

June 2007

Volume 16 Issue 3

Inside This Issue

IJ Takes On
Interior Design Cartel
In Texas

3

Eminent Domain
Legislation Is
Making a Difference

4

IJ Earns
Charity Navigator's
Top Ranking

5

IJ Clinic Conference
Fosters Entrepreneurship
In Chicago

6

Published Bimonthly by the
Institute for Justice

visit us online:
www.ij.org

Liberty & LAW

FREE SPEECH VICTORY



Washington Supreme Court rules speech is *not* money and cannot be regulated

By William R. Maurer

In April, the Institute for Justice halted one of the most egregious attacks on free speech in recent years. The Washington Supreme Court unanimously ruled that on-air commentary by radio talk show hosts supporting an initiative campaign did not constitute an “in-kind” contribution to that campaign. A lower court had held that such speech was subject to government-imposed regulation and restriction—the first time a court or commission anywhere in the United States had held that media commentary in support of a campaign could be regulated under campaign finance laws. It was essential that such a precedent be overturned.

The case began in 2005, when the Washington Legislature passed a significant gas tax increase. KVI radio hosts Kirby Wilbur and John Carlson were vocal opponents of the tax and devoted substantial portions of their programs to supporting the I-912 initiative

campaign (formerly No New Gas Tax) that sought to roll back the increase. They encouraged their listeners to sign the petition so the initiative could qualify for the ballot, to contribute money to the campaign, and to circulate petitions.

This exercise of free speech was too much for some tax-hungry municipalities that stood to gain millions if the gas tax were implemented. Using the services of a private law firm that acts as state bond counsel (meaning the firm is paid based on the issuance of bonds supported by the gas tax) and that contributed substantially to I-912's opposition, San Juan County and the cities of Seattle, Auburn and Kent sued the I-912 campaign. The municipalities argued that Yes912.com had violated Washington's campaign finance laws by failing to report Wilbur and Carlson's on-air commentary as an “in-kind” contribution from the radio station.

Free Speech continued on page 9

Trial Court Throws Out ACLU's Latest Frivolous Lawsuit

Reaffirms that school choice tax credits are constitutional

By Tim Keller

My mom taught me that if I couldn't say anything nice, I shouldn't say anything at all. Putting her teaching into practice is difficult when writing about IJ's school choice opponents, so I'll just say this: They are a tenacious bunch.

Arizona has seen no less than five lawsuits filed by the ACLU of Arizona and its allies—groups such as the Arizona Education Association (AEA) and Arizona School Boards Association (ASBA)—challenging all four of Arizona's school choice programs. This past September, the ACLU and ASBA forged an alliance and hatched a scheme to file the most frivolous challenge to date against any of Arizona's school choice programs: a lawsuit seeking to have Arizona's new Corporate Tuition Tax Credit program struck down as unconstitutional.

The challenged program simply expands the state's successful individual tuition tax credit program to allow corporations to donate to school tuition organizations (STOs). The STOs are required to set aside those contributions for tuition grants to low- to moderate-income families whose children are transferring from public to private schools.

The ACLU/ASBA case recycles the same arguments made in a previous lawsuit defended by the Institute for Justice, *Kotterman v. Killian*, in which we protected the individual tax credit and secured an Arizona Supreme Court opinion declaring in no uncertain terms that tuition tax credits do not violate the state or federal constitutions.

In this latest court challenge, IJ quickly intervened in the new lawsuit on behalf of the Arizona School Choice Trust, a school tuition organization participating in the corporate program, and four scholarship-eligible families. The Institute immediately moved to have the case dismissed. The State of Arizona soon followed IJ's lead with its own motion to dismiss.

Not only does the absurdity of our opponents' legal claims fuel my passion to win this case, so does the picture of Dorine Gomez—one of our clients—that I keep pinned to my bulletin board. Dorine has brittle bone disease and had to leave her private school, St. Gregory's, after her mother fell on tough financial times. Once

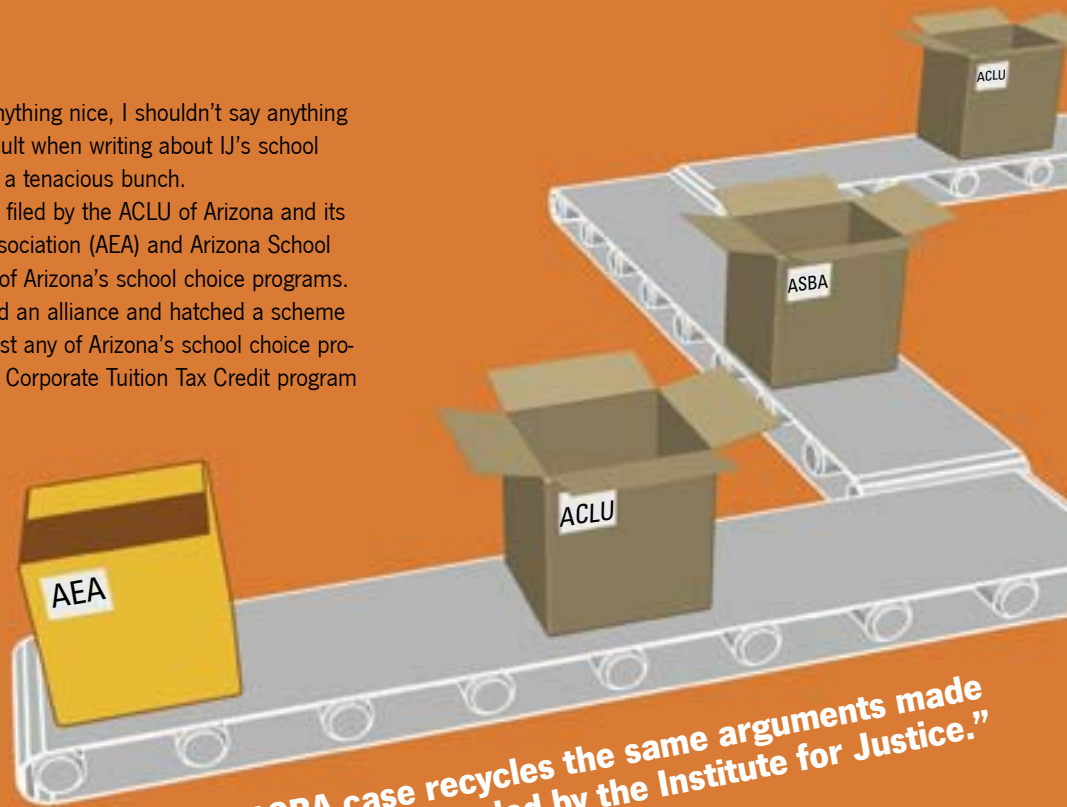
the new tax credit program is fully implemented next year, Dorine will be able to return to her beloved classmates and teachers who loved and watched over her with the kind of tender care the public school has been unable to provide.

After a fast-paced briefing schedule, the Honorable Janet Barton heard oral arguments in the case this past March. Judge Barton began the morning argument by announcing her intention to grant the motions to dismiss. It was an extremely gratifying moment. The state's lawyer and I wisely limited our argument time. Even though I had plenty of things to say, it was clearly one of those times not to say much at all.

Wasting no time, Judge Barton issued her

written opinion later that afternoon dismissing the lawsuit. Predictably, the ACLU has promised to appeal. However, as tenacious as school choice opponents may be, they have nothing on the resolve of IJ's merry band of litigators to defend the tax credit from their futile legal claims. We will vigorously defend our clients' right to choose the school that best suits their children's needs until the ACLU's last appeal is exhausted. ♦

Tim Keller is executive director of the Institute for Justice Arizona Chapter.



"The ACLU/ASBA case recycles the same arguments made in a previous lawsuit defended by the Institute for Justice."

IJ Takes the Fight to the Interior Design Cartel



IJ attorneys **Jennifer Perkins** and **Clark Neily**, front center, join Texas interior designers at IJ's press conference announcing our lawsuit challenging a government-imposed interior design cartel. Local Counsel **Cindy Olson Bourland**, right, and Local Counsel Associate **Elizabeth Branch**, fourth from right, also attended.

A battle is raging within the interior design community between the vast majority of designers, who simply want to earn an honest living in the vocation they love, and a small faction that wants to regulate their competitors out of business. Together with our clients and grassroots activists from all over the nation, the Institute for Justice is turning back this threat to economic liberty from the interior design cartel.

As documented by IJ's Director of Strategic Research Dick Carpenter in his report "Designing Cartels," the pro-regulation faction has a well-planned strategy that starts with lobbying states to enact so-called "title acts" under which anyone may *practice* interior design, but only license holders may use the terms "interior design" or "interior designer" to describe what they do. The next step in the plot is to expand the title act

into a "practice act," which dictates who may actually work as an interior designer. Despite 30 years and millions of dollars in lobbying fees, the self-appointed leader of that movement, the American Society of Interior Designers (ASID), has only managed to enact practice legislation in four states and the District of Columbia.

But ASID and its pro-regulation cronies are relentless, and the Lone Star State is the latest target for their drive to cartelize the industry. Texas adopted its title act in 1991, and the interior design cartel has made sporadic efforts since then to expand it into a practice act. This year, the clique of designers came with a full-court press, introducing bills in the Texas House and Senate that would require six years of combined college study and apprenticeship, plus passing a \$1,000 privately administered national exam that has very little

to do with the day-to-day practice of most interior designers. The bills would have put thousands of talented, hard-working Texans out of business overnight.

But like the saying goes, you don't mess with Texas—and you especially don't mess with Texas interior designers who have the Institute for Justice behind them!

On the heels of IJ's interior design victory in New Mexico, IJ attorneys Clark Neily and Jennifer Perkins joined forces with a wonderful group of freedom-loving Texans determined not only to stop the cartel's attempts to transform the title act into a full-fledged practice act, but also to throw out the unconstitutional title act altogether. IJ delivered a one-two punch of testifying against the proposed practice act in the Legislature and then filing suit in federal court in Austin on May 9, 2007, against the title act.

As always, IJ's communications team provided key support,

this time by bringing the cartel's nationwide efforts to the attention of nationally syndicated columnist George F. Will, who wrote a devastating column about it entitled "Wallpapering with Red Tape." The column left quite an impression on our friends in the resistance and even more importantly on our opponents, who were still reeling from IJ-backed battles in New Hampshire (where Clark testified against practice legislation in March) and in New Mexico.

There are still plenty of unconstitutional interior design laws left to challenge, and the pro-regulation cartel has dug in its heels for a fight. But the Institute for Justice is fully committed to continuing this long-term campaign in Texas and across the country, not only helping interior designers beat back big government, but also working to restore economic liberty for all Americans. ♦

38 States and Counting

Enacting Eminent Domain Reform Across the U.S.

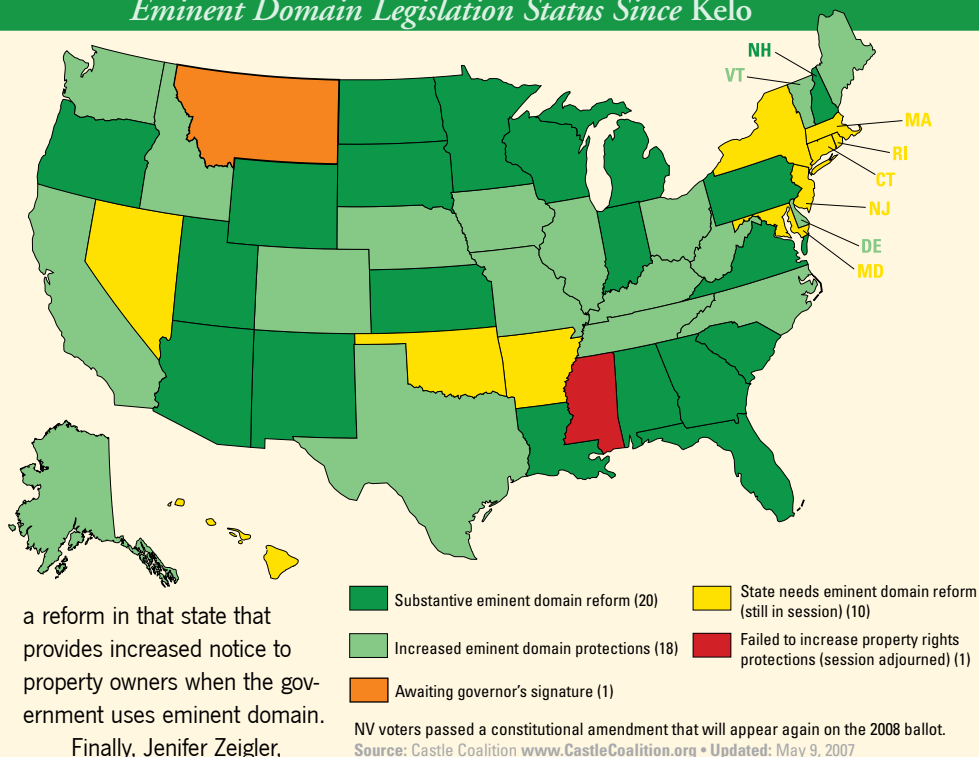
Eminent Domain Legislation Status Since Kelo

By Steven Anderson

State legislatures continue to increase protections against eminent domain abuse in the wake of the U.S. Supreme Court's decision in *Kelo v. City of New London*—and IJ's Castle Coalition has been there every step of the way. So far, 38 states have enacted reforms.

Virginia is one of the latest states to better secure the rights of home and small business owners against the use of eminent domain for private profit. The Commonwealth has a unique constitutional provision allowing the General Assembly to define "public use," which it had defined very broadly. But not anymore. Thanks to the efforts of Virginia property owners, legislators and the Castle Coalition, property can only be acquired for traditional public uses in the Old Dominion. When local governments in the state want to remove so-called blight, they can only do so where individual properties pose a threat to public health or safety, rather than with blanket blight designations across entire neighborhoods. It is a truly historic improvement.

The Institute for Justice Arizona Chapter was instrumental in securing eminent domain reform in New Mexico. Institute for Justice Staff Attorney Jennifer Perkins educated members of the governor's Eminent Domain Task Force as well as the Legislature. As a result, the authority to forcibly obtain "blighted" property has been removed from the Metropolitan Redevelopment Code. This means that cities may no longer declare properties blighted in order to take them for private development. Bill Maurer, executive director of the Institute for Justice Washington Chapter, successfully promoted



a reform in that state that provides increased notice to property owners when the government uses eminent domain.

Finally, Jenifer Zeigler, IJ's legislative affairs attorney, laid the groundwork for historic reform in Wyoming. She traveled to Cheyenne in January to address a large advocacy group and spoke about the need for change—a lesson heeded by the Legislature, which enacted the Castle Coalition's model legislation almost word for word.

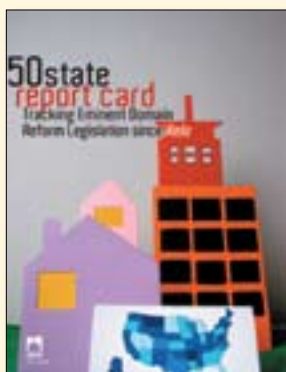
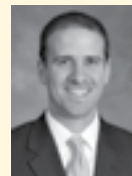
More than half of the 38 states that increased property rights protections made major changes by redefining public use, blight or both. The remaining states took important steps toward prohibiting *Kelo*-type takings for economic development. And this has happened in only two years—a remarkably speedy backlash

against one of the most despised and far-reaching U.S. Supreme Court decisions in decades. Considering the state of eminent domain law prior to *Kelo*, this milestone is clearly worthy of praise.

Additional reforms are certainly needed, particularly in those states where we have seen little legislative movement but considerable abuse, like California, New York and New Jersey. And—because the beneficiaries of eminent domain abuse are well-funded, politically connected and extremely motivated to restore their power—continued diligence will be necessary to ensure the reforms remain in place. Kansas and Iowa stopped attempts to weaken reforms, but the powerful elite already have taken a small bite out of Utah's reform and are gearing up for Virginia's next session.

The lesson, however, is clear. Faced with bad news in the wake of the *Kelo* decision, property owners across the nation fought back against the power of government with tenacity and resilience—and were triumphant. They are truly the embodiment of the IJ spirit of principled persistence. ♦

Steven Anderson is the Castle Coalition director.



The Castle Coalition released its 50 State Report Card ranking all state eminent domain reforms passed in the two years since the *Kelo* decision.

IJ's Valiant Valerie

By Chip Mellor

Combine a passion for liberty, tenacious advocacy, a dash of drama and a 1,000-watt smile and you have the makings of a hard-charging litigator named Valerie Bayham. Valerie is a member of the growing club of young attorneys who went to law school because they were inspired by our work here at the Institute for Justice. After clerking for a summer with us, Valerie joined IJ as a staff attorney nearly three years ago. She is a graduate of the University of Chicago Law School, where she earned the Donald E. Egan scholarship for service and leadership, and Agnes Scott College, where she graduated with honors.

Immediately upon arriving at IJ, Valerie was thrust into a contentious dispute in Mississippi over whether African hairbraiders should be subjected to the state's

arbitrary and onerous cosmetology licensing laws. With senior attorneys focused on our two U.S. Supreme Court



cases that term, Valerie traveled solo to Jackson, Miss., where she rapidly developed strong relationships with local braiders and put the state on notice that the unjust licensing law had to go. When the state responded to our lawsuit by trying to make cosmetic changes to the law, Valerie and her team mobilized and transformed the legislative momentum to eliminate the training requirements altogether. That was no small accomplishment for a newly minted attorney taking on her first case.

Having scored such a dramatic quick victory, Valerie next became part of the team challenging Colorado's campaign finance laws that are being used to suppress free speech. From Colorado, Valerie traveled to New Hampshire where she represents ZeroBrokerFees.com, a small online advertising business that is challenging the state's requirement that it secure a real estate broker license in order to provide its services. The range of issues in which Valerie has been involved testifies to her legal acumen and advocacy skills.

When not litigating, Valerie and IJ Staff Attorney Jeff Rows oversee our summer program for law clerks and interns. Each summer, this program brings more than a dozen students to the Institute for Justice where we immerse them in IJ's unique brand of legal advocacy. In addition to generating high-caliber legal research, our summer program builds a new generation of libertarian-minded public interest lawyers.

With her legal advocacy, not to mention her Southern hospitality and an occasional Valerie-ism ("that's the cat calling the kettle black"), Valerie has already made her mark at IJ. We look forward to what she will bring to IJ's mission in the future. ♦

Chip Mellor is IJ's president and general counsel.



IJ Ranked Best By Charity Navigator

For the sixth year in a row, the Institute for Justice has earned Charity Navigator's highest "4-star" rating for financial management and organizational efficiency.



This rating puts IJ in an elite group of only 49 charities nationwide—less than one percent of the 5,200 charities rated this year—to have earned at least six consecutive 4-star ratings. Only three other "public benefit" organizations (think tanks, advocacy groups, public policy organizations and the like) have achieved this distinction.

The New York Times, NPR and *The Chronicle of Philanthropy* each have profiled Charity Navigator's unique method of applying data-driven analysis to the charitable sector. The organization evaluates ten times more charities than their nearest competitor and currently attracts more visitors to their website than all other charity rating groups combined. Click on www.charitynavigator.org to find out more, or pull up IJ's rating.

July 1 marks the start of a new fiscal year at the Institute for Justice. On that day, our income statement returns to \$0, and we start from scratch to raise the \$8 million-plus that we will spend on our strategic litigation over the next 12 months. As you consider your charitable giving this year, we hope you will renew your investment—or begin providing financial support if you are not doing so already. Whether it is \$25 or \$2,500 or more, we are grateful for your generosity and the belief in our mission that it represents. ♦

Inspiring the Aspiring



IJ Clinic Encourages Conference Attendees to “Start It Up”

By Elizabeth W. Milnikel

On April 26, the IJ Clinic on Entrepreneurship at the University of Chicago Law School hosted its first-ever citywide conference, “Growing Opportunities: Fostering Inner-City Entrepreneurship in Chicago.” From our invitations to our banner, we invited the participants to “Start it up!” Throughout the day, speakers and audience members accepted that challenge and started up conversations, envisioned new ventures, formed new relationships, and set new ideas into action.

The conference brought together more than 100 participants, including inner-city entrepreneurs who dream of building vital businesses, professors and bankers, business advisors and

policymakers. All were united by their common passion for supporting and inspiring inner-city entrepreneurship.

Panelists shared scientific data about existing businesses in poor communities in Chicago, business strategies for building a solid new enterprise, recommendations for government reforms, and personal stories of inspiration about entrepreneurs’ struggles and successes.

Early in the event, former IJ Clinic client Mike Davis talked about how he and his business partner broke through barriers to own their own plant, employ a dozen workers, and negotiate with nationwide grocers and Wal-Mart. Davis co-founded Tasty Delite, which makes seasoned coating mixes for chicken, pork and fish. He

shared with the audience that the growing business is still a struggle, but also a great source of pride.

“You’re talking about being an entrepreneur,” he said. “It ain’t no joke. People are going to tell you, go on, get a job. But it’s bigger than that; it is about creating jobs. That’s what it’s all about, not just about helping yourself, but creating jobs and helping your community.”

Davis credited the IJ Clinic in particular for giving entrepreneurs the support they need to turn around their communities and build wealth in the community.

Themes summarized so poignantly by Davis—the daunting challenges faced by inner-city would-be entrepreneurs and the incredible value

“You’re talking about being an entrepreneur,” he said. “It ain’t no joke. People are going to tell you, go on, get a job. But it’s bigger than that; it is about creating jobs.”



they can create—were expanded throughout the day. It was particularly moving to hear entrepreneurs speak about their role models and about times they had to forge ahead without any role model on which to rely.

IJ Clinic client Julie Welborn, who is struggling to create a cafe and bakery in a strip of vacant buildings, thanked her father for teaching her patience and shared with participants the surprising dividends of perseverance when creating a small business: “The roots have to be formed, and you don’t see anything all this time, and then all of a sudden you have this beautiful tree.”

Keynote speaker Nadine Thompson built a multi-million dollar corporation through the entrepreneurial spirit of other individuals all over

the country. Her sales force—mostly African-American women—sells Warm Spirit products, including soaps, vitamins, shampoo and conditioner, in the manner they think will be most successful, and they learn how to run a business at the same time. Thompson also talked about the entrepreneurs and would-be entrepreneurs she has known who inspired her. As a young girl in a community of immigrants, she heard countless stories of young women struggling to find employment in the careers for which they trained in their home countries. Many had to start their own businesses to survive, and it was critical that they could use skills as hairbraiders or seamstresses to build lives for themselves in a new country.

As IJ President Chip Mellor reminded us in his welcome address, it is “absolutely essential that entrepreneurs be unshackled, able to do whatever it takes to make their dreams reality.”

Big dreamers surrounded us on April 26. We were thrilled to give them an opportunity to support and challenge one another, and to build on the relationships and ideas generated at the conference. We made sure they knew that the Institute for Justice is there to help them fight for their dreams every step of the way. ♦

Elizabeth W. Milnikel directs the Institute for Justice Clinic on Entrepreneurship at the University of Chicago Law School.



Grassroots Tyranny at San Tan Flat

By Jennifer Perkins

Prosecuting a restaurant owner for allowing patrons to dance outdoors may sound like the premise for a sequel to the 1984 movie *Footloose*, but it is the real-life story of entrepreneur Dale Bell and his Arizona steakhouse, San Tan Flat.

Pinal County, Ariz., is the latest example of grassroots tyranny, prosecuting Dale for allowing outdoor dancing and imposing steep fines designed to put him out of business. Thankfully, IJ's Arizona Chapter is defending Dale against Pinal County's absurd prosecution.

Dale and his teenage son, Spencer, invested three years to make their dream a reality: a new family-oriented steakhouse resembling an old western mining encampment, complete with campfires, good food and live country music. The restaurant will one day be Dale's legacy to Spencer.

Together, Dale and Spencer jumped through every regulatory hoop, making compromises to their original plans. They visited with hundreds of neighbors to garner support for the project. When Pinal County officials finally approved the plan for the restaurant, the father/son duo received a standing ovation from everyone at the county supervisor's meeting, including the officials themselves.

Within months of San Tan Flat's opening, however, the county changed its tune and began a campaign of harassment ranging from the absurd to the overtly hostile: inspecting the restaurant's firewood; reducing approved signage; reducing the number of entrances from the highway; and adopting one of the state's



IJ Arizona Chapter client **Dale Bell** with son **Spencer** are only trying to run their business without government interference.

most stringent local noise restrictions. The county even sent out sheriff's deputies two and three times a night to check the restaurant's noise level, even though it is located nearly a quarter mile from any neighbor. (Despite the officers' continual presence, San Tan Flat has never once violated the ordinance.) The county's action is harassment, plain and simple.

Unable to find a rational reason to shut down San Tan Flat, the county found an irrational one: it cited Dale for running an outdoor dance hall. The county took the laughable position that the instant a San Tan Flat patron gets up to dance, the restaurant is somehow magically transformed into a "dance hall." The county now demands that Dale must act as the dance police or face the county's ire because

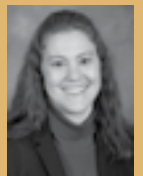
outdoor dancing is forbidden in Pinal County. A county hearing officer actually found Dale personally liable for this "violation" and fined him \$5,000 plus \$5,000 for every day Dale refuses to stop his customers from dancing—a level of fine that met with major public outcry and was later reduced.

The county's unreasonable actions are not only hard to believe, they are unconstitutional, violating Dale's right to earn an honest living free from unreasonable government interference. Government's grassroots tyrants should not be allowed to force him to bend to their every whim in dictating how he manages his business. That's why IJ's Arizona Chapter stepped in to help Dale, representing him in his appeal of the hearing officer's ruling. IJ has also been instrumental in securing Dale and Spencer widespread and favorable coverage statewide in the court of public opinion.

This case is about more than one county's harassment of a single entrepreneur. It represents a dangerous national trend in which hard-working businesspeople are finding their rights curtailed by government officials who do not respect the constitutionally enshrined limits on their power—and who use their powers in the most arbitrary way to punish those they oppose.

In representing Dale Bell, we continue IJ's ongoing effort to counter big-government bullies wherever they menace honest enterprise. Thanks to IJ's involvement, it is now Pinal County bureaucrats' turn to face the music. ♦

Jennifer Perkins is an IJ Arizona Chapter staff attorney.



"This case is about more than one county's harassment of a single entrepreneur. It represents a dangerous national trend in which hard-working businesspeople are finding their rights curtailed by government officials who do not respect the constitutionally enshrined limits on their power."

Free Speech continued from page 1

This was not just a question of reporting. Washington law makes it illegal for any campaign to accept more than \$5,000 from any one source in the final three weeks before the general election. Because the municipalities estimated the value of the hosts' commentary as being worth \$140 *per minute*, Wilbur and Carlson would have been barred from discussing the I-912 initiative during those three weeks. In a further assault on the First Amendment, the municipalities also subpoenaed the internal documents of the campaign and the radio station.

The municipalities sought an injunction preventing the campaign from accepting these "in-kind" contributions until it reported them to the government. Incredibly, the trial court judge granted the injunction. This took campaign finance laws in a dangerous new direction—speech was now money. And because speech was money, it could be regulated and restricted like money.

Having gotten their way, the municipalities relaxed, expecting this to be a very brief case because they believed that Yes912.com would not have the resources to challenge their crass political bullying while still conducting an initiative campaign. What they did not count on, however, was the Institute for Justice Washington Chapter.

After the court issued the preliminary injunction, IJ-WA took up the case for Yes912 and fought back against the municipalities and their phalanx of attorneys. IJ-WA filed a constitutional challenge and sought extensive discovery regarding the prosecutors' abusive actions and introduction of a politically and financially interested law firm into a

government prosecution. The municipalities moved to dismiss the constitutional claims and the trial court granted this request.

Undeterred, IJ-WA sought direct review before the Washington Supreme Court. In an unusual move, the court

mentary fell squarely within Washington's "media exemption," which exempts from campaign finance laws "a news item, feature, commentary, or editorial in a regularly scheduled news medium."

Because Wilbur and Carlson's commentary could not, under the law, be a con-

tribution, the court held that the preliminary injunction was wrongfully issued and reinstated our claims. The court remanded the case so we can proceed with our effort to help Yes912.com fully vindicate the First Amendment rights to free speech and association—even after the initiative lost at the polls—for all Washingtonians. In a stinging concurrence, Justice Jim Johnson described the abusive nature of the prosecution and concluded, "This litigation was actually for the purpose of restricting or silencing political opponents."

IJ-WA now returns to the trial court, where we will expose the abuses of government censorship and this politically motivated prosecution. Through this case, IJ-WA will clearly demonstrate how campaign finance laws, which already severely restrict speech, can be abused when the government places

responsibility for prosecuting violations in the hands of interested parties. With the Washington Supreme Court victory in hand, we intend to make this an important step toward restoring the ability of all Americans to communicate political ideas to one another without government censorship. ♦

William R. Maurer is the Institute for Justice Washington Chapter executive director.



IJ clients **Brett Bader** and **Jeff Davis** ran the I-912 campaign to roll back Washington's gas tax increase.

granted review, bypassing the state court of appeals. We received significant amicus support from organizations across the political spectrum including the ACLU of Washington, the Building Industry Association of Washington, the Washington Association of Broadcasters, the Cato Institute and the Center for Competitive Politics. In June 2006, we argued the case before the state supreme court—you can watch the argument at <http://www.ij.org/wssc>.

The Washington Supreme Court ruled that Wilbur and Carlson's com-



IJ VP Shares Communications Tips

Institute for Justice Vice President for Communications **John Kramer** recently spoke at the Leadership Development Breakfast in Philadelphia, which was co-hosted by the State Policy Network and the Atlas Economic Research Foundation. Hundreds of participants from 50 countries and across the United States attended the conference. Kramer shared six communications lessons that each of the organizations could apply in their communications work.



Washington Governor Signs Eminent Domain Bill

The Institute for Justice Washington Chapter celebrated an important reform of Washington's eminent domain laws when Governor Christine Gregoire signed SHB 1458 into law. Executive Director Bill Maurer's Policy Brief for the Washington Policy Center urged the reform and highlighted that until the law was changed, the government was not required to provide property owners with personal notice of the meeting at which it decided to condemn property.

Leave a Legacy of Liberty: Join IJ's Four Pillars Society



Benjamin Franklin is often credited with the quote, "...in this world nothing can be said to be certain, except death and taxes." That may be right, but a little planning around the first certainty might lessen the burden of the second on your loved ones. Planned gifts are a great way to make a donation to the Institute for Justice and pass assets to your family and friends while reducing estate, capital gains and income taxes. And you are able to leave a legacy of liberty to the Institute for Justice, as the gift will help fund our quest for justice.

A bequest in your will or living trust is the easiest and most common planned gift. The Institute for Justice would be happy to assist you and your estate planning advisors. If you are planning to make a bequest to IJ, the following language may be helpful to you and your legal advisor:

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

Please let us know if you have already made arrangements to include IJ in your estate plans. Doing so allows us the opportunity to express our appreciation for your support through membership in our Four Pillars Society, which recognizes friends and supporters who have made a commitment to defending and preserving liberty through their estate plans. Despite Franklin's belief, we at IJ know of a third certainty—that we will continue to be on the forefront in the fight for freedom because of your dedication and generosity.♦

Volume 16 Issue 3

About the publication

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

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

Editor: John E. Kramer
Assistant Editor: Lisa Knepper
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
Fax (703) 682-9321

Extensions:
Donations 233
Media 205

Website: www.ij.org
E-mail: general@ij.org

Quotable Quotes

FOX
KSAZ Phoenix



IJ Attorney Jennifer Perkins: “Threatening to fine Dale Bell over \$200,000 and trying to force him to be the dance police is really an outrageous example of government abuse, the very thing my organization was founded to combat.”

Wall Street Journal

“Represented by the Institute of Justice, which has a history of defending property owners in eminent-domain cases, Mr. Brody struck a blow for property rights when the Second U.S. Circuit Court of Appeals ruled . . . that the Village of Port Chester had violated his 14th Amendment right to due process by condemning his property for private development without notifying him of his one opportunity to challenge the plan.”

Newsweek
George F. Will

“Being able to control the number of one’s competitors, and to dispense the pleasure of status, is nice work if you can get it, and you can get it if you have a legislature willing to enact ‘titling laws.’ They regulate—meaning restrict—the use of job descriptions. Such laws often are precursors of occupational licensing, which usually means a mandatory credentialing process to control entry into a profession with a particular title.”

Weekly Standard

“[C]onsider a recent report published by the Institute for Justice, a public interest law firm that litigated the *Kelo* case. Its author, Dr. Mindy Thompson Fullilove, is a Columbia professor whose 2004 book *Root Shock* examined the history of urban renewal projects. Under the Federal Housing Act of 1949, ‘which was in force between 1949 and 1973,’ she writes, ‘cities were authorized to use the power of eminent domain to clear ‘blighted neighborhoods’ for ‘higher uses.’ In 24 years, 2,532 projects were carried out in 992 cities that displaced one million people, two thirds of them African American.”

In Arizona, parents of children with disabilities and foster parents have been set free to choose the best school—public or private—to meet our children's unique needs.

But the education establishment wants to stop us.

I am fighting for school choice because parents, not bureaucrats, know our children best.

I am IJ.

Jessie and Tyler Geroux
Phoenix, Arizona

www.IJ.org

*Institute for Justice
School choice litigation*



**IJ Ranked Among
Top 1% of Non-Profits
By Charity Navigator**

See page 5



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

NON-PROFIT ORG.
U.S. POSTAGE
P A I D
MERRIFIELD VA
PERMIT NO. 6418