

June 2010

Liberty & LAW

Volume 19 Issue 3

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Published Bimonthly by the
Institute for Justice

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MOWING DOWN THE GRASSROOTS

IJ Takes On Washington State's Effort
To Regulate Grassroots Activism



By Bill Maurer

As federal, state and local governments continue their relentless assault on free speech in the guise of campaign finance “reforms,” the Institute for Justice is fighting back to protect our rights. Our most recent lawsuit, in the state of Washington, takes on a law that strikes at the heart of ordinary Americans’ right to free speech.

At town hall meetings, rallies, talk radio, “meet ups” and protests, Americans are constantly urging one another to get involved and influence public policy. Our nation’s history is replete with people trying to convince one another—sometimes anonymously—to effect political change.

Unfortunately, many believe that this kind of democracy in action must be regulated and monitored

by the state. Thirty-six states regulate what campaign finance reformers call “grassroots lobbying,” which, in reality, is not lobbying at all because it does not involve people speaking directly with government officials. Rather, “grassroots lobbying” describes ordinary citizens speaking to each other about political change.

In Washington state, if a grassroots group spends more than \$500 in one month, or \$1,000 in three months, “presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence” state policy, it has to register with the government and report the names, addresses and occupations of the persons leading the effort. It also has to report the name and address of anyone organizing or assisting

Grassroots Lobbying continued on **page 6**

IJ's Texas-sized Challenge Aims to End Forfeiture Abuse

By Scott Bullock

Texas has some of the worst civil forfeiture laws and practices in the nation, but a constitutional challenge the Institute for Justice filed in April intends to change that. A Texas property owner is fighting back by challenging the government's forfeiture of his Chevy truck. In so doing, he aims to protect the property rights of all Texans.

As we documented in our recently released report, *Policing for Profit* (spotlighted in our last newsletter), civil forfeiture is a legal fiction that permits law enforcement to charge property with a crime. Unlike *criminal* forfeiture—where property is taken away only after its owner has been found guilty in a court of law—with *civil* forfeiture, property owners need not be convicted of any crime to lose their homes, land, trucks, boats or cash.

Making matters worse, law enforcement agencies in Texas and many other states get to keep the cash and other assets that they seize, giving them a direct financial incentive to abuse this power and the rights of property owners. In Texas, forfeiture funds can even pay police salaries. This establishes a perverse incentive structure under which the more property police seize, the nicer their facilities, equipment and automobiles—and the bigger their personal paychecks.

Small businessman Zaher El-Ali, who goes by Ali, has lived in Houston for more than 30 years. In many ways, his is a classic American immigrant success story. Ali came to America from his native Jordan with only \$500 in his pocket, knowing no one. He went to college, started a family and eventually started his own small business, restoring homes and cars and selling them mostly to low-income residents in East Houston, where Ali lives.



IJ client **Zaher El-Ali** is fighting Texas' abuse of civil forfeiture laws. The state seized his truck and seeks to make him forfeit it even though he committed no crime.

In 2004, Ali sold a 2004 Chevrolet Silverado truck to a man who paid him \$500 down and agreed to pay the rest on credit. As with all cars bought on credit, Ali held the title to the car until he was paid in full and also registered the car in his name. In July 2009, the buyer drove the Silverado while drunk and was arrested for DWI. Because this was his third DWI arrest, he was imprisoned, pled guilty and was sentenced to six years in prison.

After the man's arrest, the police seized the Silverado for civil forfeiture. It has been sitting in the Harris County impound lot ever since. In July and August 2009, Ali wrote to the sheriff and the district attorney, telling them of his interest in the truck and attaching copies of the title and registration naming Ali as the owner and asking for its return, because the jailed buyer had stopped making payments. The government responded by filing a civil forfeiture action against the truck: *State of Texas v. One 2004 Chevrolet Silverado*.

Ali has joined with the Institute for Justice in bringing counterclaims in the *Chevrolet Silverado* case to challenge Texas' civil forfeiture statute as a violation of his constitutional rights. IJ's lawsuit against Texas is the inauguration of our national effort to protect private property rights from abusive forfeiture laws.

We are challenging the perverse financial incentive scheme that underlies civil forfeiture in the state. We are also challenging the provision of the law that places the burden on owners to prove their innocence, rather than on the state to prove their guilt. If successful, our legal challenge will help rebalance Texas' law enforcement priorities, take the financial incentives out of civil forfeiture and protect innocent property owners caught up in an upside-down legal process that violates fundamental constitutional standards of due process. ♦

Scott Bullock is an IJ senior attorney.



“Law enforcement agencies in Texas and many other states get to keep the cash and other assets that they seize, giving them a direct financial incentive to abuse this power and the rights of property owners.”

VICTORY for Virginia Yoga Instructors

New Law Exempts Schools from Regulation



IJ client **Julia Kalish** is now free to teach clients how to teach yoga, thanks to the Institute for Justice's victory on her behalf in the court of public opinion.

By Robert Frommer

In December 2009, the Institute for Justice joined forces with three Virginia yoga instructors in an effort to protect both their freedom of speech and their right to earn an honest living. Through litigation and advocacy in the court of public opinion, IJ and our clients prevailed in March 2010 when Virginia Gov. Bob McDonnell signed a law removing the state's unconstitutional burdens on our clients' yoga businesses.

Julia Kalish, Suzanne Leitner-Wise and Bev Brown are yoga devotees who teach courses to those who want to someday become instructors themselves. Virginia law, however, required anyone who offered "vocational" training—e.g., any training that teaches a useful skill—to first get a government-issued license. The Virginia State Council of Higher Education interpreted the law to apply to our clients' programs and demanded that they either register or shut down.

Registration was not as easy as merely filling out a simple form. New applicants had to pay \$2,500 to apply and pay

between \$500 and \$2,500 in annual fees. Applying also meant spending dozens of hours filling out financial records and other administrative documents. And teachers had to get Virginia bureaucrats to say that their curriculum was of sufficient "quality," even though Virginia bureaucrats likely know nothing about yoga. These requirements were backed up by substantial civil and criminal penalties. If our clients had the audacity to commit any unauthorized teaching, Virginia could have levied thousands of dollars in fines and put them in jail for up to one year.

These obstacles would be daunting to anyone. But yoga-instructor programs rarely teach more than a few students each year; imposing these regulations on our clients would have forced them out of business. In fact, numerous schools in Virginia and other states have closed rather than face these headaches.

In addition to destroying our clients' businesses, these regulations would have trampled on their free speech rights. The First Amendment protects the right to speak and to listen to speakers of our choice. Virginia would never make a writer ask for permission before he wrote a yoga book. Nor would it force a producer to get its approval before making a yoga DVD. Likewise, Virginia had no right to demand that our clients ask for permission before speaking with their students.

IJ's simple and powerful messaging brought clarity and public pressure at a critical time. Soon after we filed suit, legislators from the Virginia General Assembly introduced a bill to exempt yoga instructor programs from the law's requirements, a bill that is now law and which narrows Virginia's vocational school law to protect our clients' rights to speak freely.

All of our clients are now planning their next courses, but the Institute's campaign for economic liberty continues. Freedom of speech should be the rule, not the exception, and too many Virginia schools still must seek the government's permission before speaking. IJ will continue its fight to ensure that everyone in Virginia and beyond is free to speak and to create their own success free from unnecessary government interference. ♦

Robert Frommer is an IJ staff attorney.



Call the police!

Someone is opening a new business in Chicago!

By Beth Milnikel

Too often, government bureaucrats are terrified of anything that does not fit neatly into their lists. They treat an innovative business idea as a nuisance or—worse—a threat.

Case in point: During the past few years, several Chicago entrepreneurs noticed that some folks who prepared food for a living needed to use a commercial kitchen but could not afford a kitchen of their own. These creative entrepreneurs came up with a solution. They built big, shiny commercial kitchens with room for several enterprises to work at once. They followed all the legal requirements for construction and sanitation and passed inspections with flying colors. Then they rented out space in the kitchens by the hour.

The owners of the community kitchens profited by providing a needed resource. Small businesses grew without the risk of illegally selling food they cooked at home. The whole city enjoyed the benefits of new businesses starting up: new jobs, new wealth and new, yummy food products.

But not so fast.

When Flora Lazar—an IJ Clinic client who owns “Flora Confections”—and others applied for a license to run a food service business out of Kitchen Chicago, a rental kitchen, a city representative said he could not give more than one license to operate at one address. Unwilling to believe that the city would outlaw their meticulously run businesses simply because they shared a mailing address, the kitchen owners and renters proceeded to make their meals.

No sooner had they started than all the businesses renting from the kitchen got letters from the city ordering them to stop operating immediately. Flora contacted the city again seeking a license. She was told she could not get one. Speaking to a supervisor, she insisted that he accept her application. Finally, after Flora’s alderman called the Department of Business Affairs and Consumer Protection and insisted that they review her application, the city sent health inspectors to Kitchen Chicago.

The health inspectors did not ask Flora how she prepared the pureed fresh fruit she bought from local farms and stored in the Kitchen Chicago freezer. They did not ask her whether she operated after the cease-and-desist letter was issued—which she had not. They did not ask her about her impeccable knowledge of food safety or her culinary training.

They instead opened her bags of fruit, dumped them in a trash can and poured bleach all over them. Amazingly, a *Chicago Tribune* reporter was there at the time planning to write a story about how open the city has been to new culinary ideas, and she caught this outrage on video. Flora got her license the day after the inspection. Nonetheless, after losing her irreplaceable fruit, she had to pay a fine of \$500.

When government assumes the power to destroy new businesses, inspectors can be frightening, destructive bullies. Moreover, when the government codifies lots of rules describing what an acceptable business must look like, it stifles innovation. Complex laws written to govern a traditional business model—a restaurant with a single operator in a particular space—often outlaw future innovations as an unintended consequence. Government needs to give entrepreneurship space to grow and bear fruit, rather than poisoning it with senseless rules, red tape and bleach. ♦

Beth Milnikel directs the IJ Clinic on Entrepreneurship at the University of Chicago Law School.



www.ij.org/FloraConfections

Chicago Tribune video of health inspectors destroying the property of IJ Clinic client **Flora Lazar**.



Nick Sprayregen, left, in front of his Tuck-it-Away storage facility in Harlem, which Columbia University seeks for its expansion. **Daniel Goldstein** was forced to move out of his Brooklyn condo after a years-long fight against eminent domain abuse.

Eminent Domain Abuse Continues in New York ... as Does IJ's Activism

By Christina Walsh

It is, unfortunately, business as usual in the Empire State. A developer recently asked Auburn, N.Y., officials to condemn three small businesses, including one owned by a family who fled communist China, because he wanted to build a hotel where those businesses stand. The targeted properties were not blighted; the developer merely thought he knew better than the owners what should be done with their land. The city initially agreed to his request.

Even under *Kelo*, government has never been allowed to go this far—condemning property to hand it over to an identified developer without even the pretense of an overall plan in place. Buoyed by New York's never-ending contempt for property rights, however, local governments routinely dispense with even the minimal protections left by *Kelo* to help their developer friends get exactly what they want.

Fortunately, this land grab has also been a demonstration of the growing power of IJ's grassroots activism as hundreds of ordinary citizens have rallied to the property owners' sides, drawing coverage from Fox News as well as local television, radio and newspaper outlets. IJ Staff Attorney Bob McNamara and I joined the owners on FoxNews.com, on Judge Andrew Napolitano's *Freedom Watch* and on talk radio programs to increase the public's awareness of this outrage. In response to the resulting backlash, the Auburn Industrial Development Agency voted unanimously against using eminent domain. In this case, the properties were saved.

In New York, nearly any property can be seized for the promise of something bigger and newer. Just ask Daniel Goldstein. In December, the New York Court of Appeals, the state's highest court, ruled that Daniel's condo in Brooklyn could be seized so that developer Bruce Ratner and his Russian playboy business partner could build skyscrapers and an arena for the worst team in the NBA—the New Jersey Nets. The state's high court decided that because Daniel's condo was found "blighted" by a study paid for by Ratner (years after Ratner's plan was announced), it could be condemned. After an heroic seven-year battle, Daniel must find a new home. Brooklyn is New York's latest worst example of eminent domain abuse.

The property rights crisis in New York has only gotten worse with each passing year. New York courts have looked in vain to the legislature to fix this problem, while legislators have looked to the courts. Meanwhile, New Yorkers have been looking at condemnation notices. But, with IJ's help, they are fighting back. The Institute for Justice is working closely with activists and legislators across the Empire State to stop these abuses.

The state Legislature is currently considering a bill to reform the state's blight criteria, so that perfectly fine homes like Daniel Goldstein's and thriving businesses like Damon Bae's Fancy Cleaners in Harlem (which, incidentally, is surrounded by city-owned, vacant property) can no longer be declared blighted by whim. Although eminent domain reform will face a tough battle in the Legislature, we are committed to restoring property rights for New Yorkers and will press that fight on every front: in court, in the legislative arena and in the court of public opinion.

Meanwhile, the New York Court of Appeals has a chance to redeem itself in June when it will hear *Tuck-It-Away v. New York State Urban Development Corporation*. Columbia University—a private entity—wants to expand into Harlem and take everything in its path, including Nick Sprayregen's Tuck-it-Away storage facility. Nick won a groundbreaking victory in the state appellate court that he, along with IJ and activists from around the state, is trying to preserve at the state's highest court. IJ wrote an amicus brief in support of his case and we will rally by Nick's side on the day of oral argument.

As activists in Auburn have demonstrated, citizens can fight city hall—and win. That's the message the Institute for Justice will continue to carry to threatened home and business owners across New York and the nation until eminent domain for private gain is both politically and legally impossible. ♦

Christina Walsh is the Institute's director of activism and coalitions.



Monitoring Grassroots Activism



At Tea Part have violate Washington and Alfred is also looki

Grassroots Lobbying continued from page 1 the effort and the name and address of anyone contributing \$25 or more. Finally, it has to report the totals of all expenditures made by the group and the purpose of their efforts—that is, they have to tell the government precisely what they do not like about the current law.

Activists have to report this information every month. Getting it wrong can be financially ruinous: The government can prosecute and fine an activist up to \$10,000 for each violation of the law, and courts can award attorney's fees to the government.

The government does not merely collect this information—it makes it available to anyone with access to a computer. In other words, a person's name, address, occupation and political beliefs are posted on a government-maintained database because that person exercised her First Amendment rights.

Given how complex and intrusive this law is, many small grassroots groups decide that being involved is not worth the effort. The cost of compliance is so high, and the risk of error so great, that they abandon the field to the professionals who can afford to hire the lawyers, accountants and bookkeepers necessary to legally exercise their First Amendment rights in the Evergreen State.

But two grassroots organizations have joined with the Institute for Justice to fight back. Many Cultures, One Message is a small, volunteer organization from Southeast Seattle that wants to protect the character of Washington's working-class neighborhoods, including their own, by fighting eminent domain abuse. IJ's other client, Conservative Enthusiasts, is a nonprofit advocacy group urging smaller government, lower taxes and less regulation.

Want to better understand the outrages of campaign finance laws that regulate grassroots activism? Watch: www.ij.org/WAGrassrootsVideo.

These two organizations have different purposes, but they agree that the government has no business in collecting, monitoring and disseminating information about the political activities of private citizens. That is why, with the help of the Institute for Justice, they filed suit in federal court seeking to have Washington's grassroots lobbying law declared unconstitutional.

Fighting eminent domain abuse and big government is difficult enough as it is. The government should not be discouraging ordinary citizens from participating in public debate. If the First Amendment protects anything, it protects the right of all Americans to speak to one another about the issues that affect their lives without first having to register with the government. ♦

Bill Maurer is executive director of the IJ Washington Chapter.



"In other words, a person's name, address, occupation and political beliefs are posted on a government-maintained database because that person exercised her First Amendment rights."



...y rallies and other grassroots gatherings, far left, Americans engaged in ordinary political disclosure could find they d complicated and oppressive laws that restrict political speech. IJ attorney **Bill Maurer** discusses IJ's lawsuit against 's law that regulates grassroots political activism as fellow IJ attorney **Jason Adkins** looks on. IJ clients **Mark Sussman** **Petermann** of Conservative Enthusiasts at their headquarters. IJ client **Pat Murakami** of Many Cultures, One Message ng to defend her rights to speak and engage in political activism without having to first register with the government.

State Laws Threaten to Mow Down Grassroots Activists

By Lisa Knepper

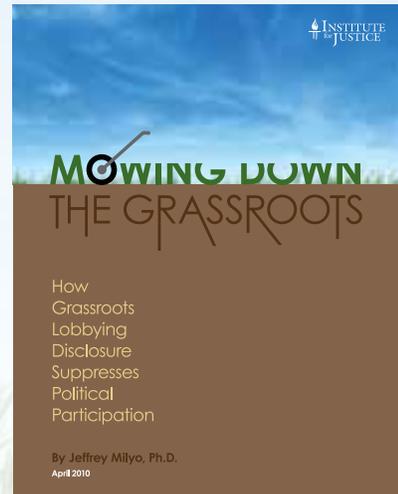
As documented in a new IJ Strategic Research report—*Mowing Down the Grassroots: How Grassroots Lobbying Disclosure Suppresses Political Participation* (www.ij.org/MowingDownTheGrassroots)—36 states threaten grassroots political movements with red tape and regulation. Washington—one of those 36—is the latest focal point in the Institute for Justice's effort to strike down these laws, which stand in the way of grassroots activists who merely seek to talk to fellow citizens about matters of public importance. (See the cover story of this issue of *Liberty & Law*.)

Under these laws, so-called "grassroots lobbyists" must register with the state and file frequent and detailed reports about their private political activities—including who contributes to their efforts, how much they have spent and what activities they have pursued. (Keep in mind, these are not individuals who are

lobbying elected officials; they are merely working to inform other residents of their state about important political matters.) In *Mowing Down the Grassroots*, University of Missouri economist Jeffrey Milyo found that not only do such regulations set a legal trap for unsuspecting citizen activists, but most people would have a difficult time cutting through the red tape to speak without running afoul of the law.

These regulations are extraordinarily complex. The first paragraph of Massachusetts' new grassroots lobbying law, for example, scored 0.9 on a 100-point scale in a readability test. Going by this measurement, it would take 34 years of formal education to understand that paragraph; not even a doctorate from MIT or Harvard would be enough.

Yet citizens face fines and in some places jail time if they violate grassroots lobbying laws. In New York, the maximum criminal penalty is \$5,000 and four years in jail, equivalent to arson or rioting; and in Alabama, it is \$30,000



Download a copy of the report *Mowing Down the Grassroots* at www.ij.org/MowingDownTheGrassroots.

and 20 years, equivalent to the punishment for kidnapping.

So-called grassroots lobbying is nothing less than the democratic process in action—it is something that should be encouraged, not restrained. By exposing how lobbying laws threaten to suppress this activity, *Mowing Down the Grassroots* is a critical addition to IJ's campaign to vindicate First Amendment rights to political speech and association. ♦

Lisa Knepper is an IJ director of strategic research.





A Legislative Voice for Freedom

IJ's **Lee McGrath** is the Institute's new legislative counsel. In that role, he is a voice for freedom, advancing IJ's core mission in the halls of legislatures from coast to coast.

By **Chip Mellor**

A key to IJ's success has been building off our institutional strengths while keeping a laser-like focus on our mission. That is what IJ did as we expanded our grassroots activism efforts—applying the lessons we learned from our own grassroots battles to train homeowners, entrepreneurs, parents and activists nationwide to better fight for their rights. That is what we did when we added strategic research to our litigation efforts—enhancing our work in the court of law by providing first-rate social science research to support our constitutional claims. And that is what we are doing yet again—learning from our history and the insights we gained while creating yet another dynamic means to achieve results—this time in the legislative arena.

From time to time since our founding in 1991, the Institute for Justice has pursued legislative reforms for our clients: clearing the way, for instance, for Freedom Cabs to take to the streets of Denver, and doing away with regulatory roadblocks that kept African hairbraiders in Mississippi from pursuing a productive livelihood. Our institutional reputation for honesty and principled advocacy opened these legislative doors.

In IJ's early years, these instances were few and far between. But as our reputation has grown, we increasingly see our cases and the constitutional issues they seek to address being taken up by policymakers at the federal, state and local levels. This has resulted not only in IJ needing to become expert in the ways legislation gets enacted (so we can best represent the interests of our clients), but also in the actual development of a very talented in-house counsel on legislative matters—our very own Lee McGrath.

Lee started at IJ in 2005, earning his spurs first as Minnesota Chapter executive director and now as IJ's first legislative counsel. Most recently, Lee led the Oklahoma reform effort that greatly expanded the rights of animal husbandry workers who were nearly put out of business because of protectionism in the state's veterinary licensing law. Lee also overcame significant odds to open Minneapolis' taxi market to competition and led the effort to successfully reform Minnesota's eminent domain laws in the wake of IJ's *Kelo* case.

So, while IJ remains first and foremost a public interest law firm that fights in courts of law, when there is an opportunity to advance



Follow **@LegislativeLee** on Twitter for all the latest news on nationwide legislative activities that affect individual rights.

legislatively one of our four pillars of litigation, we will be in a position to capitalize on the opportunity. And rest assured: Your financial support to the Institute for Justice will remain tax deductible, even as we strategically and selectively pursue legislative goals (IJ's designation under section 501(h) of the IRS Code provides specific guidance on the use of our resources to pursue these kinds of legislative initiatives and we will ensure that we comply with these rules).

IJ's new legislative counsel expands our ability to advance liberty on behalf of our clients and countless others like them nationwide who simply want the opportunity to pursue their share of the American Dream. It is made possible by the generosity of Robert W. Wilson's challenge grant and the IJ donors who have supported it. Many thanks for making this work possible. ♦

Chip Mellor is the Institute's president and general counsel.



Get Connected

Making IJ a Household Name On the Net

By Don Wilson

Submit

There is an old expression: Show me your friends, and I'll show you who you are.

If that proverb is true, then IJ is a growing force for freedom, and we have the social media friends, followers and fans to prove it. The Institute's expanded presence on Facebook, YouTube, Twitter and other social media websites will mean not only that IJ can keep you better informed about our latest and greatest, but that you will be able to interact with the Institute more effectively to let us know how we are doing, guide us to new opportunities and share our message of freedom with your online friends. The more people hear our messages, the more effectively we can share our vision for a more free and just America.

What this means for you

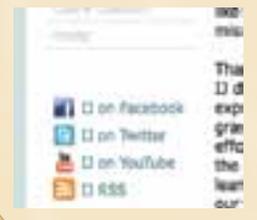
Whether we're arguing in court or in the court of public opinion, we can keep you updated on our battles to protect individual rights. Our Facebook page connects you with other like-minded people who believe in fighting for freedom The IJ Way. Following us on Twitter takes you to the frontlines with 140-character updates throughout the day. When you subscribe to IJ's YouTube channel, you will be among the first to watch our cutting-edge videos that personalize, humanize and dramatize IJ's stories. Our RSS feed (short for "really simple subscription") delivers articles that can include ij.org's latest updates, institutional op-eds and many other news items from the Merry Band of Litigators.

Sign me up!

- Links to all of IJ's social media sites are at the lower left of every ij.org page. Click on one (or all of them!) and get better connected. Or you can:
- Go directly to IJ's Facebook page: www.facebook.com/InstituteforJustice where you can "like" us and our messages will come up in your news feed. You may also "like" or share any individual story from our website by clicking on this graphic (shown to the left) that appears at the top of any page at ij.org.
- Follow us on Twitter at www.twitter.com/ij to get updates on your Twitter feed.
- Set up your phone to receive text updates by texting "follow ij" to 40404 (regular texting rates apply).
- Subscribe to IJ's YouTube channel by visiting www.Youtube.com/InstituteforJustice and click on the large yellow "Subscribe" button at the top of the page. You will receive an email whenever a new IJ video is posted.
- Finally, if you are a blogger or if you like to get all your news in one place, the best option for you would be to sign up for IJ's RSS feed. Just look for the orange RSS button, located at the bottom left of every ij.org page. You can either visit that link daily or subscribe using any one of many RSS readers available like Omea Reader, Shrook or Google Reader in order to pull down IJ news.

Thank you for your support of IJ. The Internet continues to make it possible for us to share IJ's message with more people than ever before, and we are capitalizing on these opportunities in typical IJ entrepreneurial fashion.◆

Don Wilson is the Institute's director of production and design.





IJ client and SpeechNow.org President **David Keating** set an important First Amendment precedent ending government-imposed financial limits on groups of individuals who participate in the political process.

SpeechNow Can Speak Now

By Paul Sherman

For the past two years, readers of *Liberty & Law* have followed the long, hard fight of SpeechNow.org, the nonprofit group that wants to protect free speech at the ballot box by promoting or opposing candidates based on their support for the First Amendment. We are happy to report that its long fight has resulted in victory. On March 26, in a unanimous “en banc” ruling by all nine active judges, the D.C. Circuit Court of Appeals held that the First Amendment prohibits the government from limiting the right of individuals to pool money to fund political ads.

The ruling will allow SpeechNow.org to go through with its plans to run political ads against candidates who have supported so-called campaign finance “reform.” But the victory is not limited to SpeechNow.org. Any group—no matter what issue they care about—can now replicate SpeechNow.org’s model to raise and spend unlimited amounts of money to advocate for or against federal political candidates. As a result, the victory ensures that the American electorate in 2010 will have access to more information and more varied points of view than at any time in our

nation’s history. Given the current political climate, and particularly the contentious debate over health-care reform, Americans can expect a very vocal 2010 election season.

Beyond the speech it will foster, the ruling is also noteworthy as one of the first to consider the impact of the U.S. Supreme Court’s recent decision in *Citizens United v. FEC*, which held that the First Amendment prohibits the government from limiting political speech by corporations and unions. As the D.C. Circuit recognized, the logic of *Citizens United* applies with unmistakable clarity to SpeechNow.org: If corporations and unions may speak without limit, then so too can a group of individuals like SpeechNow.org. Indeed, critics of the *Citizens United* ruling should applaud the decision in *SpeechNow.org*, because it ensures that individuals have the same rights as corporations and unions.

Although it is a tremendous victory for free speech, the *SpeechNow.org* decision was not without flaws. Even though the decision struck down the contribution limits that made it impossible for SpeechNow.org to finance its ads, the group must still

register as a PAC and comply with numerous other burdensome regulations. These are the very same regulations that the Supreme Court held in *Citizens United* were too burdensome for corporations and unions. The D.C. Circuit’s ruling on this point is impossible to square with *Citizens United*—regulations that are unconstitutionally burdensome for huge organizations like General Motors and the AFL-CIO have to be unconstitutionally burdensome for a small volunteer group like SpeechNow.org.

SpeechNow.org has until June 24 to decide whether it wants to appeal to the U.S. Supreme Court that part of the D.C. Circuit’s ruling. In the meantime, the Institute for Justice and our co-counsel, the Center for Competitive Politics, have filed papers with the D.C. Circuit to ensure that SpeechNow.org can begin running its ads immediately. Don’t be surprised if you see one in an election near you. ♦

Paul Sherman is an IJ staff attorney.



Volume 19 Issue 3

About the publication

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

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

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Farewell Arya

The Institute for Justice lost a dear young friend and one of our most courageous fighters for freedom: Arya Majumder, who died of cancer on April 25. IJ represents Arya’s father, Kumud, in our challenge to the provisions of the National Organ Transplant Act that ban offering incentives to attract more bone marrow donors and make offering even nominal compensation a felony punishable by up to five years in prison. Kumud and his wife, Swati, have expressed their desire to fight on in Arya’s memory to work to ensure others who suffer from blood cancers will have a better chance of finding a matching marrow donor.

All of Arya’s many friends at IJ will miss his wonderful sense of humor and a maturity that belied his youth. ♦



IJ.org Wins a Webby Award

The Institute for Justice was named a winner in the Law category for the Webby People’s Voice Award. More than 700,000 votes were cast in the Webby’s People’s Voice Awards with 10,000 entries from around the world. Being honored with a Webby Award

signifies the highest standard of online excellence. The Webby is the “leading international award honoring excellence in web design, creativity, usability and functionality.” It is commonly called the “Oscars of the Internet.”

The Webby People’s Voice Award was voted on by people like you who know and love the work IJ has done over the years. Thank you to everyone who voted for us. ♦

“[IJ is] at the
forefront
protecting us
from the tyranny
of the majority.”

—Judge Andrew P. Napolitano
Fox News' Freedom Watch



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Virginia tried to force yoga-instructor programs like mine
to get a license we did not need.

But I refused to let a wall of red tape and thousands
of dollars in fees shut down my students and me.

I fought for my right to earn an honest living.

And I won.

I am IJ.

*Julia Kalish
Leesburg, Virginia*

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