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Liberty & LAW

Inside This Issue

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Dear Abby was not a criminal, and neither is IJ client **John Rosemond**, above. Newspaper columnists, like John, cannot be threatened with fines and jail for giving advice.

By Paul Sherman

There is no shortage of parenting advice out there. Some of it is good, some of it is bad, but could some of it also be illegal? That is the remarkable position taken by the Kentucky Board of Examiners of Psychology, which has declared that only state-licensed psychologists may dispense parenting advice in the Bluegrass State.

Caught up in the board's outrageous government overreach is 65-year-old North Carolina family psychologist John Rosemond. John is the author of more than a dozen books on parenting, five of them best-sellers. And for 37 years, he has also authored a syndicated newspaper column in which he gives advice to parents who are struggling with the challenges of raising children.

Like the well-known "Dear Abby" column, John's column is often written in a question-and-answer format, in which he responds directly to questions sent in by parents. And that is what has some people upset. This past February, after John wrote a column advising two parents to get tough with their underachieving 17-year-old son, a retired Kentucky psychologist wrote a letter of complaint to the board, asking it to crack down on John's column because John had not conducted an individual assessment of the troubled teen.

Remarkably, the board agreed, and in May of this year it sent John a cease-and-desist letter ordering him to stop responding to reader questions in his column and to stop truthfully referring to himself as a "family psychologist" in the tagline of that column. If he did

Advice Censorship continued on **page 7**

IJ Sues Sacramento's Sign Police

IJ Attorneys **Bill Maurer** and **Erica Smith** join our clients **Carl and Elizabeth Fears** in the fight to protect both Got Muscle gym and the First Amendment right of every business to communicate with the public.

By Erica Smith

Four years ago Carl and Elizabeth Fears started Got Muscle Health Club in Sacramento. Dedicated to making their gym thrive, the husband-and-wife team opens every morning at 5:30 a.m. and often works 16-hour days. But city officials do not share the same commitment to success. Sacramento makes it almost impossible for Got Muscle and other small businesses to advertise using signs.

Signs are often the most effective and inexpensive way for small businesses to communicate. And they are vital for Got Muscle. The gym's windows are tinted, and the entrance is in the back of the building facing a parking lot. From the road, Got Muscle looks like an office building. So the Fears used window signs and an A-frame sandwich board in front of their building to bring in clients. The Fears' A-frame sign was particularly effective, drawing in several new customers every day.

But in recent months, the city decided that this had to stop. The city banned A-frames, banners and other types of temporary advertising, and threatened the Fears with hundreds of dollars in fines every day if they used their A-frame. The Fears were forced to stop advertising, causing a dramatic decrease in their walk-in traffic.

Carl and Elizabeth Fears are fighting back. In August, they teamed up with IJ attorneys to challenge Sacramento's sign ban in federal court.

Watch the video "Sacramento's Sign Police vs. The First Amendment and Got Muscle Health Club" at **ij.org/SacSignsVid**.

The sign code does not apply evenly to everyone. Signs advertising real estate, events for non-profit groups, political campaigns, government flags, religious symbols and the emblems of historical organizations are either entirely exempt from the sign code's severe provisions or have only minimal regulations. For instance, Got Muscle could put out an A-frame sign that says "Got Muscle: For Rent" but not one that says "Got Muscle: Join Now." Adding to this inequity, the city admitted to ignoring countless illegal signs near Got Muscle.

Sacramento's sign code is not only bad for business, it is unconstitutional. Under the First Amendment, the government cannot arbitrarily restrict entrepreneurs' free-speech right to advertise, nor can it regulate speech according to its content. In fact, the Institute for Justice won a case against a similarly restrictive sign code in Redmond, Wa., in 2006.

Thankfully, Carl and Elizabeth are fighting back. In August, they teamed up with IJ to challenge Sacramento's sign ban in federal court. The city immediately contacted IJ and said the city council will try to amend the sign code to bring it into compliance with the Constitution. If it does not, the Fears and IJ will not stop fighting until the courts strike the code down.◆

Erica Smith is an IJ attorney.

12 Years Running: IJ Receives Charity Navigator's Highest Rating

For the 12th consecutive year, IJ has received Charity Navigator's highest 4-star rating for financial health, accountability and transparency. This achievement recognizes IJ's ability to continually operate at peak level and to pursue and achieve long-term change.

Charity Navigator is the world's largest and most-used charity rating service, evaluating more than 6,500 nonprofits every year. *IJ remains in an elite group of fewer than 65 charities nationwide to earn four stars for 12 consecutive years.* We consistently rank in the Top 10 among those charities.

Our success would not be possible without the commitment and hard work of everyone involved—our donors who provide the long-term financial support that makes our work possible; IJ lawyers and staff who work daily to keep our costs down; and our controller and her team who have put in place impeccable systems and controls that enable us to be accountable to our donors and the public.◆

For more information, visit www.CharityNavigator.org.

Terms of Engagement

A NEW BOOK FROM THE INSTITUTE FOR JUSTICE

By Chip Mellor

Every IJ litigator knows the moment, waiting in the hushed courtroom just before the bailiff's gavel cracks, followed by the command, "All rise." As the judge enters the courtroom to begin a trial or argument, the litigators are prepared to marshal their evidence to make the strongest case for our clients. Every detail has been scrutinized and organized, all relevant case law mastered. From that opening moment, effective advocates apply the law to the facts to offer persuasive reasons to rule in their client's favor.

In many instances, the trial or argument will be presented to the judge. There will be no jury. The judge weighs the evidence, applies the law and issues an opinion. At every stage of a case, through any appeals, judges will play the decisive role in dispensing justice.

Being a judge is hard work, and losing parties will always be unhappy, so judges have a real stake in maintaining a reputation for fairness. The respect with which judges and their decisions are received depends on the integrity of their decisions. That integrity rests on their impartiality. Judges are expected to be neutral arbiters who bring wisdom and experience to their task. These attributes need to be consistently applied because every case must be examined on its own merits. The responsibility of weighing evidence and evaluating arguments demands that judges refrain from injecting their personal bias or political beliefs into a case.

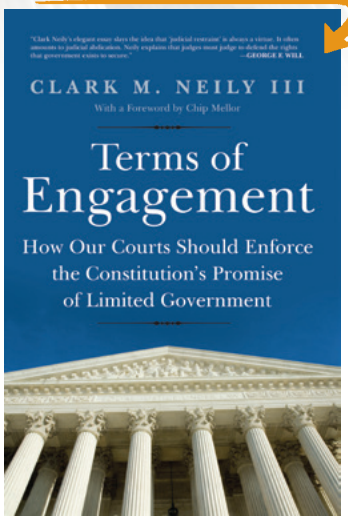
But what happens if judges operate under a system in which one side always has a presumption in its favor so that judges take themselves out of the business of evaluating evidence and consistently rule in favor of that one side? And what does it mean if that presumption affects not just run-of-the-mill cases, but rather the constitutional rights of all Americans? Indeed, what if judges fully abdicate their responsibilities and routinely rubberstamp government actions without regard to the facts or constitutional provisions designed to limit government?

These are not hypothetical questions. To the contrary, they are questions that go to the heart of constitutional law today.

That is why the new book, *Terms of Engagement*, by IJ Senior Attorney Clark Neily is so important. It answers these questions and makes a passionate and intellectually compelling case for an engaged judiciary. Clark explains how the philosophy of routine deference to the other branches of government has led to the judiciary's abdication of its essential role in the system of checks and balances so carefully designed by the Framers.

Like all of us at IJ, Clark has seen firsthand how often the dreams and aspirations of honest, hard-working people are crushed by government when courts abdicate their responsibilities and defer blindly to legislative or executive acts. This book, published by Encounter Books, reflects wisdom and insights that come from that experience. It presents a well-developed constitutional theory and intellectually rigorous defense of liberty. It's a great read for lawyers and non-lawyers alike, issuing a clarion call for what we must have: judicial engagement.

Buy **YOUR COPY TODAY!**



Available now at **Amazon.com** and bookstores nationwide.

"Clark Neily's elegant essay slays the idea that 'judicial restraint' is always a virtue. It often amounts to judicial abdication. Neily explains that judges must judge to defend the rights that government exists to secure."

—GEORGE F. WILL

Since its founding in 1991, the Institute for Justice has argued for a more engaged judiciary. *Terms of Engagement* brings into sharp focus the urgency of our mission. Courts must fulfill their role as enforcers of the Constitution. They must be the "bulwarks of liberty" envisioned by Madison. They must, as Hamilton wrote, keep Congress within the limits assigned by the Constitution. And when the legislative or executive branches exceed their limited and enumerated powers, the judiciary must strike these acts down.

As you read *Terms of Engagement*, you'll see why the stakes are so high and the need for judicial engagement so pressing.◆

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

—Giving—

THE GIFT OF LIBERTY

New Options with Your Retirement Accounts

By Melanie Hildreth

As you think about your support for IJ this year, you may want to consider a gift from your retirement account thanks to a special provision in the tax code.

When Congress passed new tax legislation in January in response to the so-called fiscal cliff, they extended a provision that allows donors to make tax-free gifts from individual retirement accounts (IRAs). This is good news if you are interested in making a current charitable gift from your retirement assets but have been discouraged from doing so by the income tax penalty.

The updated provision is effective through the 2013 tax year only—that means between now and December 31, 2013, you can help IJ and make a gift from what can be one of your most tax-burdensome assets.

If you are age 70½ or older, you can transfer up to $100,000 tax-free to qualified charitable organizations like the Institute for Justice. A few things to consider:

- Distributions must be made directly from a traditional or Roth IRA. Assets in a 401(k) or 403(b) must first be rolled into an IRA.
- Donations must be outright gifts. Gifts to donor advised funds, trusts, charitable gift annuities and other planned gifts do not qualify.
- While you cannot claim a charitable deduction for IRA gifts, you will not be required to pay federal income tax on any amounts you distribute to qualified charities.

If you would like to make such a gift, simply contact your IRA provider and instruct them to make a direct charitable contribution from your account payable to the Institute for Justice, Tax ID# 52-1744337, at 901 North Glebe Road, Suite 900, Arlington, VA 22203. If you would like a sample letter to send to your provider we would be happy to provide one. Simply contact me at mhildreth@ij.org or (703) 682-9320 ext. 222.

Please note that IRA administrators don't always include the donor's name on distribution checks. If you decide to make a gift to IJ from your IRA, please let us know so that we can identify your gift and thank you properly.◆

Melanie Hildreth is the Institute's director of development.

What if you aren't eligible to make a current IRA gift?

Retirement assets are also excellent options as planned gifts. Naming IJ as a beneficiary of these accounts allows you to make a gift without the need to change an existing will or other financial plans. And these gifts offer flexibility because they can be revoked if your plans or circumstances change.

Because of the unfavorable tax consequences of leaving tax-deferred accounts (like many retirement plans) to non-spousal beneficiaries, these assets can be particularly good candidates for charitable giving. For example, when you name a child as the beneficiary of a retirement account, the account may be subject to estate taxation. On top of that, your child may have to pay income tax on the distribution of plan assets. As a charitable gift, however, the full amount goes to IJ and our fight for liberty.

Like IRA rollover gifts, these gifts are easy to make. Simply contact your plan administrator and ask for a beneficiary designation form. Naming IJ as a primary or partial beneficiary of your retirement account qualifies you for 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.

If you have questions or would like more information, or if you already have included IJ in your plans, please let us know. Doing so allows us the opportunity to express our appreciation for your support, which makes all our work possible.◆

Putting the Pieces of IJ's Occupational Speech Initiative Together:

Free Speech and Economic Liberty

Philadelp
IJ's first c

By Jeff Rowes

Legal entrepreneurship is at the core of IJ's success. We identify aspects of the Constitution under siege and formulate strategic litigation to vindicate not only our clients' rights, but the rights of all Americans.

Our occupational speech cases have been a textbook exercise in IJ legal entrepreneurship. Traditionally, our economic liberty practice has focused on clients who *do* things for a living, such as African braiders or casket-making monks. But there are occupations in which *speaking*, not *doing*, is the key component. The law, for example, is the quintessential speaking occupation.

As longtime IJ supporters know, government is too large and too often irrational because the U.S. Supreme Court pays little attention to constitutional protections for what we *do* for a living. Yet, at the same time, the free speech clause of the First Amendment—unlike our economic liberties—is an area of the Constitution that the Supreme Court has not neglected. And herein lies the puzzle: Does the government's broad discretion to regulate what people *do* for a living apply to people who *speak* for a living? In other words, does occupational licensing trump free speech?

IJ pioneered occupational speech early on with cases against the Commodities Futures Trading Commission over its regulation of an investment newsletter, against New Orleans for prohibiting book vendors, and against New Hampshire for regulating for-sale-by-owner real estate websites. Victories in those cases made it clear that occupational licensing laws could not be used to silence speech to the general public. But what about occupational speech that is directed at specific people, not just the general public?

IJ Senior Attorney Bob McNamara set out to answer that unresolved question in 2008 with a challenge to a Philadelphia law that required tour guides to have a license to talk about American history. Unfortunately, the courts did not reach a final decision because Philadelphia confessed to being too broke to enforce its law. Undeterred, Bob brought a similar challenge in Washington, D.C., and Matt Miller, executive director of IJ Texas, is now heading up a tour guide case in New Orleans.

In 2009, IJ Senior Attorneys Clark Neily and Paul Sherman launched a First Amendment challenge to Florida's interior design licensing laws. We did not prevail in that case because the Court of Appeals concluded that speech from a professional to a client, even if just interior design advice, was outside the scope of the First Amendment. That decision was disheartening, but it only solidified our resolve to ensure constitutional protection for occupational speech.

The Supreme Court issued two game changing opinions in 2010 and 2011. In the first, *Holder v. Humanitarian Law Project*, the Supreme Court ruled that legal advice to foreign terrorists was a form of speech protected by the First Amendment. In the second decision, *U.S. v. Stevens*, the Supreme Court reaffirmed that only certain historically disfavored categories of speech—such as criminal conspiracy or fraud—are to be treated as outside the First Amendment. Together, these decisions strongly implied that occupational speech is protected by the First Amendment, and that the decision in the Florida interior design case was wrong.

To capitalize on these Supreme Court decisions, Paul convened a strategy meeting in October 2011 to launch a multi-case initiative on occupational speech, and, in particular, speech involving advice from a

IJ client **Steve Cooksey** was shut down for giving free diet advice online.

phia 2008: IJ senior attorney **Bob McNamara** at occupational licensing case representing tour guides.

professional to a client. That led to a concerted client search that resulted in our case representing a diabetic North Carolina blogger who was shut down by the state for giving free dietary advice over the Internet. The publicity from that case led to Dr. Ron Hines, the Texas veterinarian who was forbidden by the state from giving veterinary advice over the Internet. We brought his case earlier this year.

The North Carolina blogger case also led us to John Rosemond, the nationally syndicated advice columnist. As described by Paul in this issue's cover story, we launched John's case in July.

Our occupational speech cases have brought together our economic liberty and First Amendment work on a cutting-edge issue. We have catapulted occupational speech to the forefront of the national constitutional debate and we have multiple cases in multiple jurisdictions, any one of which could be destined for the Supreme Court. Now that is something to talk about.◆

Jeff Rowes is an IJ senior attorney.

IJ client **Ron Hines** was forbidden from giving veterinarian advice online.

John Rosemond joined with IJ attorneys **Jeff Rowes** and **Paul Sherman** to fight back in federal court. His First Amendment lawsuit defends freedom of speech and freedom of the press from government officials who believe it can be a crime in America to express an opinion in the newspaper.

Advice Censorship continued from **page 1**

not comply, the letter threatened him with legal action, which could include up to six months in jail and $500 in fines per violation.

After 37 years of writing his column, John was not about to back down. He joined with the Institute for Justice, and on July 16 we filed a lawsuit in federal court in Kentucky to vindicate John's First Amendment rights.

Watch the video "Newspaper Censorship in America: Is this Celebrated Advice Columnist a Criminal?" at **ij.org/KYPsychSpeechVid**.

The board's actions violate the First Amendment in two distinct ways. First, the advice that John gives in his column is fully protected by the First Amendment. The government has no power to grant any privileged class of people a monopoly on parenting advice. Everyone is entitled to express their opinion on how best to raise children (and as anyone with children can tell you, everyone does).

Second, John's description of himself as a "psychologist" is also fully protected by the First Amendment. The reason is simple: John is a psychologist. He is licensed by the state of North Carolina as a psychological associate, and under North Carolina law he is permitted to describe himself as a psychologist. Kentucky can no more ban John Rosemond from calling himself a psychologist than it could ban the Dr. Phil show from television on the grounds that Phil McGraw isn't licensed in Kentucky.

Unfortunately, as readers of *Liberty & Law* know, what is happening in Kentucky is not an isolated incident. IJ is currently litigating similar occupational-speech cases in Louisiana, North Carolina, Texas and Washington, D.C. It is no exaggeration to say that occupational-licensing boards are the new censors; they are aggressive, and they do not think the First Amendment applies to them.

IJ is working to change that, and we have already scored an early victory in the Kentucky case. In the face of overwhelming media criticism of the board's actions, the board agreed to a preliminary injunction that allows John to continue publishing his column without fear of criminal punishment while his case moves forward. With that victory under our belt, we look forward to securing a final victory that will allow John to keep writing his column—and his readers to keep enjoying it—for many years to come.◆

Paul Sherman is an IJ senior attorney.

IJ Florida Chapter Executive Director **Justin Pearson** speaks at the launch of IJ's lawsuit challenging the Hillsborough County Public Transportation Commission's requirement that all limo rides in the region cost at least $50, even if drivers want to charge less.

IJ Takes on the Tampa Price Control Police:

Fighting for the Right to Give Your Customers a Good Deal

By Justin Pearson

IJ client Tom Halsnik has worked hard to grow his car service business over the years. He has learned what works, and what doesn't, and he knows that his business would be best served by charging his customers less.

Unfortunately for Tom and his customers, they live in Tampa, Fla., where the Hillsborough County Public Transportation Commission (the "PTC") has said that what Tom wants to do is against the law. The PTC was created, ironically, to protect Tampa's transportation customers. Instead, it is trying to protect consumers from low prices.

Specifically, the PTC requires all sedan and limousine drivers to charge at least $50 per ride, no matter how short the ride, even when the driver wants to charge less. If Tom even attempts to offer a better value to his customers and potential customers, he is breaking the law.

Understandably, IJ clients Kenrick Gleckler and Daniel Faubion do not want protection from low prices when they hire limos. They would happily accept Tom's offers, if only the government would get out of the way.

This is why Tom, Kenrick and Daniel joined with IJ to file a constitutional lawsuit in Hillsborough County Circuit Court on August 28. We are asking the court to find that the PTC's minimum fare rule is unconstitutional. Our clients' demands are simple: Tom wants to offer lower prices, and Kenrick and Daniel want to accept them.

Watch the video "Gov't Forces Businesses to Overcharge Customers" at **ij.org/TampaFaresVid**.

It should not be against the law for businesses to offer their clients a better deal. The Florida Constitution protects the right to economic liberty, and the Florida Supreme Court has shown a willingness to strike down laws that interfere with the right of consumers to bargain for lower prices. In this case, we will show that these protections are just as applicable to the transportation industry as they are to Florida's other industries.

After all, it is consumers and entrepreneurs—not the government—who should decide how much a ride from a car service should cost. Government-imposed minimum-fare rules do not help consumers. All they do is increase costs, stifle innovation and protect industry insiders from competition—hardly a wise or constitutional use of government power.

With IJ's help, Tom will be able to grow his business by offering better deals. And customers like Kenrick and Daniel will be able to hold on to a little more of their hard-earned money.◆

Justin Pearson is the executive director of the IJ Florida chapter.

Building Warriors for Liberty:

IJ's 22nd Annual Law Student Conference a Big Success

By Melissa LoPresti

In July, 43 law students from across the country gathered together in downtown D.C. for IJ's 22nd annual law student conference. Our public interest boot camp included constitutional warriors from 34 different law schools and an attorney from Sweden's Centrum for Rättvisa, a European public interest law firm modeled on IJ.

Attendees and IJ staffers spent the weekend immersed in public interest law.

In addition to our traditional sessions about IJ pillars, litigation strategies and business areas, we also debuted two new sessions. Senior Attorney Jeff Rowes gave a rousing talk about the importance of being entrepreneurial in litigating (and winning!) IJ cases. And Senior Attorneys Scott Bullock and Clark Neily joined Attorney Wesley Hottot to answer questions as a panel about how they came to work at IJ and what it's like to sue the government. The Saturday night keynote address was delivered by Chief Judge Frank Shepherd from the Florida Third District Court of Appeal. We were delighted that the judge and his family were able to join us, and the students appreciated the opportunity learn about his experiences and speak to him directly.

Georgetown University Law Center Professor Randy Barnett, the Cato Institute's Roger Pilon and George Mason University Professor Todd Zywicki also gave well-received talks on broader theoretical and philosophical issues.

After a jam-packed two days, the weekend ended on a high note with our famous client roundtable. Every year the students talk about how inspirational it is to hear directly from our clients, and this year was no different. We were grateful that Russ Caswell, Abbot Justin Brown and Andrea Weck-Robertson joined us to share their stories.

Information and applications for next summer's conference will be available at **www.ij.org/students** beginning in January.◆

Melissa LoPresti is the Institute's management and litigation assistant.

Litigation Public Relations

In court cases, plaintiffs and defendants are often scrupulously warned by judges not to influence the ultimate verdict outside the courtroom.

Forget it.

In the 21st century, with the Internet, CNN, MSNBC, Fox News Channel, CNBC, Headline News, and talk radio incessantly jabbering about possible trials, upcoming trials, and current trials, there is little guarantee that any jury can be objective about any high-profile legal case.

That's why litigation public relations has become so important.

Litigation public relations can best be defined as managing the media process during the course of any legal dispute so as to affect the outcome or its impact on the client's overall reputation.

Although court proceedings have certain rules and protocols, dealing in the public arena with a matter of litigation has no such strictures. The Sixth Amendment to the Constitution guarantees accused persons "a speedy and public trial, by an impartial jury," but television commentary by knowledgeable—and in many cases, unknowledgeable—"experts" can help influence a potential jury for or against a defendant (Figure 7-7).

As a consequence, communication has become central to the management of modern litigation.[10] Smart lawyers understand that with the Internet and cable TV, in particular, being so pervasive, they have little choice but to engage in litigation public relations to provide their clients with every advantage.

For example, in 2008, when three Duke lacrosse players were prosecuted for allegedly raping a stripper, supporters set up a Website to communicate views on the case, which ultimately fell apart. When several parents of the lacrosse players filed a countersuit against the university, they set up a blog to provide information to the public. In 2011, when International Monetary Fund President Dominique Strauss-Kahn was charged with rape by a New York City chambermaid, his surrogates engaged in a blistering publicity attack of the woman's history and character. The case was dropped.

FIGURE 7-7
Litigation public relations. The Institute for Justice (IJ) epitomized the best of litigation public relations when it publicized the story of Doreen Flynn, a mom with three young daughters, each of whom would need a bone marrow transplant to survive. IJ challenged the prohibition on compensating bone-marrow donors in the National Organ Transplant Act and won the case in 2012.

IJ Featured Again in Nation's Top PR Textbook

For the second time, the Institute for Justice's public relations work has been featured in "The Practice of Public Relations," the most widely used college PR textbook in the nation. The 12th edition of the book features the Institute's work on behalf of cancer patients from across the nation who successfully fought to allow compensation for bone marrow donors.

The textbook's author wrote, "The Institute for Justice epitomizes the best of litigation public relations when it publicized the story of Doreen Flynn, a mom with three young daughters, each of whom would need a bone marrow transplant to survive."

"This is a huge honor for the Institute for Justice," said IJ's Vice President for Communications John Kramer. "We always work to create textbook examples of how litigation and public relations should be done. This feature shows we are achieving what we set out to do."◆

New Orleans vendors and activists work with the Institute for Justice to secure a legislative victory for economic liberty in the Crescent City.

IJ Helps Bring Food Truck Freedom to the Crescent City

By Christina Walsh

New Orleans is not known as a bastion of economic liberty. IJ has sued the city more than once on behalf of would-be entrepreneurs the government blocked from pursuing an honest living. And now we helped convince the Crescent City, outside the courtroom, to reject the idea that it can pick winners and losers in the marketplace. The result is a victory that few could have predicted.

New Orleanians love food trucks. Yet, despite their enormous popularity, food truck entrepreneurs in the Crescent City faced some of the worst laws in the nation. They could not operate within 600 feet of brick-and-mortar restaurants, had to move every 45 minutes, and were banned entirely from the Central Business District and French Quarter. These regulations, in addition to others, made operating a successful food truck nearly impossible.

But we at IJ love a challenge. For the past ten months, we worked with the New Orleans Food Truck Coalition and the city council president to reform these crippling laws. We co-hosted a symposium to generate public support, ran advertisements, secured media coverage and issued statements to the city council. When our chief opponent claimed "overwhelming" support, we went through thousands of pages of documents to prove that support for food trucks outweighed opposition by a margin of three-to-one.

Our foes were formidable, but ultimately the council passed a bill we considered a modest success. Although it would have made the environment friendlier for food trucks, it still included a 200-foot proximity ban.

"But we at IJ love a challenge. For the past ten months, we worked with the New Orleans Food Truck Coalition and the city council president to reform the city's crippling laws."

Then we received word that Mayor Landrieu vetoed the bill. At first we thought the forces of protectionism were at play. But much to our delight, the mayor vetoed the legislation over concerns that the proximity ban was unconstitutional.

What caused this sudden fidelity to the Constitution? Because of IJ's outreach to city council, the mayor learned about our victory in another Louisiana case, on behalf of the monks of Saint Joseph Abbey, and decided to support economic liberty over protectionism. A bill was introduced on the mayor's behalf removing the proximity restriction altogether while expanding where food trucks may operate. The bill passed unanimously.

This victory is a testament to IJ's work, both through our National Street Vending Initiative and our litigation in Louisiana, as well as a testament to the dedication of activists on the ground. We will continue to advocate in the courts of law and at the grassroots to push back against assaults on economic liberty.◆

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

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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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Quotable Quotes

KXTV News (ABC Sacramento)

"The First Amendment doesn't allow the government to distinguish among speakers and it doesn't allow the government to distinguish among content. Unfortunately, that's exactly what the city of Sacramento is doing."

ABCNews.com

"'If John Rosemond is a criminal for writing his column, then 'Dear Abby,' has been on a 50-year crime spree,' Jeff Rowes, a senior attorney at the Institute of Justice who is representing Rosemond, told ABC News, referring to the well-known advice column that runs nationwide, including in Kentucky. 'Dr. Phil, Dr. Oz, all of them would be crooks.'"

Washington Post

Nick Gillespie on IJ: "The leading libertarian public-interest law firm, the Institute for Justice, which has argued Supreme Court cases for free speech and against eminent-domain abuse, got its start defending African American hair-braiders in Washington from licensing laws that shut down home businesses."

The New Yorker

"'There's this myth that they're cracking down on drug cartels and kingpins,' Lee McGrath, of the Institute for Justice, who recently co-wrote a paper on Georgia's aggressive use of forfeiture, says. 'In reality, it's small amounts, where people aren't entitled to a public defender, and can't afford a lawyer, and the only rational response is to walk away from your property, because of the infeasibility of getting your money back.'"

Weekly Standard

"A recent report from the libertarian Institute for Justice shows that state licensing laws force workers who aspire to ply an array of moderate-skill trades to spend an average of nine extra months in schools that prepare them for licensing exams, paying hundreds of dollars in fees along the way. Such hurdles place a disproportionate burden on those of limited means."

“[T]he Institute for Justice . . . works with amazing effectiveness for ‘jobs and justice.’”

—Don Boudreaux
Cafehayek.com

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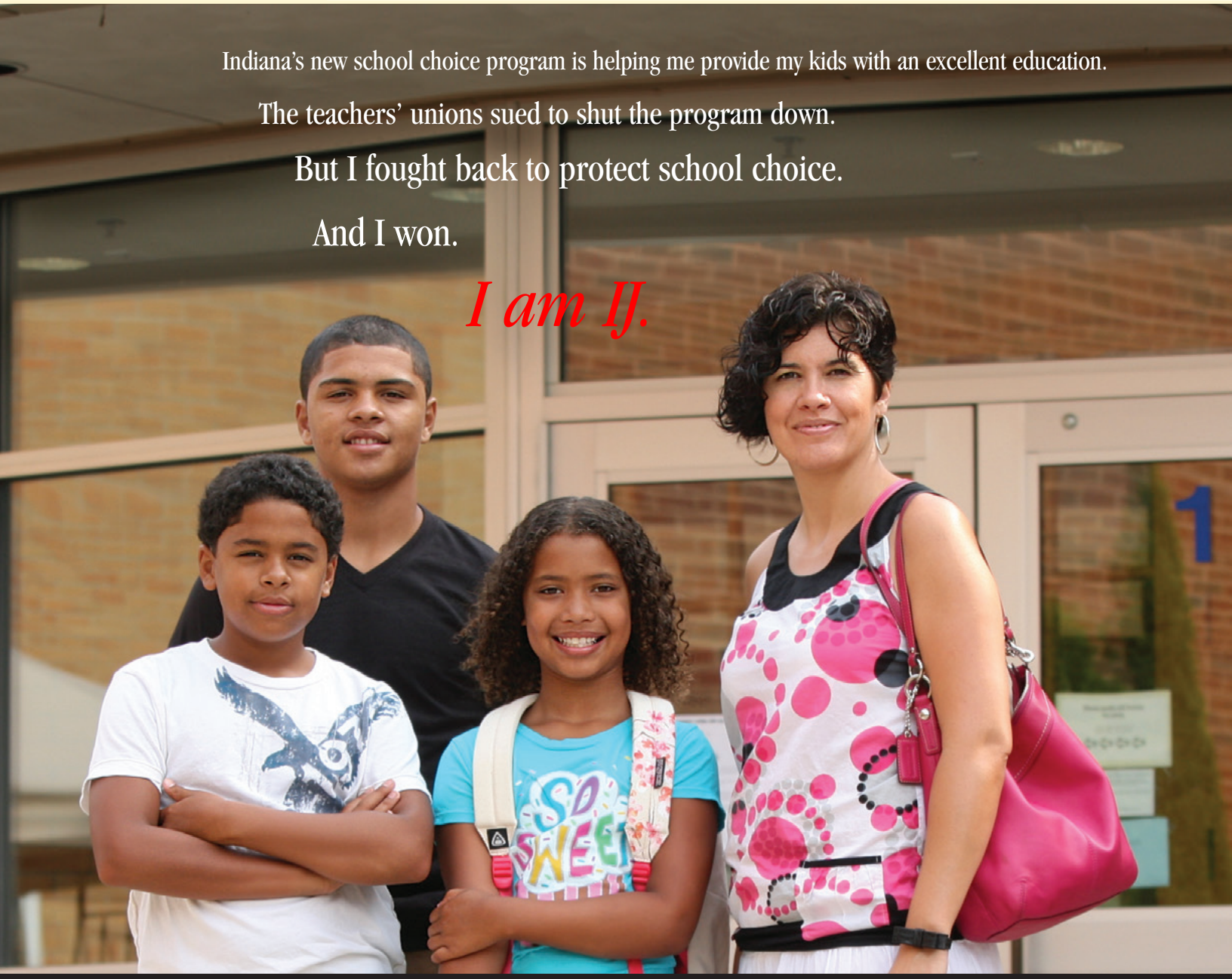

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