



LIBERTY & LAW

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Volume 27 Issue 3

Credentialism Run Amok

Published Bimonthly by
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Victory for Louisville Vendors • Free to Teach in North Carolina • IJ Whips Up Victories for Cottage Food Entrepreneurs
IJ Builds on Historic Free Speech Precedent by Suing the FDA • Fighting for Educational Choice at the Montana Supreme Court
IJ Puts Tour Guide Licensing on Trial • Chicago Entrepreneurs Graduate From IJ Clinic • *Little Pink House* Enjoys Big Launch

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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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Credentialism Run



Washington, D.C., Requires College Degrees for Day Care Workers

BY RENÉE FLAHERTY

By 2020, 76 percent of jobs in Washington, D.C., are projected to require postsecondary schooling. Among the latest jobs added to the list? Day care providers.

The city's new regulations will force hundreds of day care providers to obtain a college degree or lose their jobs. In November, IJ helped the public send D.C.'s education agency more than 350 comments objecting to the college requirement. Despite such overwhelming opposition, D.C. has done nothing to change the regulations. So in April, IJ joined two day care providers and a parent to challenge the college requirement in federal court.

The city's new regulations will force hundreds of day care providers to obtain a college degree or lose their jobs.

As people across the political spectrum recognize the enormous burdens created by unnecessary occupational licenses, D.C. officials have chosen to make the problem worse by demanding an empty credential to care for a 2-year-old. Most day care providers do not have the time or money to go to

college. Some are immigrants who face an insurmountable language barrier. Others are older women with years of experience caring for kids but no experience writing a term paper on *Moby Dick*. Working in

a day care is one of the few jobs available to many of D.C.'s most economically vulnerable residents, and the college requirement threatens to leave them without a way to care for their own families.



Requiring degrees for providers will also make day care more expensive in a city that already has the highest child care costs in the nation.

D.C. was trying so hard to be one of the first places in the country to require degrees for day care providers that it did not stop to consider whether such a requirement actually makes sense. An associate degree in early childhood education requires around 60 credit hours, most of which are completely irrelevant to caring for infants and toddlers. Day care providers do not need courses in English literature, math, or public speaking to provide safe and loving care.

Among those affected by the college requirement are IJ clients Altagracia Yluminada ("Ilumi") Sanchez and Dale Sorcher. Originally from the Dominican Republic, Ilumi runs a day care in her home in Northeast D.C. Ilumi does not have time to get an associate degree, especially given that she cannot read or write English at a college level. She stands to lose her business, her home, and her ability to help her children pay for college because of D.C.'s regulations. Dale has master's degrees in social work and expressive therapy, but her education and over seven years of experience caring for infants and toddlers at a synagogue preschool do not satisfy D.C.'s requirements. Dale could probably teach the classes she must take, but still she must endure hours of burdensome and unnecessary schooling.

Jill Homan, a parent, has also joined IJ to challenge the college requirement. Jill refuses to allow bureaucrats to take away her ability to choose who cares for her 1-year-old daughter.

IJ, Ilumi, Dale, and Jill have pledged to fight D.C.'s disastrous new regulations and vindicate the rights of day care providers and parents across the country. D.C. can not impose real burdens in pursuit of imaginary benefits. ♦

Renée Flaherty is an IJ attorney.



Dale Sorcher



Ilumi Sanchez



Jill Homan

IJ teamed up with child care providers **Dale Sorcher** and **Ilumi Sanchez**, and parent **Jill Homan**, to challenge D.C.'s new day care licensing regulations and to stop these laws from threatening the rights of others across the country.

VICTORY for Louisville Vendors

BY ARIF PANJU

Running a food truck business is hard work. But when one's ability to run that truck turns on whether a nearby restaurant that sells "similar" food will give you permission to operate, it becomes next to impossible. IJ's National Street Vending Initiative challenges such anticompetitive laws nationwide because nobody should need their competitors' permission to operate a business. Our recent victory in Louisville, Kentucky, shows how IJ's strategic vision plays out in real time.

For years, Louisville made it illegal for food trucks to vend within 150 feet of a restaurant that sold "similar" food without that restaurant's permission. The ban was pure protectionism, with real consequences for food truck entrepreneurs. It meant that Troy King had to leave his downtown vending location after government inspectors threatened to fine him and tow his Pollo food truck, simply because a nearby restaurant also sold chicken. And after Robert Martin was cited for violating the 150-foot ban, he was forced to abandon his longtime customers and move his food truck, Red's Comfort Foods, to the Louisville outskirts—or risk losing his vending permit for the crime of serving gourmet hot dogs within 150 feet of a restaurant that serves meat and bread.



IJ client **Robert Martin** teamed up with IJ after being forced to move his food truck to the Louisville outskirts.

In June 2017, IJ teamed up with Troy and Robert and filed a federal lawsuit because the Derby City's 150-foot ban violated their constitutional right to earn an honest living. And we won!

In response to IJ's lawsuit, the Louisville Metro Council repealed the 150-foot ban and agreed that, going forward, it would not treat food trucks differently than other commercial vehicles. The city threw in the towel in part due to another IJ case in the 6th U.S. Circuit Court of Appeals, which covers Kentucky. That case, which we won in 2002, was a landmark victory—the first since the New Deal in which a federal appeals court held that economic protectionism is not a legitimate government interest.

IJ's strategic vision thus paves the way for real-world change. We win for clients like Troy and Robert, all while building a rule of law that protects every American's right to earn an honest living free from unnecessary government interference. As a result, we have earned a series of victories in appellate courts and ensured that an ever-increasing number of government officials run when IJ comes to town. As our victory count increases, we will prompt even more cities to do the right thing. ♦

Arif Panju is managing attorney
of IJ's Texas office.



Food truck owners like IJ client **Troy King** are now free to feed hungry Louisville customers without first getting permission from their competitors.



FREE TO TEACH

IN NORTH CAROLINA

IJ's victory gives North Carolina laws a makeover, allowing professional makeup artist **Jasna Bukvic-Bhayani** to share her expertise with others.



BY MILAD EMAM

Two years after the North Carolina speech police told Jasna Bukvic-Bhayani she needed government permission to talk about makeup, she is finally free to open the school of her dreams. At a court-ordered mediation in March, North Carolina's cosmetology board agreed to a consent judgment that allows unlicensed makeup schools like Jasna's to operate. Now, Jasna can share her expertise with students in the Charlotte area who are eager to learn what she has to teach.

As regular readers of *Liberty & Law* may recall, Jasna tried opening a makeup school in 2016. But she ran afoul of North Carolina's requirement that she first get an onerous license requiring 600 hours of training, mostly unrelated to makeup, and more than \$10,000 of unnecessary equipment. Jasna was free to apply makeup—just not to teach other people how to do it.

So Jasna joined IJ and sued to challenge North Carolina's license requirement. We argued that no one should need a license simply to talk about makeup because the First Amendment protects the right to speak for a living.

Unfortunately, courts have not always applied the First Amendment to people who earn their living by speaking. They have sometimes classified occupational speech as economic "conduct" to evade First Amendment review.

Letting the government escape the requirements of the First Amendment by relabeling speech as conduct would blow a gaping hole in constitutional protection for free speech. That's why IJ has teamed up with tour guides, diet coaches, yoga teachers, and others who speak for a living. Through these cases, we obtain precedent clarifying that occupational speech is fully protected by the U.S. Constitution, just like other speech.

In so doing, we also provide greater protection for economic liberty. For people who speak for a living, licenses to speak also constitute licenses to work. By striking down these licensing requirements, we simultaneously protect speakers' right to free speech and their right to earn an honest living.

Protecting occupational speech means more options for entrepreneurs and consumers. Thanks to this latest victory, Jasna is now free to sign up students, lease space for her school, and test out her curriculum without having to conform to one-size-fits-all regulations that have next to nothing to do with her business.

The fight to protect occupational speech is far from over. As we pause to celebrate another victory, rest assured that IJ will continue to press forward until we end licenses to speak once and for all. ♦

Milad Emam is an IJ attorney.



IJ Whips Up VICTORIES for Cottage Food Entrepreneurs

BY CHRISTINA WALSH

IJ kicked off 2018 with sweet victories for food freedom—and way too many baking puns around the office.

Across the country, thousands of Americans are making food at home to sell in their communities. Although this is an age-old industry, many states stifle the ability of hard-working, talented entrepreneurs to earn an honest living selling their cookies, cakes, and jams. In IJ's latest report, *Flour Power: How Cottage Food Entrepreneurs Are Using Their Home Kitchens to Become Their Own Bosses*, Research Analyst Jennifer McDonald details how “cottage food” laws too often foreclose paths to entrepreneurship.

It was thyme to turnip the heat against these knead-less restrictions.

For example, in Kentucky, only farmers were allowed to sell cottage foods—and nobody else. A home baker in Paducah who wanted to change this law contacted IJ and, together with Assistant Director of Activism Brooke Fallon, grew a movement of nearly 250 cottage food producers. Meanwhile, Attorney Erica Smith drafted a bill that would provide this enthusiastic group with the opportunity they had been craving. The ever-growing and vocal grassroots campaign reached new heights during a three-day blitz in Frankfort, where Brooke, Erica, and nine bakers met with 24 legislators and additional staff. Writer and Legislative Analyst Nick Sibilla gave the effort a boost of exposure with a piece in *Forbes*, which Steve Forbes himself re-posted on social media, gaining considerable traction. On April 2, Governor Bevin signed our bill. Being able to



Read the report at
ij.org/report/cottage-foods-survey





IJ's food freedom fighters joined forces with home bakers in Kentucky, Maryland, and Wisconsin to tell legislators in those states to vote "yes on yum."

run legal cottage food businesses will be life-changing for many of our Bluegrass bakers.

Meanwhile in Maryland, cottage food producers were prohibited from selling their goods anywhere but farmers' markets. This meant that the same exact cookie made at home, by the same home baker, became illegal if sold directly from home instead of first being driven to a farmers' market. Erica worked with our bill sponsor to craft a simple fix that would have a big impact for Maryland home bakers, and Baltimore Activism Manager Pablo Carvajal and Baltimore Project Coordinator Angeles Evans mobilized dozens of cottage food producers from across the state in support of the bill, bringing sweet treats to Annapolis and providing IJ with the grassroots support we needed to underscore Erica's testimony. The bill was signed into law in May.

On the defensive side, IJ killed a bill in Wisconsin that would have imposed a \$10,000 annual cap on cottage food sales following IJ's court victory in that state. Our legislative testimony, relying heavily on *Flour Power* and home bakers' personal stories, persuaded legislators to reject the

proposal. Bakers will now be able to make unlimited sales for the foreseeable future. And when North Dakota's Department of Health threatened to adopt rules that would have largely gutted the state's "Food Freedom Act," IJ quickly "litigated by letterhead,"

sending letters to lawmakers pointing out how the proposed regulations would not only harm entrepreneurs but also be unconstitutional. In response, the regulators backed down.

Our efforts continue in New Jersey, the only state where the sale of cottage foods is entirely prohibited. Following months of widespread, high-profile grassroots advocacy led by Brooke—which made it to the pages of *Food Network Magazine*—we filed a lawsuit in December, and in late April the judge denied the state's motion to dismiss, allowing our case to move forward.

IJ's unstoppable collaboration between activism, litigation, communications, and research will continue to advance food freedom—and all of IJ's efforts—on behalf of entrepreneurs and consumers nationwide. ♦

It was thyme to turnip the heat against these knead-less restrictions.

Christina Walsh is IJ's director of activism and coalitions.





All **Randy Sowers** wants to do is honestly label and sell his South Mountain Creamery skim milk. But FDA regulations force him to either mislead his customers or lose his business. With IJ's help, he is fighting back.

IJ Builds on Historic Free Speech Precedent by Suing the FDA

BY JUSTIN PEARSON

Business owners have the right to tell the truth. This might sound obvious, but the government sees things differently, particularly when it comes to businesses that make and sell food. At the federal level alone, hundreds of regulations govern how food can be labeled, prescribing everything from the percentage of cherries necessary for a product to be called a "fruit cocktail" to whether vegan mayonnaise may be labeled "mayo." And these so-called standard of identity regulations often result in labels that can be downright misleading to consumers.

So-called standard of identity regulations often result in labels that can be downright misleading to consumers.

That's where IJ comes in. In fact, an IJ victory last spring before a federal court of appeals was the first time in U.S. history that a First Amendment challenge to enforcement

of a food standard of identity prevailed. Now we are back for more, taking the fight to the feds and reining in broad and long-standing administrative overreach.

You may recall our case on behalf of Ocheesee Creamery in Florida's Panhandle. Florida regulators told the little creamery's owner, Mary Lou Wesselhoeft, that her all-





natural skim milk could only be called “skim milk” if artificial additives were injected into it. With IJ’s help, Mary Lou fought back and won. Thanks to her historic victory holding that the government does not have the power to change the dictionary, Mary Lou is once again selling pure skim milk—and honestly labeling it as such.

But that ruling applied only to businesses in Florida. Now IJ is going nationwide. We are building on that historic victory by filing a First Amendment challenge against one of the nation’s biggest, baddest censors of commercial speech: the U.S. Food and Drug Administration.

Our client Randy Sowers simply wants to do the same thing as Mary Lou—label additive-free skim milk as “skim milk” and sell it to customers in Pennsylvania. To its credit, Pennsylvania has no objection. But because Randy’s business, South Mountain Creamery, sells across state lines, it is not up to Pennsylvania. It is up to the FDA.

Unfortunately for Randy and countless other entrepreneurs, the FDA says skim milk can only be called “skim milk” if artificial vitamins are added. In

FDA Skim Milk continued on page 17

Using Your IRA to Support the Fight for Freedom

Are you over 70½ years old? If so, you may qualify for the IRA Charitable Transfer, which allows individuals to make direct transfers from an IRA to a qualified charity like the Institute for Justice. These distributions can satisfy all or part of your required minimum distribution and do not need to be recognized as income for federal income tax purposes. That means they may offer a tax benefit even for donors who take the standard deduction. Read more about current gifts through your IRA, and learn how to make this type of gift, at ij.org/IRA-gifts.

You can also use IRA assets to support IJ in the long term simply by making IJ a beneficiary of your retirement account. It’s the easiest way to ensure IJ has the resources to preserve individual liberties for decades to come—no need to meet with an attorney. And by making IJ a beneficiary of an IRA or other retirement account before December 31, 2018, your future gift will generate immediate matching funds for IJ thanks to a generous challenge grant. Please see the insert in this issue of *Liberty & Law* or go to ij.org/Selz for more information on the Selz Legacy Challenge and how you can participate. ♦

BERNARD & LISA SELZ
LEGACY
CHALLENGE



FIGHTING FOR EDUCATIONAL CHOICE AT THE MONTANA SUPREME COURT

BY DICK KOMER

This spring, IJ argued on behalf of Montana families at the Montana Supreme Court in an educational choice case that could have national implications.

As *Liberty & Law* readers may recall, we represent three moms seeking to take advantage of the state's tax-credit scholarship program. The Montana Department of Revenue has excluded these families because they want to choose religious schools. Although the Montana program, like those in 18 other states with tax credit scholarships, was intended to include all accredited private schools—religious and secular alike—MDOR chose to exclude reli-

Thank you, Dick Komer!

Although the Montana program, like those in 18 other states with tax credit scholarships, was intended to include all accredited private schools—religious and secular alike—MDOR chose to exclude religious schools from the list of those at which families could use scholarships.

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While IJ has successfully rebuffed challenges to programs that include religious schools in cases from Alabama, Arizona, Florida, Georgia, and Illinois, our Montana case represents the first time IJ's parent-clients have had to sue the state revenue department for trying to keep out religious schools and the parents choosing them.

We won a first-round victory from the trial court, which ruled that MDOR's discriminatory rule was wrong. The agency then appealed to the Montana Supreme Court, and argument took place in April before a large audience in Missoula during the University of Montana's Law Day. Once a year, the court goes on the road to the University of Montana, choosing to hear a case it deems of particular interest—this year, it chose IJ's challenge.

MDOR defended its rule as necessary to comply with the Blaine Amendment in the Montana Constitution. Blaine Amendments, which prohibit the use of state funds to aid religious schools, have become a favorite tool of those looking to derail educational choice programs. To date, however, every court IJ has appeared in has agreed with our argument: Tax credit scholarships do not involve the use of public funds—they are private donations. Furthermore, we point out that scholarship programs aid families, with only incidental benefit to private schools. MDOR must win on both counts to justify its exclusionary rule.

At the argument, MDOR's attorney struggled to distinguish the scholarship tax credits from the typical array of tax benefits that Montana, like other states,

Montana School Choice continued on page 17

Left: Kendra Espinoza wants to use Montana's tax credit scholarships as they were intended: to help her two daughters attend the school that best meets their needs. IJ fought for their right to do so before the Montana Supreme Court in April.

BY SCOTT BULLOCK

After 25 years of working for liberty at IJ and helping countless families obtain greater choice to meet their educational needs, the one and only Dick Komer retired this May.

Dick is known throughout the educational choice movement as the consummate expert on crafting choice programs that can withstand the inevitable lawsuits from our opponents. And once those programs were passed and challenged, Dick passionately defended them in court. As he explains in this issue of *Liberty & Law*, just one month before his retirement, Dick was before the Montana Supreme Court fighting for educational choice. In that argument, as in so many others, Dick explained every facet of the law, masterfully answered every question, and was simply the most knowledgeable person in the courtroom on the issues confronting the court.

In addition to his erudition and commitment to choice, Dick is also known for his—how to say this politely?—irreverent wit. In all, he is a man beloved by his colleagues and peers, and one who made a lasting impact on the Institute for Justice. I know one of Dick's proudest accomplishments is the strong team he put together here at IJ that will carry on his work to expand educational choice. Thank you, Dick, for your friendship, humor, and dedication, both to IJ and to the thousands of parents and kids who have benefitted from the programs you helped create and defend. ♦

Scott Bullock is IJ's president and general counsel.



The Litigator's Notebook: IJ Puts Tour Guide Licensing on Trial

BY ROBERT EVERETT JOHNSON

On television, a lawyer's life is filled with dramatic courtroom showdowns. In reality, lawyers mostly write briefs, read documents, and build cases behind the scenes. Still, for four days in April, IJ's case challenging tour guide licensing in Charleston, South Carolina, yielded the kind of courtroom drama a TV producer would love.

It took hard work to get there. IJ filed the case in January 2016, and over the next two years we wrote three rounds of briefs, reviewed thousands of pages of documents, and spent many hours building the record. Finally, in April, the case went to trial.

For IJ's clients, trial was an opportunity to tell their story. All three testified about when they decided to become tour guides, when they realized that they had to pass the city's exam, and how it felt to learn

they had not passed. The clients testified that the picayune details on the exam (things like the names of local architects) had nothing to do with the things they wanted to talk about on their tours—or even the things their customers wanted to hear.

City officials testified as well, though in their case they had no choice. IJ served them with subpoenas, forcing them to come to court. IJ Attorney Arif Panju squared off against a particularly recalcitrant official, confronting her with 20 years of government records showing that the city uses tour guide licensing to police speech.

Asked to justify the licensing scheme, the city's longtime mayor confidently predicted that Charleston's economy would “go down the tubes” without it—but the city never produced any evidence to back up that sweeping claim.



IJ clients **Michael Nolan**, **Mike Warfield**, and **Kim Billups** testified that Charleston's licensing exam for tour guides has nothing to do with what they want to talk about on their tours, or with what their customers want to hear.



IJ's attorneys and paralegal spent a week in Charleston for trial on behalf of our clients and hundreds of others like them. Trials like this are just one component of a successful public interest lawsuit.

As always, the courtroom drama was made possible by the kind of hard work you almost never see on TV.

Instead, the city flew a witness in from Chicago, and she ended up making IJ's case. Although she heads an association that supports tour guide licensing, she testified that *voluntary* certification can accomplish the same goals. And, asked whether Chicago's economy has gone "down the tubes" without tour guide licensing, she testified it has not.

IJ Senior Attorney Robert McNamara closed the trial with a powerful summary of IJ's core arguments against these kinds of licensing laws: "Burdens on speech are a serious matter," he told the court. "They have to be taken seriously by the government"; yet "the record clearly shows that they were not."

As always, the courtroom drama was made possible by the kind of hard work you almost never

see on TV. Paralegal Kendall Morton worked tirelessly behind the scenes, organizing scores of pieces of evidence in more than a dozen boxes so the attorneys could point to just the right document at just the right time. And every day, after the lights in the courtroom shut off, IJ's team returned to the "war room" at the hotel to work late into the night preparing for the next day.

The judge predicted a decision by August, and in the meantime we are back in the office drafting post-trial briefs to submit to the court. At IJ, we put in the hard work required for victory—both inside the courtroom and out. ♦

Robert Everett Johnson is an IJ attorney.



CHICAGO ENTREPRENEURS GRADUATE FROM IJ CLINIC

BY STACY MASSEY

The Institute for Justice Clinic on Entrepreneurship (IJ Clinic) gives low-income small-business owners in Chicago a fighting chance to cut through costly and confusing regulatory red tape. By working in partnership with law students at the University of Chicago Law School, the IJ Clinic acts as general counsel for 15 to 20 small businesses each year. When clients thrive and are earning enough that they can afford their own counsel, they graduate from the IJ Clinic. We were so proud to see two such clients—Peter Field and Moon Meals—leave the IJ Clinic’s nest this spring.



Peter Field Alterations and Tailoring

When Nicholas Monterotti was laid off from the financial sector in 2010, he went back to his old job selling suits at a menswear store. He noticed that wedding parties often wanted neckties in quantities or colors that the store could not possibly accommodate. From there, he started Peter Field. Neckties were his business’s core at the start, with alterations on the side. He soon learned that alterations was an industry that had not innovated in decades. By doing simple things, like accepting credit card payments and offering top-notch customer service, Nicholas quickly grew Peter Field into a premier tailoring business. This recent growth allowed him to add two new services: women’s alterations and apparel development and manufacturing. While working with Peter Field, the IJ Clinic has been a vital partner in negotiating commercial leases in each of its spaces, arranging financing, and hiring employees. When Peter Field first became an IJ Clinic client, it had just three employees. The company has since grown to employ 35 people in Chicago and New York City!



Moon Meals

Early in his career, LaForce Baker was in advertising. While working late nights at an agency, LaForce felt frustrated that the only delivery options seemed to be greasy fast food. He took that gripe and spun it off into a business: Moon Meals. LaForce began by delivering healthy meals to professionals working late, and his meals are now stocked in grocery stores throughout Chicago. LaForce takes huge pride in his recipes, so when demand exceeded his production capacity, the IJ Clinic was instrumental in shepherding contracts to help LaForce maintain control of his recipes and their out-of-house production. During Moon Meals’ last few weeks on the IJ Clinic’s roster, we were excited to help the company negotiate funding from a local investment group. When LaForce first started working with the IJ Clinic, he was a one-man company. He now employs a team and feeds thousands of Chicagoans each year. ♦

Stacy Massey is community relations manager at the IJ Clinic.





South Mountain Creamery owner **Randy Sowers** is challenging FDA regulations that trample his free speech rights.

FDA Skim Milk continued from page 11

the mixed-up world of FDA regulations, pure, additive-free skim milk must be labeled as “imitation skim milk.”

Thankfully, the First Amendment does not allow the government to change the dictionary. Randy sells milk that has had the butterfat skimmed off, and ordinary people call that product “skim milk.” As already explained by the federal appellate judges in IJ’s Florida case, what matters for First Amendment purposes is whether customers understand what is being said, not what the government wishes words meant.

That is the precedent we established last spring, and that is the precedent we intend to strengthen through our new federal lawsuit against the FDA. Our lawsuit asks the federal court to issue an injunction ordering the FDA to stop forcing our nation’s farmers and creameries to mislead their customers.

A court victory in this case would accomplish more than merely allowing honest labels for pure skim milk. For the first time in the FDA’s history, a federal court will have told the agency that it does not possess the power to change our language. Regardless of whether you like your milk skim, 2 percent, or whole, we can all drink to that. ♦

Justin Pearson is managing attorney of IJ’s Florida office.



Randy sells milk that has had the butterfat skimmed off, and ordinary people call that product “skim milk.”

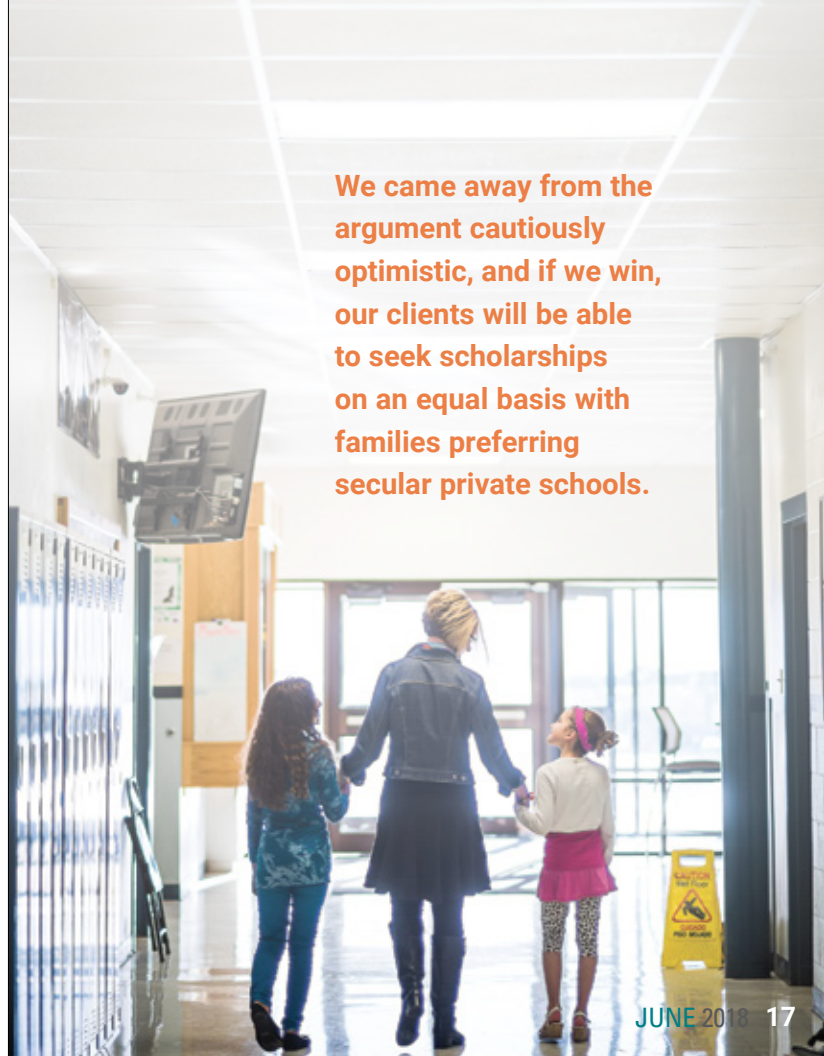
Montana School Choice continued from page 13 provides directly to churches and to all private schools, including religious ones. Justices also questioned MDOR’s assumption that the Montana Constitution could not apply federal precedents distinguishing aid to students from aid to schools. IJ, of course, represented parents in the two U.S. Supreme Court precedents underlying both issues.

We came away from the argument cautiously optimistic, and if we win, our clients will be able to seek scholarships on an equal basis with families preferring secular private schools. Should we lose, the silver lining could be a request to the U.S. Supreme Court to review and then reverse the Montana Supreme Court, a decision that would be of great use in defending and advancing educational choice across the country. Regardless of the outcome, IJ will continue to stand by families seeking to get the best possible education for their children. ♦

Dick Komer recently retired as an IJ senior attorney.



We came away from the argument cautiously optimistic, and if we win, our clients will be able to seek scholarships on an equal basis with families preferring secular private schools.





(AP Photo: Carolyn Kaster)



Clockwise from left: Film director **Courtney Balaker** stands with **Susette Kelo** and IJ Senior Vice President and Litigation Director **Dana Berliner** on the steps of the U.S. Supreme Court; IJ Vice President for Communications **John E. Kramer**, IJ President and General Counsel **Scott Bullock**, and Dana Berliner at the New London, Connecticut, screening of *Little Pink House*; Courtney Balaker, Susette Kelo, and Scott Bullock conduct a Q&A session after the New York City screening of the film.

Little Pink House Enjoys BIG Launch

Biopic on Susette Kelo's Battle Against Eminent Domain Inspires Viewers, Lawmakers, and the Media

BY JOHN E. KRAMER

Independent films rarely earn much attention. *Little Pink House*, however, is proving an exception to the rule.

Written, directed, and produced by filmmakers Courtney and Ted Balaker, *Little Pink House* showcases the epic legal fight to save Susette Kelo's little pink house from eminent domain abuse—a fight IJ took all the way to the U.S. Supreme Court.

Not only has *Little Pink House* earned distribution in 13 of the top 20 markets in just its first few weeks, but it also enjoyed a sold-out screening in the 1,400-seat Garde Theater in New London, Connecticut, where this legal fight originated; a sold-out New York City premiere; and a packed house for a showing at the U.S. Capitol Visitor Center that moved one congressman to tears.

Little Pink House continues to earn nationwide coverage that would make a blockbuster blush, including an *Associated Press* feature, which ran in more than 400 news outlets, and a syndicated column by George

F. Will, which read in part: "Next Feb. 24, 'Little Pink House' will win the Oscar for best picture if Hollywood's political preening contains even a scintilla of sincerity about speaking truth to power." These are just two examples of literally hundreds of overwhelmingly positive press mentions—again, a remarkable achievement in tone, quality, and quantity for an independent film.

All of this was made possible by the seamless teamwork of the filmmakers and IJ staffers from across the organization. *Little Pink House's* remarkable launch is a credit not only to the film itself but also to the pluck and principles exhibited by IJ's clients and all those engaged in the fight to protect constitutional rights.

For more information about *Little Pink House*, visit ij.org/LPH. ♦

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



RaveReviews for Little Pink House

"It's an entertaining movie, but to an extent it's also a public service, in that it persuades the audience to think about an issue it might never have previously considered."

SAN FRANCISCO CHRONICLE

"'Little Pink House' is like 'Erin Brockovich' for eminent domain."

THE VILLAGE VOICE

"Unmistakable timeliness ... Excellent performances ... *Little Pink House* brings urgency to a fascinating, underexplored theme ... The bottom line—it hits a nerve."

THE HOLLYWOOD REPORTER

"Really excellent ... Highly recommended."

GLENN REYNOLDS, INSTAPUNDIT

"Devastating and important ... *Little Pink House* should be viewed by every teen and young adult who is in danger of confusing government's noble-sounding stated motives with its actual ones."

NATIONAL REVIEW



NOTABLE MEDIA MENTIONS



**Woman Who Lost Pink House, Court
Case Seeks Box Office Win**
April 20, 2018



**Reducing Licensing Barriers To Work
In Virginia**
March 13, 2018



**Montana School Choice Case Could
Strike A Blow Against Religious
Discrimination**
April 5, 2018



**The Abortion Case That's Really About
The First Amendment**
March 20, 2018



A Model For Licensing Reform
April 3, 2018



**Asset Forfeiture: Rap Albums
And Hard-Earned Cash Are
The Government's 'Little Goodies'**
March 13, 2018



**Nashville Producer Fights For Backyard Studio
As Home-Studio Owners Nationwide
Hope Neighbors Don't Squeal**
April 16, 2018

My town ticketed me for a minor property code violation,
and I paid my fine.

A year later, I received a bill demanding
I pay thousands of dollars to the private law firm
the city had hired to come after me.

I'm fighting back because no one
should be prosecuted to raise money.

I am IJ.

