



TRANSCRIPT

2016 Strategy Call: Pursuing IJ's Mission amid a Shifting Legal and Political Landscape July 27, 2016

Caitlyn Healy (CH): Hi everyone and welcome to the Institute for Justice's 2016 Strategy Call. This call is part of our Partners Club LIVE series, designed to provide members of IJ's Partners Club with greater insight into our comprehensive strategy to advance individual liberty. We're also pleased to have members of IJ's Four Pillars Society joining us today.

And now I would like to introduce John Ross, who will be moderating our conversation. John has been a researcher at IJ for many years and is now the editor of IJ's [Short Circuit](#) newsletter and host of the accompanying podcast. The Short Circuit series was launched in 2014 to track important decisions from the federal courts of appeals and evaluate the engagement of the court in each decision. John's concise and irreverent commentary is now syndicated, too, on the *Washington Post's* popular legal blog, [The Volokh Conspiracy](#). Thanks so much for joining us, John.

John Ross (JR): Thank you, Caitlyn, and thank you callers for participating in this teleconference on how the shifting political landscape and changing composition of the courts will affect IJ's strategy and mission. We'll be talking with Scott Bullock, IJ's President and General Counsel, as well as Dana Berliner, our Senior Vice President and Litigation Director. In just a few moments, we'll welcome your questions. But for now, let's jump right into the discussion.

Scott, many advocates of constitutional limits on government power, and likely many on this call, are increasingly concerned about the outcome of the upcoming presidential election. We know the next President of the United States will shape the makeup of the courts, including the U.S. Supreme Court. Scott, does the outcome of the November election have you concerned about IJ's ability to succeed in our mission?

Scott Bullock (SB): No, it doesn't, and there are a number of reasons for that. At IJ, we've always had a long-term and incremental strategy. We've always been very focused on our mission—on the four pillars of our work: securing economic liberty, private property rights, school choice, and free speech—and we've pursued that mission and

have had a 70% track record of success through the Clinton administration, George W. Bush administration, and, of course, eight years of Obama. There have been challenges to individual liberties from all of those administrations and certainly at the state and local level as well. So, we're going to stay very clearly focused on our mission.

Also because of the nature of our work, the nature of the cases we take on and the issues that we champion, we've been able to appeal to a broad cross-section of folks who support the idea of earning an honest living and rights to private property, and we've had success with judges from various political ideologies at both the state and the federal level. So, we're going to stay focused on securing those liberties and, everybody on the call knows, we certainly have a lot of work to do after the upcoming election no matter who is elected of the two major party candidates.

I think this election demonstrates, too, the importance of having an independent judiciary. The role of the judiciary is to protect constitutional rights and impose limits on government power and that role needs to be fulfilled now and certainly in the coming years.

JR: Dana, as director of IJ's litigation efforts, will IJ change our approach depending on who is nominated to succeed Justice Scalia?

Dana Berliner (DB): Well, perhaps a little. So each Supreme Court Justice, regardless of what their ideology is or which side of the spectrum they come from, is going to have areas where they are good on individual liberty and areas where they are not so good on individual liberty. If, after the Supreme Court changes its composition, we think the Court is going to be better on certain areas of individual liberty than others, we are going to focus on trying to get [review for] cases about that area more than certain others. So, maybe the situation will be that we'll bring more cases about civil forfeiture and the 4th Amendment, fewer cases about political speech. Or it could be just the opposite, but it really depends.

It is also important to recognize that you never quite know how a Supreme Court Justice is going to do. Justice O'Connor had written a terrible eminent domain opinion [in the 1990's] and we didn't know that she would then go on to write a very powerful dissent in the *Kelo* case, but that can happen. So, Justices can also very much surprise you. What we plan to do is continue, again, with the four pillars, to litigate issues of individual liberty with increasing sophistication and creativity and find ways to succeed against long odds. That is what we do.

JR: Most cases don't make it to the Supreme Court, which means that most appellate-level judgments are final. Each week our Short Circuit series recaps these decisions. Scott, what are some highlights where these courts have taken an active and engaged role in upholding constitutional checks on government power?

SB: Well you're absolutely right, John. A lot of these cases do not get to the Supreme Court, so most of our issues and most issues that are litigated are decided at the district court level or the appellate level. The Supreme Court takes less than one percent of the cases that come before them. So oftentimes the Court of Appeals is the final court, and there have been a number of decisions both from IJ and other people who have been litigating to protect individual liberty that have reined in government power. I'll just mention a couple of them now that have been quite encouraging.

One was from the 6th Circuit Court of Appeals called the *Northrop* case that really called into serious question this idea that government officials have essentially unlimited immunity from the consequences of their actions. This is something that's surprising to a lot of people. You know if you hurt someone or if you cause someone harm as a private citizen you can be held liable—people can sue you, they can collect money damages from you. That's mostly not true for government officials. There are doctrines of absolute immunity and qualified immunity that really put a shield around government actors and save them from the consequences of their wrong-headed and liberty-violating actions. This is a doctrine that does not have a very good foundation in the law and one that has been way too broadly applied. This case from the 6th Circuit, the *Northrop* case, started to put some real limits on that and that was very encouraging to see in the last year.

The other one is in an area that we litigate, in occupational speech, and that was called the *Serafine* case from the 5th Circuit. That case involved a person who had impressive credentials and experience in the field of psychology, but who did not have a *license* in psychology, and called herself a psychologist on her website. Well, not surprisingly, the psychology board of Texas did not like that, told her she could not do that, and sued to stop her. In an important decision protecting occupational speech, the 5th Circuit placed some real limits on government's power to broadly define occupations and then limit the speech rights of individuals who are engaging in this type of speech. As many callers know, we have an active program in defending occupational speech rights and that's a decision that is a very important one and one that we will build on in future cases.

JR: Dana, does IJ have a strategy designed to generate more of these types of engaged decisions in state courts?

DB: Absolutely. Litigation in state courts, under state constitutions, is a major way that IJ seeks to advance the goals of legal protection for individual liberty. I learned, actually on my first day of law school, that there were also state constitutions and a whole state court system. I actually didn't realize this before, but what that means is that if you're in state court, it doesn't matter what the federal Constitution says. If it doesn't protect a right, a state can still protect it and offer better tests, more engaged judges, and a totally different way of looking at the legal claim.

So we have actively pursued litigation in state courts, under state constitutions. We've hosted conferences and academic symposia to explore opportunities about this. We've recently secured the best state supreme court decision about economic liberty in decades from the Texas Supreme Court in the *Patel* decision, which really said government has got to have a very good reason for limiting someone's economic liberty. We have secured good decisions on economic liberty from the state court in Wisconsin in a taxi case, from Georgia in a case about street vending, and in the next few months we're going to be launching at least two new economic liberty cases in state courts. So, this is a very important place that we pursue our mission.

JR: Okay, and now the moment we've all been waiting for, we'll turn to questions from our callers. One quick note, since IJ is a 501(c)(3) organization, we cannot discuss particular candidates or their policy positions. So, if you have a question you would like to ask Scott or Dana, please press * on your telephone now or at any point going forward. Again, please press *.

To kick things off, 2016 has been a great year for liberty so far as IJ's work is concerned. We've had 12 litigation victories since January, several of which came within hours of our official case launch. We've had 11 legislative reforms, and we've filed more than a dozen new cases spanning all four areas of IJ's mission. Scott, what do these victories indicate about IJ's progress more broadly?

SB: Well, you have to be prepared for just about anything when you do this type of law. Cases can take six hours or they can take six years. You have to be prepared to endure any of the many things the government might throw at you when you're trying to protect the rights of citizens. It has been really encouraging, both this year and in the past several years, when we've have gotten involved in a case and the government has backed down, has repealed their law, or given back property in a forfeiture case, or refused to use eminent domain in certain settings because of, for instance, the work we've done through our activism team to rally public opposition to this. This is a lot different than the state of affairs when IJ was founded 25 years ago, when we were very small, no one really knew who we were, and we did not have a track record. It is encouraging to see how governments respond knowing they are going to have the fight of their lives in court and the court of public opinion, and we're going to be doing strategic research to expose the fallacies that the government is relying upon. So, it's a very different world and that's really encouraging to be able to save people's property, or to get people into business, or to defend a school choice program and have governments pretty quickly see the error of their ways.

One of the things that we also do is we're always refining our strategy to makes sure, to the greatest extent possible, that we get rulings from courts to set those long-term precedents that we are always trying to establish. So, even if the government backs down,

we can still get that precedent. We've started doing some class action lawsuits that ensure that even if individual cases are resolved during the course of litigation, we can still get a broader ruling on the constitutional issue. Sometimes we sue for things like nominal damages where the government has to pay at least a dollar. That is a way of, again, getting a judicial ruling in a case and setting that precedent even when the government eventually realizes, due to pressure, that they've got to stop their unconstitutional ways.

JR: Okay, thank you, Scott. And callers, please remember to dial * to ask questions live to Scott and Dana. Dana, where do we see the best opportunities to advance liberty in the immediate future?

DB: Well, of course, we're going to be pursuing all of our areas, but I would say the hottest area of litigation right now would be civil forfeiture. That is an area where the government is just constantly adapting its strategy to try to get around the legal strictures on taking people's money away from them. They respond to our lawsuits and then there is political pressure not to do certain things, but then they try to find another way to accomplish the same goal of getting lots of money to which they are not entitled. So that is something that we are going to be continuing to pursue.

There are other ways that government really uses its power to try to get money out of people. One of those we see in our Pagedale, Missouri, case where the government is fining people for things like having unmatched window blinds. They do this, and other kinds of supposed "nuisance abatement," as a way just of getting more funds. As budgets go down, they just turn to the citizenry as a way of supplementing the budget. That is something where we see all kinds of different strategies employed by governments and, therefore, presents all kinds of different opportunities for IJ to litigate about constitutional rights and the question of whether the government can exercise its powers for financial profit. So, that's certainly something that we're going to be pursuing actively.

While we're pursuing new issues, we're always keeping an eye on the issues that we've always litigated. We're beginning to see a rise, again, in at least threats to use eminent domain for private development. Should those threats materialize as actual condemnations, that is absolutely something that we will be fighting.

JR: We've had several Partners and Four Pillar Society members email us their questions in advance. And I'll start with this one, from Angela and Roger in Oklahoma: "With either Trump or Clinton, where will the threats to liberty occur and what will be the first presidential indication of erosion?" Scott?

SB: Well, unfortunately, as noted, both major political candidates believe in strong executive power and have almost this imperial view of the presidency. So we expect to see the growth of executive power and executive actions in the coming four years if one of the two major political candidates is elected. And we will be looking for opportunities

to challenge those if it's within the mission of IJ because this is obviously a growing threat. The power of the executive has been an issue that has been bubbling up, especially in the last more than a dozen years now, and we're going to be looking for opportunities to pare that back regardless of who wins in November.

JR: We had several Partners ask about what *new* challenges you foresee in terms of IJ's four pillars. Dana, could you address that?

DB: Sure. I mean, I've already talked quite a bit about forfeiture and it's not a new challenge, but there are constantly new tactics used to commit the same sorts of abuses. So, for example, as laws begin to limit civil forfeiture the government is using threats of criminal forfeiture even when someone is actually innocent of any crime. But they will threaten someone with a criminal prosecution as a way of forcing them to sign a settlement to give up their money.

Another kind of area where there are new types of threats would be in political speech, where, after our victory in *SpeechNow.org* and the victory in *Citizens United*, there's a pretty good scope for political speech at the moment. But people in power are constantly trying to come up with ways to limit that. There are efforts to do that even at the state and local level and, again, these are new tactics to commit the same abuses. We will constantly adapt our strategy to respond and challenge these new threats to free speech, to property rights, and, of course, to economic liberty.

JR: Bob, in California, you are on with Scott and Dana. What's your question?

Bob: Hi Scott. Hi Dana. It's Bob Zadek from California. How are you?

SB: Great, thanks for calling.

Bob: My thought is this. Is there any way, either judicially through litigation, or even legislatively, of getting either statutes or a rule of law, and maybe there are some rules of law already on the books, that basically provides for attorney's fees to the prevailing party? If there is, or if it's possible even to have a legislative initiative, which is not, basically what IJ does, it would help fund litigation. It would also discourage litigation if you are, as you are in many cases, clearly going to prevail on the merits. Prevailing party attorney's fees clauses work in commercial litigation by contract, of course, as we all know, but in the American rule it doesn't work as a matter of law unless there either is a contract, which in your case there is not, or there is a statute, or another rule of law.

DB: Thanks, Bob. The short answer to your question is that in the context of constitutional litigation, like we do, there is often not prevailing party. But if the individual is successful in upholding a constitutional right, then they are entitled to attorney's fees. That is true for every federal constitutional right under § 1988, it's called.

Then for a number of statutory right claims it really depends on the statute. But, for example, in most states, if you're successful in fending off eminent domain, you will be entitled to attorney's fees. It's not true in all states, but the right to attorney's fees, courts have said pretty clearly, is going to be determined by statute. So, it's not something you can bring litigation to achieve, but there are statutes that allow recovery of attorney's fees in many instances, certainly for federal rights, less so for states. It's not an issue that IJ puts a lot of time and effort into. Although, when there have been efforts to cut back on § 1983 and § 1988 rights, because that [involves] federal constitutional rights, we do defend that for the very reasons you're saying—that you need to encourage people to vindicate their constitutional rights in court, and if they can't get attorney's fees that's going to make [doing so] very difficult.

SB: You're absolutely right, Bob. It's an important protection and one of the reasons § 1988, as Dana mentioned, was passed was to really encourage citizens to defend their rights, knowing that unless there was at least some prospect of getting reimbursed for your attorney's fees that very few constitutional rights, especially for moderate-income and low-income folks, would really be vindicated. So, there are provisions that allow you to do that when you sue state and local governments.

It's more difficult to do against the federal government. The federal government has a provision, which we would love to see changed, that [says] you don't get attorney's fees if the federal government can show that their position, even though wrong and unconstitutional, was "substantially justified." And so that's a way the federal government worms out of paying folks' attorney's fees even if they are successful in litigation against them. It's one thing, for instance, that we're advocating adding to civil forfeiture statutes in our model legislation to make sure that folks who defend their property and are successful have their attorney's fees paid for by the government that was trying to unjustly forfeit their property. So, it is something that is there to a certain extent in the law, that we definitely try to defend, and that we hope to see expanded. When there are opportunities to do that, especially in our mission areas, we do advocate for that.

JR: Okay. Callers, please press * so we can get to your questions. Our next question was submitted by Al in Tennessee. Al asks: "Which branch of government do you expect to be the greatest threat to economic rights and any of the major foci of IJ in the next four years? The President, the Congress, or the Supreme Court?"

SB: Well, I would definitely say the President and Congress will be, certainly, the greatest threats. The good thing about the Supreme Court is they often times will not violate rights or individual liberties but they will fail to protect individual rights and limit the power of government. So, we obviously want to see, as we've talked about many times, an engaged judiciary that limits the abuses of the executive and legislative branches of government, and we will certainly be filing lawsuits to protect those

constitutional rights. It's also important to note that all levels of government can violate liberties. There is a big effort, on the part of state and local governments, to pass laws and to really engage in what we call "grassroots tyranny." That, in some ways, is even more problematic than what the federal government does. The federal government can be far away and inefficient and not really know what it's doing. State and local governments often know where you live and how to most effectively violate your rights. So it's important to not only sue the federal government, but also to challenge state and local governments that are violating the constitution.

JR: Okay. Renee in Oregon, you're on with Scott and Dana.

Renee: Hello.

DB: Hi, Renee.

Renee: My question for you was in regard to the possibility of considering litigation on behalf of the individuals in the entertainment industry who are up against ASCAP, BMI, and SESAC, as private organizations that license all music venues in the entertainment industry. There actually aren't any laws that say they can license or, you know, have any authority to license anybody to play music, but they have the authority of deep pockets and take you to court and that's how they win all of their cases to get people to buy their licenses.

SB: We have not looked at that issue. It's one that we'd certainly be willing to do a little bit of research into to see what [IJ] angle there might be, especially if there is any government angle to it as well. You know, per the Constitution, you can obviously only sue government officials for violating constitutional rights. We're not involved in litigation with private parties, but sometimes you see private organizations that have essentially been delegated governmental powers. You see that oftentimes in the eminent domain context where you have private development corporations that are exercising government power. If they're doing something like that, then constitutional rights can come into play. So, it would just be a question of what government involvement there is in this field and whether or not there is any sort of angle for, if not IJ, for others to challenge that.

JR: Thanks, Scott. And, listeners, please remember to press * so we can queue up your questions. Our next question was sent by Gus in California. Gus wants to know: "Will it be possible for IJ to start any action directed against the usurpation of legislative and judicial prerogative by the Office of the President?"

SB: Well, certainly. What we often see at the federal level now is that there is, as I'm just about sure everybody on this call knows, a massive administrative state that exists. And Congress doesn't pass nearly as many laws as what administrative agencies create in their

own regulations. That's the way most individual affairs and business affairs are regulated now: through the vast discretion that's been given to this administrative state that's operating not only independently of the Constitution, but oftentimes even independent of any sort of statute that's been passed by Congress or Executive Order given by the President. So we are looking for opportunities to rein in the administrative state.

We did that in a case callers might remember from a couple years ago, where we secured a very important decision challenging tax preparer licensing by the IRS. The IRS on its own decided that they were empowered to license all tax preparers throughout the country. Of course, the big tax prep firms, like H&R Block and Jackson Hewitt, all signed up for this. They knew they would benefit from this. It would drive a lot of independent tax preparers out of business and we challenged that on behalf of three tax preparers and won. It not only saved hundreds of thousands of tax preparers from going out of business, it also set an important precedent by the D.C. Circuit that said there are limits on administrative agency authority and they have to act pursuant to congressional authority. Congress could pass a law that licensed all tax preparers and it would be a bad idea, but they could possibly do it. But the IRS, just on its own, could not decide that because this is something they would like to do, they had the power to do it. We're looking for opportunities to build upon that precedent and to rein in the administrative state.

JR: We had a question come in from Nick in Connecticut. Nick asks: "Does IJ anticipate that either a Trump or Clinton administration might take the view that all property is subject to taking by the government and possibly move to nationalize assets, like IRAs and 401ks?"

DB: Well, I certainly wouldn't anticipate that happening. That would pretty plainly be a taking for which one would have to be compensated. And, if you're taking money, and then you have to compensate with that same amount of money, it's not a sensible move for the government. So I would not anticipate that happening probably. On the other hand, that is certainly right within the kind of thing that we litigate. Our expertise in eminent domain, in property rights, in retroactive legislation, would make us very well-prepared to confront a situation if the government ever tried to do something like that.

JR: Tom, in Wyoming, you're up. You're on with Scott and Dana.

Tom: Howdy, kids!

SB: Hi there.

Tom: Hi. We had a civil forfeiture statute passed by the Wyoming Legislature last year. All of these people are Republicans, this is Wyoming, and the legislature is overwhelmingly Republican, so overriding a veto is very easy. Yet it couldn't be done.

When the Governor vetoed this legislation, it couldn't be overridden. The fact that it didn't get overridden was a political decision, not a principled decision. Now, we came back again this year, modified the statute, allowing everybody to save face, and so we have some harnesses on civil forfeiture. My question is: how often does IJ get to go with the principle rather than the politics of the situation? Or are they equally important considerations?

SB: Well, we always stay principled. We always adhere to the principles of individual liberty and limited government. We do recognize, however, political realities at times and that has been the case in civil forfeiture. I mean, we think that civil forfeiture should be abolished. There is really no justification for it under the Constitution or under the law, or [it should] be very limited to its historical origins—to being used in admiralty cases involving piracy and that sort of thing, which is kind of where it developed. So, we would like to see it done away with and only have criminal forfeiture. However, we recognize, in advocating for legislative change and working with folks, that some states—several states—are not going to be able to go that far. So we go as far as we can and get as many reforms as possible and that's what we've done.

Lee McGrath, our Legislative Director, has worked very extensively with policy groups and citizens, like yourself, that are advocating for these changes and hoping that we get as much as we can. If we don't get everything, we try to come back either through litigation or through a next legislative round. What might happen in certain states, like Wyoming that I know have an initiative process, [is] that at some point in certain states where the law enforcement lobby is too powerful and reforms cannot be made, an initiative could be done to try to implement some of these changes. So, we're always going to stick to the principles for sure. We never violate those principles, but recognize that, like litigation, politics can certainly be an incremental game and we'll try to gain as much as we can every time we get involved in something.

JR: Our next question comes from Darrell in New York. Darrell writes: “Our company has an interest in reducing state occupational licensing hurdles for employment in emerging health and wellness fields. What is the legal landscape and trends over the next few years regarding efforts to remove barriers to occupational speech and occupational licensing?”

SB: Well, with regards to occupational speech, this is an issue that, as all callers know, we've been very actively litigating, and it's a question where the law is very unsettled at this point. There was the *Serafine* case that I had mentioned a while ago from the 5th Circuit, which was a good decision. There have been some bad decisions in this area. The Supreme Court has not addressed it in decades. It has never really issued a definitive ruling on it. So it's something we're going to continue to fight for, but we don't quite know the direction that it's ultimately going to take.

With regards to occupational licensing, this is something where we really feel like the momentum has been on our side. There's just this growing recognition throughout the country, similar to what happened with eminent domain and what we see happening over the past several years with civil forfeiture, that occupational licensure is so harmful to people's ability to work, especially among lower-income folks and lower-skilled individuals. This has been recognized, not just by IJ, Milton Friedman and others who have been talking about this for a number of years, but, as Partners might recall, the *New York Times* just did a big story on this that was really on our terms in showing the harms posed by occupational licensing. And Obama's Council of Economic Advisors, also borrowing from our strategic research report, *License to Work*, and many other reports that we've done, has shown that these laws really pose significant barriers to work and to entrepreneurship and they advocate state and local governments changing their laws. That's something we're certainly going to maximize in the next several years to capture and build on that momentum and to implement these changes both through litigation and public advocacy and then through legislation as well.

JR: We're going to start wrapping up momentarily. But if you have any last questions, please press * now. John from North Carolina, you are live.

John: Yes, thank you. I was wondering whether it's possible to bring a civil action against law enforcement officials who engage in the seizure of property from people suspected of a crime. I'm wondering, especially, if that's possible when no criminality is proven.

DB: Well, if you're asking if it's possible to go after them individually, probably not, unless it is a situation where you can show that the officer did so out of a malicious intent directed toward a particular person. In fact, what we are challenging is that the *law* allows people, allows the government, allows officers to go after people's property when they are not charged with a crime. That is currently legal under federal law and in many states, and *that* is what we are committed to challenging and getting declared unconstitutional. So, first, we would have to change the laws that permit this to happen, and then, if officers continue to try to do it once it is illegal, perhaps it would be possible to make them liable for doing that. But right now, the law allows way too much civil forfeiture that just absolutely should not exist and that we have every intention of putting an end to in the next several years.

JR: Our next question comes from Donna in California. Donna asks: "Can IJ pursue litigation in other pressing public policy areas, such as transportation fast lanes, Airbnb, employment mandates, or unfunded liabilities?"

DB: Well, we're certainly pursuing, as we've been talking about, the pressing policy issue of government using its citizenry as a perceived cash cow that they just milk

whenever they feel that their budgets are low. This is a very important issue that we are pursuing actively. In addition, as Scott sort of mentioned, we're interested in some emerging issues, like telemedicine, which involves occupational speech, and other cutting-edge occupations. In terms of just new public policy issues, it depends on what they are and if they raise the kinds of constitutional issues that IJ litigates. Really the hallmark of IJ and what has allowed us to be so successful is our focus on the four pillars. We have huge expertise within those areas and we pursue them year-in, year-out, decade-in, and decade-out, making progress that has really changed the constitutional landscape in each of those areas for the better. So we will continue to stick to the four pillars, and when there are new developments that violate people's rights within those we will absolutely challenge them and will be in the best position to do so because of the expertise and the knowledge that we've developed over these past two and a half decades.

JR: Okay. We'll end with one final question, which comes from Robert in Virginia. Robert asks: "Does IJ have a strategy for confronting the organizations of police chiefs, prosecutors, sheriffs, and others who defend and advocate for asset forfeiture?"

SB: Absolutely. We do that through our legislative advocacy in states and in Congress and our communications efforts that have generated now over 150 editorials against civil forfeiture, that's across 29 states and D.C., that have come out calling either for civil forfeiture's abolition or for radical reform of it. Even when legislation is passed, we also have to be vigilant in those states. For instance, in New Mexico, which passed great legislation essentially abolishing civil forfeiture, cities don't want to follow the state law, so we are suing the cities to make sure that these new and very good reforms are protected. So we absolutely will be there in the field challenging this.

The law enforcement lobby is potent. They do not like it, especially when you start talking about redirecting civil forfeiture funds away from law enforcement. They fight very vociferously against that. But, as Dana said too, the problems are with the laws themselves. This is not a matter of a couple of bad cops or prosecutors that are out there. The laws themselves give police and prosecutors this power to take property without convicting or even charging property owners with a crime. That is not a power that should exist in a country that respects private property rights and due process, and we're going to do everything in our power to make sure that those laws are either abolished or radically changed.

JR: Okay. With that, we're out of time. Thank you, Scott and Dana, for being with us and providing some much-needed optimism about the future of liberty in our country. I'll hand the mic back to Caitlyn to wrap things up.

CH: Thank you so much, John, and thanks to all of you Partners and Four Pillar Society members for joining us today. I know we went a little bit longer than we planned, but we really appreciate all of your great questions. If you just can't get enough of John Ross's witty commentary, you're welcome to sign up to receive IJ's weekly Short Circuit newsletter and you can search for "Short Circuit" wherever you get your podcasts as well. We'll have links posted, along with an audio recording and a transcript of today's call, to the Partners Club LIVE webpage later on this week and I'll send along a link to that. On behalf of all of us here at IJ, thank you so much for making our work, and most importantly our future plans to advance individual liberty, possible. We hope you have a great afternoon, and that you enjoy the rest of your summer. Goodbye.