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Volume 10 Issue 2

Inside This Issue

Illinois School Choice
Victory

2

IJ's Chairman of the Board
Celebrates 10 Years of
"The IJ Way"

3

IJ Takes on
Eminent Domain Abuse
In Connecticut

6

New Assistant Director
Joins IJ Clinic

10

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Liberty & LAW

Asset Forfeiture Victory



With the Institute for Justice's help, **Carol Thomas** won her car back after it was unconstitutionally taken from her. She is now continuing her legal challenge to end the government's abuse of civil asset forfeiture.

By Scott Bullock

Carol Thomas—a former Cumberland County deputy sheriff whose own car was seized when her son was caught in a marijuana bust—has her car and her cash back, but she is not ready to give up her fight to overturn New Jersey's unconstitutional civil forfeiture laws. The Institute represented Thomas (and her car) not only in her successful effort to reclaim ownership of her car but also to challenge what drives civil forfeiture abuse in New Jersey and in many other states: the direct profit incentive underlying the laws, whereby police and prosecutors are entitled to keep the cash and property they seize.

On January 19 of this year, the Institute secured an early-round victory in Thomas' case when Superior

Court Judge G. Thomas Bowen, reading from the bench, dismissed the government's claim against her car, and ordered both the title to her car and a \$1,500 bond she posted to be returned to her. But just as important, the judge allowed a counterclaim filed by Thomas and the Institute for Justice challenging the state's civil forfeiture law to continue in court. Judge Bowen found that even though Thomas' case is over, it is in the public interest to decide whether or not New Jersey's perverse incentive structure violates the Due Process Clause of the Constitution, especially since the government has not changed its policy of distributing forfeited property to the very agencies charged with enforcing the law.

Forfeiture continued on **page 5**

Illinois Appellate Court Upholds Constitutionality of Choice

By Matthew Berry

In a significant victory for Illinois families as well as for school choice supporters nationwide, the Appellate Court of Illinois for the Fourth Judicial District in a decision issued on February 8 unanimously upheld the constitutionality of the Illinois educational expenses tax credit law. The ruling was handed down approximately three months after oral argument was held in Springfield, Illinois. At that argument, IJ defended the constitutionality of the credit on behalf of 12 Illinois families.

Because of this decision, when IJ's clients and other Illinois taxpayers file their tax returns this spring, they will be sending less money to the government, which will enable them to spend more money on their children's education. The February ruling of the three-judge panel was the third decision by an Illinois court affirming the constitutionality of the tax credit in less than two years; two Illinois trial courts had already dismissed challenges to the credit filed by the Illinois Education Association, Illinois

Rather, the tax credit allows Illinois parents to keep more of their own money to spend on the education of their children as they see fit.

The court went on to say, however, that the tax credit would still be constitutional even if one considered the money claimed through the credit to constitute public funds. This is because the tax credit is fully consistent with both U.S. Supreme Court and Illinois Supreme Court precedents indicating that programs providing general educational assistance are constitutional so long as religious and nonreligious options are treated equally and funds are guided by the private and independent choices of parents.

IJ also represents Illinois families in a separate case challenging the constitutionality of the tax credit. Oral argument was held before the Appellate Court of Illinois for the Fifth

Judicial
District in
Mount
Vernon,
Illinois,

earlier this year, and we expect a decision in that case to be released by the middle of the summer.

Although the teachers' unions will undoubtedly appeal their recent defeat to the Illinois Supreme Court, five judges have now looked at the educational expenses tax credit, and all five have concluded that it's constitutional. That record of success makes us hopeful about our prospects in our remaining battles defending the constitutionality of the credit. ♦

Matthew Berry is an Institute for Justice attorney.



CLEVELAND TEACHERS
UNION
Richard A. DeColibus, President

Excerpt from
"Presidential Update"
Cleveland Teachers
Union Newsletter

"... I got an interesting note from one of our elementary teachers along the lines of, "Why are you wasting your time with vouchers and charter schools instead of important issues like how unprepared the students are to learn and other more pressing issues like inclusion and lack of supplies." My answer was . . . vouchers and charter schools are like cancer: they are silent killers of your career and public education in general. They are not going to go away by themselves, they have to be made to go away, and you don't have the time to do that. I do (I make the time), and that's is [sic] what you pay me to do. . . ."

The tax credit allows Illinois parents to keep more of their own money to spend on the education of their children as they see fit.

Federation of Teachers and other special-interest organizations opposed to education reform.

The teachers' unions and their allies argue that the law, which provides a credit against state income taxes for 25 percent of tuition, book fees or lab fees incurred by K-12 students at public or private schools up to a maximum of \$500 per family, violates four provisions of the Illinois Constitution, two of which deal with establishment of religion. The appellate court, however, emphatically rejected these arguments.

The opinion written by Justice Rita Garman was a complete victory for school choice supporters. The court ruled that the tax credit does not violate the Illinois Constitution because no public money is spent at religious schools.



IJ Chairman of the Board **Dave Kennedy** personifies IJ's commitment to principle and tireless devotion to action and results.

By Dave Kennedy

It's hard to believe it was more than 20 years ago when I first met Chip Mellor, and Clint Bolick only the year following. We all lived out West and became involved with a regional public interest law firm based in Denver, Colorado. Each of us felt passionately about the overarching, coercive arm of government and its intrusion into the daily lives of not just each of us, but into the lives of plain, ordinary people everywhere. We tried to do something about intrusive governmental action—about unaccountable bureaucrats presuming to force “solutions” and programs on others because those bureaucrats “knew better what was good for us, than we ourselves did.” As time passed, each of us left the Rocky Mountain area and went our own separate ways.

How well I remember, then, Chip Mellor's phone call a few years later, asking to meet with me to discuss a proposal that he and Clint

Board Chairman Dave Kennedy On IJ's 10th Anniversary

Bolick wanted to make to start a new kind of public interest law firm. The year was 1986, and knowing Chip and Clint, I looked forward to hearing what they had to say. Not surprisingly, they brought passion, vision and intellect to the proposal. However, I had to give them my candid advice when they asked, and that was that they were not quite yet seasoned enough to pull off the ambitious agenda they had in mind. That set the two of them off to develop the strategic litigation blueprints, fundraising talents, management acumen and other skills they brought together when they finally launched the Institute for Justice ten years ago. The experience since then has been, for me at least, a dream come true.

Since the Institute began, it has been characterized by a steadfast commitment to principle and at the same time by a tireless devotion to action and results. As anyone who has started a business in either the profit or non-profit world knows, the start-up phase is a make-or-break time of great intensity. That was certainly true at the Institute for Justice. I remember fondly, and with some amazement, those early days when we were confronting the challenge of actually creating an organization that would leave its mark on constitutional jurisprudence.

Throughout the entire time, it has been my great pleasure to work with the incredible group of individuals on the Board of Directors and with the devoted and amazingly talented staff, which Chip, with Clint's help, has put together. The Board itself consists of both lawyers and

non-lawyers. They belong to the organization not for any specific expertise they may bring, but rather, for their fundamental commitment to the mission of the Institute—securing the rule of law essential to a society of free and responsible individuals. This Board is a marvelous collection of deeply committed individuals who give freely and much more than generously of their time, their energies and their personal resources.

Added to that kind of commitment at the Board level, is a staff—a team—of individuals who, at their relatively very young age, would make any idealist proud. They share completely the Board's commitment and devotion to principle. They work long hours, tirelessly and always without complaint, to further the cause of individual liberty, and to vindicate the rights of our clients. All of this they do in a very special way, which we have all come to call simply “The IJ Way.”

You just have to understand how incredibly inspiring it is for all of us to be affiliated with such an enterprise!

As we look ahead, the future of IJ has never looked brighter. We know there will always be challenges, but with the strength and integrity this organization has demonstrated over the years, we will turn those challenges—all of them—into opportunities. I want to thank everyone who has been with us in this quest thus far, and invite all of you to be part of a very exciting future. ♦

Dave Kennedy is the Institute for Justice's Chairman of the Board of Directors

IJ Scores Opening-Round Victory In New York Eminent Domain Challenge

By Marni Soupcoff

It's IJ one, New York bureaucrats zero. On January 18, 2001, the Institute for Justice scored an opening-round victory on behalf of New York property owners when U.S. District Court Judge Harold Baer granted a preliminary injunction against the Village of Port Chester, New York. The injunction prevented the Village from using its power of eminent domain against property owner William Brody, pending the outcome of the ongoing constitutional challenge, brought by the Institute for Justice on behalf of Brody and two other New York property owners, to New York's Eminent Domain Procedure law.

In his 27-page opinion, Judge Baer found that Brody is likely to succeed on the merits of his case challenging the lack of personal notice granted New York property owners whose land is taken by the government. The ruling gave hope to all New York property owners and granted Brody a reprieve from the threat of government condemnation and destruction of his Port Chester properties, a peril that

had loomed imminent until Judge Baer's decision.

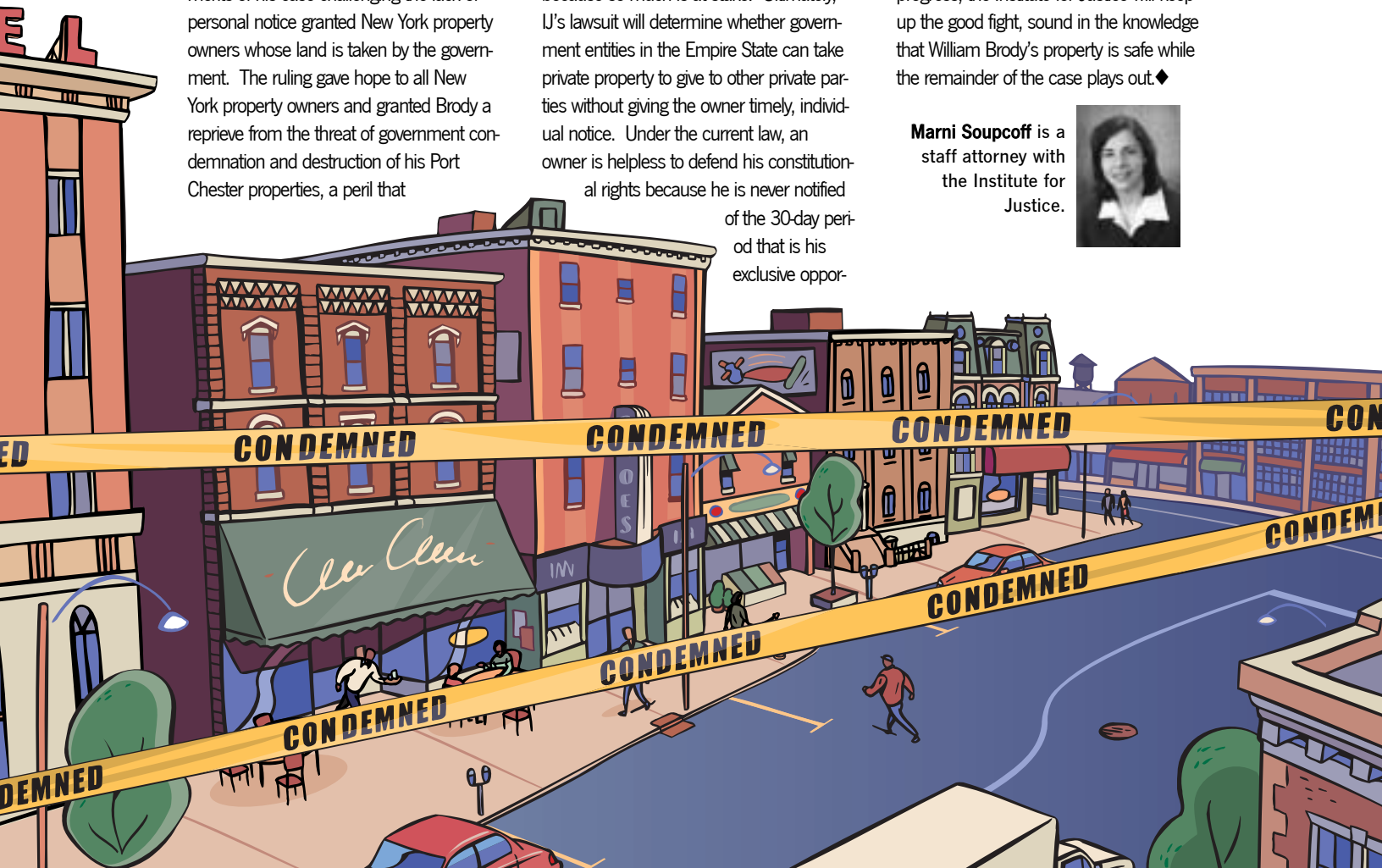
William Brody bought his Port Chester buildings four years ago as an investment to support his wife, Carolyn, and his three young daughters. He spent years renovating and restoring the structures, but just as he finished, the Village of Port Chester announced that it would condemn the buildings and give the land to a private developer to turn into part of a Stop 'n Shop and its parking lot. Until Judge Baer's preliminary injunction, the Village could have taken and destroyed Brody's property at any time, even while the judge was considering the merits of the current suit.

This early victory is an important one because so much is at stake. Ultimately, IJ's lawsuit will determine whether government entities in the Empire State can take private property to give to other private parties without giving the owner timely, individual notice. Under the current law, an owner is helpless to defend his constitutional rights because he is never notified of the 30-day period that is his exclusive oppor-

tunity to challenge the condemnation of his property. In a cruel sleight of hand, when New York notifies an owner that it is taking his property, it also tells him that it is too late to put up any legal defense to the taking—a practice that flies in the face of the Constitution's Due Process Clause, which requires the government to provide notice and a hearing before taking private property. This suit will, therefore, decide whether New Yorkers receive the meaningful and direct notice they are constitutionally due.

In the meantime, the case continues. Taking issue with the judge's injunction, the Village of Port Chester has given notice that it will appeal Judge Baer's order to the U.S. Court of Appeals for the Second Circuit. As the appeal and the rest of the litigation progress, the Institute for Justice will keep up the good fight, sound in the knowledge that William Brody's property is safe while the remainder of the case plays out. ♦

Marni Soupcoff is a staff attorney with the Institute for Justice.



Did you know?...

When it Comes to Private Property, Governments Take First and Worry About the Constitution Later

Under so-called “quick-take” statutes, like the one on the books in Connecticut where IJ is representing property owners whose rights are being violated, the government is permitted to use its power of eminent domain to take private property before the owner has a chance to mount any legal opposition or defense. It is only after the government has taken legal title to the private property that the real owner is permitted his day in court.

Eminent Domain: No Longer Just Schools and Highways

Think the government only takes private property to make room for public projects like schools and highways? Think again. Eminent domain has been used to make way for everything from private industrial parks, shopping centers, parking garages, retail shops and condominiums, to an MGM Grand mega-resort. We are fast-becoming a government of, by and for the highest bidder.

Forfeiture continued from page 1

Thomas' case, *State of New Jersey v. One 1990 Ford Thunderbird*, arose in 1999 when Thomas' then 17-year-old son used her Thunderbird to sell marijuana without her knowledge or consent. He was arrested by undercover officers, pled guilty and faced his punishment. But that did not end the matter. In addition to pursuing the criminal case, the prosecutor also seized Thomas' car in a civil forfeiture proceeding even though no drugs were found in the car, she bought the car with a bank loan, and she unquestionably was not aware of and did not consent to her son's actions.

Upon hearing of the judge's decision in the courtroom, Thomas said: “Of course I'm happy to get the title to my car and my bond money back, but most of all I'm happy that we'll be able to help other people by changing this law. I've won my case; now I want to make sure the state stops cashing in on the property of other innocent owners.”

Having secured the return of Thomas' property, the Institute will now set out to demonstrate to the court how policing and prosecuting for profit violates fundamental due process guarantees. In an in-depth article on the Institute's case following the judge's decision, the *Asbury Park Press* noted that “legal experts say the core argument in the Cumberland County case, that it is impossible for police to be impartial when they derive a direct financial benefit from their actions, may be the strongest challenge yet to the forfeiture laws.”

The financial stakes in this battle are enormous, encouraging police and prosecutors to aggres-

sively enforce the laws, even at the expense of innocent owners' constitutional rights. For instance, since the laws were changed in 1984 to allow law enforcement to keep forfeiture proceeds, federal agencies have collected more than \$7.3 billion in property.

In New Jersey, forfeiture laws generate significant off-budget windfalls for law enforcement. As the *Asbury Park Press* noted in the same article, the Monmouth County Prosecutor's Office in New Jersey alone spent about \$235,000 from the forfeiture fund in the year 2000, amounting to almost half of its annual operating budget, excluding salaries. Many of the forfeiture funds are used for

“I've won my case; now I want to make sure the state stops cashing in on the property of other innocent owners.” –Carol Thomas

what could be described as “quality of life” enhancement for law enforcement. For instance, the Monmouth County Prosecutor's Office used money from the forfeiture fund for such items as \$13,925 in expenses for a prosecutors' convention, \$1,588 for a washer and dryer, which allows forensics investigators to clean their overalls after returning from crime scenes and \$3,121 for bar association dues.

Through the discovery process, the Institute is compiling the data on the amount of forfeitures in New Jersey and “following the money.” The constitutional case will progress over the spring and summer of this year. ♦

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





By Scott Bullock

Given the disregard of constitutional rights by so many government officials and their allies, it is pretty difficult to be shocked by the behavior of individuals who think nothing of steam-rolling the Constitution in pursuit of their grand schemes. But sometimes the attitude and actions of those in power are so ruthless, so offensive, that it shocks even those of us who

treat this behavior almost as routine. They also serve as a stark reminder of the type of people we face in litigation.

Perhaps nowhere was this callous disregard for property rights more on display than in the recent actions of the City of New London and its ally, the New London Development Corporation (NLDC). As you may recall from our last newsletter, we represent a group of seven property owners (the New London Seven!) who are fighting to hold onto their homes and businesses in the Fort Trumbull neighborhood. The current controversy began in 1998 when pharmaceutical giant Pfizer built a plant next door to the neighborhood. Shortly thereafter, the City and the NLDC determined that someone other than the existing home and business owners could make better use of the land. So the government and the NLDC condemned these properties not for a public use, such as a road or public school, but for private economic development. The new development, consisting of a privately owned hotel, a health club, office space, new housing and other

unspecified development projects is supposedly designed to enhance the Pfizer facility.

We filed suit on December 20, 2000 to challenge this outrageous abuse of eminent domain. Despite the fact that the City and the NLDC did not even have to answer our complaint until mid-February, in early December the NLDC applied for demolition permits for some of the properties owned by our clients. Under Connecticut law, there is a 60-day public notice period before a party can demolish a building. That period expired on February 5, 2001. While most of the properties owned by the plaintiffs are occupied (and therefore not in immediate danger), some of the properties are rental, and the NLDC was actively trying to move tenants out of the buildings. The NLDC claimed that because it filed eminent domain actions, it was now the real owner of the properties and that all remaining rents had to be paid to the NLDC (even though the original owners were still paying for mortgages and insurance). Moreover, one of the properties was vacant and under ren-

ovation by Richard Beyer, one of the property owners. (He had previously restored the house next door to pristine condition.) Come February 5, the NLDC could have demolished these properties.

Because of the February 5 deadline, I contacted the NLDC's legal counsel and asked whether the NLDC would voluntarily agree to suspend the demolitions of the properties owned by the plaintiffs until the court heard the case. (Almost all of our dealings in this case have been with the NLDC, a private corporation, because the City has incredibly—and unconstitutionally—given its eminent domain authority to a private development body.) NLDC's counsel informed me that any decision on suspending the demolitions would have to be made by the NLDC's board of directors at its next scheduled board meeting on February 13, 2001. I then inquired whether the NLDC would agree to suspend demolitions from February 5 (the date the NLDC could proceed with demolitions) to February 13 (the date of the board meeting). Demonstrating its

arrogance and contempt for the law and the Constitution, the NLDC refused. That refusal to suspend the demolitions necessitated the Institute filing a motion for a temporary restraining order on January 31. It was the only way to ensure that the NLDC did not move to demolish the properties while the lawsuit over eminent domain progressed.

While I appeared in court on February 5 attempting to obtain a restraining order, property owners and their supporters held a vigil around the vacant property to ensure it was not demolished. As he describes in more detail the next column over, IJ Vice President for Communications John Kramer camped out overnight in the vacant, uninsulated, unheated property from midnight February 5 until the court appearance to guarantee that the NLDC did not move in with bulldozers to raze the properties until the court hearing. (Okay, in case you are wondering, I stayed at the Radisson, but I had to be coherent in court the next day!) The filing of the request for a restraining order and the February 5 hearing touched off two weeks of intense negotiations before Judge Robert Martin among the Institute for Justice, the City and the NLDC. These talks culminated in an agreement on February 21.

As a result of this agreement, the homes and businesses of the Fort Trumbull neighborhood will remain standing, occupied and rented until a decision has been reached in our challenge to the eminent domain actions. In addition to the guarantee that there will be no demolitions or evictions of the residents, the owners of the rental properties will also be able to rent out the properties during the course of the litigation. As mentioned previously, before we filed for the restraining order, the NLDC had claimed full ownership of the buildings, moved tenants out and argued that any rents remaining must be paid to the NLDC. That has been stopped. Now, the true owners of the buildings will be able to offer their apartments and homes for rent.

The agreement also set a schedule for resolving the case. Discovery will take place throughout the remainder of March and April, and the trial in the case is currently scheduled for May 21. The property owners can rest easy knowing that they will not lose their homes or incomes while the Institute focuses on the legal issues in the case. ♦

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

IJ Client **Bill Von Winkle** painted this greeting on the side of his building, which is next to both a main road and railway into New London.



IJ Vice President for Communications John Kramer kept watch through the night to ensure the government didn't destroy a client's home.

Vigil at 41 Goshen Street

By John E. Kramer

Jefferson's quip returned to me as I lay freezing on the dusty floorboards that 20-degree February night. "We are not to expect to be translated from despotism to liberty in a feathered bed." I listened for the bulldozers I expected to soon stand before, bulldozers sent by the government to destroy a home it didn't own. "If this is the price to ensure a man's house is free," I thought, "I'll happily pay it."

Richard Beyer, the rightful owner of 41 Goshen Street in New London, Connecticut, poured himself into restoring his newly purchased property. With his neighbors' help, he hauled away dumpster-loads filled with refuse from the yard. Rather than taking the easy route of razing the property and starting afresh, the stonemason preserved the outer structure and tore out everything inside down to the studs, the floorboards and the home's outer shell. He planned to renovate this home in a Victorian style as he had done with a property next door across the 20,000-brick parking area he had laid by hand.

In the middle of his refurbishment, however, the New London Development Corporation (NLDC) informed Richard it was taking both his homes to build a private health club. NLDC-hired goons then

"inspected" his property, taking claw hammers to the siding he had installed, vandalizing the tinning he spent hours painstakingly bending around each window, and tearing a gash in the porch ceiling. They padlocked the front door and hung a sign warning the home was slated for demolition. Unwilling to pump more money into a project he might ultimately lose, Richard stopped the renovation. He tore out their padlock and replaced it with one of his own, leaving 41 Goshen hollow and dark.

As the effective date approached for the NLDC's permit to destroy Beyer's home, IJ sought assurance that the corporation would not bulldoze Beyer's home in the 12-hour gap between midnight on February 5, when the permit would take effect, and noon, when a court conference would decide the immediate fate of his and other homes. But the NLDC refused even such a reasonable assurance. Left unguarded, the home could be destroyed.

With IJ attorney Scott Bullock needing to be fresh for the court conference and the home owner having to work the next day, I traveled to New London to keep a vigil in Beyer's home to block any demolition. I was joined by a *Christian Science Monitor*

Vigil continued on **page 9**



Clark Neily gives an interview in front of the Las Vegas court after one of the six days of trial.

By Deborah Simpson

After more than three years of suffering at the hands of the Transportation Services Authority (TSA) and the existing limousine companies, IJ's independent limousine clients finally had their day in court in a trial challenging Nevada's limousine licensing scheme. The trial exposed the system for what it is: a private cartel that uses government's power to limit competition. IJ and its clients demonstrated how existing companies keep out newcomers and how the TSA applies its force in an arbitrary and biased manner.

From IJ attorney Clark Neily's opening statement, the Institute for Justice described how Nevada's regulatory system is deliberately stacked

Viva Las Vegas Limos

against any would-be independent operators, and showed that the TSA is a hopelessly rigged agency that has been running roughshod over our clients' constitutional rights. IJ's one-two punch of Neily's pitbull litigation style and IJ Senior Attorney Dana Berliner's razor-sharp constitutional law expertise more than matched the eight attorneys representing the defendants and intervening limousine companies.

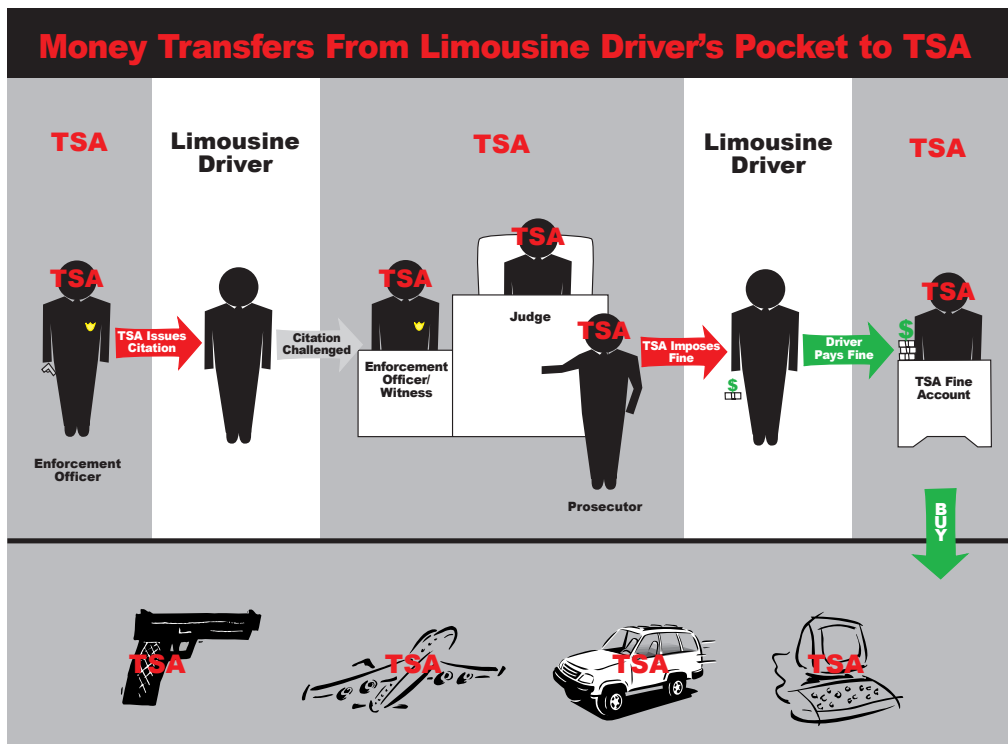
IJ client Rey Vinole painted a stark picture of the system. He told the court how when he applied for a state license to operate, three existing companies intervened to challenge his application. Faced with the debilitating costs intervenors would impose, Rey could either cut a deal with existing companies and limit his service so as not to compete with them, or he could be "run to death" in the TSA's "papermill" (in the words of TSA Chairman Paul Christensen.) When asked if he tried to cut a deal, he said he didn't think it was right for those companies to force him to do that, so he withdrew his application and operated without one, taking the chance of being stopped by the TSA.

Rey operated three limousines at the peak of his business, providing luxury limousine service and earning the respect and business of a long list of repeat clients (including Steven Spielberg and George Clooney). At the end of his testimony, one of the lawyers for a licensed limo service asked Rey, "If one of your drivers wanted to start his own company, taking away some of your clients, wouldn't you want to intervene in his application and have something to say about that?" Crystallizing the heart of the case, Rey, without hesitation, proudly stated, "No. That is none of my business. That is everybody's right in America, to open your own business and be allowed to compete."

Even testimony from current and former TSA employees supported our clients' claims. Ex-enforcement officer John Riggle testified, as someone who has seen the system from the inside, that the system does not give independent limo operators a fair opportunity to receive an operating certificate. And the chairman himself, Paul Christensen acknowledged that there is no limit on the cost or duration of an application and no way for an applicant to know at the onset what his chances are of getting a license if he survives the process.

This is the very antithesis of due process, and we have asked the trial judge to fix the system so that it respects the constitutional rights of our clients and similarly situated independent limousine operators. A ruling is expected in mid-April. ♦

Deborah Simpson is the Institute for Justice's Managing Director.



Litigation Update

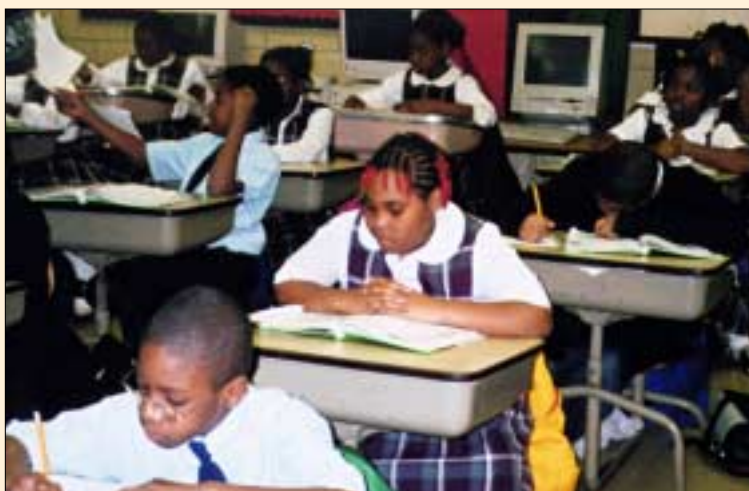


New York City Vans

New York commuter van operators fought their latest round in court on February 21, seeking to strike down protectionist laws that keep them from providing the safe, affordable, efficient transportation so desperately needed in their communities. Appearing on their behalves in New York Appellate Court, Chip Mellor (who only four days before had broken a vertebrae in his back) urged the court to overturn laws designed to keep vans from competing with the woefully inefficient public bus system. A decision is expected later this year. Meanwhile, thanks to IJ's earlier success in this case, several hundred new vans are now on the streets taking people to work and putting people to work. As van entrepreneur Lateef Ajala said in the *Wall Street Journal*, "Work is the medicine for poverty." ♦

Gearing Up for the Supremes

Litigation Director Clint Bolick, Outreach Director Maureen Blum and Communications Coordinator Melinda Ammann went to Cleveland on February 22 to begin grassroots preparation for the anticipated battle over the Cleveland school choice program in the U.S. Supreme Court. The team visited several schools and participated in a parent meeting at the Fatima Community Center hosted by Cleveland City Councilwoman Fannie Lewis. Bolick also debated Cleveland teachers' union official Michael Charney at Case-Western Reserve Law School.



Vigil continued from page 7

reporter who recognized a good story and wanted to be in the best possible place to report first-hand on any developments.

Before we headed over, neighbors streamed in with provisions, like homemade brownies, a thermos of hot coffee and flashlights with extra batteries. These salt-of-the-earth people are used to looking out for one another, a quality that defines a neighborhood much more than the promise of an expanded tax base or possible new jobs.

At 3 a.m., while staring through cracks in the home's outer walls at the black, night air, it struck me, "According to Connecticut law, I'm trespassing." (When an agency like the NLDC moves to condemn someone's home, title immediately—and unconstitutionally—transfers from the owner to the condemning authority.) I laughed and informed the reporter of this fact. He jokingly reassured me that at least he would be bailed out by his editor the next morning.

Throughout the night, I arose to make sure no heavy machinery that passed by was our awaited guests. At 5 a.m. a truck stopped out front. I stood to greet whomever it was. There was a pounding on the door and a voice bellowed, "You in there?!"

"This is it," I thought. "It's either the police or the demolition crew."

It was neither. It was Matt Dery, another neighbor who, despite having the day off, woke up at God knows what hour to drop off the best Dunkin Donuts coffee I have ever had as well as some breakfast sandwiches.

As morning broke, I stood outside greeting still more neighbors and local activists who gathered to form a human shield around the threatened home. As it turned out, I did not come face to face with any bulldozer's steel blade. What I did confront, however, was an even clearer realization of how wrong the NLDC is in destroying the properties of such decent people ... properties to which the NLDC has no right.

Jefferson was right. We are not to expect to be translated from despotism to liberty in a feathered bed. Sometimes we must lay on cold and dusty floorboards on a sub-freezing Connecticut night. To preserve freedom requires action and sometimes sacrifice, perhaps even putting yourself in harm's way. The idea that "freedom isn't free" doesn't just apply to donors. It applies to everyone who truly cherishes the freedom others before us won and passed down to us to be guarded for the next generation. ♦

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



Attorney Stinneford Joins the IJ Clinic

By Patricia H. Lee

Filling the Assistant Director position at the IJ Clinic was no easy task. The job requires someone who is not only an attorney, but also a teacher, and someone with a strong commitment to help entrepreneurs overcome the barriers to entry created by our complex legal and regulatory environment. After conducting a nationwide search, we found the individual who fit that description perfectly: John Stinneford.

John, the son of a lawyer and a teacher, grew up in Chicago and knows the city well. He attended the University of Virginia, where he tutored underprivileged children, founded a literary discussion group called the C.S. Lewis Society, and obtained a B.A. with Highest Distinction in English Literature. Awarded a Mellon Fellowship in the Humanities, John then entered the English Language and American Literature PhD program at Harvard University, where he earned a Masters degree and gained valuable experience as a teacher. John served as a teaching fellow and tutor for Harvard undergraduates, teaching subjects ranging from medieval poetry to post-modern

American fiction. He also spent time tutoring inner-city children in the Roxbury and Dorchester neighborhoods of Boston.

After three years in the English Department, John entered Harvard Law School. While in law school, he continued to teach in the English department and to tutor inner-city children. Now that is dedication. He also served as a teaching assistant for a Federal Litigation class at the law school. John served as Executive Editor of the Harvard Journal for Law & Public Policy, and was named Best Oralist in the semifinal round of Harvard's moot court competition. In 1996, John graduated from Harvard Law School with honors.

Since that time, John has primarily practiced law in the litigation arena. He served as a law clerk to U.S. District Court Judge James Moran in Chicago and then entered the litigation department of Winston & Strawn, a large Chicago law firm. At Winston, John obtained extensive experience in motion practice and took numerous depositions. He also showed a strong commitment to public service, representing sev-



IJ Clinic Assistant Director **John Stinneford** applies his background in law and teaching to help both law students and entrepreneurs.

eral clients in criminal and civil matters on a pro bono basis.

Since joining the IJ Clinic on Entrepreneurship in December, John has jumped into the middle of our defense of several taxicab affiliations in administrative penalty proceedings brought by the City of Chicago. He has quickly engaged students at the Clinic and oversees more than one-third of the client work. As John settles into his new role, we will continue building on the incredible success of the IJ Clinic in educating students, serving our clients and working towards the transformation of inner-city life through the power of the entrepreneurship. ♦

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



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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 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

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Quotable Quotes

**3 News at 10 PM
WLBT TV/NBC**



"Nissan gets the land, the taxpayers of the state of Mississippi get the bill and these people get the boot. That is wrong, it's unconstitutional and it must and it will be stopped."

**"Washington Journal"
C-Span**



"As a libertarian-conservative, we don't expect all that much out of the federal government. What we hope is that they won't mess things up too badly. Which is often a very lofty hope."

The New York Times

"Seven property owners in the Fort Trumbull neighborhood...filed a lawsuit today in State Superior Court here seeking to prevent the condemnation of their homes and businesses. Their efforts are being backed by the Institute for Justice, a nonprofit public interest law firm in Washington that specializes in helping property owners fight confiscation under eminent domain. The institute has won some well-publicized cases, including that of Vera Coking, a widow whose home in Atlantic City was going to be seized for the expansion of the Trump Plaza Hotel and Casino. That case, decided by a state court in 1998, focused on whether the state could condemn land on behalf of someone else."

I'm fighting a private agency that's been given the government's power of eminent domain.

It's trying to take my home and my neighbors' properties not for public use, but for private economic development, including a health club and hotel.

I am fighting for my rights and my home.

I am IJ.

*Susette Kelo
New London, Connecticut*

www.IJ.org

Property Rights

"The Institute for Justice's mission is opposing government infringement of individual rights."

—U.S. News & World Report



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

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