

Liberty & LAW

Volume 21 Issue 3

Inside This Issue

City Bans Limo Groupon Deal
To Stifle Competition

2

Fighting Big Government
With Judicial Engagement

4

IJ Stops Developer
From Bulldozing
Author's Free Speech

6

IJ Challenges City's Censorship
Of Anti-Eminent Domain
Abuse Sign

13

Published Bimonthly by the
Institute for Justice

visit us online:
www.ij.org

LICENSE TO WORK

*IJ's Newest Study Reveals the Burdens
Of Occupational Licensing*

By Dick Carpenter and Lisa Knepper

In the Institute for Justice's 20-plus years, we have challenged all manner of senseless occupational licensing schemes—such as those restricting entry into interior design, tax preparation, eyebrow threading and African hairbraiding—all the while showing how they keep ordinary Americans out of work at the behest of more politically powerful competitors.

Now we have produced the first national study to measure just how burdensome laws like these are for lower-income workers and aspiring entrepreneurs.

License to Work: A National Study of Burdens from Occupational Licensing documents the license requirements for 102 low- and moderate-income occupations—such as for barbers, massage therapists and preschool teachers—across all 50 states and the District of Columbia. From this wealth of data, we found that occupational licensing is not only widespread, but also overly burdensome and frequently irrational.

All of the 102 occupations are licensed in at least one state. On average, these government-

mandated licenses force aspiring workers to spend nine months in education or training, pass one exam and pay more than \$200 in fees. One third of the licenses take more than one year to earn. At least one exam is required for 79 of the occupations.

Barriers like these make it harder for people to find jobs and build new businesses that create jobs.

This is particularly true for minorities, those of lesser means and those with less education. And the breadth and depth of these barriers are likely even worse; we did not capture hidden costs, like tuition for required schooling and wages forgone while in training.

Along with the report itself, we put all of our data online at www.ij.org/LicenseToWork. This will serve as a one-of-a-kind resource for the growing number of researchers studying the effects of licensing laws. It also makes it easy for users to see how their states stack up.

For example, Louisiana licenses the most lower-income occupations—71 of the 102 we studied. Hawaii's laws are, on average, the most burdensome.

License to Work continued on page 10



Watch the IJ report video.

PROTECTIONISM IN PORTLAND



IJ client **Mike Porter** and another transportation entrepreneur faced \$895,000 in fines from the city of Portland, Ore., for offering a Groupon discount that provided discounted car service to consumers.

City Outlaws Limo Discounts to Protect Taxi Cartel

By Wesley Hottot

Ronald Reagan famously said the 10 most dangerous words in the English language are, “Hi, I’m from the government, and I’m here to help.” As if to prove his point, the city of Portland, Ore., is threatening to put limo and sedan operators out of business for the supposed crime of charging their customers too little.

When two luxury car services—Towncar.com and Fiesta Limousine—recently offered \$32 promotional fares on the daily deal site Groupon.com, Portlanders quickly scooped up the deal.

Within hours of the deals’ posting, however, city regulators forced Towncar.com and Fiesta Limousine to cancel their promotions and issue refunds to every one of their nearly 900 customers, threatening the companies with a combined \$895,000 in penalties and suspension of their operating permits if they did not immediately comply.

When did giving your customers a good deal become illegal? The answer is in 2009, when Portland rewrote the for-hire transportation rules with the explicit purpose of shielding taxicab companies from price competition.



Watch the IJ case video.

Now limo and sedan operators must charge at least 35 percent more than the prevailing taxicab fare, and at least \$50 for trips to the airport. Additionally, car services (as limos and sedans are collectively

called) must wait a minimum of 60 minutes between the time a customer calls and the time they are picked up.

Faced with losing their businesses, Towncar.com and Fiesta Limousine agreed to cancel their promotions and refund their many disappointed customers. But the two companies are not giving in to Portland’s crony capitalism.

On April 26, they teamed up with the Institute for Justice and filed a federal lawsuit challenging the constitutionality of Portland’s minimum fare laws and its minimum wait time.

These laws have nothing to do with protecting public safety. They have everything to do with economic protectionism. And that is not just wrong; it is unconstitutional.

Portland’s largest taxicab company actually asked the city to stop other businesses from “poach[ing] taxi fares out of downtown.” Surprisingly, the city’s Revenue Bureau agreed that affordable limo and

National Minimum Fare Laws

Nationwide, minimum fares for car service are rare because they are unnecessary.*
Of all the cities and counties in this country, only ten impose minimum fares on car services and their customers:



SOURCES
* See: <http://iam.ij.org/PortlandMinimumFareMap> for detailed Codes and Ordinances

sedan services were a “problem” simply because they threaten the profits of taxicab companies, and its director encouraged the city council to “make it more difficult for them to take the taxi rides, the lucrative rides from the hotels to the airport.”

But the government has no business picking winners and losers in the transportation industry, especially when the losers are consumers and the winners are established taxicab businesses that only want to charge their customers more. What taxi companies call “poaching,” others call honest competition.

Minimum fare laws are becoming a nationwide problem, as taxicab companies and expensive limousine companies look for creative—if unconstitutional—ways to protect their profits. IJ is also suing Nashville, Tenn., over its \$45 minimum for limo and sedan services.

The government should be “here to help” the free market, not existing businesses who want to shield themselves from competition at everyone else’s expense. ♦

Wesley Hottot is an IJ Texas Chapter attorney.



Leave a Legacy for Liberty

By **Melanie Hildreth**

Nearly six years ago, the Institute for Justice launched an exciting new program called the Four Pillars Society as a way to honor our friends and supporters who choose to include IJ in their will or other long-term financial plans.

Since 2006, membership in the Four Pillars Society has grown ten-fold. Every year more IJ donors inform us that they have chosen to leave a legacy of liberty by helping us advance freedom in economic liberty, private property rights, school choice and free speech. I hope you will consider joining the Four Pillars Society. Members provide the resources IJ will need as we continue to defend individual liberty well into the future.

A number of different gifts qualify you for membership in the Four Pillars Society. The simplest include naming the Institute for Justice in your will or living trust, and making IJ a beneficiary of your retirement plan or life insurance policy.

We also work with donors to set up “life-income” plans. One of the most common of these plans is a charitable gift annuity. Charitable gift annuities allow a donor to make a gift to IJ while at the same time securing income for life.

A charitable gift annuity is a simple contract that pays you (and an optional second beneficiary) a fixed, guaranteed, partially tax-free income stream in return for your contribution of cash or appreciated securities. You also receive an immediate income tax deduction and, for gifts of appreciated stock, capital gains tax

Four Pillars Society continued on **page 7**

“Four Pillars Society members provide the resources IJ will need as we continue to defend individual liberty well into the future.”



Judging from These Judicial Engagement Successes, IJ is on the Right Track

Judicial Engagement By the Numbers

26

Law school debates about judicial engagement

56

Media placements discussing judicial engagement

9

Nationally renowned panelists at George Mason Judicial Engagement Symposium

12

Articles submitted for publication in connection with the George Mason Judicial Engagement Symposium

5

Judicial engagement posts on Volokh.com

8

IJ judicial engagement podcasts

35,000+

Total judicial engagement podcast downloads

7

IJ videos featuring judicial engagement

52,662

Total views of judicial engagement videos

72,300

Google hits on "judicial engagement" + "constitution"

By Clark Neily

With Big Government on the march and the U.S. Supreme Court set to decide the most important federalism case since the New Deal, the need for judicial engagement has never been more acute. And IJ's Center for Judicial Engagement is right in the thick of it.

The driving force behind judicial engagement is the idea that judges are duty-bound to enforce constitutional limits on government power and should do so without putting their fingers on the scale in favor of government. By contrast, many claim the chief judicial virtue is not independence, but deference toward other branches of government.

That tension was on full display both before and after the Supreme Court arguments over the Affordable Care Act, also known as Obamacare. Indeed, the president himself admonished the Court that it would be an "unprecedented" step to strike down the healthcare law notwithstanding serious questions about Congress' authority to force people to buy health insurance and the absence of any real limiting principle on that breathtaking assertion of power.

The constitutional challenge to Obamacare has focused the public's attention on the role of courts like never before, and the Center for Judicial Engagement has been working to frame that dialogue in the courts, the media, public policy circles and law schools across the country.

Last fall the Center kicked off a "Judicial Engagement" debate series in

conjunction with the Federalist Society featuring high-profile events at law schools from coast to coast. Those debates acquainted more than a thousand law students with the concept of judicial engagement and directly challenged the call for blind deference to other branches. I also wrote a series of posts for the "Volokh Conspiracy" that outlined the theory behind judicial engagement and explained why judicial abdication is a much bigger threat than activism. (Available at www.volokh.com/author/clarkneily.)

Just three days before the Obamacare arguments in March, the Center sponsored a symposium on judicial engagement at George Mason University School of Law featuring prominent academics who represent a wide array of views, including Harvard Law School's Mark Tushnet, University of Texas Law's Sanford Levinson, Pepperdine School of Law's Doug Kmiec and Northwestern Law's Steve Presser. The symposium included panels addressing the role of judicial engagement in protecting individual rights and preserving federalism, as well as the important differences between activism, restraint and engagement. The *George Mason Law Review* will publish a special symposium issue on judicial engagement this month.

Meanwhile, in court, IJ Senior Attorneys Scott Bullock and Jeff Rowes have deftly positioned the Louisiana casket case before the 5th U.S. Circuit Court of Appeals to determine whether the rational basis test for economic regulations has



any bite at all—or is instead merely a rubberstamp for courts to place their imprimatur on naked economic protectionism. Federal appeals courts are divided on that question in the wake of IJ’s Tennessee and Oklahoma casket cases, setting the stage for a momentous judicial-engagement ruling from the 5th Circuit later this year.

Finally, together with IJ’s Communications team, the Center has injected the term “judicial engagement” into the terms of the debate over the proper role of courts. IJ has earned placements on this issue in such prominent outlets as *The New York Times*, the *Los Angeles Times*, *The Wall Street Journal*, *The Washington Post*, *Forbes*, *National Review Online* and *CNN.com*, which featured as an “editor’s choice” a piece by IJ Director of Strategic Research Lisa Knepper regarding the Center’s “Government Unchecked” study (www.ij.org/govtunchecked). Focusing on the human face in *The Washington Post*, former IJ Maffucci Fellow and current Harvard Law student Jason Orr slammed Maryland county officials for shutting down an unlicensed lemonade stand and fining the children who operated it \$500. As Jason explained, that kind of tyranny will persist until judges “become more engaged in deciding constitutional cases instead of deferring reflexively to the supposed wisdom of legislators and regulators.”

Judicial abdication has allowed government to abuse its authority and run roughshod over liberty. The Center for Judicial Engagement was created to get judges back in the business of actually judging and enforcing constitutional limits on government power, and nothing could be more important. ♦

Clark Neily is director of IJ’s Center for Judicial Engagement.

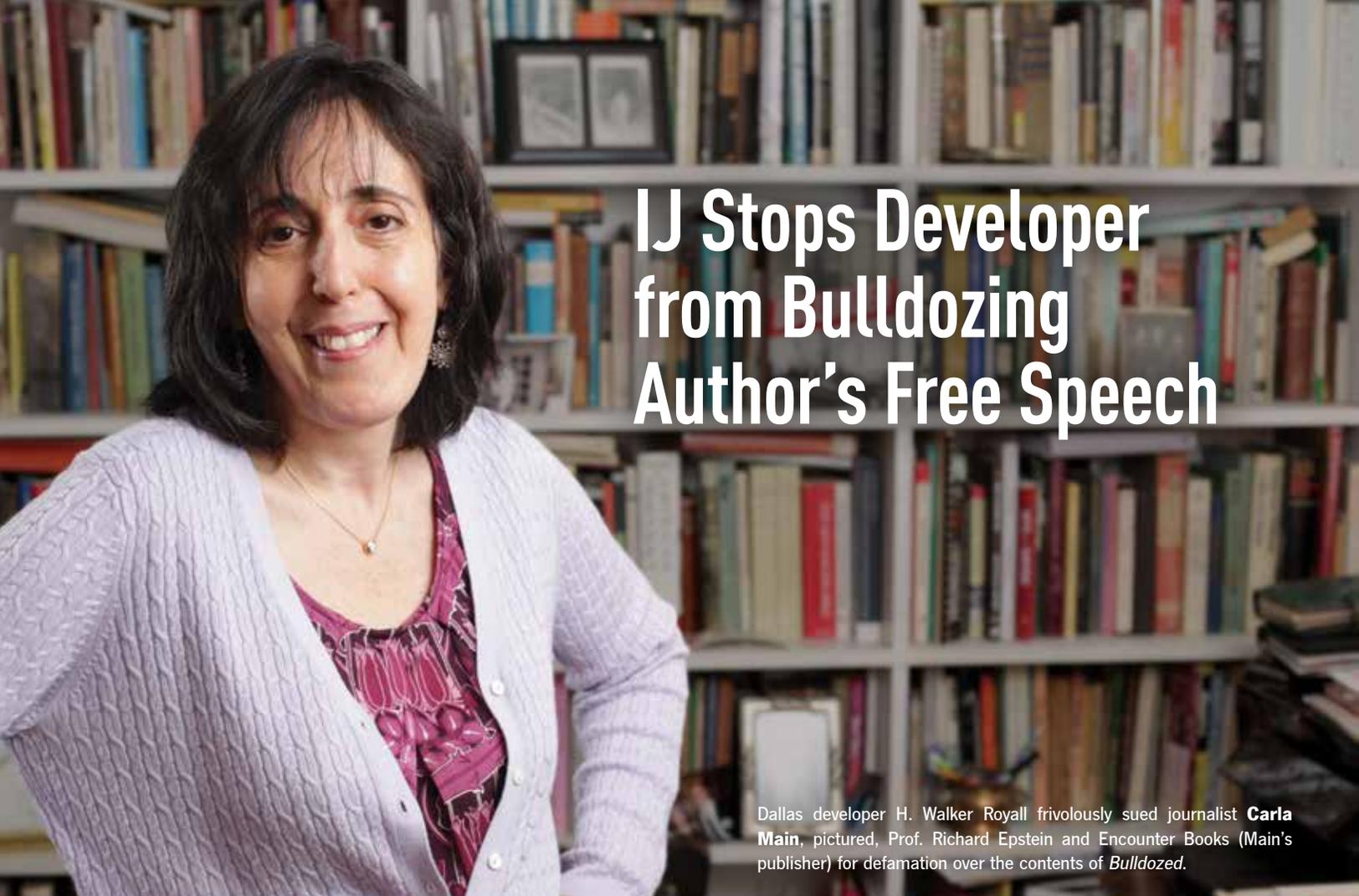


Center for Judicial Engagement Symposium Discusses Judicial Protection of Individual Liberties

On March 22, the Institute for Justice’s Center for Judicial Engagement teamed up with the *George Mason Law Review* to hold a symposium, “Judicial Engagement and the Role of Judges in Enforcing the Constitution.” The symposium brought together professors and other participants with differing views on the proper role of the courts to discuss what role judges should play in interpreting and enforcing the Constitution. The symposium was attended by more than 100 George Mason University law students, professors, IJ Human Action Network members, donors and other IJ friends. In June, the *George Mason Law Review* will publish a special law review issue containing a dozen articles from the nine symposium panelists. ♦

Watch the full event online at
www.ij.org/CJEsymposium





IJ Stops Developer from Bulldozing Author's Free Speech

Dallas developer H. Walker Royall frivolously sued journalist **Carla Main**, pictured, Prof. Richard Epstein and Encounter Books (Main's publisher) for defamation over the contents of *Bulldozed*.

By **Carla T. Main**

My book, *Bulldozed*, was the fulfillment of many dreams for me. It was on a subject I felt passionately about—how eminent domain hurts American communities and families—and it had been well-received by critics. Its publication in 2007 was a happy, special time in my life. So when my publisher, Roger Kimball of Encounter Books, called me in the fall of 2008, I figured he had good news.

But the news was not good.

Roger had received an envelope from Texas. A real estate developer I'd written about in *Bulldozed* was suing me and Encounter Books. Roger skimmed through the pages of the legal papers, reading me bits and pieces: "defamation" . . . "libel" . . . the "gist of the book defames the plaintiff . . ." It seemed the developer didn't like the things I'd learned while digging around or the truth I'd told in *Bulldozed*. And now he was suing me.

My heart was pounding. Roger told me others were being sued too; a book reviewer, a newspaper and esteemed law professor Richard Epstein, who had merely written a blurb for the back cover of *Bulldozed*.

I don't remember how the call ended; I was dizzy with terror. I do remember curling up on the couch and staying there a long time, my mind churning. While I was insured under my publishing contract, my name, reputation, skills and integrity—an author's stock-in-trade—were being challenged.

A flurry of urgent calls and emails soon followed. Somewhere in the mix, a friend contacted IJ Senior Attorney Dana Berliner

and told her what happened. I will never forget the relief I later felt when Dana told me that IJ would represent Prof. Epstein, Encounter and me in the case. The situation—and my stress level—went from Code Red down to Code Yellow in an instant.

As a journalist I had followed Dana's career and had immense respect for her, but I didn't know her well personally. I would soon learn that I always felt better after talking to her, and not only because she is compassionate and brilliant (though I was glad of that!). I found her comforting because I knew she cared deeply about the case and the First Amendment principles at stake.

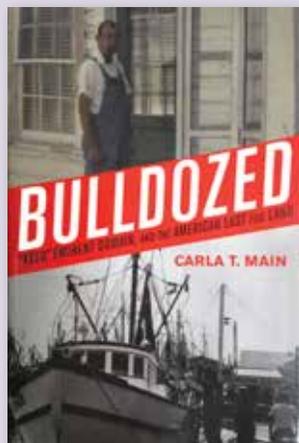
So began a three-year litigation slugfest during which IJ represented me in Texas courtrooms, a court-ordered mediation, discovery, motions and an appeal.

Does it make a difference that IJ represented me, instead of other lawyers?

Yes.

My IJ lawyers were propelled by the idea of personal liberty and constitutional principles. That informed how they approached the case, educated the public and kept me involved.

IJ asked me to be there—literally. They flew me from my home in New Jersey out to Dallas to attend court hearings. I got dressed up and sat in the courtroom gallery, bracing myself, expecting to see the guy who sued me walk in the door since he lived in that city. Funny thing was, he didn't show. Who's a chicken now, I wondered?



Bulldozed: "Kelo," Eminent Domain and the American Lust for Land is available on Amazon: <http://amzn.to/J7VAjc>

IJ involved the press and brought in friend-of-the-court briefs on the appeal. They showed me the case was about something bigger than just me or my book: It was about the freedom to criticize government and write about public policy. And when I read those briefs and the op-eds about my case, I understood we had allies who cared about the Constitution and the rights of other writers who would come in the years after me, and that gave me courage.

IJ always made the suit about *Bulldozed* and the First Amendment, and never about things like litigation budgets or cost-containing settlements that drive so many cases among private law firms. This meant I would not have to enter into a settlement that could have cast a shadow over my name.

IJ has *esprit de corps*—and boy, did I need that. IJ attorneys Dana, Matt Miller and Wesley Hottot, and IJ VP for Communications John Kramer, through the ups and downs of the case, maintained their sunny dispositions and unshakable optimism. To my amazement, it started rubbing off on me.

After years of fighting, IJ won the case. In a 28-page decision, the court said in meticulous detail that I did not defame the plaintiff. *Bulldozed*—all 300 pages of it—contained nothing defamatory. The case was dismissed in September 2011.

While much has been said about the *Bulldozed* case, a silent moment in Dallas said it all for me. In 2009, I met Dana and Wesley in a hotel lobby as they were preparing for a court appearance. Wesley had a big box of documents strapped to a small, wheeled dolly. As we stood there, I watched Wesley thumb through the thick row of briefs and exhibits, making sure he and Dana had everything they needed. Those papers, I knew, were the product of long hours of research, writing and consideration, and all that work was funded by good people who believed in liberty, the First Amendment and standing up to bullies. At that moment, as we stood in a little circle around the dolly, I knew that everything was going to be all right. Nothing the plaintiff could throw at us could be stronger than what that plain, paper-stuffed box represented: intellect, conviction, friendship, community and fierce devotion to the Constitution. ♦

Carla T. Main was an Institute for Justice client.

Four Pillars Society continued from page 3

savings. The payout rate depends on the ages of the income beneficiaries, with older individuals receiving higher payout rates than younger individuals.

Sample payout rates for an immediate, one-life annuity are as follows:

SAMPLE PAYOUT RATES

Age	Rate
65	4.7%
70	5.1
75	5.8
80	6.8
85	7.8
90 and over	9.0

IJ offers immediate payment gift annuities to donors age 65 and above. For donors under age 65, we offer deferred payment gift annuities, which provide an immediate income tax deduction and income payments beginning at some point after age 65, possibly to supplement retirement income.

Here is a simple example of how an immediate payment annuity works:

John Q. Justice, age 75, establishes a charitable gift annuity with IJ with a donation of \$25,000 in cash. He receives a charitable deduction of \$10,465 and a fixed, annual income of \$1,450 for life, based on a 5.8 percent payout rate. A portion of the income will be tax-free, and a portion will be taxed as ordinary income.

If you are interested in a personal gift annuity example or information about other ways to support the Institute for Justice through planned giving, please feel free to contact me anytime at (703) 682-9320 x. 222 or mhildreth@ij.org. If you have already included IJ in your plans, please let us know so that we can thank you properly. ♦

Melanie Hildreth is IJ's director of donor relations.





IJ Works to Turn the Windy City Into a “Foodies” Paradise

By Lancée Kurcab

Mobile food vendors in Chicago have waited in limbo for nearly *two years* for the city council to reform the city’s laws, lift protectionist and burdensome regulations, and free up street vendors so “street food” can thrive. Since government officials have so far failed to act, the Institute for Justice and our IJ Clinic on Entrepreneurship at the University of Chicago are spearheading a high-profile activism campaign to ratchet up pressure to legalize street food in the Windy City.

As part of this campaign, the IJ Clinic hosted “My Streets My Eats: Chicago Mobile Food Symposium and Meet Up” at the University of Chicago Law School on April 14. More than 150 entrepreneurs, scholars, government officials and activists gathered to discuss the many benefits of street vending and the need to reform vending laws in Chicago.

Right now, Chicago has some of the most burdensome vending laws in America. City officials have been issuing \$2,000 tickets and even arresting vendors for merely serving their

customers. Food trucks are not allowed to sell before 10 a.m. or after 10 p.m., stop within 200 feet of a restaurant or stay in one place for more than two hours. It is illegal to vend almost anywhere downtown. The city completely prohibits vending from pushcarts and bicycles, and no mobile food business can prepare or assemble food on-the-go. This means it is illegal to put toppings on a hot dog from a truck.

Indicative of IJ’s unique ability to unite all political persuasions, noted vending experts from across the nation joined together to discuss the constitutional rights of vendors. One panel included deputy counsel for Los Angeles Mayor Antonio Villaraigosa Gregg Kettles, IJ Senior Attorney Bert Gall, Keep Food Legal Executive Director Baylen Linnekin, and food truck owner Gabriel Weisen, who each explained how cities can create economic opportunity by knocking down protectionist barriers to vending. Other noted panel-

ists included Sean Basinski, director of the Street Vendor Project in New York; Heather Shouse, local journalist and author of *Food Trucks: Dispatches and Recipes from the Best Kitchens on Wheels*; Vicki Lugo, vice president of Asociación de Vendedores Ambulantes; John Gaber, professor of sociology at the University of Arkansas; and Chicago Alderman Willie Cochran.

After the symposium, 19 food trucks rolled into the law school parking lot to serve food to the hungry crowd. Hundreds of students and members of the community joined symposium attendees to show their support for legalizing street food in Chicago. (To see more pictures and a complete list of participants, visit ij.org/vending.) Vendors left energized by the friendly, supportive environment where they could chat with fellow entrepreneurs and show off their delicious food, and everyone left with





More than 150 people attended our mobile food conference.



IJ senior attorney **Bert Gall** talks with mobile food entrepreneurs.



Nineteen food trucks attended, serving everything from meatballs to donuts.

satisfied stomachs. All but two trucks completely sold out of food.

Vendors and symposium panelists alike were thrilled to be included in such a high-profile event. The event received attention from the *Chicago Sun-Times*, *Chicago Tribune*, *Chicagoist*, *A.V. Club*, *Chicago Now*, *WBEZ* and several local blogs.

Chicago City Council, consider yourself warned: These entrepreneurs are ready for the fight ahead, and their supporters come from within the community and across the country. They also have the Institute for Justice committed to vindicating their constitutional right to economic liberty. ♦



Lancée Kurcab is IJ's outreach coordinator.



“Right now, Chicago has some of the most burdensome vending laws in America. City officials have been issuing \$2,000 tickets and even arresting vendors for merely serving their customers.”

“As millions of Americans struggle to find productive work, one of the quickest ways lawmakers could help would be to simply get out of the way and reduce or remove needless licensure burdens.”



Along with the report itself, IJ's interactive website lets you compare licensing burdens across all 50 states and D.C. as well as across occupations.

www.ij.org/LicenseToWork



License to Work continued from page 1

Arizona, however, leads the list of states with the worst combination of licenses and burdensome laws. It is followed by California, Oregon, Nevada, Arkansas, Hawaii, Florida and Louisiana. In those eight states it takes, on average, a year-and-a-half of training, one exam and more than \$300 to get a license.

License to Work makes the case for reform of these burdensome and often irrational licensing laws.

Besides licenses with no self-evident rationale—shampooer, florist and funeral attendant, for example—inconsistencies from state to state undermine the purported need for licensing many occupations. Most of the 102 occupations are *unlicensed* somewhere, suggesting they can be practiced safely without government-created barriers.

In addition, licensing requirements often vary greatly. For instance, in about 10 states, aspiring manicurists must complete about four months or more of training—but only about nine days in Iowa and three days in Alaska. It is implausible that manicurists in other states really need so much more training.

Just as implausible is that cosmetologists need 10 times the training as emergency medical technicians (EMTs), who literally hold lives in their hands. Yet that is what most states require. In fact, 66 occupations face greater average licensing burdens than EMTs.

Irrational and overly burdensome licensing laws do not protect public health and safety. They keep some people out of work so those with licenses face fewer competitors and can command higher prices. That is why consumers rarely advocate for licensing laws, but industry insiders do.

License to Work provides another weapon in IJ's fight for economic liberty. It shows that IJ's clients—casket sellers, teeth whiteners and others fighting for the right to earn an honest living—are not alone. Occupational licensing continues to grow more pervasive, and the burdens it imposes on would-be workers and entrepreneurs are substantial.

The report also points the way forward. As millions of Americans struggle to find productive work, one of the quickest ways lawmakers could help would be to simply get out of the way and reduce or remove needless licensure burdens. ♦



Dick Carpenter and **Lisa Knepper** are IJ directors of strategic research.





Generating Media Coverage “The IJ Way”

By Bob Ewing

Everyone familiar with IJ knows that we fight our cases in two courts: the court of law and the court of public opinion. Here is a quick look at the media side of the lawsuit we filed against everybody's favorite federal agency: the IRS.

The launch was covered on national TV—as well as in magazines, newspapers, websites, blogs and radio. IJ appeared on CNBC's *The Kudlow Report* in a segment titled, “Unlawful power grab by the IRS?” The host declared the regulations we are challenging an “IRS shakedown.” The *Associated Press* ran a lengthy feature that appeared in hundreds of news outlets nationwide.

The Economist magazine showcased IJ and noted that the regulations we are challenging threaten “to crush small, local competitors” and are likely “to push mom and pop into another line of work.” *Bloomberg* news noted that “[t]he Institute for Justice . . . seeks to protect civil liberties.”

The entire media message for each IJ case stems from a single theme unique to that case. Our theme for this case: *Congress never gave the IRS the author-*

ity to license tax preparers, and the IRS can't give itself that power. This theme showed up verbatim in more than 100 outlets, including *Forbes*, *The Weekly Standard*, *The Washington Times* and *USA Today*. *The Weekly Standard* also wrote that “occupational licensing requirements almost invariably hurt small businesses.” *Yahoo! News* told its readers “IJ has a history of fighting—and sometimes winning—battles over regulatory licensing.” *The Richmond Times-Dispatch* published a glowing editorial citing licensing research that IJ has conducted.

The *New York Post*, *The Washington Times* and *USA Today* also published IJ op-eds on the lawsuit. *USA Today* ran an editorial as a counterpoint to our op-ed. Other outlets, like *The Atlantic*, the *Chicago Tribune*, *Fox News Channel* and *The Wall Street Journal* covered the launch as well. With social media playing an important role in the way Americans get their news, IJ continues to make special efforts reaching out to blogs, news aggregators and other social media outlets. To that end, our case launch video has received more than 138,000 views online, and the popular *Daily Markets* blog embedded it

and wrote about “the Institute for Justice's latest heroic effort.” We also secured a coveted spot on the popular news aggregator and forum *Reddit.com*.

Importantly, our cases (and our media pitches) cross the philosophical spectrum. Left-leaning journalist Matt Yglesias wrote a feature for *Slate* magazine explaining that the regulations we are challenging “put potential competitors out of business,” while the conservative *Daily Caller* had our case launch as its lead story, decrying in large type “Unlawful Power Grab.”

We apply the same principled vision for each lawsuit we file and challenge ourselves on the promotional side to heighten the interest among reporters, showing how every case provides a unique and fun opportunity to make a compelling and positive case for liberty. Hopefully as we generate more and more coverage for IJ and our issues, one day soon, the Institute for Justice will be a household name. ♦

Bob Ewing is IJ's director of communications.



Kramer Looks Back After 20 Years at IJ

By John E. Kramer

Twenty years ago I became “Freedom’s PR Man.” I walked into the Institute for Justice wanting to escape the drudgery of working at a PR firm. I wanted to find a place and a cause I believed in . . . somewhere I could thrive and put my free-market values into action. I could not have found a better fit than the fledgling IJ, which at that point was all of nine months old.

After 20 years at the Institute for Justice, now seems like an opportune time to look back and consider some of my highlights as a salesman for the Merry Band of Libertarian Litigators.

Working with our brilliant attorneys, dedicated staff and committed clients, I’ve enjoyed the privilege of simplifying the stories we have to tell and ensuring that the media—and, through the media, the public—hears what we have to say. Together, we helped curb the scourge of eminent domain abuse and have saved countless homes and small businesses from the wrecking ball; we opened schoolhouse doors for kids who otherwise would have lacked the power to escape failing public schools and get into better private schools; we toppled government-imposed monopolies and freed the way for would-be entrepreneurs to support themselves and put others to work; and we routed those who think government (in the guise of campaign finance restrictions) should limit free speech. Combining the best of public interest law and public relations, my colleagues and I at IJ have freed our fellow countrymen and women to pursue their own destiny as they envision, not as some bureaucrat demands.



Watch Mike Wallace’s *60 Minutes* piece at <http://iam.ij.org/60minJvid>

result was a piece that Wallace himself said was one of the most memorable of his career. In the wake of that feature, politicians lost their jobs, politically connected businesses were checked in their land grabs, IJ won a historic court victory, and our clients got to keep the properties that remain theirs to this day.

The other highlight also involved eminent domain, but it took that fight to new heights—literally. IJ created six different billboard themes and placed them across Pittsburgh to help small businesses fight against a city plan to drive them out and hand over their land to a Chicago developer for his private gain. Some billboards targeted potential tenants, like former NFL great Dan Marino, which read, “Dan Marino: You were a Dolphin. Don’t be a stealer.” Other billboards went after Mayor Murphy, who was driving the takings. My personal favorite read, “Murphy’s Law: Take from Pittsburgh Families; Give to a Chicago Developer.” We made sure those billboards carried huge smiling photos of the mayor and were located between his home and city hall. He got the message; the city backed down and the property owners’ rights were respected.

When I started at IJ, I never would have guessed the people I would meet or the experiences I would have in a career spent as a PR man for freedom. But after 20 years fighting for liberty with IJ, I have only one request: How about 20 more?◆

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



In addition to working for great causes, I also worked with some great people. Reagan was fond of saying, “It is amazing what you can accomplish if you don’t care who gets the credit.” That’s how IJ operates. There is tremendous pride in the work, but coupled with that is great and sincere humility among each and every IJ staffer. There is a lot of finger-pointing that goes on around here, but what makes that so unusual is that this happens after each victory, and never after a defeat. That’s just the IJ culture; everyone around here is quick to point to others when things go well and personally shoulder any setbacks with a commitment to make things better the next time around. That culture of professionalism, humility and accountability is part of what makes IJ such a great place to work and a big reason why IJ has won more than 70 percent of the cases we have launched since our founding, despite the steep odds we face going up against the government with each and every case.

There have been so many highlights during my time so far here at IJ, but if I had to pick the two that stood out the most, the first would be working with legendary *60 Minutes* correspondent Mike Wallace, along with his equally distinguished producer Bob Anderson, on a feature about the abuse of eminent domain across the nation. *60 Minutes* crisscrossed the nation meeting with IJ clients, attorneys and foes. The



Other anti-eminent domain campaign billboards targeted potential tenants, like former NFL great Dan Marino, which read, “Dan Marino: You were a Dolphin. Don’t be a stealer.”

Free Speech and Property Rights Under Attack in Norfolk

By Robert Frommer and Erica Smith

Government officials in Norfolk, Va., are not only taking Central Radio Company, they are telling the owners to be quiet about it.

Central Radio Company has been in Norfolk for nearly 80 years. Founded in 1934, Central Radio serviced radio equipment for the U.S. Navy during World War II that helped protect U.S. submarines from German torpedoes. Today, it employs more than 100 people and continues to provide electronic equipment for the Navy as well as law enforcement agencies and area schools.

You would think Norfolk would embrace this venerable and thriving small business, but instead, it is trying to push Central Radio out of the way. Two years ago, the Norfolk Housing and Redevelopment Authority started proceedings to take Central Radio's headquarters. Why? So it could give the property to Old Dominion University. The university has no specific plans for the property.

Bob Wilson, owner of Central Radio and the nephew of the company's founder, was not about to go down without a fight. After losing an eminent domain challenge in state court, Wilson and his business partner commissioned a 375-square-foot banner that reads "50 YEARS ON THIS STREET, 78 YEARS IN NORFOLK, 100 WORKERS THREATENED BY EMINENT DOMAIN!"

The banner worked. Almost immediately, Central Radio started getting calls and letters of

support from Norfolk-area residents, businesses and grassroots political groups.

Norfolk officials quickly moved to silence Central Radio. One week after the banner went up, city inspectors said the protest banner violated the sign code because the owners didn't have a permit to hang the sign and because the sign was larger than 60 square feet. Old Dominion University, however, and several other businesses in the area have banners that are just as large on nearby buildings. Nevertheless, the city ordered Central Radio to either take down the banner by Saturday, May 5, or be fined up to \$1,000 per day.

Obedying the city would muzzle Central Radio's free speech rights. Hoping to avoid the fate of the many other neighborhood buildings around Central Radio that have already been knocked down, the banner seeks to send an important message that can be viewed from over a block away. A 60-square-foot banner would be virtually invisible to the thousands of people who pass by each day on busy Hampton Boulevard.

So that Central Radio can continue to display the banner, IJ sued the city of Norfolk on May 2. In doing so, we hope to vindicate the idea that every American may stand up and speak out—loudly—against government abuse of power. ♦



Robert Frommer
and **Erica Smith**
are IJ attorneys.



IJ client **Bob Wilson** is being blocked by the city of Norfolk, Va., from displaying a banner protesting eminent domain abuse.

Behind the Scenes at Studio IJ

By Don Wilson

Hearing IJ clients tell the stories of their battles to protect their freedom and individual liberty against the government gives me chills every time. These individuals fight with passion for economic freedom, to keep their property, for the right to choose their kid's school or for their right to freely speak. It is the reason everyone here at IJ comes to work every day, and it is the reason everyone who works here at the Institute for Justice gives it our all to get a victory for each and every client. A client telling his or her story in their own words is something that everyone should experience.

Four years ago we decided to put together four modestly produced videos featuring one client from each of our four core areas of litigation. These videos would be shown to our donors at IJ's 2008 Partners Retreat. The results were amazing. Everyone who watched the videos loved them. We posted them online and people liked meeting our clients virtually face-to-face and hearing their stories—and they wanted more.

It was clear we needed a plan to make more videos. We needed to step up our game, expand our video presence and get the message of our clients out to the masses. We quickly learned that the competition for viewers' eyes is fiercer than ever before, so we didn't just need to do videos, we needed to produce videos The IJ Way if we were going to capture and inspire an audience.

The growth of IJ's in-house video production capabilities didn't happen overnight. There were growing pains at every turn. IJ President Chip Mellor encouraged us to be positive and entrepreneurial with the new project. We built an in-office studio, and researched and purchased video gear, lighting and editing stations—we made the most out of our budget while remaining responsible with our donors' contributions.

We started creating videos with each case filed, some filmed in the studio and some on-location in Maine, Arizona, Texas and Minnesota. Wherever we needed to go, we went, and we were learning on-the-fly. Assistant Director of Production & Design Isaac Reese proved to be the backbone of this new project. Graphic designer turned editor and motion graphics guru, Isaac was and is responsible for the editing of many IJ videos.

We learned that storytelling is essential to keeping the videos crisp and concise. That's where IJ VP for Communications John Kramer stepped in. Screenwriting, like everything in video production, was new and challenging. No one knows better how to keep

legal principles straightforward and uncomplicated than Kramer, and we needed to do this in our videos to be successful. And our

attorneys have taken these lessons to heart scripting so many of the compelling videos we've created over the recent years.

And the videos have been thriving. In the three years since we amped up our production, our YouTube channel has earned more than 1 million views with two individual videos passing the 100,000 mark. Many of these views come from Social Media Manager Mark Meranta and Director of Communications Bob Ewing pitching and getting videos posted on blogs like *Instapundit* and *Reason.com*.

As long as tyranny tramples on the rights of individual freedom, IJ will be there in court; and IJ's Communications team will be there to be sure these stories are seen and heard.

We hope you will keep watching. ♦

Don Wilson is IJ's director of production and design.



To view IJ's videos, visit:
www.ij.org/FreedomFlix

Volume 21 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.

Editor: John E. Kramer
Layout & Design: Don Wilson

How to reach us:

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

General Information (703) 682-9320

Extensions:
Donations 233
Media 205

Website: www.ij.org
E-mail: general@ij.org
Donate: www.ij.org/donate

 [facebook.com/instituteforjustice](https://www.facebook.com/instituteforjustice)
 [youtube.com/instituteforjustice](https://www.youtube.com/instituteforjustice)
 twitter.com/ij

Quotable Quotes

**KOIN-TV
(CBS Portland)**

IJ Attorney Wesley Hottot: “[This law] doesn’t help improve public health or safety. It only improves the profits of Portland’s taxicab companies, and it’s driving up transportation prices for Portland’s consumers.”



Los Angeles Times

IJ Attorney Paul Sherman: “The Constitution protects liberty by imposing limits on government power. Those limits are meaningless if judges do not enforce them. As the 11th U.S. Circuit Court of Appeals recently put it, ‘When Congress oversteps those outer limits, the Constitution requires judicial engagement, not judicial abdication.’”

**George F. Will
The Washington Post**

“Represented by the Institute for Justice, Bokhari [a Nashville limo driver] is seeking judicial recognition of his constitutional right to economic liberty. Since the New Deal, courts have distinguished between economic and non-economic liberty. Giving the latter scant protection, courts have permitted any government infringement of it that can be said to have a ‘rational basis.’ . . . Bokhari may help catalyze a reconsideration of the constitutional basis of economic liberty.”

CNN.com

Op-Ed by IJ Director of Strategic Research Lisa Knepper: “The bogeyman of judicial activism is back in the news. We owe the latest round of charges to the chorus of commentators, activists and politicians—now led by President Obama himself—fearful that the U.S. Supreme Court will upend part or all of his signature health care law.

Like most accusations of activism against the courts, these pre-emptive attacks shed no real light on the constitutional questions at stake. Indeed, it is time to admit how useless—or worse—the epithet of judicial activism is.”

**“Last year, the . . .
IRS got into the busi-
ness of licensing
tax preparers . . .
luckily, the be-suited
superlawyers at the
Institute for Justice
are on the case.”**

— *The Atlantic*



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

NON-PROFIT ORG.
U.S. POSTAGE
P A I D
INSTITUTE FOR
J U S T I C E

Indiana's new school choice program is helping me provide my kids with an excellent education.

But the teachers' unions have sued to shut the program down.

I'm fighting back to protect school choice.

I am IJ.



*Heather Coffy
Indianapolis, IN*

www.IJ.org

*Institute for Justice
School choice litigation*