

Liberty & LAW

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Volume 10 Issue 1

Inside This Issue

School Choice Approaching
U.S. Supreme Court

2

IJ Scores Two
Property Rights Victories,
Files New Challenge

6

Students Expand Legal
Services at IJ Clinic

8

"Thank You IJ
For Saving Our Businesses"

10

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2001: A Freedom Odyssey



Legal gunslingers and Institute for Justice co-founders **Clint Bolick**, left, and **Chip Mellor**, right, will continue to shoot down government regulations as IJ enters its second decade.

[Editor's Note: As IJ approaches its 10th anniversary, each issue this year will present a retrospective by members of the IJ family who have been with us since the beginning in 1991. This issue features IJ's co-founders, Chip Mellor and Clint Bolick.]

By **Chip Mellor and Clint Bolick**

Wow!

It just doesn't seem possible that nearly ten years have passed since the day we first opened the doors of the Institute for Justice. One reason is that it has been enormously fun and fulfilling, and good times always go fast. Another is that we hit the ground running from the first day even more than we expected,

and we really haven't stopped ever since.

We opened in September 1991 with a staff of five, including three lawyers: the two of us, plus Scott Bullock, fresh out of law school. We promptly announced our presence with our first lawsuit, *Uqdah v. D.C. Board of Cosmetology*, which would set the tone and standard for IJ's unique approach to public interest law.

From the outset, many thought the odds were against us, but we survived—and thrived—through an unyielding adherence to the highest standards of honesty, integrity and principle. IJ earned a reputa-

Anniversary continued on page 4

School Choice: One Last Step to the Supremes

By Clint Bolick

The long-awaited news from the U.S. Court of Appeals for the Sixth Circuit was disappointing: the court on December 11 voted 2-1 to strike down the Cleveland scholarship program.

But the decision has a silver lining: we now have a case ready to resolve once and for all the constitutionality of this vital educational reform.

Meanwhile, and most importantly, the program continues while the lawyers litigate. In its fifth year, the Cleveland program is providing high-quality educational opportunities to nearly four thousand economically disadvantaged schoolchildren.

The Sixth Circuit panel decision focused on the large percentage of children attending religiously affiliated schools. The panel refused to consider the scholarship program in the broader context of public schools of choice, specifically magnet and charter schools, that are available to

The decision has a silver lining: we now have a case ready to resolve once and for all the constitutionality of this vital educational reform.

Cleveland schoolchildren. When magnet and charter schools are added to the mix, only 16.5 percent of Cleveland students enrolled in schools of choice are attending religious schools.

Moreover, students choosing public schools receive more than twice as much in per-pupil aid as scholarship students attending private schools, and only public school students are eligible for tutorial grants. Scholarships for private school students are worth \$2,250, and the families must contribute an additional 10 percent of tuition.

Oddly, the court seized upon the small amount of the scholarships to argue that the program is skewed toward religion because only religious schools can educate youngsters for \$2,500 per student. In a debate with National Education Association general counsel Robert Chanin in New York City, I suggested that school choice supporters would compromise by

agreeing to raise the scholarship amount. Chanin declined the generous offer.

The court also overlooked the fact that suburban schools—which would receive the state's per-pupil allotment *plus* the scholarships—were invited to participate but none were willing to do so. By contrast, 53 private schools agreed to accept \$2,500 as full payment of tuition. What the court's decision amounts to is that because not enough schools agreed to throw a life preserver to these kids, then none will be allowed to do so.

Judge James Ryan issued a stinging dissent, taking the majority to task for ignoring an unbroken series of Supreme Court rulings sustaining indirect aid that individuals direct to religious schools or activities. "Is the point being made here that . . . poverty-level parents cannot be trusted to understand what they will be exposing their children to if they choose one of these religious schools?" Judge Ryan queried.

He concluded, "It is difficult to imagine how a voucher statute could be crafted that more clearly and decisively forecloses the government from having any role in the religious indoctrination of Cleveland school children, or forecloses it from defining the recipients of the vouchers by reference to religion, than through the range of free and independent choices the statute gives to parents whose children attend the Cleveland public schools."

Before moving for U.S. Supreme Court review, we have asked the entire 12-member Sixth Circuit Court of Appeals to review the panel's decision *en banc*. Regardless of what happens, the case likely will be slated for the Supreme Court's term that begins in October 2001 and ends in June 2002.

Our optimism about Supreme Court review emanates from three factors:

- If the panel decision is not overturned by the Sixth Circuit *en banc*, this will be the first case in which children will be forced to leave a school choice program if the Supreme Court declines to hear the case. That is a powerful equitable con-

sideration supporting Supreme Court review.

- Not only does a split in judicial authority exist over school choice in general, which bodes well for Supreme Court review, but a split in authority exists in *this case*, with the Ohio Supreme Court upholding the program on First Amendment grounds and the Sixth Circuit striking down the same program on the same grounds. Only the Supreme Court can resolve that split.

- When the Supreme Court stayed U.S. District Court Judge Solomon Oliver's injunction against the program in November 1999, one of the factors it weighed was the likelihood that it would eventually decide the case. So we have an indication from the Supreme Court itself that it will grant review.

As the case moves toward the Supreme Court, IJ will deploy strategies we have been developing for several years. Meanwhile, our allies in the school choice movement are supporting the effort with print and broadcast advertisements, making the case for school choice in the court of public opinion.

After nearly ten years of aggressive litigation in support of school choice, we are poised for the final push to secure a definitive ruling. Whatever happens, skirmishes will remain—but a victory in the U.S. Supreme Court is an essential prerequisite to reaping the full potential of parental autonomy in education. ♦

Clint Bolick is the Institute for Justice's litigation director.

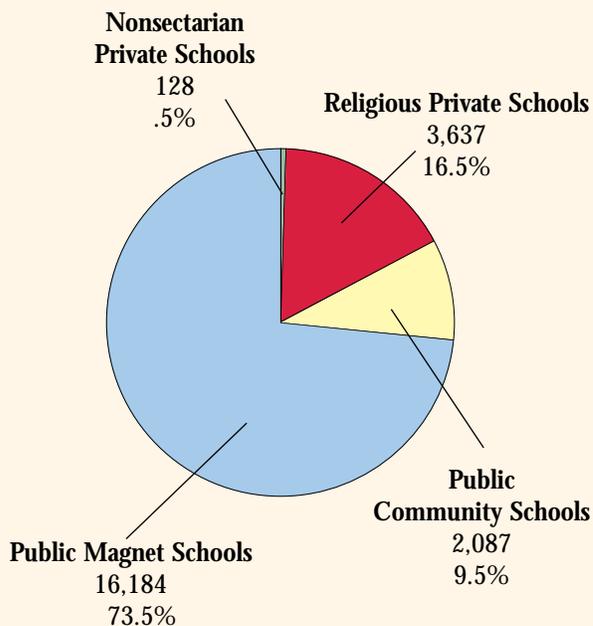


Did you know?...

School Choice Participants Choose Many Other Options Besides Religious Schools.

Opponents claim that school choice is merely a device for “funneling” tax money to religious schools. Not surprisingly, they always neglect to point out that only one-sixth of students attending schools of choice in Cleveland, Ohio actually attend religious private schools.

Distribution of Cleveland Choice Students in Public, Nonsectarian Private, and Religious Schools of Choice 1999-2000 School Year



Will My Family Still Have a Choice?



photo by: Al Storey

IJ client and Cleveland school choice mom **Johnietta McGrady** at home with her daughter, Trinnietta (top step, right), her son, Atlas (bottom step, right), and grandsons, Reginald (bottom step, left), and Delontae.

By Johnietta McGrady

For parents like me, the Cleveland scholarship program is nothing short of a godsend. As a single mother who works two part-time jobs, without vouchers, there's no way I could afford to send my children to St. Thomas Aquinas where they are becoming well educated. Without school choice, my children as well as so many other precious kids would be forced to attend public schools that simply don't teach.

So much of our future is now in the hands of judges. First the state court had to

uphold the scholarship program, which allowed my daughter, Trinnietta, to continue in the program. Then, last year, the U.S.

Johnietta McGrady works two part-time job. She is categorical: "Without vouchers, there's no way we could do it."

Supreme Court allowed the program to expand, which opened the door for my son, Atlas, to join his sister at a good school. But now, two judges have ruled against the program, putting not only my own kids' education in jeopardy, but also the education of nearly 4,000 children who need school choice if they have

Cleveland continued on page 9

Anniversary continued from page 1

tion as a potent national law center respected by all sides of the ideological divide. That reputation is our crown jewel, and we cherish it.

Much has surprised us, but nothing came by accident. We began contemplating what would eventually be the Institute for Justice as far back as 1984, when we were working together at a conservative public interest law firm in Denver. We envisioned a public interest law firm that would strengthen the pillars of the rule of law essential for an enduring free society. Like more-successful liberal groups, it would pursue a systematic, long-term litigation strategy, with sympathetic cases and clients and a strategy to build support in the court of public opinion. It would expand the constituency for freedom by developing nontraditional alliances. It would amplify the impact of its own work by training others to effectively litigate for liberty. And it would earn the loyalty of financial supporters by staying true to our charted course and core principles.

Our personal paths took circuitous courses. Both of us worked in the Reagan Administration, Chip at the Department of Energy and Clint at the Justice Department and the Equal Employment Opportunity Commission. Then Chip headed to San Francisco to head Pacific Research Institute (PRI), enlisting leading legal scholars to help us develop litigation blueprints in the areas of civil rights, property rights and the First Amendment. Meanwhile, Clint stayed in Washington to develop a litigation program at the Landmark Center for Civil Rights. Throughout this time, we never lost sight of our goal of joining forces.

In 1991, the time came to take our dreams off the drawing board and into the courtroom. The Charles Koch Foundation provided the seed funding to make IJ a reality. We assembled a dedicated and knowledgeable Board of Directors that remains one of the unheralded keys to IJ's success. Two of the original members—Board Chairman David Kennedy and Gerrit Wormhoudt—are still with IJ today.

From the beginning, we vowed that IJ would not be our alter ego—it would not be “The Chip and Clint Show”—but instead IJ would



Chip Mellor (left) with Dave Kennedy, IJ's first and only chairman of the board since its founding ten years ago.

develop its own institutional identity and enduring strength. Over the years we have built one of the most impressive teams in the entire world of public policy—not only remarkably talented attorneys who forego big salaries to work for their ideals, but also movement all-stars in the areas of communications, development and outreach. We work as a close-knit team, recognizing that successful litigation against entrenched precedent and well-heeled adver-

People often ask IJ attorneys why they would forego better salaries at private sector law firms. The answer is easy. Helping people gain or protect their freedom—there is nothing in the world more rewarding than that.

saries requires focus, tenacity and resilience. Together, the IJ team regularly accomplishes the impossible, and it does so with gusto.

One example is especially illuminating. For 50 years, courts routinely upheld economic regulations, no matter how oppressive or restrictive of the freedom to earn an honest living, under the “rational basis” standard—the weakest standard of judicial review. Such cases were considered hopeless. But now there are four federal court precedents striking down laws restricting economic liberty. We are building a jurisprudence of economic liberty, step by painstaking step. Meanwhile, two cases that we lost in court—African hairstyling in the District of Columbia and taxicabs in Denver—were turned into victories through the court of public opinion.

Two years ago, we began a new era in IJ's history by opening our first program outside of Washington: the IJ Clinic on Entrepreneurship at the University of Chicago Law School. Headed by Patricia Lee and inspired by two alumni of our training programs, the IJ Clinic is applying the "IJ Way" to help aspiring inner-city entrepreneurs successfully navigate the regulatory terrain. Already it is receiving national acclaim as a uniquely effective program.

People often ask IJ attorneys why they would forego better salaries at private sector law firms. The answer is easy. There is no compensation in the world that could equal the joy, excitement and fulfillment of seeing a fleet of cars in Denver bearing the "Freedom Cabs" insignia despite the best efforts of regulators to kill it, or witnessing the exuberance of Milwaukee schoolchildren attending high-quality private schools despite the efforts of powerful unions to keep them in failing public schools, or seeing a home still standing in the shadow of a Trump casino despite the determination of government to seize it. Helping people gain or protect their freedom—there is nothing in the world more rewarding than that.

You can imagine how grateful our colleagues and we are to be able to do that for a living. And we are always mindful that we can do it only with the support of our contributors. We have built a loyal and diverse funding base of nearly 8,000 donors. We try always to provide a tremendous return on their investment.

IJ's accomplishments and this 10th year anniversary make us even more excited about the future.

We have always enjoyed the advantage of being a lean, entrepreneurial organization. That will never change. But to seize new opportunities and carry the fight for freedom to new arenas, we are investigating possible new entrepreneurship clinics as well as state and regional chapters that will allow us to tap into both freedom-oriented provisions in state constitutions as well as volunteer assistance from the hundreds of alumni from our training programs. It will be exciting!

Through it all, it has been a great delight for the two of us to realize that long-ago dream. We work effectively as partners and we enjoy it enormously. We look forward to celebrating with you our 10th anniversary in the enterprise of freedom—and continuing to work together to build on our success as we change the world!◆



Chip Mellor is president and general counsel of the Institute for Justice and **Clint Bollick** is the Institute's vice president and director of litigation.



IJ Turns to Human Action Network To Soup Up Attorney Staff

By Chip Mellor

Marni Soupcoff epitomizes how IJ's development of human capital pays off. Marni is an alumna of IJ's clerking and law student programs. Through this experience, Marni was immersed in the "IJ Way" and, as a result, was immediately able to assume significant responsibility when she arrived as our newest staff attorney last September. Marni is litigating economic liberty, property rights and other constitutional cases.

Marni's unassuming demeanor cloaks a core of steel and determination that she has called upon throughout her life to take on new challenges, overcome adversity and achieve success.

She has already added to our nation's advancement of individual liberty, serving as co-president of the Federalist Society chapter at Stanford (where she attended law school) and founding a libertarian club at Johns Hopkins University, where she earned membership in Phi Beta Kappa. So welcome Marni, and expect her to make a real mark at IJ and in courts across America.◆



With Pittsburgh & Baltimore Victories, IJ Launches New Eminent Domain Fight

By Scott Bullock

Ending eminent domain abuse—where individuals' homes and businesses are taken by the government not for a public use but for private economic development—has become one of the central missions of the Institute for Justice's property rights program. The last two months of the Year 2000 brought hard-earned victories in two of our efforts and a new suit

to block yet another outrageous effort by government to take private property to give to other private parties—in this case, for a health club and office space.

Pittsburgh Takes Eminent Domain Off the Table

Displaying an utter lack of understanding of the market and even less concern for constitutional rights, Pittsburgh Mayor Tom Murphy proposed using eminent domain to take more than 60 privately owned buildings and over 120 small, mostly locally owned businesses in the Fifth and Forbes area of downtown to hand the land over to a Chicago-based developer to bring in national chain stores. On March 1, 2000, the Institute made Pittsburgh "ground zero" in our nationwide battle against eminent domain abuse. On that day, we announced at a rally in Market Square in downtown Pittsburgh that we would represent for free any property owners who wanted to keep their businesses. (As local Pittsburgh activist Bernie Lynch explains on page 10, our commitment to the property owners gave them much-needed leverage to battle the City and its powerful allies, including city agencies, developers, perhaps a majority of the city council, and the region's largest newspaper, the *Pittsburgh Post-Gazette*, whose editorial page continually promoted Murphy's proposal.)



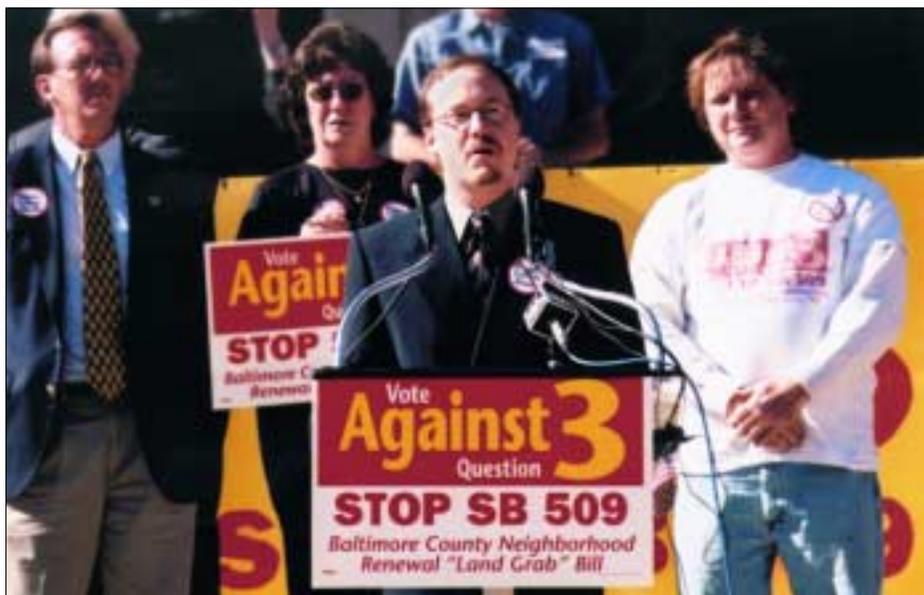
At times, the odds seemed greatly stacked against the property owners, but they and the Institute persevered to eliminate eminent domain from the equation. We wrote numerous op-eds and spoke at forums, rallies and hearings. We erected billboard advertisements throughout Pittsburgh attacking the Mayor's abuse of eminent domain at Fifth and Forbes. We placed newspaper ads featuring the human face in this battle: the property owners who stood to lose their small businesses, many of which had been in their families for generations. All the while we strategized with local activists and prepared legal papers should the City move against the property owners.

As a result of our months-long campaign, the dynamics changed as fall neared. It was the Mayor, rather than the property owners, who felt the pressure to give in. Finally, the day before Thanksgiving, Nordstrom

department store—the centerpiece of the Mayor's development—announced it would not build a store in downtown Pittsburgh. Murphy was forced to declare his proposed Marketplace at Fifth and Forbes project, with its threat of eminent domain, dead. On that day, the Institute urged Mayor Murphy, as we did throughout this battle, to declare publicly that he would not use eminent domain in any new effort to revitalize downtown. With public pressure mounting, he made that pledge at last. We had won.

That Thanksgiving weekend, I visited my family near Pittsburgh where I grew up and attended the victory party held by the property owners at the Chart Room Café, a classic Pittsburgh establishment that was to be torn down if the Mayor got his way. It was wonderful to be able to celebrate this victory with the people who fought so valiantly for the protection of property rights in Pittsburgh and throughout Pennsylvania.

Given his history, we will keep a close eye on Mayor Murphy (if he survives a stiff reelection battle next year.) Of course, if he starts down the eminent domain path again, our offer to defend existing Pittsburgh business owners remains. But for this battle, downtown business owners can breathe a heavy sigh of relief knowing that the sword of eminent domain has now been lifted from above their heads.



Scott Bullock warns Maryland residents how new legislation could expand eminent domain abuse in their state.

Baltimore Voters Reject Expanded Eminent Domain

A growing grassroots rebellion is underway against abusive eminent domain actions, and perhaps nowhere was this more evident recently than in Baltimore County, Maryland.

Earlier this year, the Maryland legislature passed a law—S.B. 509—that tore away cherished property rights by granting Baltimore County vastly expanded power to take property through eminent domain. Senior Attorney Dana Berliner testified against the legislation at hearings.

Once it was passed, the Institute strategized with local property owners about challenging the legislation when it became effective in November. But community activists along with owners who stood to lose their property under the law were so outraged by the county's action and the legislature's willingness to confiscate property that they garnered enough signatures to place a referendum on the November 2000 ballot to invalidate the law. The Institute continued its pressure by speaking out against the legislation, writing opinion pieces and, finally, serving as the featured speaker at a rally the Thursday before the election. At the rally, I explained why S.B. 509 epitomizes the abuse of eminent

domain throughout the country and how the law practically invites government officials to trade away the homes and businesses of residents to politically connected developers in the name of economic renewal. On Election Day, the expanded eminent domain authority was crushed at the ballot box with 70 percent of the vote cast against it.

New London Property Owners Battle For Their Rights

No sooner were those victories secured, however, than we filed suit in December 2000 against yet another example of eminent domain abuse. The City of New London, Connecticut, and a private body, the New London Development Corporation (NLDC), are condemning homes and businesses in Fort Trumbull, a well-established, working-class neighborhood along a beautiful stretch of waterfront property. The plan is to take this land to build a privately owned health club, office space and unspecified development projects to enhance a new

Pfizer facility that moved next door.

The battle lines in New London have been drawn. The City and the NLDC want everyone out by March 2001; but a group of committed property owners, including a property owner whose family has lived in Fort Trumbull for more than 100 years and in the same house since 1901, are not interested in selling and leaving the neighborhood.

You will hear a lot more about our New London case in future newsletters, but suffice to say for now that if you thought Pittsburgh Mayor Tom Murphy was the poster boy for eminent domain abuse, wait until you meet Claire Gaudiani, the head of the NLDC, the private corporation to which the City of New London transferred its awesome eminent domain power. An academic and former president of Connecticut College, she justifies her actions in New London as the pursuit of "social justice." She likes to compare what she is doing in New London to the work of Jesus and Martin Luther King. (As Dave Barry would say, we are not making this up.) She is also unapologetic about the use of eminent domain to force people

from their homes and businesses. As she puts it: "Anything that's working in our great nation is working because someone left skin on the sidewalk." She is a real-life Ellsworth Toohy.

The Institute for Justice will do everything in its power to make sure that the Constitution and

these people's lives and livelihoods are not skinned and left on the sidewalk. ♦

Scott Bullock is a senior attorney for the Institute for Justice.



IJ Clinic Students Expand Legal Services

By Patricia Lee

Chicago entrepreneurs (like small business people nationwide) face tremendous challenges as they try to create and grow their businesses. With the odds of success already stacked against them, there is a tremendous need for effective legal representation to guide these would-be business people not just through transactional matters, such as deciding what legal structure a business should take, but in the regulatory arena as well. Up until now, however, law students enrolled in the Institute for Justice's Clinic on Entrepreneurship had to draw the line of the services they could provide to entrepreneurs at the administrative hearing's door. They lacked one legal credential that would allow them to provide a full range of legal services, even under the supervision of a licensed attorney.

To add this important arrow to their legal quivers, third-year law students in the Institute for Justice Clinic on Entrepreneurship Martha Tsuchihashi, Brenna Findley, Madhu Goel, Dan Liljenquist and Mary McDermott recently received their "711 certification" licenses from the Administrative Office of the Illinois Courts. This certification allows students, under the supervision of an attorney, to expand their representation of clients into the regulatory arena. It also allows these students, who are principally transactional and regulatory advocates, to represent entrepreneurs, who are often the target of obstinate bureaucrats, in courts of law if necessary.

Of the many lessons our students learn through the IJ Clinic, time management is one of the most essential. Martha Tsuchihashi, for example, who has participated in the IJ Clinic for the past three quarters, split her time during the autumn quarter between a nonprofit organization and for profit businesses. In the beginning of the quarter, she reviewed and edited the by-laws of the Chicago Job Council, which connects city



Chicago entrepreneur **Kimberly Smith** founded and runs Heavenly Expressions by Kimberly with the help of the IJ Clinic on Entrepreneurship.

residents with training and support needed to gain self-sustaining employment. She then turned her attention to Kimberly Smith, the owner of a startup company called Heavenly Expressions by Kimberly in Chicago. This particular entrepreneur and mother of four runs a gift basket business on Chicago's Southside. Martha and Giancarlo Barletta, a summer student at the IJ Clinic, worked with Smith on incorporation, tax matters, licensing and a general contract. Her business was one of the several dynamic businesses recently featured in *Barron's* and the *Chicago Reader*.

So whether in administrative hearings or beside their clients at their place of business, IJ Clinic students are applying the skills and lessons they've learned to advance entrepreneurship in Chicago's inner-city. ♦

Patricia H. Lee is director of the Institute for Justice Clinic on Entrepreneurship.



Litigation Update

Las Vegas Limo Case Heads to Trial

After two years of delays and requests for continuances from the lawyers representing Nevada's Transportation Services Authority (TSA), the Las Vegas limousine case is finally scheduled to go to trial on February 12. The Institute for Justice represents a group of independent entrepreneurs who seek to break open the government-imposed limousine cartel in Las Vegas, where a nakedly arbitrary licensing regime gives the TSA virtually unfettered discretion to grant or deny applications for new service. As a result of this scheme, Las Vegas is dominated by a handful of powerful transportation companies who have enforced a strict "no entry/no compete" policy against would-be independent operators for more than 20 years.

The stakes went up dramatically last June when three cartel members concluded that the Nevada Attorney General's Office was being "outmanned" by IJ attorneys Dana Berliner and Clark Neily. After obtaining permission from the trial court judge to intervene in the lawsuit, lawyers for the "Big Three" cartel members stepped in and treated Rich Lowre, Bil Clutter and the other plaintiffs in this case to the very same tactics of delay, harassment and intimidation that they have used successfully against small startup companies for years. But the TSA and the Big Three discovered that they had met their match when Rich, Bil and other independent operators teamed up with the Institute for Justice to take on the system. Viva Las Vegas!♦



Attention Lawyers

This month, the Institute for Justice launched its on-line Public Interest Litigation Attorney Training Conference. The Internet training will begin on January 29 and run through March 9 and is accessible 24 hours a day, 7 days a week. The course consists of four one-hour tutorials: (1) *How to Succeed in Public Interest Law*; (2) *Public Interest Litigation Tactics*; (3) *Ethics, Fees, Client Agreements and the Practicality of Public Interest Law*; and (4) *Media Relations: Arguing Cases in the Court of Public Opinion*. We will complement the training with on-line chat sessions (February 23 and March 9) with each of the instructors.

IJ training provides highly practical tools to allow market-oriented attorneys to incorporate public interest litigation tactics into their practice. Alumni are invited to join the Human Action Network (HAN), which brings together lawyers, law students, social scientists and policy activists across the nation who are committed to liberty. If you are interested in doing pro bono work you believe in and being a part of IJ's attorney network, we strongly encourage you to participate in this innovative approach to public interest law. Apply now on our website: www.ij.org/lawyers, or call Maureen Blum, IJ's Outreach Coordinator for more details.

Cleveland continued from page 3

any hope of learning. We are now facing the very real possibility of losing the only program that opens doors for kids the public school system would otherwise ignore.

To let that happen would be a disaster. What those two judges refused to see when they ruled against the program was that not a single dollar for my children's education goes to a school unless I make that decision. I'm not being told where to send them. The choice is all mine.

Like all but eight of the 300 children who attend St. Thomas Aquinas, my children are not Catholic. I send my children there because they have teachers who care and do well by my kids, like my daughter's teacher, Judy Demascio. They work with me to help my children learn the basics. They encourage one-on-one, hands-on help in smaller classes. They are willing to do whatever it takes—including creating extra reading classes, creating small dictionaries to help their students read better, and running other programs when the school would otherwise be closed—to do what's best for the children entrusted to them. I certainly chose their school because I want a place with values, the moral instruction my children need. I want their school to reinforce the respect I teach them and to have no nonsense in the classroom. But above all else, I want to put them in a place where they will learn.

As long as there's been a scholarship program, we've been blessed with the help of the Institute for Justice. Every time there is a legal challenge, the Institute for Justice works with us and for us to keep kids of families on a fixed income in good schools. Working together we will win and get children like mine what they deserve: the best possible education.♦

Johnietta McGrady is a school choice mom from Cleveland and a client of the Institute for Justice in its defense of the Cleveland scholarship program.

IJ's Work Shows It Is Time To Respect Private Property Rights



photo by: Heather Mull

By Bernie Lynch

I clearly remember the day in October 1998 when I called the Institute for Justice and begged them to come to the aid of our business community. We were under attack by City of Pittsburgh officials who wanted to take our property so they could give it to a private developer for a mall. IJ's Scott Bullock, a graduate of the University of Pittsburgh Law School, knew our area well enough to know that the City's blight designation of our district was a ruse. This was an excuse to take from long-standing mom and pop shops, immigrants and a widely diverse retail mix and give to faceless corporate retail chains—all in the name of progress.

That first day, Scott gave me the advice that I imparted to others throughout our two-year battle: We might not stop city agencies from approving the plan, but we could win in the court of public opinion. Silence and acceptance would be our undoing.

Let everyone know about the injustice of the plan, he advised. He may not have said the following words exactly, but what I walked away with from that conversation was, "shout...shout long, hard and loud and don't stop shouting until justice is served."

Two years later, with the Institute for Justice's Scott Bullock, Chip Mellor, John Kramer and Dana Berliner guiding us in our successful grassroots campaign to gain public awareness about eminent domain abuse, our battle is over. I knew nothing about waging this type of battle. None of us did. But IJ did. IJ empowered our group to win what was considered a "can't win" battle. Without IJ's guidance, wisdom, experience and resources, we could not have prevailed. The leverage IJ brought to our cause cannot be overstated. We would have been seen as "a bunch of nay sayers" had it not been for the real power and force IJ brought to our cause.

The law may not have been tested in Pittsburgh, but the will of its people

was. IJ put us on top and sent a strong message to a mayor desiring reelection that his method won't work here. IJ's staff and resources, put toward expert use, removed the threat and now have our mayor working with us, not against us. Words alone cannot express the appreciation felt by the business and property owners, customers and citizens of our great city who did not want to see the soul ripped out of our center and replaced by a mall.

I, along with many here at ground zero, will never forget that in our hour of need, it was IJ who stepped up and stood with us, when many in the community, in fear of retribution, had abandoned us. I shall fondly recall who, in these darkest and dimmest hours, gave us the hope to continue and armed us with the tools to succeed. Thanks IJ. ♦

President of Pittsburgh's Golden Triangle Community Development Corporation **Bernie Lynch** worked with the Institute for Justice to successfully defend property owners against the City's abusive use of eminent domain.

Volume 10 Issue 1

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 own destinies as free and responsible members of society. It 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, it trains law students, lawyers and policy activists in the tactics of public interest litigation to advance individual rights.

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

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

How to Reach us:

Institute for Justice
1717 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006

General Information (202) 955-1300
Fax: (202) 955-1329

Extensions:
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Website: www.ij.org
E-mail: general@ij.org

Quotable Quotes

*Debates/Debates
PBS*

Debating the right of government to pursue civil asset forfeiture:

"Civil forfeiture puts the balance too far on the side of government power at the expense of private property rights."



WPIX News (New York)

"New York State law does not give private property owners a right to be heard on whether the government can take their property or not."



Pittsburgh Tribune-Review



"The Institute for Justice's billboards—12-feet high by 25-feet wide civic alarm clocks—are timely reminders that government by eminent domain, or the threat thereof, will not be tolerated."

Wired Online

"If you're a New Yorker with a yen for a fine California merlot, you may want to toast a recent federal court ruling. U.S. District Court Judge Richard Berman handed a public interest law firm a preliminary victory in its challenge to a state law banning out-of-state companies from shipping alcohol to Empire State residents. The Institute for Justice, a nonprofit, free-market group in Washington, applauded the ruling and said it planned to ask for summary judgment or a full trial. A victory in this case could be the beginning of the end for similar laws in dozens of other states that prevent would-be shoppers from ordering alcohol online."

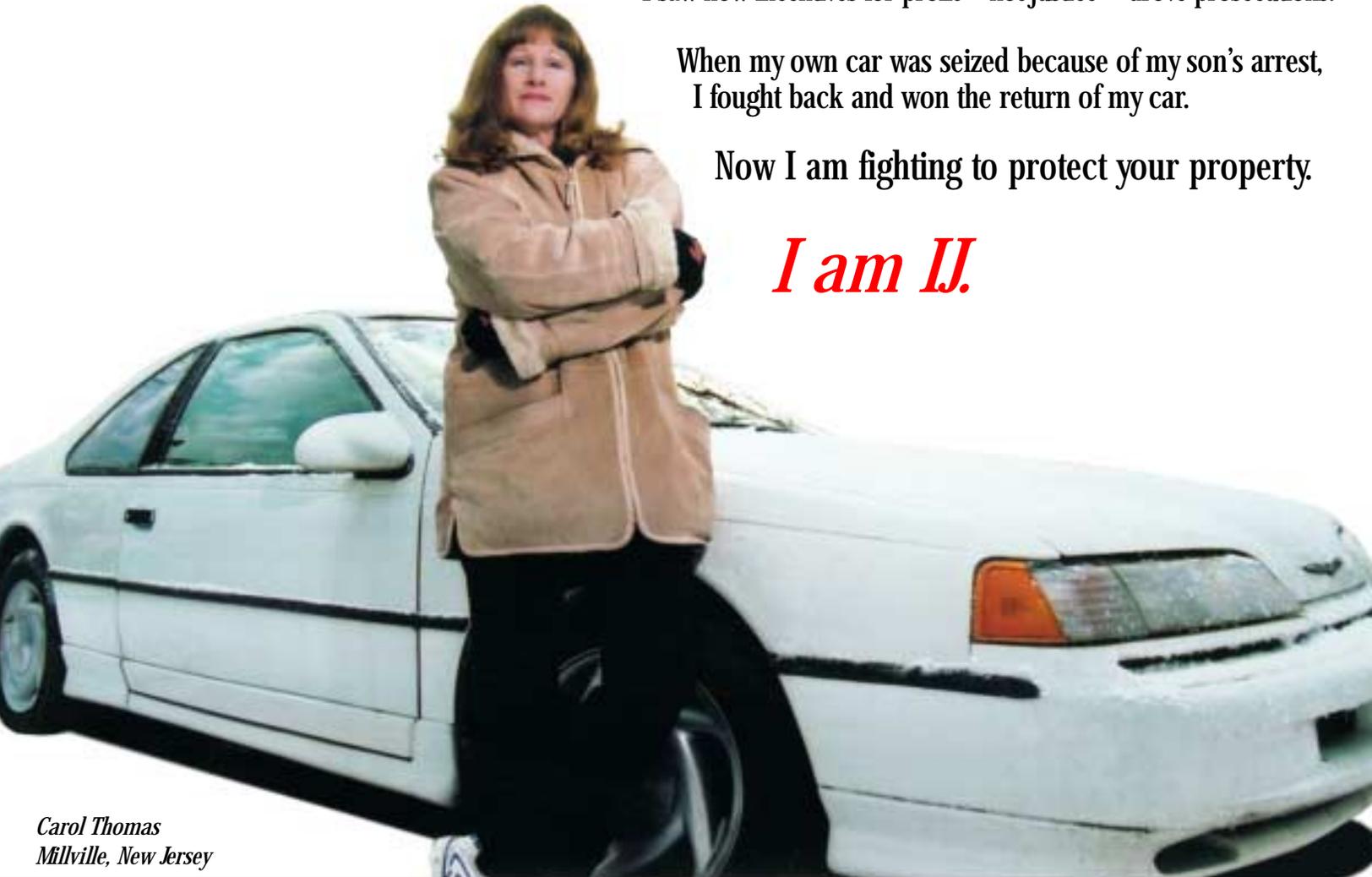
I witnessed government's abuse of civil asset forfeiture first hand
as a deputy sheriff fighting the drug war.

I saw how incentives for profit—not justice—drove prosecutions.

When my own car was seized because of my son's arrest,
I fought back and won the return of my car.

Now I am fighting to protect your property.

I am IJ.



*Carol Thomas
Millville, New Jersey*

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Property Rights

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Institute for Justice
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