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## Inside This Issue

IJ Adds  
Strategic Research  
To Our Arsenal

2

IJ Minnesota Chapter  
Challenges Inspection Law  
And Trash Disposal Monopoly

3

Cuddly Creations Crafted  
By IJ Clinic Client

6

Consider Gifts to IJ  
From Your IRA

10

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# Liberty & LAW

## IJ Scores Victory Against School Choice Opponents



IJ Arizona Chapter Executive Director **Tim Keller** (left) with clients **Jessie Geroux** and **Phillip Collins** meet in front of the Arizona Supreme Court where IJ recently won an important school choice victory for foster care children and children with disabilities.

### By Tim Keller

School choice supporters started the New Year with a first-round victory against a lawsuit that demonstrates how desperate school choice opponents are to halt meaningful education reform.

This past November, the American Civil Liberties Union of Arizona (ACLU-AZ) and People for the American Way (PFAW) filed the first-ever legal challenge to a scholarship program that provides tuition grants for children with disabilities. There are four similar programs nationwide, and the others have flourished without legal challenge. In the same

suit, opponents also sought to end the nation's first scholarship program designed to provide educational stability for children in foster care.

The lawsuit asked the Arizona Supreme Court to accept "original jurisdiction" over the case, thereby bypassing all lower courts.

The Institute for Justice successfully intervened in the case in December and argued that the case should be filed first in the state's trial court so our clients—five scholarship-eligible families—would have the opportunity to be heard fully with regard to the

**School Choice** continued on **page 4**

# IJ Adds Strategic Research To Our Public Interest Work

By Chip Mellor

Our lawsuits address the legal problems of our clients, but they do much more than that. The issue at the heart of each IJ case also affects countless other people who are similarly afflicted by government excess. It is therefore all the more important that we present to the court and to the public the real-world context and consequences of our cases.

One way we do this is by using research and scholarship to create public awareness and appreciation of our issues before going into court. This strategy produced excellent results, for instance, in our property rights litigation. Back in 2003, when many people had not even heard of eminent domain, we produced a groundbreaking report, *Public Power, Private Gain*, which documented more than 10,000 instances of eminent domain abuse in just a five-year period. The report put into context the pervasiveness of the problem, sparking a dramatic increase in media attention. Coverage, which included features on *60 Minutes*, *NBC Nightly News*, *ABC World News Tonight*, and National Public Radio, brought the issue into the nation's living rooms and propelled it to national prominence. The report even garnered a cite by Sandra Day O'Connor in her famous dissent in *Kelo v. City of New London*.

A few years earlier, we saw similar success with our economic liberty "city studies" in which we documented the widespread nature of arbitrary licensing laws. The research not only helped us identify new cases

but also generated so much media coverage that one of the nation's largest public relations association awarded us one of their highest honors.

Clearly, there is tremendous potential for such research to enhance our mission. But the pressing demands of litigation mean that our attorneys can only occasionally produce these important works. So we decided to create a new program at IJ that will institutionalize the approach that we've used previously very successfully in an ad hoc fashion.

The Strategic Research program is led by Professor Dick Carpenter of the University of Colorado at Colorado Springs and IJ Director of Communications Lisa Knepper. Each brings to the task exceptional talents ideally suited to the creation, timely execution and marketing of first-rate research. Dick has written extensively on education policy, has published in numerous peer-reviewed journals and is a brilliant teacher. Lisa is a gifted editor and strategist and brings her years of experience as an integral member of IJ's award-winning public relations team. Through this program we will combine IJ's cutting-edge litigation with the intellectual firepower of a think tank. It adds a dynamic new element to IJ that will set a new standard for public interest law.

Our research will focus on the data and evidence behind the issues we litigate. Strategic research involves the rigorous analysis of an issue

Dick Carpenter

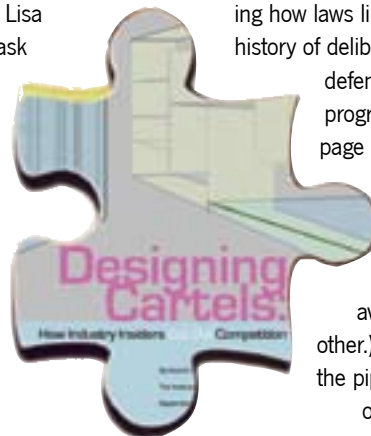
Lisa Knepper

using economics, statistics, polling, political science and other such tools to test hypotheses and present findings solidly borne out by data. It enables us to study how groups of people behave and what may affect their behavior in the future. This is especially useful to us in revealing the real-world effects of regulations and laws.

The program already is off to a great start. In our challenge to New Mexico's interior design cartel, for instance, Dick produced a report showing how laws like the one in New Mexico have a history of deliberately excluding competition. In

defense of Arizona's new school choice programs, Dick's research (described on page 4 of this newsletter) directly undercut our opponents' assertion that the new choice programs were both unprecedented and dangerous. (Both studies are available at [www.ij.org/publications/](http://www.ij.org/publications/) other.) Many other studies are already in the pipeline adding further ammunition to our arsenal.

Our Strategic Research program is but the latest example of how IJ constantly strives to refine and redefine public interest advocacy. Only by such dedication will we secure our precious liberties from constant government threat. ♦



Download this report from the IJ website at: [www.ij.org/publications/other](http://www.ij.org/publications/other)

Chip Mellor is IJ's president and general counsel.



# Fighting Small-Town Tyranny in Minnesota



photo by Cody Buckalew of the Red Wing Republican Eagle

IJ Minnesota Chapter Attorney **Nick Dranias** speaks at a press conference launching the Chapter's challenge to Red Wing's unconstitutional inspection law.

## By Nick Dranias

Red Wing, Minn., may be best known worldwide for its boots, but to locals, the City is becoming the poster child for governmental paternalism and economic protectionism. Officials in this town of

16,000 (located 50 miles southeast of St. Paul) seem to regard the area as their own personal fiefdom. The Institute for Justice Minnesota Chapter joined with Red Wing residents and regional businesses to defend some of the most basic constitutional protections we are supposed to enjoy, but which the City continues to flout.

So now, thanks to IJ-MN's two newest lawsuits, Red Wing is a key battle ground in the fight against small-town tyranny.

On November 15, IJ-MN filed suit against the City for its enforcement of a law that conditions apartment licenses only to landlords who agree to unbridled inspections of rental units and proper-

**Red Wing filed a bizarre document called a "Motion for Entry," which asked a local judge to grant City inspectors the power to search rental properties at all "reasonable" hours and as often as "necessary."**

ties. Just days before we launched this lawsuit, Red Wing filed a bizarre document called a "Motion for Entry," which asked a local judge to grant City inspectors the power to search rental properties at all "reasonable" hours and as often as "necessary" in order to look for "possible conditions that could adversely affect the health and safety of residents and the public."

In what amounted to, at best, circular reasoning, the City claimed the power to conduct these searches because the properties were not previously inspected. In essence, the City demanded a spare set of keys to every rental property within its boundaries. Similarly, Red Wing sought blanket

authority to search private property for regulatory compliance. The Fourth Amendment, however, prohibits exactly the kind of unreasonable governmental intrusion Red Wing sought to establish. With the help of IJ-MN, a deter-

mined group of landlords and tenants is fighting to ensure the City does not trample their rights.

Next, IJ-MN discovered that Red Wing's solution to losing hundreds of thousands of dollars on a municipal trash incinerator was not to shut it down, but to pass a so-called "organized collection" law. This law forces commercial trash haulers to sacrifice their freedom by delivering all trash to the incinerator and pay the City 80 percent more than competing out-of-state facilities, thereby keeping the inefficient municipal burner operating.

IJ clients and local haulers Paul Larson and Dale Gibson, however, decid-

**Tyranny continued on page 5**



**School Choice** continued from page 1  
two programs' merits. On January 9, the Arizona Supreme Court declined to hear the case.

Andrea Weck and her three daughters are typical of the families we represent. Lexie and Charlie are Andrea's twin five-year-old girls. Their four-year-old sister Samantha rounds out their loving household. Lexie has cerebral palsy, autism and mental retardation and has been receiving professional services and therapies since she was an infant.

Lexie currently attends the Chrysalis Academy, a private school where she is flourishing, and she receives a scholarship to help pay the way. Andrea has a difficult time understanding how the ACLU-AZ and PFAW could oppose a scholarship program that promises to help children with disabilities.

Andrea first enrolled Lexie in a special pre-kindergarten program in the Scottsdale Unified School District, known as the Panda Program. Andrea hoped that through the program, Lexie would begin interacting and playing with her two sisters. Andrea also wanted to see Lexie make educational gains, such as learning the alphabet. After two years in Panda, though, Lexie had made very little improvement. Her teachers and therapists did not know where she should go to kindergarten.

Andrea began searching for options and found Chrysalis with its unique play-based curriculum. Lexie started at Chrysalis this past August, though Andrea had no idea how she would ever pay the tuition. Her parents dipped into savings, and Andrea made sacrifices wherever possible. Today, Lexie is a different little girl. She can point to the letters of the alphabet, she is learning sign language, and she now engages her sisters, especially when they are playing the types of games that Lexie does at her school.

And to top off Lexie's advancement, the Legislature and the Governor created a schol-

arship program to help pay the tuition for children like Lexie to attend schools like Chrysalis.

But the ACLU-AZ and PFAW didn't like the fact that parents had been empowered to choose private schools. The ACLU-AZ and PFAW claimed that the new scholarship

As the report documents, Arizona already operates at least six separate educational aid programs that help students in public, private and religious schools. And two of them specifically support services for foster children and children with disabilities. Those six voucher programs currently serve more than 22,000 students a year, totaling nearly \$22 million in publicly funded scholarships—far outstripping the \$5 million allotted for the new scholarships for special needs and foster children.

These facts only further confounded Andrea, especially when she considers that there are nine other families attending Chrysalis using the "old" voucher. Naturally, the old voucher program puts school districts and education bureaucrats in charge of private placements. And because the ACLU-AZ and PFAW only challenged the parental choice program, only children like Lexie, whose parents chose the school, stood to lose their state-funded scholarships.

It is difficult to call school choice opponents' selective legal challenge anything short of hypocritical. But their hypocrisy is not surprising. The teachers' unions' allies fear the accountability that naturally accompanies parental choice programs and the pressure to enact genuine reforms that follows empowered parents.

This legal challenge, perhaps more than any previous school choice lawsuit, demonstrated that what choice opponents truly fear is empowering parents. There is a high likelihood that the ACLU-AZ and PFAW will file a new lawsuit in the lower courts. But with the help of the Institute for Justice, Arizona families will continue to fight to protect their right to choose the school that is best suited to meet their children's needs. ♦

**Tim Keller** is executive director of the Institute for Justice Arizona Chapter.



IJ Arizona Chapter client and mom **Jessie Geroux** with son **Tyler**.

programs violated the Arizona Constitution because they allow public funds to pay for educating children in private schools. They cited both the Arizona Constitution's Blaine Amendments and its education provisions. Not only has the Arizona Supreme Court rejected those arguments in school choice and school finance cases, but, as IJ's Director of Strategic Research Dick Carpenter demonstrates in his new report, *Private Choice in Public Programs: How Private Institutions Secure Social Services for Arizonans* (available at [www.ij.org/publications/other](http://www.ij.org/publications/other)), those arguments ignore Arizona's long history of supporting private education with public aid.



## New Home for Arizona Chapter

If you ever visit an Institute for Justice office—whether here in Arizona or in Seattle, Minneapolis or Chicago, or our headquarters in Arlington, Va.—you will notice the architecture always complements our operating style: open, airy, inspiring and professional. That is the environment we create for ourselves every place an IJ employee hangs his or her hat, as is the case with our brand-new offices for the Arizona Chapter.

Located in Tempe's vibrant Mill Avenue District, in a restored Spanish Colonial building constructed in 1899—one of only two three-story buildings constructed before statehood—our Arizona Chapter continues making its own history in the state.

Sure, Buffalo Bill Cody was once a guest in our building (when it was better known as the “sunshine hotel,” so-nicknamed because the owners did not charge guests on days when the sun did not shine), but buffalo are easier to knock down than, say, government regulations . . . an IJ-AZ specialty.

So, while our surroundings may seem to transport us to Arizona's territorial days, our cutting-edge litigation is working to ensure our constitutionally enshrined rights survive well into the 21st century and beyond. Please stop by if you're ever in the neighborhood. Friends of freedom are always welcome. ♦



**Entrepreneur Paul Larson knows what it takes to succeed:**  
**“If we don't do a good job, the customer can always use someone else. People have a right to choose who they do business with.”**

IJ-MN Executive Director **Lee McGrath** with IJ-MN clients, from left, **Dale Gibson** of Gibson Sanitation and **Paul Larson** of Paul's Industrial Garage, gather in front of the courthouse where the IJ Minnesota Chapter launched their challenge to Red Wing's law that would have created a government monopoly on trash disposal.

## Keeping Minnesota Free from Government Tyranny

**Tyranny** continued from **page 3**

ed this new law that violated their rights needed to be tossed in the garbage. Represented by the Institute for Justice, they filed suit in federal court on December 6 to enforce their rights under the Commerce Clause of the U.S. Constitution.

The Commerce Clause grants to Congress the exclusive power to regulate interstate commerce. The central reason for the Clause is to allow for free trade among the states. Not surprisingly, the U.S. Supreme Court ruled in 1994 that municipalities cannot constitutionally prohibit the interstate movement of trash for the purpose of propping up a favored local waste processing facility.

The City tried to sidestep this precedent by justifying its scheme as an environmental preference for incineration over disposals in landfills. The City's own website, however, declared that the purpose of the law was to ensure the financial viability of its incinerator.

U.S. District Judge Richard Kyle saw through the City's insincere environmental argument. On December 22, he entered a preliminary injunction barring the enforcement of Red Wing's organized-collection law. Judge Kyle observed that “the City strong-armed garbage haulers (and attempted to strong-arm the Plaintiffs) into agreeing to bring all commercial waste to the Incinerator, lest they lose the right to conduct business in the city. This is precisely the type of economic protectionism that the . . . Commerce Clause is intended to prevent.”

It was a happy holiday for IJ's clients and the citizens of Red Wing. They started 2007 freer than they were the year before, and IJ-MN will stand with them in our shared commitment to liberty and justice. ♦

**Nick Dranias** is an IJ Minnesota Chapter attorney.



# The IJ Clinic Never TOYS With Entrepreneurs



## By Elizabeth W. Milnikel

IJ Clinic on Entrepreneurship client Shawn Smith specializes in transforming mundane or unappealing things into whimsical, plush toys. The characters are called Shawnimals, of course.

There is the clove of garlic, whose tag explains that he has a chip on his shoulder because the other Shawnimals think he stinks. There is the pot sticker, which unblinkingly supervises the work that takes place in my office. There is the smirking Poof, which comes along whenever something else disappears, i.e., “goes poof.” And there is the enormously popular Wee Ninja, a rounded little felt doll with only a strip of his face peeking out of

his black suit. The Wee Ninja is known as the “master of the stealth hug.”

Shawnimals started as a fun pastime, grew into a hobby and is now a serious business. In 2006, the small company run by Smith and his wife, Jen Brody, sold more than 5,000 hand-made Shawnimals, far more than doubling the sales of the previous year. The Shawnimals website regularly receives 2,000 visitors per day. In December, as the holidays approached, the growing company was featured in *The New York Times* and the *Chicago Sun-Times*. Mentions on blogs and websites further propelled Shawnimal’s popularity.

The business’ speedy growth has been thrilling, but at times overwhelming. Smith and Brody

maxed out on the space they had set aside for assembling Shawnimals in their apartment, and they were calling in friends to help snap on their trademark beady eyes during the holiday rush. Smith is quick to point out that he has learned the importance of seeking assistance: “When you’re dealing with running a small business, whether you’re an entrepreneur or not, you can’t do it all yourself.” Legal assistance from the IJ Clinic has been a saving grace. “What could be better than to get help from professionals such as [the IJ Clinic attorneys] and students who are interested in helping and learning? The students are not only teaching us but also learning themselves, and I love that atmosphere,” he says.





# SHAWNIMALS

Chicago entrepreneur **Shawn Smith** received free legal help at the IJ Clinic on Entrepreneurship at the University of Chicago Law School to develop and organize his business.

But some of the legal issues sneaked up on the start-up, and they were not bearing stealth hugs. For example, students' research revealed that, in Chicago, a home-based business could not manufacture products that were being sold in retail outlets elsewhere. The rule did not make much sense, since we thought the residential character of the neighborhood would be *better* preserved if the products were being shipped out instead of sold on the premises. Nonetheless, Smith changed his plans and rented studio space (yet another learning experience, given the differences between commercial leasing and residential leasing). Shawnimals suffered another surprise attack

when a competitor baselessly accused it of copying a toy design. With the guidance of the IJ Clinic, Smith learned to handle the threat as a business matter and not as a personal attack on his artistic integrity. These are the sort of legal issues that can stop fledgling entrepreneurs dead in their tracks.

Smith credits the IJ Clinic with helping him see his erstwhile hobby as a legitimate business endeavor. As University of Chicago law students began to ask questions about how the company would structure its management, handle its payroll, and protect its vital intellectual property, Smith and Brody started to understand the business at a much deeper level, and

they started asking their own questions about how decisions they make today will affect the business in one year, and five and ten years down the line. In Smith's words, the IJ Clinic helped guide Shawnimals through the transition from "playing business to running a business."

We're happy to help guide Shawn on important legal matters, so all the characters in Shawnimaland can keep playing. Even Stinky Clove. ♦

**Elizabeth W. Milnikel** directs the Institute for Justice Clinic on Entrepreneurship at the University of Chicago Law School.



# Castle Coalition: Much Achieved, Much To Do

By Steven Anderson

The Institute for Justice continues its work to transform the U.S. Supreme Court's infamous *Kelo* decision into a nationwide victory for home and small business owners so they are better protected against the abuse of eminent domain than ever before. Now, only a little more than one year after the decision, 34 states have increased property rights protections for property owners—with the latest round of reforms coming during the recent November elections.

Much of this success can be attributed to the Castle Coalition's hardworking team, which helped legislators and citizens alike improve the ability of property owners to keep what they've worked so hard to own. And, as you've read in these pages, even where there was no legislative change, state supreme courts—thanks to IJ's litigators—are properly interpreting their own constitutions and rejecting the narrow majority's rationale in *Kelo*.

The work, however, is far from over. Though we saw remarkable changes in places like Florida, Pennsylvania and Arizona, several states still allow local governments to transfer property from one private individual to another. Using similar criteria to those we developed before the 2006 legislative sessions, as well as the ratings contained in our soon-to-be-released legislative report card, we have prioritized the states in order to determine where we will focus our resources this year.

That means we'll continue working in Texas to ensure the blight loophole that remains from its 2005 reform attempt is closed. To lay the groundwork, we've already testified and spoken at events around the state, defining the problem and offering the solution. Virginia—whose constitution allows the General Assembly to define public use (very broadly, unsurprisingly)—will also be a prime target for reform. We were recently invited by the Speaker of the House to discuss eminent domain abuse and the need for change in the Commonwealth. Although Ohio has very good caselaw after our *Norwood* victory, more must be done to reform cities' uses of bogus "blight" designations. We will work to make sure everyone in Ohio is

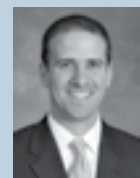
as protected as our clients Carl and Joy Gamble.

Opponents of eminent domain reform, however, have been mobilizing for months, ready to attack those of us who believe that the phrase "public use" actually means what it says. In fact, in one missive, IJ itself was singled out and our research methodology assaulted—to which we have responded with a new report titled, *Dreher and Echeverria: Disinformation & Errors on Eminent Domain*, published in January. It may also be necessary to defend some of the 34 state reforms, as the beneficiaries of eminent domain abuse work to undercut the gains we helped achieve.

In addition to legislative work, we will redouble our efforts in another area where we have historically been successful—activism. Right now, we are confronting the reality of a future predicted by Justice O'Connor who observed that those without political power will be most negatively affected by the Supreme Court's *Kelo* decision. To that end, we are working with home and business owners in El Paso, Texas; Arlington Heights, Ill.; and Seattle, Wash., to ensure the powerless are heard and their properties are protected.

It's an exciting and daunting year ahead, no doubt. Thankfully, though, with our track record, we can expect many successes. ♦

**Steven Anderson** is IJ's Castle Coalition director.



## STATES: Top Candidates for Reform

Missouri  
North Carolina  
Ohio  
Oklahoma  
Tennessee  
Texas  
Virginia  
Washington



## Report Strips Away “False Sense of Security” From Washington Eminent Domain Laws

When the U.S. Supreme Court issued its *Kelo* eminent domain decision, many people pointed to the Washington Constitution’s protections for private property as a model for the rest of the country. The Washington Constitution clearly and explicitly prohibits the government from taking private property and giving it to another private entity.

Unfortunately, however, local Washington governments have, with the acquiescence of the Washington courts, undermined these protections. In a new Policy Brief issued by the Washington Policy Center, Institute for Justice Washington Chapter Executive Director Bill Maurer lists how Washington law is rife with avenues for eminent domain abuse. Maurer also examines recent cases where Washington property owners have been threatened with the unconstitutional exercise of the government’s eminent domain power. The brief lays out how Washington law needs to change before residents of the Evergreen State can be secure in their homes and businesses.

As spotlighted in *The Wall Street Journal*, the *Seattle Post-Intelligencer* and many other news outlets, the Policy Brief demonstrates that, even in states with strong constitutional protections for private property, these protections mean nothing unless the public is vigilant in insisting that the courts and local governments respect constitutional rights. Maurer’s report gives advocates and lawmakers a road map they can use to reform Washington law to fit within our State’s constitutional boundaries. The Policy Brief, and a shorter policy note, are available at [www.washingtonpolicy.org](http://www.washingtonpolicy.org) and at IJ’s website, [www.ij.org/publications/other](http://www.ij.org/publications/other). ♦

# Independent Authors Examine Eminent Domain Abuse

By Christina Walsh

The Institute for Justice recently launched a new series of independently authored studies—*Perspectives on Eminent Domain Abuse*—that explores the different aspects of eminent domain abuse from the vantage point of noted experts.

The series’ inaugural study, *Eminent Domain and African Americans: What is the Price of the Commons?* by Dr. Mindy Thompson Fullilove, a research psychiatrist at New York State Psychiatric Institute and a professor of clinical psychiatry and public health at Columbia University, examines the effects of urban renewal and forced displacement on the African American community. As an example, Dr. Fullilove focuses specifically on the Federal Housing Act of 1949 under which 2,532 projects were carried out in 992 cities, displacing one million people—two-thirds of whom were African American. While this loss of property was devastating in and of itself, Dr. Fullilove looks deeper into how eminent domain abuse destroyed the “commons”—the irreplaceable social, political, cultural and economic networks that individuals and communities depended on for their well-being. She shares the story of David Jenkins, who lost his

Philadelphia home to urban renewal in the 1950s, to relay the priceless importance of these vital support systems.

Neighborhoods like David’s were not just a collection of private homes and businesses. They were organized networks that were able to provide social and economic support, political power and a means to achieve the American Dream. In her writing and teaching, Dr. Fullilove documents with compelling evi-

dence the tremendous losses faced by David and hundreds of thousands of African Americans like him—not just of the house, but of the “home” of the neighborhood—that caused such significant harm to their well-being that she coined the term “root shock” to describe it. Her pioneering work, *Root Shock: How*

*Tearing Up City Neighborhoods Hurts America, and What We Can Do About It*, is a powerful look at the effects of urban renewal on the African American community.

Dr. Fullilove’s new study, and others like it, will be available at [www.castlecoalition.org/publications](http://www.castlecoalition.org/publications). ♦

**Christina Walsh** is the assistant Castle Coalition coordinator.



# Consider Gifts to IJ from IRAs

By Melanie Tacoma

LAST SUMMER CONGRESS PASSED A LAW THAT IS GOOD NEWS FOR YOU AND FOR THE CHARITIES THAT YOU SUPPORT.

Yes, you read that right.

The Pension Protection Act of 2006 permits traditional and Roth individual retirement account (IRA) owners, age 70 ½ and older, to transfer up to \$100,000 tax-free to charitable organizations like the Institute for Justice, allowing you to make a gift that reduces the value of one of your most tax-burdensome assets.

This provision, however, is effective only until December 31, 2007, so gifts can be made only until the end of this year.

A gift from your IRA provides you with the following benefits:

- You advance individual liberty by giving generous support to IJ.
- You fulfill part or all of your required minimum distributions from the account without increasing taxable income.
- You reduce your taxable estate (note that the distribution does not result in an up-front income tax deduction, however).

To make a current gift to IJ from your IRA, contact your IRA administrator. IJ's tax ID number is 52-1744337.

If a current gift does not work for you, another option is to name the Institute for Justice as a beneficiary of any of your tax-deferred accounts, including not only IRAs but also 401(k), 403(b) or SEP plans. Because of the tax consequences of leaving these accounts to non-spousal beneficiaries, these assets are particularly good candidates for charitable giving. (For more information about how to best fit your giving to your individual situation, please consult your professional advisors.)

Any of these gifts qualify you for membership in IJ's Four Pillars Society, which recognizes those who have made a commitment to preserving the freedoms they value for generations to come through their support for IJ. For more information, please visit [www.ij.org/donate/planned\\_gifts.html](http://www.ij.org/donate/planned_gifts.html). ♦

**Melanie Tacoma** is coordinator of IJ's Four Pillars Society.



## Example:

Joan, age 80, has an \$800,000 IRA and wishes to fulfill her 2007 pledge commitment of \$100,000 to the Institute for Justice. Under the new law, she could instruct her IRA administrator to transfer this amount directly from her IRA to IJ. Although Joan cannot claim a charitable contribution deduction for this gift, she will not have to report this \$100,000 distribution as income on her federal taxes – a very helpful provision since she does not itemize and does not wish to increase the percentage of her Social Security income that is taxed. Since Joan does not need the IRA income, she is happy that her gift to IJ will also fulfill her IRA minimum distribution requirement for 2007.

If Joan has a spouse age 70 ½ or older, he can make a \$100,000 gift from his IRA in 2007 as well.

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**About the publication**

*Liberty & Law* is published bimonthly by the Institute for Justice, which, through strategic litigation, training, communication and outreach, advances a rule of law under which individuals can control their destinies as free and responsible members of society. IJ litigates to secure economic liberty, school choice, private property rights, freedom of speech and other vital individual liberties, and to restore constitutional limits on the power of government. In addition, IJ trains law students, lawyers and policy activists in the tactics of public interest litigation.

Through these activities, IJ challenges the ideology of the welfare state and illustrates and extends the benefits of freedom to those whose full enjoyment of liberty is denied by government.

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# Quotable Quotes

**FOX**  
***Fox & Friends***



**IJ Senior Attorney Dana Berliner:**  
 “Eminent domain abuse is a national problem. Last year the U.S. Supreme Court threw open the floodgates for using eminent domain for private commercial development. What they need to do is say that you cannot take property from one person just to give it to another for purely private benefit.”

**NBC**  
***KPNX Phoenix***

**Executive Director of the IJ-AZ Chapter Tim Keller:** “Right now there’s a tremendous amount of bureaucratic red tape if a parent wants to either change public school districts or send their child to a private school.”



**Associated Press**

“We start the year with a victory for those who support school choice,” said Tim Keller, an attorney who represented parents who intervened in the case to help support the programs. “Our message for those who oppose school choice would be drop future legal proceedings.”

***Los Angeles Times***

“For activists who seek to change the law, nothing works better sometimes than losing a big case in the Supreme Court . . . The Kelo ruling set off a political earthquake, and the tremors were felt across the country. On Dec. 18, the Institute [for Justice] reported that 34 states had tightened their laws since the June 2005 decision and made it harder for city officials to take private property for development.”





I am an interior designer, but the State of New Mexico says I can't tell anyone that's what I do.

Here, only those with a government-issued license may call themselves "interior designers."

I am fighting this government censorship.

I will speak out for freedom.

*I am IJ.*

*Sherry Franzoy  
Las Cruces, New Mexico*

[www.IJ.org](http://www.IJ.org)

*Institute for Justice  
Economic liberty litigation*

**"IJ promotes law that allows individuals to control their own destinies as free and responsible members of society. They work through strategic litigation, training, communication, and outreach."**

*—Cannon Falls Beacon  
Cannon Falls, MN*



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