



LIBERTY & LAW

February 2018

Volume 27 Issue 1

A photograph of a man with a shaved head and a short beard, smiling warmly at the camera. He is wearing a plain white t-shirt. In the background, a guitar is visible, slightly out of focus. The overall lighting is warm and soft.

VICTORY

IJ HELPS MUSICIAN STOP A HIGHWAY ROBBERY

Published Bimonthly by
the Institute for Justice

Victory for School Choice in Florida • Home-Based Business Entrepreneurs Sing the Blues in Nashville

IJ Hits Another Milestone in Securing Our Long-Term Success • IJ Seeks To Free the Cookies in New Jersey • Food Truck Freedom

One Step Closer in Baltimore • Victory for Homeowners in Charlestown • IJ Doesn't Horse Around With the First Amendment

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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, educational 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 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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VICTORY: IJ HELPS MUSICIAN STOP A HIGHWAY ROBBERY

BY DAN ALBAN

Carrying cash is not a crime, yet too often the government treats it like one. Consider the story of IJ client Phil Parhamovich, who lived a months-long nightmare trying to get his lawfully earned life savings

of \$91,800 back after law enforcement seized it during a routine traffic stop that resulted in no charges or even accusations. It was not until Phil contacted IJ that things changed dramatically—and fast.

The same day we stepped into court, the judge ordered the return of Phil's money.

Phil is a musician from Wisconsin who was traveling through Wyoming on a short tour when he was pulled over by the Highway Patrol for not wearing his seat belt. Phil had brought his life savings with

him for safekeeping—money he had saved up from renovating and selling farmhouses and refurbishing guitars and other musical equipment. He planned to use the money as a down payment on a famous recording studio in Madison.




Phil Parhamovich spent months trying to get his life savings back from the Wyoming Highway Patrol. Within a day of IJ stepping in, a judge ordered the state to return Phil's money.

cash, Phil initially said the money belonged to a friend. The officers then pressured him to sign a pre-printed roadside waiver “giving” his life savings to Wyoming law enforcement. Alone on the side of the road and afraid that the alternative was to go to jail, Phil signed the waiver and was sent on his way.

But Phil's plans came to a screeching halt on I-80 when officers searched his car, finding no drugs or anything illegal—only Phil's life savings.

After officers implied that it was a crime to be traveling with so much

WY Forfeiture continued on page 18

A man with a beard and blue eyes, wearing a straw hat with a feather and a white t-shirt, stands with his arms crossed in a music studio. Several guitars are visible in the background.

Phil had planned to use the \$91,800 he had spent several years saving up for a down payment on a music studio.



Thanks to IJ's victory, **Kenia Palacios** will be able to continue using the Florida Tax Credit Scholarship Program to send her daughter to private school.

VICTORY

For School Choice

In Florida

BY ARI BARGIL

2018 is off to a promising start

for families in the Sunshine State. In December, Florida's 1st District Court of Appeal upheld the state's two largest school choice programs in the face of a sprawling legal attack by a group called Citizens for Strong Schools. The ruling comes after nearly a decade of litigation about the general "adequacy" of Florida's educational system, and it marks a major victory for educational choice.

IJ intervened in the case on behalf of several families who use the state's two most popular programs, the Florida Tax Credit Scholarship Program (FTC) and the McKay Scholarship Program for Students with Disabilities (McKay Program). And we successfully defended both programs. First, the appellate court recognized that because the FTC involved private tax credits—as opposed to public money—the opponents of choice did not have standing, as taxpayers, to challenge it.

The court then turned its attention to the

McKay Program, which provides scholarships to approximately 30,000 students with disabilities in Florida. The appellate court explained that the McKay Program "offers a beneficial option for disabled students to help ensure they can have a 'high quality' education." The court extolled the virtues of the program, finding that "[r]esearch has shown that the McKay program has a positive effect on the public schools, both in terms of lessening the incentive to over-identify students and by increasing the quality of services of the students with disabilities in the public schools." In plain English: School choice works.

This case involved a unique opportunity for IJ. Typically, a legislature passes an educational choice program, the constitutionality of the program is challenged in court, and IJ immediately intervenes on behalf of parents to help defend the



Kenia credits the Florida Tax Credit Scholarship Program with helping her keep her two children safe and on the right path. Without the program, Kenia would not have been able to afford private education for her children at all.

After years of litigation (including a five-week trial), we prevailed. In doing so, IJ successfully defended Florida's thriving educational choice programs, which more than 130,000 students in the state rely on to meet their educational needs.

program. In this case, IJ intervened after the other side—several years after the lawsuit was first filed—started to challenge specific school choice programs.

After years of litigation (including a five-week trial), we prevailed. In doing so, IJ successfully defended Florida's thriving educational choice programs, which more than 130,000 students in the state rely on to meet their educational needs. Importantly, the court held that these programs are constitutional despite the Florida Supreme Court's 2006 ruling in *Bush v. Holmes*, which struck down Florida's Opportunity Scholarship Program on the grounds that it was not "uniform" with the state's general public school system. The court concluded here that, despite *Bush v. Holmes*, "[i]t is difficult to perceive how a modestly sized program designed to provide parents of disabled children

with more educational opportunities to ensure access to a high quality education could possibly violate the text or spirit of a constitutional requirement of a uniform system of free public schools."

Even in light of historically unfavorable Florida Supreme Court precedent, the FTC and McKay programs continue to flourish. That is a concrete result of IJ's indefatigable defense of educational choice reform in Florida. And as a new year starts, IJ stands ready to defend the right of parents to choose the best education for their children whenever that freedom comes under attack. ♦

Ari Bargil is an IJ attorney.



Home-Based Business Entrepreneurs Sing the Blues In Nashville

BY PAUL AVELAR

Nashville, Tennessee, is the center of country music. Yet, incredibly the city bans musicians from making music in their own homes. Nashville has outlawed home-based businesses, preventing local musicians, hair stylists and other budding entrepreneurs from building their own American Dream. Nashville residents like IJ clients Lij Shaw and Pat Raynor face steep fines if any customers physically come to their homes to do business. But IJ and the Beacon Center of Tennessee have teamed up to challenge this ridiculous law in state court.

Nashville banned home-based businesses in 1998, when the Metro Council changed its residential zoning ordinance to prohibit any “home occupations” from serving clients on their own property. Of course, the law—passed without any public debate or record of why it exists—exempts some home-based businesses such as daycares and short-term rentals. And while local lawmakers admit they generally look the other way on known home-based businesses, Nashville still solicits anonymous online complaints about them without requiring any evidence of harm to anyone.

Home-based businesses have been a common, legitimate and entrepreneurial use of property for centuries. Some of

Some of the biggest companies in the world, like Apple and Amazon, started at home.

the biggest companies in the world, like Apple and Amazon, started at home. Yet Nashville continues to crack down on people like Lij and Pat, who both ran successful home-based businesses until they were caught in Nashville’s arbitrarily applied enforcement net.

Lij is a single father who operates a professionally soundproofed recording studio in his home. He records and mixes music for local musicians because most of them cannot afford to do so in commercial studios. It is the perfect setup: The studio cannot be seen or heard from the street, and Lij’s clients

park in his driveway. None of his neighbors have ever complained to him about traffic or noise. But Lij was shut down based on an anonymous complaint around the same time that an album mixed in his studio won the 2015 Grammy for Best Roots Gospel Album.

Pat is a widow who has worked as a hairdresser for more than 40 years. Pat cannot stop working because she had significant bills and was responsible for continuing to pay her mortgage after her husband died. But as she gets older, she needs to reduce the hours she works, making it financially impossible to rent salon space. She built, at significant expense, a state-licensed single-chair home salon so she could afford to stay in

Lij Shaw built a professionally soundproofed recording studio in his home so he could run his business and care for his daughter. But Nashville bans home-based businesses like his.



her house and continue to work with her few clients into her golden years. Pat only works by appointment and did not put a sign out front, so she never got curious walk-ins the way a downtown salon might. But, based on another anonymous complaint, she had to shut down.

Lij's and Pat's outlawed home-based businesses are as neighborhood-friendly as the businesses Nashville already permits. There is no good reason for Nashville to shut them down. As you will read in the sidebar next to this article, a new IJ report has found that home-based businesses are an easy way for people who are unable to work outside the home to earn an honest living. Yet laws like Nashville's unnecessarily shut these businesses down or force them into the shadow economy.

You have a constitutional right to use your home to earn an honest living, and we will not stop fighting until Pat, Lij and all entrepreneurs like them are free to do just that. ♦

Paul Avelar is an IJ senior attorney.



Pat Raynor opened her one-chair, appointment-only hair salon in her home to pay her bills after her husband passed away.



There's No Place Like Home... For a Small Business

Home-based business owners in many cities face needless and arbitrary regulatory hurdles—like those in Nashville—that make their lives more difficult, force them underground or shut them down completely.

In December, IJ's strategic research team released *Finding the American Dream at Home: How Home-Based Businesses Benefit Entrepreneurs and Their Communities*, which outlines the many benefits of home-based businesses and suggests that restrictions on them are short-sighted. The report details how home-based businesses make meaningful contributions to the economy and society at large.

Key findings from the report include:

- Home-based businesses make important contributions to the economy. Over half of the nation's businesses and nearly two-thirds of artistic businesses—just like Lij's—are based in the home.
- Home-based businesses offer an accessible avenue to entrepreneurship to people who do not have the considerable resources often required to start a brick-and-mortar business.
- Home-based businesses offer needed flexibility for retired people, people caring for children and those who are unable to work outside the home.
- Home-based businesses offer entrepreneurship opportunities for women, minorities and veterans.

These findings illustrate that using one's home to earn a living is a common practice that makes economic sense. We will continue to use these facts to make our case against laws that restrict home-based businesses across the country. ♦

IJ HITS ANOTHER MILESTONE IN SECURING OUR LONG-TERM SUCCESS

Selz Legacy Challenge generates \$67 million in pledges and \$2 million in matching funds—with just under a year left to go

BY MELANIE HILDRETH

As regular readers of *Liberty & Law* may recall, when we celebrated IJ's 25th Anniversary in September 2016, we launched a major new campaign to secure IJ's future. Thanks to the generosity and commitment of supporters like you, IJ hit not just one but two major milestones in this ambitious campaign in record time.

We set out to raise \$50 million in planned gift pledges to ensure that IJ has the kind of resources we need to continue defending liberty for the next 25 years and beyond. The catalyst for this campaign was a generous

The response to the Bernard and Lisa Selz Legacy Challenge was overwhelming, and by January 2017—just four months after its launch—we hit \$50 million in pledges.

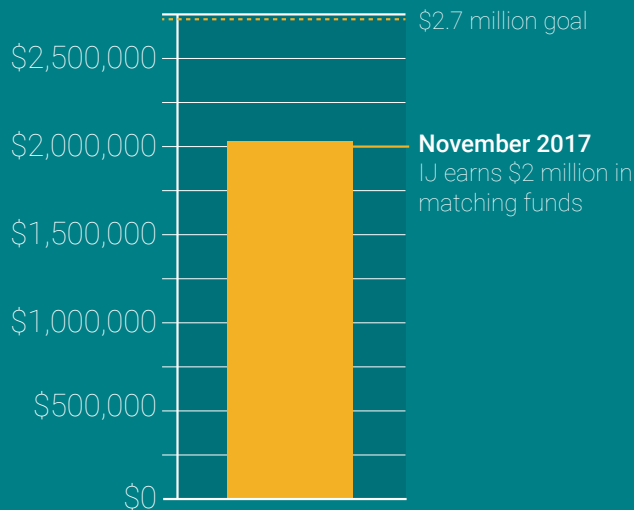
\$2 million challenge grant from longtime IJ supporters Bernard and Lisa Selz.

The response to the Bernard and Lisa Selz Legacy Challenge was overwhelming, and by January 2017—just four months after its launch—we hit \$50 million in pledges. So we redoubled our efforts and doubled our goal to \$100

million to allow even more of our supporters to participate in this campaign. We now know of \$67 million in bequest provisions made for IJ.

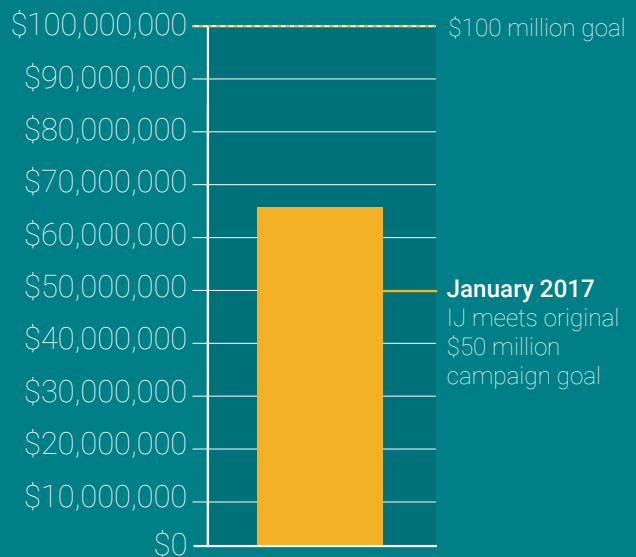
Meanwhile, Bernard and Lisa accelerated the impact of these pledges of future support by providing matching funds to IJ now. We met another goal at the end of 2017 when

Progress to \$2.7 million matching funds



Pledges through December 2017

Progress to \$100 million campaign goal



Pledges through December 2017

we earned the full \$2 million in matching funds they originally committed to the campaign.

Bernard and Lisa were so pleased with the enthusiasm of our donors and they are so committed to the crucial importance of this kind of support to IJ's future that they renewed their challenge. In December 2017, they pledged an additional \$700,000 in matching funds.

There are 11 months remaining in the Selz Legacy Challenge. And now, thanks to the wonderful generosity of Bernard and Lisa Selz, there is \$700,000 in new matching funds available to make each bequest pledge go even further.

As we enter the campaign's final year, we ask you to join us. Please consider a gift through your will or other estate plans and ensure IJ's ability to protect vital constitutional rights now and for future generations. ♦

Melanie Hildreth is IJ's vice president
for external relations.



MAKE YOUR SUPPORT OF IJ GO EVEN FURTHER

BERNARD & LISA SELZ LEGACY CHALLENGE

When you make a gift to the Institute for Justice in your estate plans, you help us restore constitutional limits on government power and defend individual liberty as long as it is challenged. By acting now, you can generate an immediate cash donation thanks to the generosity of Bernard and Lisa Selz.

To participate in the Selz Legacy Challenge:

- Name the Institute for Justice in your will, or as a beneficiary of your retirement plan, savings account or life insurance policy, helping us defend individual liberty well into the future.

- Complete a Selz Legacy Challenge matching form. One is included in this newsletter.
- A matching donation equal to 10 percent of your future gift's value—up to \$25,000—will be made in your name, to support IJ's fight today.

If you know now you would like to participate in the Selz Legacy Challenge, or if you would like more information, please return the pledge form included in this issue of *Liberty & Law*, visit ij.org/Selz or contact Melanie Hildreth at melanie@ij.org or (703) 682-9320 ext. 222.

IJ Receives Charity Navigator's HIGHEST RATING 16 Years Running

This past December, for the 16th consecutive year, IJ earned Charity Navigator's four-star rating for our commitment to accountability and transparency and for demonstrating strong financial health.

This is Charity Navigator's highest possible rating. In once again awarding IJ the four-star designation, Charity Navigator wrote:

Less than 1% of the charities we evaluate have received at least 16 consecutive 4-star evaluations, indicating that Institute for Justice outperforms most other charities in America. This exceptional designation from Charity Navigator sets Institute for Justice apart from its peers and demonstrates to the public its trustworthiness.

What's more, IJ's overall high score on Charity Navigator's evaluation scale puts us at the top of the list of organizations with the most consecutive four-star ratings.

IJ's consistently excellent performance in these ratings is a result of careful financial stewardship and the highest professional standards across the organization. Our exceptional rating from Charity Navigator is one more indication that your investment in IJ is secure—and that it is paying dividends for individual liberty.

Charity Navigator is the world's largest and most used evaluator of charities, assessing more than 8,000 nonprofits every year. For more information, visit CharityNavigator.org. ♦



CHARITY
NAVIGATOR



Four Star Charity



Heather Russinko wants to sell her popular cake pops to friends and neighbors, but New Jersey bans her from doing so because she makes them in her home kitchen.

BY ERICA SMITH

After IJ crumbled Wisconsin's cookie ban this summer, we set our sights on the only state left that completely bans the sale of home-baked goods: New Jersey. The state's home bakers have tried for nearly 10 years to get the law changed in the Legislature, and now they are taking their fight to the courts.

The Garden State bans home bakers from selling not only cookies, cakes and muffins but also chocolates, dried spices, honey and maple syrup. Before a person can sell even one cookie or chocolate, they have to spend thousands of dollars renting a commercial-grade kitchen and obtaining a commercial license.

The ban has nothing to do with safety. There is no report of anyone, anywhere, ever becoming sick from an improperly baked good. The other homemade goods New Jersey bans are similarly safe. Worse still, New Jersey allows the sale of such homemade foods for charity. But the second a baker sells a cookie to earn a living, they are breaking the law and face up to \$1,000 in fines.

The only reason the ban continues to exist is special interest politics. There is bipartisan support in the New Jersey Legislature for removing the ban, and bills to do exactly that have passed the Assembly unanimously on three separate occasions. However, one man has stood in the way: state Sen. Joseph Vitale. Sen. Vitale has repeatedly refused to allow these bills to have a hearing in his Senate committee, letting the bills die without ever getting a full Senate vote. Although Sen.

Vitale has made vague safety claims about homemade goods, he has publicly admitted that he wants to protect

commercial bakers from competition.

Meanwhile, the ban is hurting those who simply want to use their talents and home kitchens to support themselves and their families. IJ client Heather Russinko is a single mom who lives paycheck to paycheck as she

tries to take care of her 14-year-old son. Before learning of the ban, Heather made thousands of dollars selling delicious cake pops to members of her community—money she intended to use to send her son to college. But Heather had to



Martha Rabello used to rent space in a commercial kitchen but wants to bake at home to raise her two sons.

The ban has nothing to do with safety. There is no report of anyone, anywhere, ever becoming sick from an improperly baked good.



close her budding home business after she learned she was breaking the law and risking thousands of dollars in fines.

Lifting the ban would create opportunities for hundreds of people like Heather. That is exactly what happened in Wisconsin after we won our lawsuit. Within just two weeks, hundreds of new home-baking businesses popped up and immediately began taking orders from eager customers. And these types of "cottage food" businesses are successful all over the U.S. As you will read in the sidebar next to this article, IJ's recently released report *Flour Power: How Cottage Food Entrepreneurs Are Using Their Home Kitchens to Become Their Own Bosses* shows how producers in 22 states are successfully earning a living through their home kitchens.

We are confident that, as in Wisconsin, we can persuade the New Jersey courts to strike down this arbitrary and protectionist ban, finally allowing home bakers in all 50 states to prosper. ♦

Erica Smith is
an IJ attorney.



Let Entrepreneurs Sell Their Cakes (and Cookies and Muffins)

Despite increasing recognition of Americans' right to sell foods they make at home, hard data about the cottage food industry have been hard to come by—until now. In December, IJ's strategic research team published a first-of-its-kind study of cottage food producers and their businesses.

Flour Power: How Cottage Food Entrepreneurs Are Using Their Home Kitchens to Become Their Own Bosses presents the results of an original survey of 775 registered cottage food producers in 22 states. Key findings include:

- Cottage foods provide an attractive avenue to entrepreneurship for women, particularly for those of modest means living in rural areas.
- Cottage food businesses provide their owners with flexibility, financial support and the opportunity to be creative while being their own bosses.
- Restrictive cottage food laws can hinder entrepreneurship. When the government limits the types of cottage foods that can be sold, producers are less likely to plan to expand their businesses.

Running a business out of one's home is a basic American right, and *Flour Power* illustrates how cottage food businesses provide myriad benefits to producers and consumers alike. We will use these findings in our continued fight to ensure that all Americans who want to can bake their cakes and sell them, too. ♦

Food Truck Freedom One Step Closer in Baltimore

BY GREG REED

Economic liberty is coming to Charm City! In early December, the Baltimore City Circuit Court found the city's ban on mobile vendors operating within 300 feet of any brick-and-mortar business selling primarily the same product too vague for the city to enforce. The court's decision means that 2018 could be a year to celebrate for both Baltimoreans eager for a more vibrant city and Maryland entrepreneurs eager to freely pursue the American Dream.

Baltimore's 300-foot ban was a perfect example of the government protectionism that prevents vendors across the country from earning an honest living. In 2014, the Baltimore City Council banned vendors from operating within 300 feet of any brick-and-mortar business that "primarily engaged in selling the same type of food product." In other words, it was presumably illegal for a taco truck to operate near a Mexican restaurant, but it *might* have been legal for a gyro truck to park right next door.

The ban fell particularly hard on food trucks, especially for our clients, the owners of Pizza di Joey and Mindgrub Café. For these two food trucks, virtually the entire city was off limits. The simple act of serving a delicious slice of pizza or a healthy sandwich meant risking criminal penalties, including \$500 fines, and losing their mobile vending licenses.

It will come as no surprise to IJ supporters that the purpose of the 300-foot ban was to protect brick-and-mortar businesses from mobile vending competition. Worse still, the city admitted

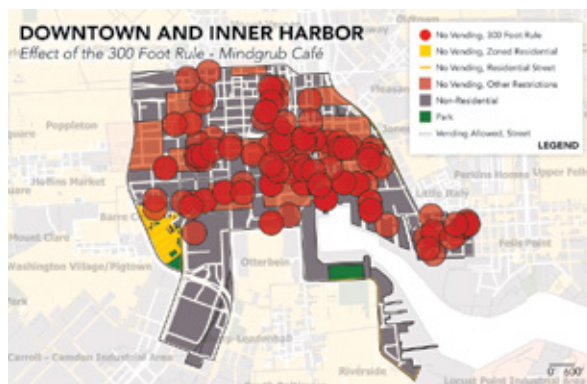
that its interpretation and enforcement of the 300-foot ban was, by design, entirely subjective. Even Baltimore's lead enforcement official admitted that different city employees were likely to reach different conclusions about what the ban prohibited and about how to measure the 300 feet.

The utter arbitrariness of the 300-foot ban was simply too much for the presiding judge to stomach. The judge concluded that no "reasonable person" could know what is prohibited under the law and that even enforcement officials were prevented from "understanding what constitutes a violation." The judge ruled that the city must cease enforcing the ban by February 20, 2018.

While Baltimore is one step closer to true food truck freedom, the fight to protect economic liberty is not over. Even though IJ scored a victory for food trucks, the judge did rule against us regarding an important constitutional question: Is the law's purpose—to financially

benefit brick-and-mortar businesses by making their competition illegal—unconstitutional under the Maryland Constitution? We plan to appeal the ruling to get an answer to that question.

While the judge's ruling helps Baltimore's struggling vending industry, IJ will be there until the Maryland courts declare once and for all that cities cannot make it a crime to compete. We will not stop fighting until we can secure the economic liberty of mobile vendors and ensure the American Dream stays alive in Charm City. ♦



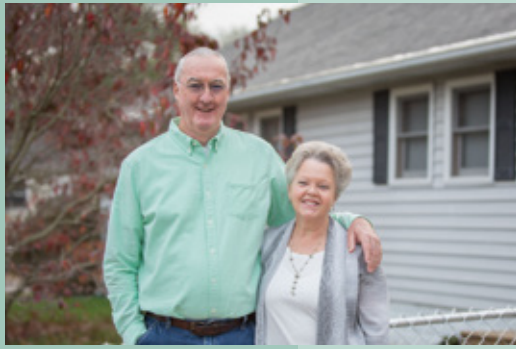
IJ used this map during trial to show how Baltimore's 300-foot ban prohibits our client, Mindgrub Café, from operating almost everywhere in the city.

Greg Reed is an IJ attorney.



IJ clients **Joey Vanoni** (left) and **Nikki McGowan** (right) are committed to bringing food truck freedom to Baltimore with IJ attorneys Rob Frommer (left) and Greg Reed (right).





The Pleasant Ridge neighborhood of Charlestown, Indiana, is filled with families who simply want to keep what they have worked so hard to build. Thankfully, a judge in the case has ordered the city to stop fining the residents in order to force them out. This brings massive relief to a neighborhood that has lived in fear for years.

Victory for Homeowners in Charlestown

BY ANTHONY SANDERS

Christmas came early for the homeowners of the Pleasant Ridge neighborhood of Charlestown, Indiana.

On December 4, the judge in IJ's major property rights lawsuit issued a preliminary injunction against the city and ordered its officials to stop fining Pleasant Ridge residents as part of its effort to destroy the 70-year-old neighborhood and replace it with upscale houses. This was an enormous victory for IJ's clients, who feared that this Christmas would be their last in the proud working-class area. The injunction is not the end of the case, but it does put a serious—and perhaps fatal—roadblock in the way of the city's unconstitutional and illegal campaign of Robin Hood in reverse.

The city's actions demonstrate how far governments will go to violate constitutional rights if meaningful judicial checks are not there to stop them. Charlestown's mayor, Bob Hall, has long wanted to destroy Pleasant Ridge—where people can rent a home or pay a mortgage for

a very affordable price. And so he teamed up with a Louisville businessman, John Neace, to hatch the following scheme.

The city would fine owners for property code violations, often for minor infractions and without providing any warning. The fines would amount to hundreds of dollars a day and begin accruing immediately. Then, the city would tell the owner they could either fix everything and pay the thousands upon thousands of dollars in fines or sell the property. And the only buyer on the market for the property would be Neace, who would be willing to pay only \$10,000 per home, a fraction of the market value. After Neace acquired some of the homes, the city would forgive the fines because he would promise to eventually tear the buildings down. Meanwhile, tenants would continue to live in the homes, with none of the code violations fixed.

At the court hearing, Mayor Hall tried to justify this horrific scheme by testifying in court that many Pleasant Ridge residents “are not contributing to society.” In essence,

Charlestown continued on page 18

The injunction is not the end of the case, but it does put a serious—and perhaps fatal—roadblock in the way of the city's unconstitutional and illegal campaign of Robin Hood in reverse.



IJ Doesn't Horse Around With the First Amendment

BY KEITH DIGGS

Bob Smith opened the Pacific Coast Horseshoeing School in 1991 to teach new generations the centuries-old trade of making horseshoes and safely applying them to horses. Bob has trained more than 2,000 students—many of them with little to no formal schooling—to become farriers. His students simply want to learn a trade that pays well so they can provide for themselves and their families. But California is threatening to shut down Bob's trade school and fine him \$5,000 unless he stops accepting students who do not meet the state's prerequisite education requirements. These requirements are modeled after a federal law regulating federal student loans. But Bob does not accept student loans. Nevertheless, California will allow Bob to accept only students who have a high school

diploma or a GED or who pass a government-approved test that has nothing to do with a career in horseshoeing. California's law muzzles Bob's right to speak for a living and denies less-educated students entry to the trade school of their choice.

After the government told Bob to stop accepting students with limited formal education, he had to turn away 26-year-old ranch hand Esteban Narez. Esteban just wants to make a living as a farrier, but because he does not have a high school diploma, this law stands in the way of his success.

This is where IJ comes in.

Bob and Esteban have teamed up with IJ to file a First Amendment lawsuit to vindicate their constitutional rights to teach and learn a useful skill. Just like writing a how-to book or uploading an instructional video to YouTube on horseshoeing would be speech protected by the First Amendment, so, too,





Bob Smith (left) wants to teach students like **Esteban Narez** (top) how to become a farrier. But California threatened to shut down Bob's school unless prospective students first pass a government-approved test.



Quick pop quiz:

What do these two sample questions from the government-approved test students must take have to do with Bob's ability to teach his students?

- 1) If $3/2 \div 1/4 = n$ then n is between
 - a. 1 and 3
 - b. 3 and 5
 - c. 5 and 7
 - d. 7 and 9
- 2) $46.2 \times 10^{-2} =$
 - a. 0462
 - b. .462
 - c. 62
 - d. 462

If you guessed "absolutely nothing," then you would be correct. But thanks to a test like this, California's law is already preventing one of Bob's potential students from enrolling in his school.

is teaching horseshoeing in a classroom setting—and that is what Bob does. People have taught horseshoeing for centuries, long before the concept of formal education requirements existed. No one needs to read *The Great Gatsby* to learn how to shoe a horse.

Countless Americans earn their living in jobs that consist primarily of talking. Their free speech rights are protected by the First Amendment just like those of an author or a journalist. This case is part of IJ's national campaign to protect the rights of people who speak for a living, like diet coaches, yoga teachers, engineers, tour guides and now horseshoeing schools and their students. Moreover, a victory in this case will allow individuals—especially those in more rural areas and with little formal education—to still earn an honest living.

So long as California insists on silencing Bob and standing in the way of Esteban's career plans, IJ will work tirelessly to have its unconstitutional vocational teaching law struck down. ♦

Keith Diggs is an IJ attorney.



Phil's case has sparked strong interest in legislative reform in Wyoming. Several legislators who attended the hearing were concerned about the use of roadside waivers and vowed to ban their use in Wyoming.

WY Forfeiture continued from page 4

A few days later, Phil began writing letters to the Wyoming attorney general's office, revoking "his gift," claiming the money and asking for notice of any court proceedings. Phil even sent financial documents—at the request of the AG's office—proving he had lawfully earned the money.

Nevertheless, Wyoming filed a case to forfeit the money as abandoned property, claiming it could not locate the real owner. Even worse, it never sent Phil any notice about the case, so he did not find out about it until after a hearing had been held. Civil forfeiture always violates due process, but this was ridiculous.

IJ's litigation cavalry rode to the rescue, filing several motions and appearing with Phil at a "default hearing" in Cheyenne on December 1. That same day, Vox ran an exclusive feature about the case that several Wyoming state legislators read before calling the AG's office to express their outrage. Five state legislators even attended Phil's hearing.

We expected the hearing to be about whether Phil had "defaulted" by not appearing previously. However, the government conceded that Phil should have received notice but did not. Instead of setting a trial date, the judge decided to hear Phil's testimony and make a ruling about the money right there on the spot. After Phil testified about the traffic stop and how he had earned the money, the judge found his testimony credible and ordered that all of the money be returned. Phil got his \$91,800 check from Wyoming on December 23, just in time for the holidays.

Phil's case has sparked strong interest in legislative reform in Wyoming. Several legislators who attended the hearing were concerned about the use of roadside waivers and vowed to ban their use in Wyoming. We will work with state legislators to pass a bill to improve transparency with reporting requirements about forfeiture and how forfeited money is spent. We also plan to leverage this victory to stop this practice not just in Wyoming but across the country. We are hopeful that Phil's story and these initial reforms will be the beginning of the end for state-sponsored highway robbery in Wyoming. ♦

Dan Alban is an IJ attorney.



Charlestown continued from page 15

Charlestown's argument is that poor people tarnish a city's image, so it can kick them out of town.

Thankfully, the court rejected this reasoning. It found that the city violated the U.S. and Indiana constitutions' guarantees of equal protection by fining people in order to force them to move and then waiving the fines for Neace.

"Plaintiffs are providing safe housing that endangers neither tenants nor neighbors, and Plaintiffs should be treated at least as well under the law as the developer who is providing unsafe housing," wrote the judge in his order.

The court also found that the city violated its own property maintenance code by refusing to give property owners a chance to fix code violations before being fined.

The city has appealed the ruling, so a showdown awaits in the Indiana Court of Appeals, and perhaps even higher. IJ will continue to vigorously defend our clients' right to live in their homes in their treasured neighborhood. In the meantime, Pleasant Ridge residents welcome the New Year determined to protect their property rights—and everything they make possible—now more than ever. ♦

Anthony Sanders is an IJ senior attorney.



IJ's case to save Pleasant Ridge will continue. We will not stop fighting until each home is safe.





NOTABLE MEDIA MENTIONS

The New York Times

Where A City Sees Decay, Neighbors
Fight To Save A Community: Stories
That Stuck With Us In 2017

December 25, 2017

the Atlantic

The Disappearing Right To Earn A Living

November 17, 2017

THE WALL STREET JOURNAL

Carlo Ponzi Would Have Loved Civil
Asset Forfeiture

November 13, 2017

The Washington Post

Customs Took His Truck Without
Charging Him With A Crime. Two Years
Later, He's Finally Getting It Back

October 20, 2017



State Licensing Requirements Burden
Low-Income Workers With Training And
Fees, Study Says

November 17, 2017



Florida Man Gets Rare Second Case
Before Supreme Court

November 13, 2017

MOTHERBOARD

Oregon Doesn't Want To Give Up The
Power To Fine People For Saying "I Am
An Engineer"

November 8, 2017

