

IJ Celebrates
10th Anniversary
1991-2001

Liberty & LAW

September 2001

Volume 10 Issue 5

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Published Bimonthly by the
Institute for Justice

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Introducing IJ's First



By Chip Mellor and Clint Bolick

Current media and political focus on federal judge selection obscures a profound reality. When it comes to rights and responsibilities affecting the daily lives of all Americans, it is not just federal courts but also state courts that wield enormous power. With regard to nearly all torts, contracts, education, family law and criminal law—vast fields of jurisprudence touching intimately the lives of every American—state courts retain broad-ranging authority. And as to constitutional rights, the Federal Constitution is considered the “floor,” above which state courts are free to construct greater protections. Defenders of freedom must look to both venues to protect individual liberty. This fall we will launch a major new initiative: state-based litigation chapters to enhance IJ’s ability to bring advocates for liberty to courtrooms across America. These state chapters will complement our national litigation from our Washington, D.C. headquarters.



For decades, statist activists have aggressively pursued their agendas through state courts. The intellectual groundwork was laid by Justice William

Brennan, the key architect of the Warren Court liberalism of the 1960s and '70s, who feared a hostile conservative takeover of the federal judiciary and admonished liberals to take their cases to state courts. Though little enamored of federalism in other contexts, Brennan discovered within it a hidden gem of tremendous value. “The legal revolution which has brought federal law to the fore,” Brennan declared in a 1977 law review article, “must not be allowed to inhibit the protective force of state law.” A dozen years later, as liberals began to gain ground in state courts, Brennan proclaimed that the “rediscovery by state supreme courts of the broader protections afforded their own citizens by their State constitutions . . . is probably the most important development in constitutional jurisprudence of our times.”

Liberal groups like the American Civil Liberties Union, the NAACP Legal Defense Fund, and Ralph Nader’s Public Interest Research Group took up Brennan’s call with gusto. A classic gambit used a novel conception of free speech rights to trump pri-

Arizona continued on page 8



Darryl Brown (left), CEO and president of Tasty Delite, and Michael Davis, senior VP, have come a long way since the first day Darryl walked into the IJ Clinic.

Michelle Litvin

“Being successful in business doesn’t happen overnight, but there is one thing I do know, we won’t give up the fight.”
—Darryl Brown

By Patricia H. Lee

If Winston Churchill heard these words, he just might smile. It was Winston Churchill who stood before a crowded audience and, as the invited keynote speaker, uttered the words “Never give in. Never give in. Never, never, never, never. In nothing great or small, large or petty, never give in except to convictions of honor and good sense.” Darryl Brown, the CEO of Tasty Delite International, Inc., is in his own way heeding the advice of a man he never heard.

In my position as director of the IJ Clinic on Entrepreneurship, I had the privilege of asking this aspiring entrepreneur, “What drives your determination?” Mr. Brown explained his persistence for me: “If you give up, you leave people in the lurch. We at Tasty Delite have a responsibility to the people who believe in us.”

Mr. Brown has taken a family recipe to a new level by exercising his economic

liberty. He not only wants to become self-sufficient for himself and his original colleagues, but envisions the broader possibility of wealth and job creation for others in Chicago’s inner-city.

Two years ago, Mr. Brown made an appointment with the IJ Clinic to talk about a possible business idea. When he arrived at our office, he had a very light copy of a fax of the IJ Clinic brochure



(barely readable and obviously copied over and over), a drawing of a box named Tasty Delite and an incomplete business plan. His vision, however, was grand. He knew he had a new cooking sensation in his three-in-one bake and fry coating mix. From this product, he hoped

to support himself and others in the community who are also in dire need of employment. So on that day, we engaged this client and began helping him navigate the obstacles entrepreneurs face.

With intensive legal counseling and

**Best Is Yet To Come
At the IJ Clinic**

On September 24, the Institute for Justice Clinic on Entrepreneurship at the University of Chicago Law School will open its doors for its fourth academic year. This past year was extremely successful and productive, and IJ Clinic Director Patricia Lee and Assistant Director John Stinneford expect that the new year will be even better.

As Patricia describes in her feature (see left) we will engage more than a dozen law students in the IJ clinic, and serve more than 40 entrepreneurs. Moreover, we will expand our work with local law firms to provide free legal representation to an even greater number of entrepreneurs than we can directly represent ourselves.

This year, the IJ Clinic is expanding its outreach programs as well, encouraging students to give presentations to several community groups that assist entrepreneurs. Such presentations will not only provide valuable experience for students, but will also introduce many aspiring entrepreneurs to legal issues that will affect their businesses. Finally, working in conjunction with the small business clinics at Loyola and Northwestern law schools, we have put together a series of legal presentations concerning common legal issues that entrepreneurs face after their businesses are up and running.

We have also continued to refine the class we teach at the law school. This year, it will be divided into two discrete but interdependent classes: *Entrepreneurship & the Law* (taught in the fall) and *Entrepreneurial Advocacy* (taught in the winter). *Entrepreneurship & the Law* will give an introduction to several relevant substantive areas of the law, including constitutional and regulatory issues, licensing and intellectual property. *Entrepreneurial Advocacy* will provide training in the legal skills necessary to represent entrepreneurs including interviewing, review and analysis of business plans, contract drafting and negotiations. ♦

Tasty Delite continued on page 10

Cultivating Tomorrow's Advocates

IJ teaches students about the world of public interest law



The 2001 Law Student Conference graduates, assembled above with IJ staff, are the tenth class of law school students that IJ has trained in public interest law.

By Kate McFarland

"It has educated me as to where the Constitution protects personal liberty and has inspired me to contribute to the cause," wrote Matt Pate, a recent graduate of the University of Texas School of Law. Pate is one of 42 law students who attended the Institute for Justice's tenth annual law student conference, which took place at Georgetown University on August 10-13.

IJ's conference is designed to cultivate the next generation of public interest lawyers and equip them with the right weapons to move forward in the battle for liberty. Chip Mellor, IJ's president and general counsel, kicked off the conference with an inspiring lecture on the history of public interest litigation and a look toward the future. Mellor's talk, delivered to a room full of young people dedicated to the cause of freedom, laid the groundwork for an intense weekend of learning, fun and inspiration.

The curriculum for the weekend was well-rounded and, in some ways, strikingly different from what the students had learned at their

law schools. Speakers included law professors, policy analysts, media experts and professional attorneys sharing strategies, war stories and lessons learned from their experiences in the fight for expanded freedom. Lecture topics ranged from natural rights theory to waging war in the court of public opinion to nuts-and-bolts methods for successfully litigating a public interest case. All sessions combined to give students a better understanding of how they can contribute to the cause through a variety of outlets.

A highlight of the weekend was the keynote address on Saturday night by Judge J. Harvie Wilkinson of the U.S. Court of Appeals for the Fourth Circuit. A long-time friend of the Institute for Justice, Wilkinson urged the students to follow their hearts and their own paths in their legal careers, not to acquiesce

to outside pressures. More importantly, Wilkinson told the students of the importance of adhering to their principles and doing work in some capacity to further the cause of liberty.

Wilkinson's speech only enhanced the sense of purpose and enthusiasm that pervaded the conference. While one goal of the conference was to train tomorrow's advocates, an equally important goal was to inspire.

According to participant Carrie Jablonski of Harvard Law School, "What most impressed me about this weekend is the passion that I see in each IJ employee—awesome enthusiasm!" Jablonski is one of many conference

participants who are more likely to consider a career in public interest law or who are now dedicated to pro bono work to promote personal freedom.

When the conference concluded on Monday morning and the students returned home, they left as newly energized champions for the cause, certain to make a difference in the future. ♦

Kate McFarland is IJ's HAN and outreach coordinator.

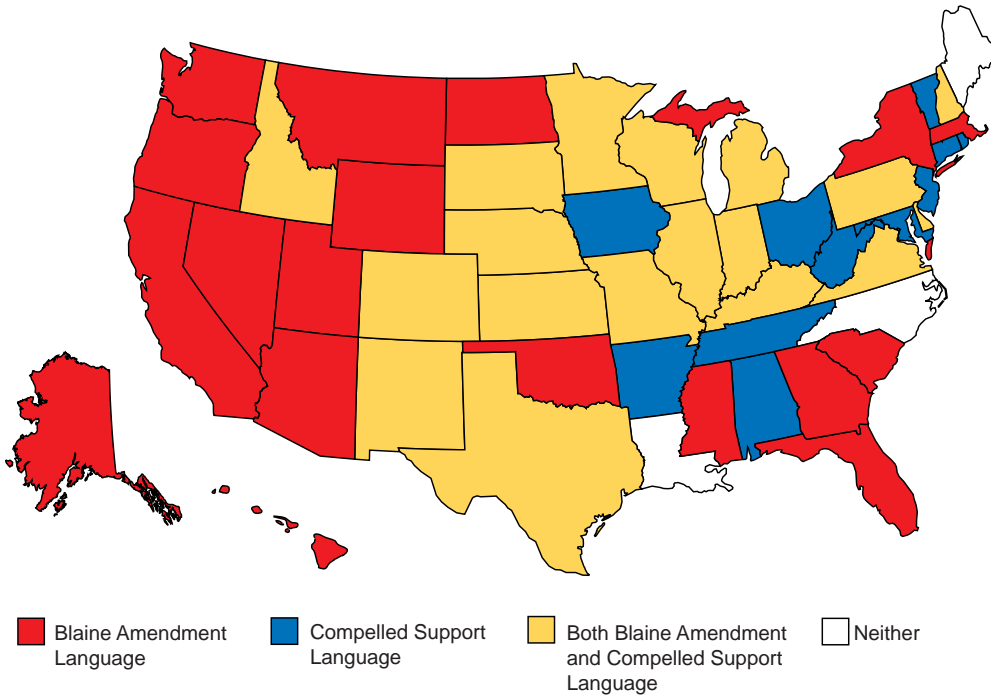


IJ's 2001 Summer Clerks & Interns



Our year 2001 summer clerks and interns provided excellent legal research for IJ. They are from Left to Right, **Ed Martin**—St. Louis, **Thomas Quirk**—U of New Mexico, **Mona Jain**—Oglethorpe, **Laurie Barber**—Yale, **Bill Komer**—Ohio State, **Ashlie Warrick**—Michigan, **Mountain Krauss**—Virginia, **Erin Adrian**—Stanford, **Jennifer Rhodes**—Chicago, **David Nasar**—NYU, **Tammi Kannar**—Texas, **Tim Hayes**—MSU and **Sasha Volokh**—Harvard.

School Choice: The State Constitutional Challenge



As the map shows, there are only three states (Louisiana, Maine and North Carolina) that contain neither Blaine nor compelled support language. There are 18 that have both kinds of language. Consequently, interpretations of these types of provisions that restrict school choice by excluding religious schools can have potentially widespread implications. In much the same way that these provisions were often used by state supreme courts to strike down state provision of subsidized textbooks and transportation to parochial school students after the U.S. Supreme Court had upheld such religiously neutral programs under the Establishment Clause, school choice advocates must be prepared to respond to efforts to use these provisions to exclude the choice of religious schools.

By Richard Komer

With the possibility of the U.S. Supreme Court taking the Cleveland school choice case (*Simmons-Harris v. Zelman*) and favorably resolving the federal Establishment Clause challenge to school choice, school choice advocates need to pay attention to potential state constitutional impediments to school choice. School choice opponents have been routinely including state constitutional claims in their challenges to school choice programs, so IJ already has considerable experience in combating such claims.

Where we have been successful (Wisconsin, Ohio, Arizona and Illinois), it is because we have succeeded in getting state appellate or supreme courts to hold that with respect to the school choice programs before them, the state constitutions impose no greater limitations

than the Establishment Clause. When we have been unsuccessful, unfortunately it has been because the state supreme court has held that state constitutional language prevents the inclusion of religious schools among those that parents can choose.

Although state constitutions contain a wide variety of provisions addressing religion in some fashion or other, there are two sorts of provisions that are found in many constitutions. One sort of provision is derived from the so-called "Blaine Amendment," a failed effort to amend the federal constitution to preclude grants or appropriations to sectarian institutions or organizations. Variations on the Blaine language are found in the constitutions of 36 states and the commonwealth of Puerto Rico, and were usually added in the last quarter of the 19th

Century during a wave of anti-Catholic prejudice. (The Blaine Amendment's anti-Catholic pedigree is well-known in academic circles, and it has received judicial acknowledgment from both the Arizona Supreme Court in *Kotterman v. Killian*, and the U.S. Supreme Court in *Mitchell v. Helms*.)

The other sort of provision is older in derivation, originating during the colonial period to address the then-common practice of government collecting money for the support of churches. These provisions, found in the constitutions of 29 states, provide that no person shall be compelled to support any ministry without his or her consent. As the accompanying map illustrates, while the Blaine language states are found throughout the country, the "compelled support" states are rarely found in the newer western states.

Although IJ has successfully prevented language of both sorts from restricting school choice in Wisconsin, Ohio, Arizona and Illinois, where courts have interpreted their state constitutional language to parallel the federal Establishment Clause, we clearly have our work cut out for us in the future, even if we win in the U.S. Supreme Court. Ultimately, we will need a U.S. Supreme Court decision holding that state constitutional decisions restricting school choice beyond the Establishment Clause are themselves unconstitutional under the federal religion clauses, the Free Speech Clause, the Equal Protection Clause or all of them. ♦

Richard Komer is an IJ senior attorney.





Barbara Morely, a member of IJ's Human Action Network, has become an outspoken advocate for property rights in Nebraska. She is pictured here with her husband, Ed Patterson.

Nebraska Activist Leads Local Fight Against Eminent Domain Abuse

By Maureen Blum

Nebraska attorney, property rights activist and member of the Institute for Justice's Human Action Network, Barbara Morley is a force to be reckoned with.

Starting more than a decade ago fighting eminent domain abuse to save her own property, Barbara has advocated legislative changes in the Nebraska state legislature, testified at numerous local community zoning meetings, drafted comments to Environmental Impact Statements and various regulations, attended countless neighborhood association meetings, run successfully for the Natural Resource District (NRD) board (a unique Nebraska governmental entity that has the power of eminent domain) and set out on a dedicated mission to raise awareness of the evils of eminent domain abuse. What started as a personal mission to protect her own individual rights has

become a passionate public crusade.

Although Barbara and her husband Ed Patterson lost their property to the City of Lincoln for "urban redevelopment," this prompted Barbara to go to law school to defend her constitutional rights in the future. In 1999, she attended the Institute for Justice's Policy Activist Conference and afterward orchestrated a comprehensive strategy to stop eminent domain abuse in her state by coordinating litigation, community outreach and a public opinion campaign.

Barbara and her husband joined forces with various residents and property owners filing suit against the City of Lincoln to protect their property from being given to the University of Nebraska for future development or, as the university alleges, for an open waterway for flood control. Barbara's "Pitch the Ditch" legal and public opinion campaigns spotlighted how certain legislative powers were illegally delegated to the Joint

Antelope Valley Authority (JAVA) by the City of Lincoln, and that the approval of the authority must be placed on the ballot. The NRD board voted to join JAVA in December, giving it all the powers of the separate entities to issue bonds and swap properties with private entities, thwarting votes on the project by Barbara and other newly elected NRD board members who took office in January. The Federal Highway Administration has not yet approved the project, in part due to the efforts of Barbara and others to expose the abuse of eminent domain and other powers in divesting businesses and residents of their private property.

As the case continues in court, IJ will following Barbara's quest and offer assistance whenever we can. ♦

Maureen Blum is IJ's director of outreach programs.



SENDING IN THE

By John E. Kramer

The other night at the ballpark while listening to the trumpet call and the crowd's responding shout of "Charge!", my wife turned to me and said, "I love the idea of the cavalry. It's a beautiful image . . . troops riding in at the last minute to save the day." She imagined it must be an awesome sight to see the cavalry cresting a hill, liberating those who only moments before thought all was lost.

So often, that is our role at the Institute for Justice: to fight the seemingly lost causes; to be our clients' cavalry.

You will find no better example of this than IJ's recent trial in New London, Connecticut. There, the government allowed a development corporation to take seven families' private homes and businesses so it can construct other private home and businesses in their place. (The government is using force to evict families from their land to make way for upscale housing and office buildings.) And until the Institute for Justice joined the fight in December of last year, this was, in the property owners' own words, a hopeless fight.

Just ask property owner Matt Dery whose family has lived in the embattled Fort Trumbull neighborhood for a century. Dery recently wrote us and said, "Our home was condemned and taken from us by eminent domain on November 6, 2000. We thought that all was lost. To the uninitiated, such as we were, it appeared that the Connecticut General Statutes provided only for contesting the amount of compensation awarded in a condemnation, not the actual taking. We were resigned to losing our family homes of over 100 years. We were heading into the holiday season with heavy hearts, not knowing where we would go, or when."



The City and the condemning authority (the New London Development Corporation or NLDC) were banking on the hope that Dery and his neighbors would not be able to find legal representation in the state, and even if they could find an attorney to take their case, the government was sure these families of modest means couldn't muster the financial wherewithal to fight a protracted legal battle against the City, the State of Connecticut and the NLDC.

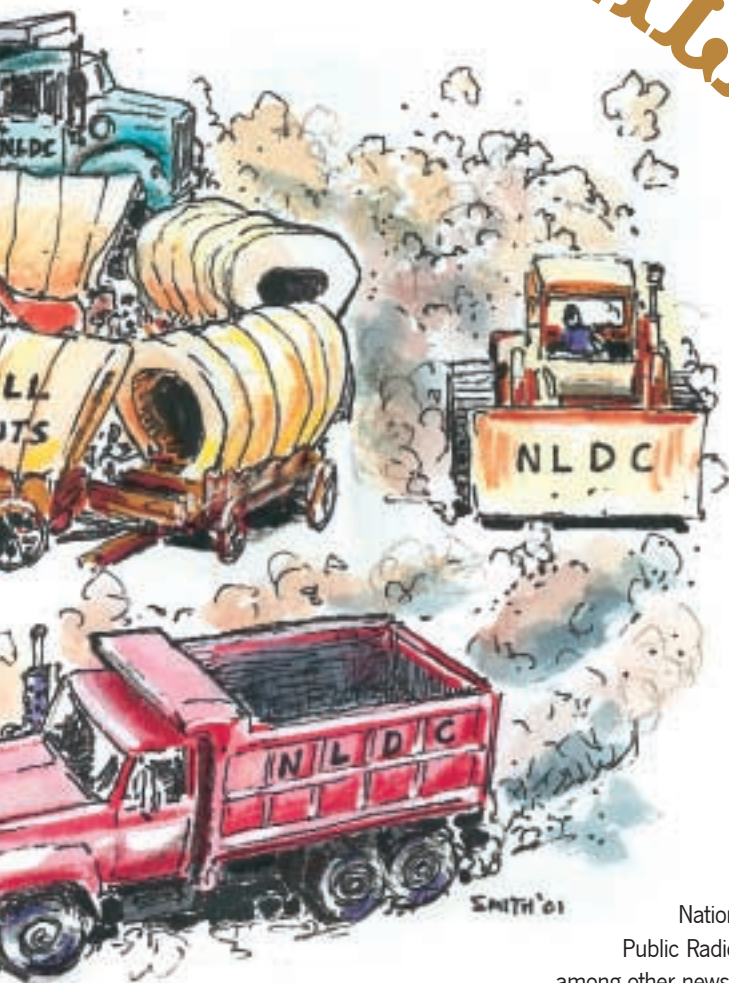
"They were right," Dery wrote. "We could not find any law firm who was willing to take on the local powers in defense of regular citizens like us."

So where can one turn when the government that should be most concerned with protecting your rights is the culprit violating those rights?

"Enter the Institute for Justice," Dery wrote.

Matt, his family and his neighbors heard the hooves of IJ's legal posse in the distance when Scott Bullock soon thereafter visited and promised IJ's full support. Since then, we have given everything we have to save these individuals' homes and businesses.

THE IJ CAVALRY



Dery continued, "IJ's representation of us—thanks to the generosity of your 8,000 donors—afforded us the opportunity to stand up for not only our property rights, but those of every property owner in the State of Connecticut. The presentation of our case in court by Scott Bullock, Dana Berliner and Clark Neily was a tribute to their level of commitment and professionalism. John Kramer's efforts to win the fight in the court of public opinion secured features in *The New York Times*, *The Boston Globe*, *USA Today* and

National Public Radio, among other news outlets. And Maureen Blum's community outreach helped mobilize citizens throughout New London. They are truly the best legal team that money *can't* buy."

IJ riding in to the rescue didn't please everyone, however, least of all NLDC President Claire Gaudiani. During the trial, *The Day*, New London's local newspaper, reported, "There has been a media blitz by the Washington, D.C.-based Institute for Justice about the eminent domain lawsuit against the NLDC, Gaudiani said, with many stories only telling one side. The NLDC does not have the national contacts to counter the criticism, she said."



Keep in mind this is the same Claire Gaudiani who was a media hound when she served as the former president of Connecticut College; who is the author of six books and monographs and more than 100 chapters, articles, editorials and reviews; and who participated in a conference titled, "The Media: Has the Messenger Become the Message" in which *she moderated* a panel featuring *Washington Post* Pulitzer Prize winner Carl Bernstein, ABC and Fox News Correspondent Catherine Crier, *Harper's Magazine* Editor Lewis H. Lapham, Former Dow Jones & Company Chairman and *Wall Street Journal* Publisher Warren H. Phillips and CBS "60 Minutes" Correspondent Lesley Stahl. This is the same Claire Gaudiani who served as finance chair for Public Radio International. Perhaps all these contacts slipped her mind when she tried to make herself into the victim.

Or maybe it's just a little tough to get sympathetic media when you are trying to evict, among other residents, an 83-year-old woman out of the only home she's ever known.

The Battle for the Fort Trumbull Neighborhood is only one of many such skirmishes IJ's troops happily ride headlong into on behalf of property owners whose land is being threatened, or entrepreneurs who find their right to earn a living under assault, or low-income kids who can't get into a decent school or an ordinary citizen whose right to speak is being quashed by the government. It is indeed an awesome feeling to be part of an organization dedicated to coming to the rescue of so many good people. The next time they are in need, be assured: the IJ cavalry will ride again.♦

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



Donor's Insight: Why I Support IJ “The Opportunity Company”

By Robert W. Wilson

Forget about labels like liberal or conservative or libertarian. They are too abstract to have meaning. The United States is regarded as the land of opportunity, and IJ is in the business of trying to make that true for everyone.

There is a great and growing disparity between those with incomes in the top 20 percent and those in the bottom 20 percent. Throughout the world, government redistributionist policies have tried to narrow this gap, but with very little success without punishing overall growth. But IJ has found a way to do it: attack the thousands of private cartels in America that prevent many lower-income people from going into business for themselves. As IJ has shown, the opportunity to get into business as a taxicab driver, an African hair-braider or a casket retailer (along with so many other occupations ideally suited to lower-income people) is now blocked—not because those already in these businesses have earned a monopoly through great service, but because they have worked with the government to create laws and regulations that keep out newcomers. These cartels and the government work hand in hand to limit opportunity. IJ has gone to court in many places to eliminate these cartels.

In this era when brains are becoming steadily more important and brawn less so, kids are deprived of opportunity if they cannot get a good education. Since the public school system has failed the lowest income groups so abysmally, IJ has fought in the courts to defend those states and cities that help finance

a choice between public and private schools. The biggest fights have been in Cleveland, Florida, Illinois and Milwaukee, and the biggest opponents have been the teachers' unions—another cartel.

In addition, IJ provides law students at the University of Chicago with courses that enable these students to advise budding entrepreneurs on how to navigate all the rules and regulations, even when there is no cartel.

Another ugly debasement of capitalism shows up when governments act as agents of the powerful to take from the powerless. Using eminent domain, governments force small property owners to sell out when they don't want to and then sell the property to big businesses. IJ is fighting the abuse of eminent domain in New York, Connecticut and Mississippi and has already won such battles in New Jersey, Pennsylvania and Maryland.

The Institute for Justice and its work should appeal to those across the political spectrum. Those who consider themselves liberal should appreciate IJ's pursuit of equity for the poor and powerless; self-proclaimed conservatives should value IJ's advocacy to limit government power; and libertarians should welcome IJ's pursuit of a free society based on individual opportunity and responsibility. ♦

Robert W. Wilson is an IJ donor and private investor. He has supported IJ in each of its first 10 years. He serves on the boards of the Environmental Defense Fund, the Manhattan Institute and the Whitney Museum of American Art,

INTERACTIVE 

This story is part of our website collection of tenth anniversary celebration stories

Arizona continued from page 1

vate property. In 1972, the U.S. Supreme Court frustrated liberals by ruling that the First Amendment, which limits government power, did not require a private shopping mall owner to allow access for a petition drive. But seven years later, the California Supreme Court ruled that the free-speech provision of the state constitution mandated such access, reasoning that private shopping malls have essentially replaced public streets. When the case reached the U.S. Supreme Court, (now Chief) Justice William Rehnquist applied federalism principles to defer to the state court's ruling. Liberal Justice Thurgood Marshall, giving his conservative colleague rare praise, applauded the decision as “part of a very healthy trend of affording state constitutional provisions a more expansive interpretation than this Court has given to the Federal Constitution.” Thus did Warren-era liberals become advocates of “states' rights” when the ends suited them.

Likewise, in 1973 the U.S. Supreme Court ruled in *San Antonio School Dist. v. Rodriguez* that the Federal Constitution did not forbid wealth disparities among school districts based upon differences in local property taxes. But liberals subsequently prevailed in more than a dozen state supreme courts, striking down property-tax-based education financing and opening the spigots to massive increases in state funding of public schools.

Libertarians and conservatives often play defense in these venues and rarely mine state constitutions for provisions that could expand basic freedoms. The potential is vast: after all, in the scheme of federalism, states are supposed to provide the surest bulwarks for individual liberty. State constitutions often contain provisions that were intended to protect private property and freedom of enterprise but are rarely invoked.

One example is the “public use” requirement for the exercise of eminent domain, found in the federal and most state constitutions. In 1984, the U.S. Supreme

Court ruled unanimously that a public use is essentially whatever the government decrees it is, thereby removing it as a federal limit on the power of eminent domain. But some state courts continue to apply the restraint. Mississippi's Supreme Court, for instance, places the burden on government to show that the taking of private property is for a public use; similarly, a New Jersey state court struck down Atlantic City's efforts to take private property to provide a parking lot for Donald Trump's limousines.

And the "floor" for constitutional rights works in both directions. Take commercial speech, to which the U.S. Supreme Court accords less protection than

other types of speech. In 1997, the Court upheld a federal marketing order that required California farmers to contribute to generic advertising of certain agricultural products. But last year, the California Supreme Court—interpreting its state constitution as "a document of independent force and effect particularly in the area of civil liberties"—rejected the dichotomy between commercial and other types of speech and reached the opposite result on a similar marketing order.

State constitutions often also provide procedural devices to limit the power of government. Taxpayers, for example, do not have standing to challenge most laws and regulations in federal courts; but in state courts, they do. Many state constitutions forbid "private or local bills" from being smuggled into larger general-purpose legislative measures. Taxpayers can only dream of challenging pork-laden appropriations bills at the federal level; in the states, they can do a lot more than dream.

While a couple of dozen conservative and libertarian public interest groups today litigate vigorously in all sorts of areas, they concentrate almost exclusively on federal courts. The rea-

son is simple: with limited resources, it's important to seek the most broadly applicable precedents. But that leaves vast areas of law—and potentially helpful constitutional doctrines—largely untapped. And it means that state courts are too often the province of left-wing interest groups.

The Institute for Justice will begin changing that this fall when we launch our state chapter initiative. Institute chapters, starting with Arizona, will bring litigation based on state con-

stitutions and statutes to vindicate economic liberty, private property rights, school choice and free speech. The potential is vast and the Institute's strategic initiative

will rapidly fill a crucial void. Even suffering resource disparities, we will succeed as we have in the federal courts. After all, both the federal and state constitutions were designed to safeguard individual rights and limit the power of government. We don't have to distort original intent; we merely have to vindicate it.

The Framers understood that state and local governments could be a threat to liberty—or a safeguard. So it's not surprising that much of our litigation challenges such grassroots tyranny. From headquarters in Washington, D.C., we will continue to attack grassroots tyranny in federal and state courts. Adding state-based chapters to our already potent litigation arsenal will make IJ uniquely effective, transforming us from a national to a nationwide organization. It's time to get started.◆

Chip Mellor is IJ's president and general counsel, and **Clint Bolick** is IJ's vice president and director of state chapter development.



Changes in Latitudes

Because IJ's state chapters are a vital phase in the Institute for Justice's expansion, IJ has selected Clint Bolick to be director of state chapter development. Clint will remain IJ vice president and will continue his national litigation responsibilities in school choice and economic liberty from Phoenix. But as director of state chapter development, his primary duties now will include successfully launching IJ's first chapter, identifying talent, developing litigation blueprints, creating the infrastructure for other chapters and helping to train chapter staff.

The Arizona Institute for Justice will also act as a model and training center for other IJ state chapters. We will open our next three chapters over the next two years.◆



Clint Bolick (left), vice president and director of state chapter development, and **Brian Montgomery**, director of accounting and administration, supervise the new office construction in Phoenix.

Look What's Happening @ www.IJ.org



By Don Wilson

We've been improving the IJ website with new additions and more to come. Starting with our client videos, you can now listen to IJ client Vera Coking describe her fight with a New Jersey state agency that tried to take her property and put her out on the street. Hear her talk about how IJ fought for her right to keep her home.

We have just finished the "I am IJ" Screen Saver. This is now released and available to the public. It can be found on the IJ website at: www.ij.org/screensaver. It is available for both PC and Macintosh computers and is easy to install. Download it and show your support for liberty today!

Also new to the website is our school choice research center,

where we have resources for those who want to learn more about school choice and obtain valuable facts and legal cites, write a law review article or just expand your knowledge about school choice.

Just how much do you know about liberty and individual rights? Test your knowledge today. Visit www.ij.org and take the "Liberty Quiz." Pass the quiz on to your friends and see how well they compare.

Visit our site often and look for the new things that are happening. ♦

Don Wilson is IJ's production and design director.



Tasty Delite continued from page 2
encouragement from the IJ Clinic, Darryl Brown and his colleague Michael Davis began to grow the business into what it is today. This past June, Tasty Delite earned a contract with Safeway Foods to distribute Tasty Delite to all of its stores nationwide.

The IJ Clinic currently represents more than 40 entrepreneurs and a few nonprofit organizations. The services cover such legal areas as intellectual property, licenses, permits, contracts, leases, zoning and some administrative representation. Several students, including Daniel Liljenquist, a graduate of the class of 2001 and IJ Clinic "Entrepreneurial Advocate of the Year" award winner, provided vital services for this new enterprise. While a student in the Clinic, Dan crafted a non-disclosure agreement to protect the recipe, advised on corporate governance matters, reviewed contracts and handled intellectual property questions. As this company has grown, we have referred selected matters to pro bono counsel Lord, Bissell & Brook. Other firms, including Gardner, Carton & Douglas and Winston & Strawn have been instrumental in IJ Clinic referrals of business enterprises.

Calvin Coolidge said, "Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent." Darryl Brown's success is a testament to that fact. ♦

Patricia H. Lee is director of the Institute for Justice Clinic on Entrepreneurship.



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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 own destinies as free and responsible members of society. It 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, it trains law students, lawyers and policy activists in the tactics of public interest litigation to advance individual rights.

Through these activities, it 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

**Tough Call
 CNN-FN**

"The good news is that school vouchers are constitutional and that [school choice is] for everybody, not just for people who can afford to send their kids to private school or to move to a school district with good schools. . . . This issue definitely needs to be resolved by the Supreme Court, and frankly we hope that's going to happen this fall."



**New Haven WTNH News Channel 8
 ABC**



"Eminent Domain is supposed to be used for a public use, like a road, a bridge or a public school—not to take from one private owner and hand it over to another private owner in the name of economic redevelopment."

New York Times

"My grandfather bought this land in 1941," said [Institute for Justice client] Lonzo Archie, 45, a welder who lives with his family of five in a modest brick house on the south edge of the Nissan project. "There's 15 of our families right around here, and none of them want to live anywhere else. But then the state comes in and pushes us around and tells us they're going to turn our land over to a private company. It's not right."

"It's not that Nissan is going to leave if we don't get that land," said James C. Burns Jr., the executive director of the Mississippi Development Authority. "What's important is the message it would send to other companies if we are unable to do what we said we would do. If you make a promise to a company like Nissan, you have to be able to follow through."

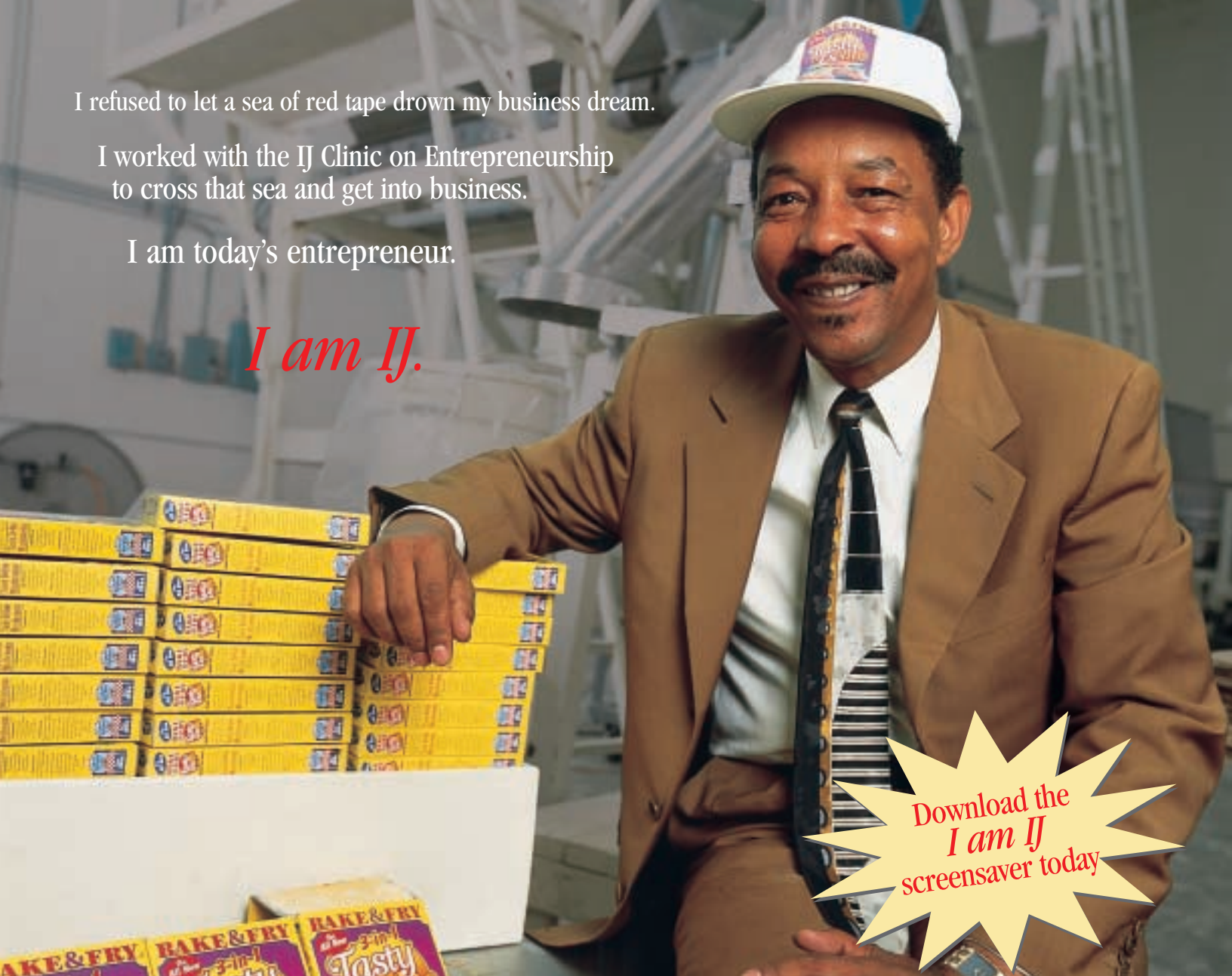
[J]oining the case [to defend Mississippi property owners from the abuse of eminent domain], in an unlikely partnership for the Southern Christian Leadership Conference, is the Institute for Justice, a libertarian organization in Washington that often fights governmental efforts to take land for private business purposes. The institute argues that under the Mississippi Constitution, eminent domain is restricted to state public works projects."

I refused to let a sea of red tape drown my business dream.

I worked with the IJ Clinic on Entrepreneurship
to cross that sea and get into business.

I am today's entrepreneur.

I am IJ.



*Darryl Brown
Chicago, Illinois*

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*Institute for Justice
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