that school choice is working in Arizona; and that school choice is entirely

in



consistent with the Arizona Constitution.

The morning of the argument, more than 200 parents and children from across the state rallied on the steps of the court. This tremendous turnout was due to the hard work of IJ's Director of Community Organization Christina Walsh, who mailed hundreds of flyers, made dozens of calls to allies, parents and schools, and coordinated four buses to bring parents and students from all over Arizona to the rally.

Numerous television, radio and print journalists covered the rally and the argument thanks to Director of Communications Lisa Knepper and Assistant Director of Communications Bob Ewing, who tag-teamed the implementation of our detailed communications strategy to ensure that the case received positive coverage throughout Arizona.

While we wait for the Court's decision, parents are considering what will happen if their children must return to public school. For many

students, returning to public school means their social and academic progress will not only halt, but their hope for continued improvement will be lost.

Take six-year-old Lexie Weck, for example, whose diagnosis includes autism, cerebral palsy and mild mental retardation. Over two years, she made no progress in public schools. Thanks to a scholarship, Lexie attends the private Chrysalis Academy where she has learned to communicate with her mom and sisters through sign language. Thanks to daily speech therapy, Lexie's teachers expect her to speak for the first time this year. Without the scholarship, Lexie's mom, Andrea, could not afford Chrysalis. Lexie would have to return to a public school where she would receive group speech therapy a few times each week. Lexie would lose her best chance to become verbal.

"Why do the teachers' unions want to stop Lexie's growth?" asked Andrea. "All I want is the

freedom to place my daughter in precisely the same school where public school officials already place children so that Lexie can flourish. Half of the students enrolled at Chrysalis rely on the challenged scholarships, but public school officials placed the other half at the school. If there is nothing wrong with school districts choosing private schools for children with disabilities, then how can allowing parents like me to make the same choice be illegal?"

In Arizona and across the nation, school choice is empowering parents like Andrea Weck to have a real say in their children's educational futures. The Arizona Supreme Court should vindicate that right and put to rest the shameful legal campaign of school choice opponents by rejecting the teachers' unions' spurious legal claims. ♦

Tim Keller is the IJ Arizona Chapter executive director.





Dallas developer H. Walker Royall has sued Prof. **Richard Epstein**, top left, journalist **Carla Main**, above, and Encounter Books (Main's publisher) for defamation over the contents of the book, *Bulldozed*.

Bulldozed continued from page 1

tactic of developers and local government officials who dislike public scrutiny of their activities. This is not the first time IJ has leapt to the defense of those who speak out about eminent domain abuse and find themselves in a legal bind.

In Clarksville, Tenn., IJ is defending a community group that was sued for speaking out by two developers—one a city councilman—who would benefit from a redevelopment plan involving eminent domain abuse. IJ has also come to the aid of individuals in similar scrapes in Missouri and Washington.

The First Amendment protects people's right to speak passionately about issues of public concern—issues like eminent domain abuse. *Kelo* incited a nationwide backlash against eminent domain abuse, causing 43 state legislatures to amend their laws to protect property owners. "*Kelo*" has become a household term, and grassroots groups have successfully beaten back projects across the country by making their voices heard.

Journalists like Carla Main play a critical role in shining light on abuse and helping victims fight for their property rights. They should not live in fear of frivolous defama-

tion lawsuits for doing nothing more than chronicling abuse wherever they discover it.

"I find the lawsuit deeply troubling because I take it as an assault on intellectual life," said Main.

Her publisher, Encounter Books, is part of Encounter for Culture and Education, a tax-exempt, nonprofit organization. Encounter's president and publisher, Roger Kimball, said, "The First Amendment is very much at stake in this case. So is the issue of public education."

Professor Richard Epstein needs little introduction to readers of *Liberty & Law*. An esteemed law professor at the University of Chicago and New York University and author of 14 books, including *Takings: Private Property and Eminent Domain*, he has long been a friend and source of inspiration to those who are confronted with eminent domain abuse.

"There are few times in my professional career when I've been flabbergasted and this is definitely one of them," he said. "The idea that I can be sued for writing a sympathetic and accurate blurb is really surprising to me."

IJ-TX will defend the First Amendment rights of Main, Encounter and Professor Epstein to continue chronicling and criticizing eminent domain abuse. When developers work with cities to take other people's land for private development projects, they should expect to have that involvement made public by journalists and others. As U.S. Supreme Court Justice Hugo Black once said, "An unconditional right to say what one pleases about public affairs is what I consider to be the minimum guarantee of the First Amendment." ♦

Matt Miller is the IJ Texas Chapter executive director.



GOVERNMENT in Retreat

By Bob McNamara

Probably my favorite metaphor for what we do at IJ comes from Charles Brown, a Maryland entrepreneur who spent years fighting state bureaucrats for his right to earn an honest living before teaming up with IJ lawyers Clark Neily and Jeff Rowes in 2006. Fighting unaccountable bureaucrats, according to Charles, is like having schoolyard bullies take your lunch money every single day—and bringing IJ on board is like showing up to school with your big brother, who looks around and asks, “Okay, which ones are they?”

Charles was describing what happened in his own case, where the Institute for Justice is fighting a pitched battle in federal court, but his analogy always comes to mind whenever government officials, in the grand tradition of schoolyard bullies everywhere, turn tail and run as soon as IJ’s lawyers and media team come to town.

While our goal is always to prevail in court and secure a judicial precedent that will protect others in the future, the government folds its hand more often than one might expect. This past year was no exception. In Minnesota, the St.

Paul Port Authority suspended its efforts to condemn the property of Advance Shoring, a decades-old St. Paul business, after the IJ Minnesota Chapter spearheaded a coalition of employees, their unions, management and owners to protest the abuse of eminent domain.

In Maryland, the state veterinary board responded to an Institute for Justice lawsuit by loudly proclaiming that

“There is a tremendous difference between the way government officials act when dealing with someone who is merely a citizen and the way government officials act when faced with the legal objections and media glare that the Institute for Justice brings to bear.”

it did not believe that the practice of animal massage was restricted to licensed veterinarians (even though the board had previously sent out a letter saying exactly the opposite). And in Nashville, the city’s Metropolitan Development and Housing Agency abandoned its condemnation of Joy Ford’s business once IJ’s legal and media team joined the case, allowing Joy to freely negotiate a land-swap with a local developer that allowed her to keep her business in place.

The unfortunate theme of these situations is that, all too often, there is a tremendous difference between the way government officials act when dealing

with someone who is merely a citizen and the way government officials act when faced with the legal opposition and media glare that the Institute for Justice brings to bear. Governments, in other words, are a lot less likely to abuse their power when faced with citizens who have power of their own.

Winning a case by scaring the government off is, of course, a less spec-

tacular victory than winning a case in front of the U.S. Supreme Court. But it is no less important a victory for our clients.

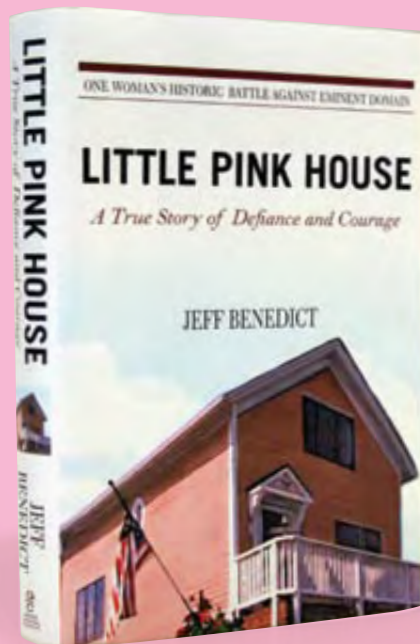
IJ’s mission is to protect

people’s most fundamental American birthrights—their right to earn a living, to speak freely, to protect their property or to direct the education of their children. Sometimes that means we need to win precedents in court after fighting through years of litigation. Sometimes, though, it just means we need to come to town and ask, as Charles Brown puts it, “Okay, which ones are they?” ♦

Bob McNamara is an IJ staff attorney.



Kelo Story Becomes Major Book



By John E. Kramer

You may think you know all the intrigue and drama of Susette Kelo's story.

But be prepared to be outraged anew with the release of *Little Pink House: A True Story of Defiance and Courage* (Grand Central Publishing, January 26, 2009, \$26.99), a first-rate nonfiction drama told by award-winning author Jeff Benedict. Benedict's work takes readers behind the scenes—showcasing Kelo's fight to save her home and New London Development Corporation President Claire Gaudiani's effort to take it away. *Little Pink House* will rightfully transform Kelo from a hero in the fight for property rights into a popular legend in the national consciousness alongside Norma Rae and Erin Brockovich—only this heroine's fight calls for limited government.

In *Little Pink House*, Susette Kelo speaks for the first time about all the details of this inspirational true story, as one woman found a host of friends and champions to help her take on big government and corporate America to save her home.

Susette Kelo was simply trying to rebuild her life when she purchased a falling-down Victorian house perched on the waterfront in New London, Conn. The house was not particularly fancy, but with lots of hard work Susette turned it into a home that was important to her, a home that represented her newfound independence.

Little did she know that the city of New London wanted to raze her home and the homes of her neighbors to complement a new Pfizer pharmaceutical facility. Kelo and six neighbors refused to sell, so the city exercised its power of eminent domain to condemn their homes, launching one of the most extraordinary legal cases of our time, a case that ultimately

reached the U.S. Supreme Court and was litigated by the Institute for Justice. *Kirkus Review* wrote about *Little Pink House*, "The author brings his highly technical subject to life through the passion of his central characters: two women who scarcely met but spent years locked in conflict. Goliath was Claire Gaudiani,

the sexy, charismatic and manipulative president of Connecticut College who also headed the New London Development Corporation. . . . The David in this unfair fight was divorced nurse Susette Kelo, owner of the eponymous Little Pink House. After personally renovating her tumbledown historic home, she was deaf to all offers and threats, telling one reporter,

"Benedict has taken a complicated court case centered on eminent domain and turned it into a page-turner with a conscience. . . ."

**- PUBLISHERS WEEKLY
(Starred Review)**



Susette Kelo, left, and IJ Senior Attorney Scott Bullock outside the U.S. Supreme Court.

‘They can have my house when they take the keys out of my cold, dead hands.’”

Publishers Weekly wrote in a starred review, “Benedict has taken a complicated court case centered on eminent domain and turned it into a page-turner with a conscience Raising important questions about the use of economic development as a justification for displacing citizens, this book will leave readers indignant and inspired.”

Although it is still a long way from a done deal, there is great interest in turning *Little Pink House* into a film, and Benedict has retained one of Hollywood’s top script agents to represent his work. Now the only questions that remain are: Who will play Susette along with IJ’s Scott Bullock, Dana Berliner and Chip Mellor? ♦

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



“The Supreme Court has written some despised rulings over the years, but last year’s Kelo case is fast rising up the list as one of the worst.”
 - THE WALL STREET JOURNAL

“The IJ Clinic will be spreading the good news that the American Dream lives on as long as individuals have great ideas and the courage and persistence to make those ideas a reality.”

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would give creative and courageous entrepreneurs the space to follow their dreams.

These first 10 years are just the beginning. As the IJ Clinic celebrates its past accomplishments throughout the year, it will also surge ahead, serving still more Chicago start-up enterprises. With knowledge and wisdom built from working with so many entrepreneurs, the Institute for Justice Clinic on Entrepreneurship directors are crafting a study about the barriers that confront lower-income entrepreneurs in Chicago. The IJ Clinic is also seeking new clients whose businesses will make a tremendous difference in their communities, all while training new students to support those clients. Even in these daunting economic times, the IJ Clinic will be spreading the good news that the American Dream lives on as long as individuals have great ideas and the courage and persistence to make those ideas a reality. ♦

Beth Milnikel is the director of the Institute for Justice Clinic on Entrepreneurship.



Help Ensure IJ's Future With a Bequest

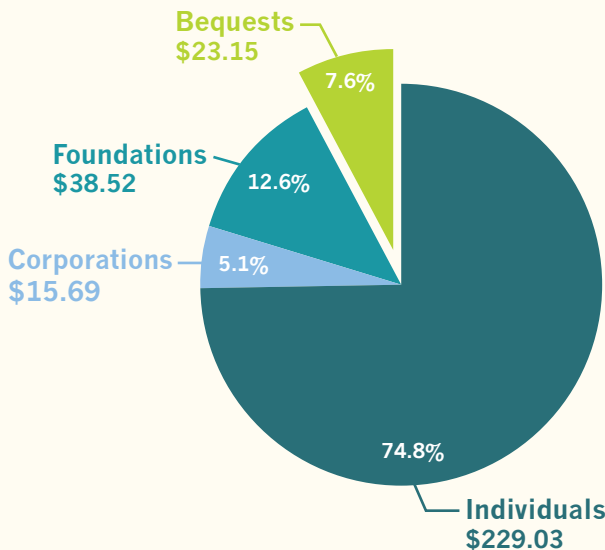
How can you make a gift to the Institute for Justice that costs you nothing in your lifetime?

Include IJ in your will or living trust.

Bequests are the easiest and most common way to include a charity in your long-term planning, and they are critically important to supporting groups like IJ for years to come.

2007 CHARITABLE GIVING IN THE U.S.

Total = \$306.39 billion (\$ in billions)



Source: Giving USA Foundation™ / Giving USA 2008

How do you know if a bequest is a gift you may want to consider?

- You want to help ensure IJ's future viability and strength.
- Long-term planning is more important to you than an immediate income-tax deduction.
- You want the flexibility of a gift commitment that does not affect your current cash flow.

How do you make a bequest?

Including IJ in your plans can be as simple as adding a codicil to an existing will. Review the following language with your attorney:

I give, devise, and bequeath to the Institute for Justice, tax identification number 52-1744337, 901 North Glebe Road, Suite 900, Arlington, Virginia 22203, (insert total amount, percentage, or remainder of estate) to be used for general operations (or your designated purpose).

You can set aside a specific dollar amount or a percentage of your estate, or give IJ any assets left over after you have provided for your loved ones.

Please let us know if you have made arrangements to include IJ in your will or other long-term financial plans. We would be glad for the opportunity to thank you for your generosity. Furthermore, these types of gifts qualify you for membership in the Four Pillars Society, a special group of IJ supporters who are committed to restoring constitutional limits on the power of government.

For more information, please do not hesitate to contact Melanie Hildreth, the director of IJ's Four Pillars Society, at (703) 682-9320 x. 222 or mhildreth@ij.org. ♦

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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

**C-SPAN
 Book TV**

IJ President and General Counsel Chip Mellor: “Bob Levy and I decided to write *The Dirty Dozen* to tell [this] story: How twelve cases decided by the Supreme Court since the New Deal have radically transformed this country and changed the course of American history away from limited government and towards unbridled government authority.”



**PBS
 Horizon**



IJ Arizona Chapter Director Tim Keller: “For two years, the state’s largest teachers union, the ACLU and the People for the American Way have been trying to halt these scholarship programs that are providing an excellent education for hundreds of Arizona schoolchildren.”

The Star Tribune

IJ Staff Attorney Jason Adkins: “Cities must decide whether they are committed to the Constitution and to justice for the poor and marginalized through the availability of affordable housing, or if they will bow to the narrow aesthetic and financial interests of the local elites. Removing unnecessary and discriminatory regulatory obstacles will go a long way to solving any shortage of housing for the poor. It will also go a long way toward vindicating essential constitutional rights.”

The Oklahoman

IJ Client Kelly Rhinehart: “In all my years of work, not one client has ever asked me whether I’ve taken a special government-licensing exam. I’m offended that the state thinks I’m unfit to speak without first gaining its permission. Laws like these are unconstitutional. Simply put, I have a right to work and speak as an interior designer without being subject to discriminatory regulations. That is why Tuesday I joined with two other interior designers and the Institute for Justice, a national public interest law firm that defends free speech and the rights of entrepreneurs, to challenge Oklahoma’s interior design titling law in federal court. We seek to vindicate not only our rights, but those of all Oklahomans.”

I immigrated from Ecuador because of America's promise of opportunity.

I drove a cab but dreamed of starting my own taxi company.

Minneapolis slammed the door on entrepreneurs like me,
so I helped end its cap on cab licenses.

When the existing taxi companies sued to defend
their monopoly, I fought the cartel and won.

I am IJ.

*Luis Paucar
Minneapolis, MN*

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Economic liberty litigation*

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Justice, a libertar-
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—Tony Mauro



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