



October 2016

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Liberty & LAW

VICTORY

for the
Piano Man



For 25 years, principled IJ clients like **Charlie Birnbaum** have refused to give in to the unconstitutional acts of government.

By Bob McNamara

Being an IJ client can be hard. Litigation is time consuming, government officials can be oppressive and the feeling of having your business or your home hanging in the balance is a constant source of stress. Longtime IJ client Charlie Birnbaum, the Atlantic City piano tuner who has frequently been featured in the pages of *Liberty & Law*, has had a harder road than many: For more than four years, the cloud of eminent

domain has been hanging over the three-story home he inherited from his parents.

But a ray of light burst through those clouds in August when a state court judge issued a blistering decision calling the state's attempt to take the home "a manifest abuse of the eminent domain power." The problem with this taking, as IJ has argued all along, is that state officials have no plan to do any-

Eminent Domain continued on **page 3**



The Taps of Economic Liberty Are Open in Texas

By Matt Miller

Beer connoisseurs and fans of liberty will want to say “cheers” to IJ’s latest economic liberty victory. IJ scored a landmark victory on behalf of eyebrow threaders in 2015 at the Texas Supreme Court. Building on that, IJ has delivered another win for economic liberty in the Lone Star State—this time on behalf of craft brewers, who had a valuable part of their businesses taken away by a law that was written by big beer distributors in 2013. Specifically, the law made it illegal for brewers to sell their distribution rights to distributors.

The loss of the value of these distribution rights made it much more difficult for brewers to expand into new markets. Under the three-tier system, brewers are required to give middleman distributors an exclusive and perpetual right to distribute their beer in a given territory. Some distributors were willing to make a lump-sum payment for distribution rights to a given market, like Houston or El Paso, in order to build their portfolio of popular beers. Brewers would take that money and reinvest it in equipment and staff to grow their businesses. This practice was flatly outlawed

So raise a glass to freedom in Texas, where the taps of economic liberty are primed and where courts now recognize that everybody has the constitutional right to earn an honest living.



IJ client **Chip McElroy**

in 2013 when the Legislature prohibited brewers and distributors from even coming to the table to negotiate for the value of distribution rights. Instead, brewers who wanted to expand had only one option: give their distribution rights away for free.

IJ teamed up with three Texas breweries—Live Oak, Peticolas, and Revolver—to challenge the law in late 2014. Seven months later, the case got a boost when a major new implement for liberty was added to the Texas toolkit. In June 2015, the Texas Supreme Court issued its ruling in IJ’s eyebrow threading case. The Court made it clear that the Texas Constitution provides unique and substantial protection for economic liberty. There must be an identifiable and “real-world” connection between an economic regulation and a legitimate governmental interest and the burden placed on the individual (or business) cannot be oppressive when weighed against the governmental interests being asserted. The threading decision instructs judges to examine the record and the evidence

presented and to strike down laws that restrict economic activity with no corresponding public benefit or that are oppressive in light of whatever marginal benefit is being achieved.

IJ’s victory for Texas threaders provides a roadmap for how judges should engage with economic liberty cases. We used the roadmap in this case to show the court that there is no legitimate interest being served when the government forces brewers to give away part of their businesses to distributors. That is just a blatant transfer of wealth, which is not a legitimate purpose for a law. An engaged judge agreed and declared the law unconstitutional. So raise a glass to freedom in Texas, where the taps of economic liberty are primed and where courts now recognize that everybody has the constitutional right to earn an honest living. ♦

Matt Miller is the managing attorney of IJ Texas.



New Jersey’s plan shows no plans for Charlie’s home, but state officials are trying to condemn it anyway.

Charlie’s land was marked for nothing except “FUTURE DEVELOPMENT.”

Eminent Domain continued from **page 1**

thing with Charlie’s land—they simply want to take the home, knock it down and then think really hard about what might go there instead.

The trial in this case, which was held this past April, could not have made that clearer. Every government official who testified admitted that they had only budgeted enough money to purchase the land and demolish the home that currently sits there; they were unsure what would come next. The highlight of the entire proceeding, though, may have been when IJ Attorney Dan Alban adroitly drew the judge’s attention to the state’s own maps of its plans for the area, on which officials had color-coded their plans for each bit of land in the area. Some plots of land were set to be “housing,” others “emergency services”—but Charlie’s land was marked for nothing except “FUTURE DEVELOPMENT.”

Simply put, state officials were not trying to take Charlie’s property because they needed it for anything. They were trying to take it because they thought they could get away with it.

And the judge’s opinion makes clear that they cannot. Drawing heavily on IJ’s arguments, the court’s opinion takes note, on the one hand, of the state of New Jersey’s long history of making big promises for redevelopment schemes in the area, only to have those promises come to nothing—a theme common to eminent domain abuse stories

Eminent Domain continued on **page 9**



Life, Death & Regulation

IJ Defends Bone Marrow Victory with Movie

By Jeff Rows

Among IJ's litigation goals is to create a world in which all entrepreneurs—not just our clients—can realize their vision free from unreasonable government interference. An excellent example of this is our bone marrow case. Longtime readers of *Liberty & Law* will recall that in 2011 IJ won a landmark victory when the 9th U.S. Circuit Court of Appeals removed a federal prohibition on compensating most bone marrow donors.

That victory helped our clients, but it also inspired Doug Grant, a Navy veteran and entrepreneur who read about the victory. Doug and his business partners founded Hemeos, a private company that seeks to ramp up marrow donor recruitment by offering modest financial incentives for those who donate to patients dying of blood diseases.

Unfortunately, Doug and Hemeos cannot move forward because the U.S. Department of Health and Human Services (HHS) has spent the past three years considering—but not actually enacting—a rule that would attempt to nullify our victory. Under the proposed rule, it would once again be a crime to compensate any marrow donor.

HHS has not, thus far, made any decision, and Hemeos cannot obtain the investment it needs to launch until it is clear that its business model will not be a felony.

HHS's inaction is a lesson in how a faceless bureaucracy impedes entrepreneurial innovation and, in this case, lifesaving innovation. The proposed rule is illegal and unconstitutional, but as long as it is only a proposal, it cannot be challenged in court, even though it is a huge barrier to startups like Hemeos.

Recognizing that our victories are meaningless unless they are defended, IJ has taken on Hemeos as a client and called out HHS in the pages of *The Wall Street Journal*. In an op-ed published in August, we told the agency that it has two choices: reject the proposed rule and allow entities like Hemeos to save lives or adopt the rule and face an immediate legal challenge. We want HHS to understand that we will sue it and we will defeat it, just as we defeated the Department of Justice in our earlier case.

HHS has until December 2016 to make a decision. If it does nothing, the rule is deemed rejected and Hemeos can launch.

Watch IJ's award-winning short film now:
www.everything.movie



IJ client **Doreen Flynn** and her daughters (left) inspired the creation of IJ's first short film, *Everything*, about a mother trying to find a bone marrow donor for her daughter. IJ Vice President for Communications **John Kramer** (center) accepts an award for the film at the Anthem Film Festival at FreedomFest; **Kramer** (right) discusses the film at the Massachusetts Independent Film Festival.

Hemeos is not the only innovator in this story. IJ Vice President for Communications John Kramer and his talented team created *Everything*, IJ's first short film, to promote our bone marrow donor fight. *Everything* is a 16-minute drama inspired by Doreen Flynn, the lead client in our original bone marrow case. With *Everything*, IJ has taken its acclaimed storytelling skills to the Hollywood level, creating a story with strong production values and emotional impact.

IJ brought in Hollywood actors including Michel Gill, who played the president of the United States for two seasons on the popular Netflix series *House of Cards*. Our production team shadowed a professional director, cinematographer and sound engineer to

improve our team's technical skills for future productions.

Everything is now an award-winning short film that has garnered laurels at 15 film festivals and counting across the country. Our hope is not only that *Everything* helps the public understand the lifesaving potential of marrow donor compensation, but also that the film will catalyze change on Capitol Hill and within HHS.

The fight for liberty requires the defense of our victories and continuous innovation. Both of those endeavors are part of this next phase in our bone marrow litigation. Stay tuned. ♦

Jeff Rows is an IJ senior attorney.



To watch IJ's first short film, *Everything*, visit www.everything.movie



IJ's production *Everything* won the Anthem Film Festival's Best Short Narrative and Audience Choice awards, as well as awards at other festivals across the nation.

SETTING THE Standard

25
YEARS

FOR 25 YEARS, IJ has helped change the world. From opening taxi markets across the nation to defending school choice programs from attack; from saving more than 16,000 properties from eminent domain abuse to freeing political speech participation, we set the standard in all areas of our work.

In mid-September, more than 250 IJ Partners and Four Pillars Society members gathered in New York City to celebrate IJ and learn firsthand from our attorneys and clients how we use litigation, communications, activism and research to achieve real-world results for our clients and every person working hard to achieve their American Dream.

Anniversary attendees also heard from syndicated columnist George F. Will and *Wall Street Journal* editorial page editor Paul Gigot about the crucial role IJ plays in the larger fight for liberty and the increasing importance of our mission to the future of the country.

In an exciting announcement that will ensure IJ has the resources necessary to fight the foes of freedom for generations to come, President Scott Bullock announced a major new campaign to secure \$50 million in planned gift commitments by January 2019. You can learn more about how to participate in this exciting opportunity on page 8.

We are grateful to every one of our more than 8,000 individual supporters whose steadfast commitment has made IJ the National Law Firm for Liberty. With your continued partnership, we will devote the next 25 years and beyond to making the flame of liberty burn ever brighter. ♦





WHAT IS YOUR LEGACY?

IJ Announces the BERNARD & LISA SELZ LEGACY CHALLENGE

As we celebrate two and a half decades of litigating for liberty, we reflect on the impact of the Institute for Justice's first 25 years, and we look ahead to the next 25 years and beyond—to continuing a legacy that has left each community where IJ has been more free.

We now have an opportunity to secure and build on that legacy. We invite you to join us and to make the enduring impact of the Institute for Justice part of your legacy as well.

One of the most important ways to preserve IJ's victories and to be part of our long-term success is to make a lasting commitment to our fight by including the Institute for Justice in your estate plans—whether that is with a gift through a will or by making IJ the beneficiary of a retirement plan or other account.

Because this kind of support is vital to our effectiveness, this fall we launched a major new campaign to secure \$50 million in planned gift commitments by January 2019.

The catalyst for the campaign is a new challenge grant from longtime IJ donors Bernard and Lisa Selz. They have pledged \$2 million to match bequest commitments to IJ from other donors.

Bernard and Lisa cherish liberty. They want to know that people throughout the nation will have the Institute for Justice at their side to protect them, preserving the freedoms they value. The Bernard and Lisa Selz Legacy Challenge will be indispensable to ensuring that IJ has the kind of resources necessary to stand with those who stand up for their rights and for the rights of others—now and for future generations.

For every bequest pledge we receive, Bernard and Lisa will provide a current cash donation to IJ worth 10 percent of the pledged gift's value—up to \$25,000 per pledge. This means that bequests to the Institute for Justice now have a vital impact not only on our future, but also on our fight today.

Through this campaign, Bernard and Lisa and the IJ donors who join them will enable us to defend liberty as long as it is challenged.

We are grateful that many IJ supporters have included the Institute for Justice in their long-term planning, and we look to them to inaugurate this campaign. To those who have not yet made a charitable provision for IJ: Please consider doing so. It is one of the best investments in liberty you can make. ♦

HOW TO HELP IJ MAKE THE MOST OF THIS OPPORTUNITY

- Name the Institute for Justice in your will or as a beneficiary of your retirement plan, savings account or life insurance policy, helping us defend individual liberty well into the future.
- Complete a Selz Legacy Challenge matching form. One is included in this newsletter.
- A matching donation equal to 10 percent of your future gift's value—up to \$25,000—will be made in your name, to support IJ's fight today.

EXAMPLES >>





Charlie and his wife, **Cindy**, will fight to defend their home until New Jersey leaves them alone.

EXAMPLES

Example 1: A donor makes a provision in her will for IJ to receive a cash gift of \$50,000. Through the Selz Legacy Challenge, this gift earns IJ an additional \$5,000 in matching funds now.

Example 2: A donor makes IJ the beneficiary of 20 percent of his estate. Based on the current value of his assets, the donor's good-faith estimate of the value of the gift is \$150,000. This gift generates \$15,000 in current matching funds through the Selz Legacy Challenge.

Example 3: A donor designates IJ as the sole beneficiary of a \$1 million life insurance policy. This gift would earn \$25,000, the maximum amount of matching funds offered through the Selz Legacy Challenge, for IJ's fight today.

We will be in touch to invite all IJ donors to participate in the Selz Legacy Challenge. If you know now that you would like to participate, or if you would like more information, please return the pledge form included in this issue of *Liberty & Law*, or contact Melanie Hildreth at melanie@ij.org or (703) 682-9320, ext. 222.

Eminent Domain continued from page 3

across the country. And, on the other hand, the court notes Charlie's history with this home, which he has lovingly maintained since his parents passed, which has been the site of innumerable personal tragedies and triumphs, and which he simply wants to keep. Faced with that juxtaposition, the judge seems to have had little trouble choosing the right side.

Charlie's case is not over, though. Just a few weeks later, the state filed a notice saying it planned to appeal the ruling—which raises the question of why? Why spend government resources fighting an appeal over a piece of land you already admitted you do not have any need for?

The answer is simple. IJ cases are about a lot of things for our clients. They are about their homes or their businesses, their hopes for the future or their memories of the past. But for the government, IJ cases are about one thing: power. Government officials believe their power is unlimited and they will fight tooth and nail against any suggestion otherwise.

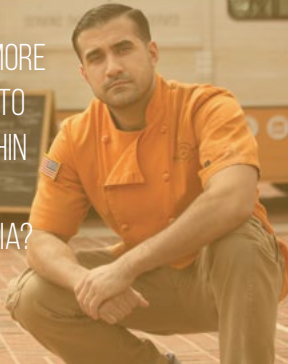
Fortunately, for our clients, we prove government officials wrong again and again. Their power is limited—limited by the U.S. Constitution, by the courts and by the constant vigilance of the Institute for Justice. This has already been explained to New Jersey officials by one judge in Atlantic City, but we at IJ will be happy to explain it as many times as is necessary for them to get the picture. ♦

Bob McNamara is an IJ senior attorney.



IJ ASKS WHY

WHY DOES BALTIMORE
NOT ALLOW ME TO
SELL PIZZA WITHIN
300 FEET OF
ANOTHER PIZZERIA?



WHY DOES LITTLE ROCK ALLOW
A SINGLE TAXI BUSINESS TO
MAINTAIN A MONOPOLY?



WHY DOES LOUISIANA
REQUIRE EYEBROW
THREADERS TO GET A
USELESS LICENSE TO
WORK?



Why does the government get in the way of letting entrepreneurs thrive? To answer this question and more, IJ has launched “IJ Asks Why.”

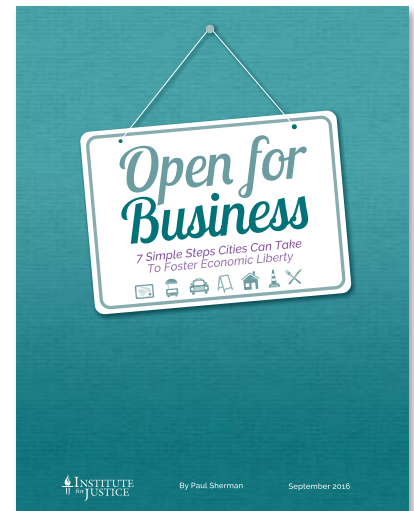
This new initiative aims to encourage entrepreneurs, government officials and others to question the underlying justification for laws that stand between entrepreneurs and their ability to fulfill their American Dream. Through new lawsuits, research and exciting activism projects, IJ Asks Why will hold officials accountable for infringing on Americans’ right to economic liberty.

As part of the initiative, IJ released *Open for Business*, a new report outlining seven simple steps cities can take to foster economic growth by unleashing the transformative power of economic liberty. The report suggests that cities take a different approach from the grand plans and regulations that typify government-

directed economic development. By reducing the barriers to entrepreneurship and eliminating unjustifiable economic regulations, local governments can unleash the creative potential of their citizens and empower individuals to put themselves to work.

The report recommends that cities:

- * Streamline business licensing;
- * Reduce or remove restrictions on street vendors and food trucks;
- * Allow for more competition in transportation markets;
- * Liberalize regulation of signage;
- * Expand opportunities for home-based businesses;
- * Reduce the burden of overly restrictive zoning codes; and
- * Remove unnecessary regulations for food businesses.



Check out www.ijaskwhy.com to read *Open for Business* and help IJ ask government bureaucrats why? ♦



PROTECTING ECONOMIC LIBERTY ONE THREAD AT A TIME

By Meagan Forbes

No one should be forced to quit their job and spend hundreds of hours and thousands of dollars learning things that have nothing to do with their job. But that is exactly what the Louisiana Board of Cosmetology wants eyebrow threaders to do.

Eyebrow threading is an all-natural technique that uses a single strand

of cotton thread—and nothing else—to remove unwanted eyebrow hair. But Louisiana forces those wishing to

practice this simple technique in the state to get an esthetician's license, which means they have to quit their jobs to attend cosmetology school and spend hundreds of hours and thousands of dollars learning techniques that have nothing to do with threading. Needless to say, this is something most threaders cannot afford to do. If these licensing requirements sound familiar, it is because they are the same requirements for threaders that the Texas Supreme Court declared unconstitutional in a landmark decision that IJ secured in 2015.



Watch IJ's latest video.

IJ represents Lata Jagtiani, an Indian immigrant who moved to Louisiana in search of a better life. She has been threading eyebrows for most of her life and dreamed of opening her own threading business. Her dream was realized when she opened the Threading Studio & Spa in the New Orleans metropolitan area. Lata's business was a success—until the Board cracked down on

her for employing unlicensed threaders. The Board ordered her to fire these unlicensed threaders—including her most experienced threaders, Ushaben Chudasama and

Panna Shah—and hire licensed estheticians, who do not know how to thread. Because of these licensing requirements, Ushaben and Panna are now out of work and Lata's business is being driven into the ground.

Louisiana cannot force eyebrow threaders to waste time and money learning things that have nothing to do with their occupation. That is why IJ has filed a lawsuit on behalf of Ushaben, Panna and the Threading Studio & Spa challenging the state's licensing requirements for eyebrow threaders under the Louisiana Constitution. With this case,



IJ client **Lata Jagtiani** wants to thread eyebrows without having to become a government-licensed esthetician.

we are asking a simple question: Why do these laws exist? Although this question may seem easy enough, getting an answer from the government is much more difficult. That is because laws like these are nearly impossible to justify. A victory here will not just pave the way for threaders to earn an honest living; it will also help pave the way for entrepreneurs across the state to pursue their calling free from unnecessary licensing. ♦

Meagan Forbes is an IJ attorney.



HELLO, ALABAMA? IT'S THE FIRST AMENDMENT CALLING



Alabama forces activists like **Maggie Ellinger-Locke** to take an in-person ethics class just to talk to legislators on the phone.

By Paul Sherman

Can the government force you to take a class before you are allowed to exercise your First Amendment rights? If the answer seems obvious, you might be surprised to learn that Alabama law requires exactly that for a huge range of people who want to do nothing more than pick up the phone and call elected officials.

Consider the case of Maggie Ellinger-Locke, legislative counsel for the Marijuana Policy Project, a nonprofit organization founded in 1995 that advocates nationwide for reforming marijuana laws. As part of her job, Maggie talks with legislators in 11 states, including Alabama, giving advice and recommendations on ways that state marijuana policy can be improved.

That may sound like ordinary political advocacy, but it falls within Alabama's sweepingly broad definition of "lobbying." As a result, if Maggie makes even a single phone call to an Alabama legislator to discuss marijuana policy, she must register as a lobbyist and attend an in-person ethics class held only four times a year—and only in Montgomery, Alabama.

Unfortunately for Maggie, she does not live anywhere near Montgomery—she lives 800 miles away in Arlington, Virginia, and works in Washington, D.C., where the Marijuana Policy Project is headquartered. Astonished that the Alabama Ethics Commission could actually expect her to make that trip before she was allowed to speak to elected officials, Maggie asked the Commission if she could get some kind of accommodation that would allow her to take the ethics class online, but the Commission refused.

Maggie is not the only person affected by this policy. More than 15 percent of lobbyists registered in Alabama in 2016 were from outside the state, and about half are from outside Montgomery. On average, lobbyists have to travel over 130 miles to attend their mandatory ethics training.

There is absolutely no justification for this policy. In fact, although municipal mayors, council members and commissioners, county commissioners and members of any local board of education are required to take similar training, that program may be conducted online. Many public employees are also required to satisfy a training program, which is also offered online or on DVD.

That is why Maggie and the Marijuana Policy Project are fighting back. They have joined with IJ and on August 31 filed a First Amendment challenge in federal court to Alabama's unconstitutional training requirement for lobbyists. Along with the complaint, IJ has filed a motion for preliminary injunction, asking the court to allow Maggie and MPP to begin speaking in Alabama immediately.

The right to talk to government officials about matters of public policy is so fundamental that it is protected by two different provisions of the First Amendment: the Free Speech Clause and the Petition Clause. And just as the government cannot force people to take classes before they are allowed to lead parades or give public speeches, it cannot force people to take a class before they are allowed to exercise their First Amendment rights to talk to government officials. Instead, if a person wants to talk to an elected official about a matter of public policy, the only thing she should need is an opinion. ♦

Paul Sherman is an IJ senior attorney.



IJ UNRAVELS ANOTHER MYTH: Licensing Does Not Make Braiding Safer

By Mindy Menjou

Readers of *Liberty & Law* are aware of IJ's recent legislative victories eliminating onerous occupational licenses for hair braiders in Iowa and Kentucky. But they may not realize that these are just two of the five states that have ended licensing for braiders *this year*—and two of the nine that have done so since we launched our Braiding Freedom Initiative in 2014. In 20 states, braiders are now free to work without a government license.

With momentum for reform building, IJ has contributed intellectual ammunition to the fight for braiding freedom with a new strategic research study, *Barriers to Braiding: How Job-Killing Licensing Laws Tangle Natural Hair Care in Needless Red Tape*. IJ Senior Research Analyst Angela C. Erickson investigated whether braiding poses risks that justify occupational licensing and whether braiding licenses prevent people from working.

Angela's original analysis found that braiding is safe—and that forcing braiders to become licensed does nothing but keep braiders out of work.

Licensing boards in nine states and the District of Columbia turned up just 130 complaints against braiders in seven years. The overwhelming majority of complaints came not from aggrieved consumers but from government boards and already licensed cosmetologists. And most complaints were about licenses—not health or safety. In fact, most states that provided data saw no health and safety complaints, despite training requirements that varied from zero to 600 hours.

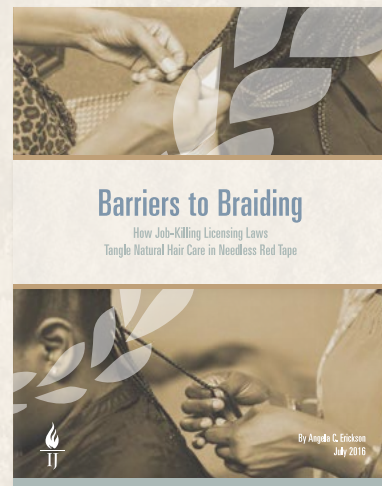
More burdensome licensing regimes do not protect the public, but they do impose heavy costs on both workers and consumers. The more hours states

require for training, the fewer braiders they have—limiting job opportunities and forcing consumers to pay more, wait longer or travel farther to get their hair braided. For example, in 2012, Mississippi, which requires zero hours of training, had more than 1,200 registered braiders. Neighboring Louisiana, which requires 500 hours, had only 32 licensed braiders.

IJ's Braiding Freedom Initiative is already using *Barriers to Braiding* to bring reform to the remaining states that still force braiders to complete hundreds or even thousands of hours of training just to braid hair.

But the study's relevance is not limited to braiding—its findings add to a growing body of research that finds licensing's costs outweigh its purported benefits. At a time when more American workers than ever before need a government permission slip to work, this research makes a powerful case for reducing and removing needless licensing barriers wherever they exist. ♦

Mindy Menjou is IJ's research editor.



Read the report at www.ij.org/report/barriers-to-braiding

Braiding is safe, and forcing braiders to become licensed does nothing but keep braiders out of work.



FORFEITURE REFORM COMES TO CALIFORNIA

By Lee McGrath

Good news out of the Golden State! As this issue went to print, SB 443—a significant overhaul of California’s forfeiture laws—will have become law. The Golden State now provides a powerful model for reforming state forfeiture laws, following IJ’s success in helping enact forfeiture reform this year in Florida, Maryland, Nebraska and New Hampshire.

Civil forfeiture is one of the most serious assaults on property rights today. By generally requiring a criminal conviction to forfeit property, SB 443 better protects the due process and property rights of owners.

For more than two decades, California state law has required a criminal conviction before real estate, vehicles, boats and cash under \$25,000 could be forfeited to the government. But those requirements are lacking in federal law.

During that period, local and state law enforcement agencies exploited the difference. California agencies routinely participated in the federal government’s equitable sharing program because it does not require a criminal conviction. And the federal program pays back a greater percentage of proceeds to state law enforcement than agencies are entitled to under state law.

IJ’s 2015 report *Policing for Profit* found that between 2000 and 2013, the U.S. Department of Justice paid local and state agencies in California more than \$696 million in equitable sharing proceeds, or nearly \$50 million a year on average. By comparison, agencies averaged \$23 million a year in forfeiture proceeds under state law.

To curb the outsourcing of forfeiture litigation to the federal government, SB 443 requires a criminal conviction in federal court before California agencies can receive payments from the federal government on forfeited real estate, vehicles, boats and cash valued under \$40,000. This will close most of the equitable sharing loophole: Half of all properties forfeited under equitable sharing are worth less than \$9,000.

Based in part on IJ’s model legislation, SB 443 had support from a bipartisan coalition that included the ACLU of California, the Drug Policy Alliance and other local groups.

California is just the latest state to join a growing forfeiture reform movement. In the past two years alone, 17 states and Washington, D.C., have reformed their forfeiture laws, with policies ranging from better transparency requirements to abolishing civil forfeiture altogether. And similar to California, Maryland, Nebraska, New Mexico and D.C. have reduced equitable sharing loopholes.

California’s reforms will strengthen the rights of nearly 40 million people. They will also signal to legislators in Congress and other states the growing momentum for forfeiture reform. Of course, IJ will be there to fight until civil forfeiture is abolished or, at the very least, radically reformed.◆

Lee McGrath is
IJ’s legislative counsel.



**CALIFORNIA IS JUST THE LATEST STATE TO JOIN A
GROWING FORFEITURE REFORM MOVEMENT.
IN THE PAST TWO YEARS ALONE, 17 STATES AND WASHINGTON,
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Volume 25 Issue 5

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 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.

Editor: Shira Rawlinson
Layout & Design: Don Wilson

How to reach us:

Institute for Justice
901 N. Glebe Road
Suite 900
Arlington, VA 22203

General Information (703) 682-9320

Extensions:

Donations 233

Media 205

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for LIBERTY

Quotable Quotes

The Wall Street Journal Opinion Journal

“In 2013, the Department of Health and Human Services announced that it might pass a rule recriminalizing [compensating bone marrow donors] to nullify our victory. For almost three years now we’ve been waiting to see what HHS is going to do. We have a company that wants to offer compensated marrow donation, there are academics who want to study it, but we can’t do it because the federal government is threatening to make it a crime again.”



The Daily Beast

“**Matt Miller**, [managing attorney of the Texas office] at the Institute for Justice, told *The Daily Beast* that many people use prepaid cards as if they are bank accounts, and an officer scanning your prepaid card is essentially getting access to what you use for a bank account. ‘I think that’s hugely constitutionally problematic,’ Miller said. ‘There’s a huge Fourth Amendment concern there, because you’re just accessing someone’s bank account without a warrant.’”

Yahoo News

“‘This is a major victory for African-style hair braiders in Iowa,’ says **Meagan Forbes**, an attorney with the Institute for Justice, in a press release. The organization, which fights for the economic liberty of workers across the country, had filed suit against the state of Iowa in 2015 on behalf of two braiders. ‘The government has no business licensing something as safe and common as hair braiding,’ she says.”

IJ Senior Attorney Tim Keller in the Las Vegas Review-Journal

“Nevada’s ESA program is modeled off of a similar program in Arizona. Nearly 20 years ago, Arizona made educational choice a pillar of its education reform efforts with the adoption of a robust charter school law, two scholarship tuition tax-credit programs that help families pay for private school tuition, and ultimately an ESA program that allows families to individually tailor their children’s educational program.

“And what does Arizona have to show for it? In 2015, Arizona led the nation in academic gains on the Nation’s Report Card on K–12 academic progress. The Grand Canyon State’s eighth-graders ranked third in reading progress and first in mathematics progress. No other state rivaled those gains.”

“For 25 years, IJ has successfully fought for the right of hair braiders to work without getting government permission, scoring three federal court victories and numerous legislative victories.”

—Pittsburgh Courier



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NON-PROFIT ORG.
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INSTITUTE FOR
J U S T I C E

Nevada's innovative educational choice program gives us full control over our children's education.

But special interest groups are suing to return that control to the government.

We are fighting not just for our family, but for every family in the Silver State.

And we will win.

We are IJ.



*Lara and Ryan Allen
Henderson, Nevada*

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