



Written by [Bob Adelman](#) on December 3, 2011

## Institute for Justice Celebrates 20 Years of “Litigating for Liberty”

At the [ceremony](#) marking the beginning of IJ, co-founder Clint Bolick spelled out exactly what they intended to do, and recognized the enormous changes in the way of their doing it. IJ is going to be focused, he said, on “removing barriers to opportunity and helping low-income people earn their share of the American Dream.” For instance:

Little Devon Williams, who was able to escape the cesspool of the Milwaukee Public Schools and instead get a good education in an excellent neighborhood private school, thanks to the nation's first real parental choice program. I tell you, the inspiration, the look of joy and optimism on their faces, speak volumes to the fact that we are right, and that we must persevere in these efforts that are only barely begun....



Each of us possesses fundamental rights that no government may take away. If any of us loses our rights, we all lose our rights. And if [anyone] does not have liberty, then none of us has liberty. We have so much work to do.

IJ's mission remains true to that belief by “challenging the ideology of the welfare state ... illustrates and extends the benefits of freedom to those whose full enjoyment of liberty is denied by government.” [In an interview](#) with *Reason* magazine, Chip Mellor, the other founder of IJ, explained that each case is examined carefully before investing their pro bono efforts in it to make sure that it not only fulfills the requirement of extending liberty but also that the case can be used as an extension of understanding of liberty under law. He said, “All of our cases are viewed and deliberately designed as platforms to educate the general public about the importance of what may seem to be unique or even arcane issues and why those issues affect many, many people beyond the particular case.”

With [initial funding](#) and encouragement from the Koch Family Foundations and the Heritage Foundation, IJ now uses its \$7 million annual funding and the skills of its more than 30 lawyers and support staff to challenge laws that infringe on the rights of individuals who otherwise would be helpless in the face of overreaching government rules and laws. John Stossel [noted](#), “Every day, federal, state and local governments stifle small businesses [in favor of] well-connected [competition]. It's a system of protectionism for influential insiders who don't want competition.”

For example, the monks at St. Joseph Abbey in Louisiana received a “cease and desist” order from the Louisiana State Board of Funeral Directors to prevent them from making and selling hand-made



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wooden caskets. To follow the rules, the monks would have to obtain a funeral director's license (requiring a year-long apprenticeship), pass a funeral-industry-designed "test" of competency, and then turn their monastery into a qualified "funeral establishment" including installing embalming equipment. In a moment of candor, one of the funeral directors on the board complained, "They're cutting into our profits!" As Stossel eloquently put it, "competition does do that. That's the point." IJ was able to roll back the regulations successfully.

IJ currently represents Hector Rickets of New York City who employs drivers to provide transportation services to people living in low-income neighborhoods, charging them \$2 a head. His customers like the service, finding it more convenient than subways and busses and cheaper too. But the public transit union pressured the city to revise its statutes to force Hector into quitting, requiring that his drivers not be able to use the same routes as the city busses, and that people had to arrange transportation in advance by phone, and that the drivers keep a passenger manifest on board with the names of each passenger listed. Hector says the new regulations "make it easier to get on welfare than to grow my business."

In Tupelo, Mississippi, Melony Armstrong does African hair-braiding, but city bureaucrats told her that in order to continue in business she needed a full cosmetology license (requiring 1,200 hours of classes) and an instructor's license (another 2,000 hours!). IJ entered and offered her pro-bono legal assistance and successfully pushed back the bureaucratic requirements.

In another case, IJ is representing Zaher El-Ali of Houston, Texas, in an attempt to get his truck back from a civil forfeiture. The case is *State of Texas v. One 2004 Chevrolet Silverado* and IJ is defending "Ali", an American citizen, in a case in which the truck was seized because Ali had sold it to someone who later was arrested for DWI. When the driver went to jail, Ali stopped receiving payments and asked to get his truck back. The laws of civil forfeiture in Texas allowed the government to keep his truck even though Ali was innocent of any wrongdoing. In its [Executive Summary](#) of the case IJ made its position clear:

Texans should not lose their property without being convicted of a crime, and law enforcement should not profit from [taking] other people's property. Texas' perverse incentive scheme and the unjust burdens placed on innocent owners violate the due process guarantees of the U.S. and Texas constitutions.

Without constitutional constraints on civil forfeiture, police and prosecutors will be free to cash in at the expense of the innocent.

IJ has brought five cases all the way to the Supreme Court, winning four of them. But the fifth, the one they lost, was probably the most famous, and had the greatest impact. In [Kelo v. City of New London](#), IJ went to bat in an eminent domain case concerning the little pink house belonging to Susette Kelo whose home was in the way of what appeared to be a profitable development in New London, Connecticut, by Pfizer. She lost her house, and the outrage from that case reverberates even today, with more than 40 states having enacted eminent domain laws to protect their citizens from government overreach using eminent domain.

IJ continues its good work today, proving to be an excellent exception to the general rule of William Shakespeare, "First, we shoot all the lawyers."



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