



LIBERTY & LAW

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New Territory for Educational Choice

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CERT GRANTED! U.S. Supreme Court Will Hear IJ Forfeiture Case • Victory! IJ Puts a Stop to Colorado's Campaign Finance Bullies
A Historic Victory Against Taxation by Citation • IJ Delivers One-Two Punch Against Airport Cash Seizures
Suing to Make a Georgia City Serve and Protect, Not Ticket and Collect • IJ Wins Legislative Victories for Liberty

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Liberty & Law is published bimonthly by the Institute for Justice, which, through strategic litigation, training, communication, activism, and research, advances a rule of law under which individuals can control their destinies as free and responsible members of society. IJ litigates to secure economic liberty, educational choice, private property rights, freedom of speech, and other vital individual liberties, and to restore constitutional limits on the power of government. In addition, IJ trains law students, lawyers, and activists in the tactics of public interest litigation. Through these activities, IJ challenges the ideology of the welfare state and illustrates and extends the benefits of freedom to those whose full enjoyment of liberty is denied by government.

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New Territory for Educational Choice

IJ Helps Puerto Rican Families Escape Failing Government Schools

BY ERICA SMITH

This summer, the Institute for Justice deployed to Puerto Rico to defend a new educational choice program that has the potential to give tens of thousands of children a better life.

Puerto Rican children need help. Their public schools are currently struggling under the weight of persistent violence, demoralized teachers, and, most recently, Hurricanes Irma and Maria. Only 7 percent of high school students are proficient in math, and less than half are proficient in reading. Families have become increasingly frustrated and hopeless, feeling there are no real options to provide a good education for their children. Thousands have even come to the mainland, trying to find better options.

Recognizing these problems, the Puerto Rican government enacted the Free School Selection Program in March. The program will provide 10,000 scholarships a year so that parents can send their children to the private or public school of their choice. The program prioritizes several categories of needy students, such as those who are low income, disabled, gifted, victims of bullying, adopted, or in foster care.

Almost immediately after the program passed, the local teachers' union challenged it as unconstitutional. IJ jumped into action.

Part of being an IJ attorney is persevering in the face of adversity. But although we always expect challenges in court, ensuring that families in Puerto Rico have a voice in defending their educational choice program meant confronting a whole new set of hurdles: overcoming language and cultural barriers, navigating unfamiliar terrain that was often in disrepair, and building new relationships with the island's leading educational reformers. But our efforts paid off in July, when the Puerto Rico Supreme Court agreed to hear the case on an accelerated schedule—just days after the families we represent were made official parties in the case.

These families demonstrate the huge real-world benefits the program can provide to Puerto Rico's schoolchildren. One of our clients is Jennifer

Puerto Rico's new educational choice program will provide nearly 10,000 scholarships to students like **Jacob Muñoz**, whose parents are desperate to get him away from persistent bullying in his public school.



González Muñoz, whose 6-year-old son, Jacob, suffers from a speech disability and persistent bullying by his classmates. Jennifer desperately wants to send Jacob to a private school, but she cannot afford it with her job making sandwiches and her husband's job as a delivery driver. Another client is Jessica Ñeco, whose daughter, Saadia, is gifted and needs a private school supplemented with university classes to thrive academically. With a scholarship from the program, Saadia can reach her potential.

But these families, and thousands like them, will never receive these scholarships if the union wins. The union claims the program violates the Puerto Rico Constitution's prohibition against using public funds "for the support" of private schools. That claim relies on a 1994 Puerto Rico Supreme Court case that struck down a voucher program defended by IJ in the earliest days of our educational choice work.

Since that decision, however, the legal landscape has changed dramatically. Due to the path IJ has blazed over the last 24 years, nine state supreme courts and the U.S. Supreme Court have ruled that choice supports families, not schools. In addition, we have unearthed evidence showing that the original drafters of the Puerto Rico Constitution actually *intended* to allow scholarships that would permit children and college students to attend private schools.

In other words, the Puerto Rico Supreme Court now has ample grounds to overrule its earlier opinion. IJ won't stop fighting until we win and give thousands of Puerto Rican children the opportunities that come with the freedom to choose the school that is right for them. ♦

Erica Smith is an IJ attorney.



Saadia Ñeco wants to take university-level classes at an academically challenging private school—an opportunity her mother, Jessica, can't provide without help from Puerto Rico's new scholarship program.



IJ client Cynthia Perry and her daughter, Faith

North Carolina's Opportunity Scholarship Program Expands and Succeeds

New research proves what many parents—and *Liberty & Law* readers—already know: Educational choice works. The most recent evidence comes courtesy of North Carolina's Opportunity Scholarship Program (OSP). In 2015, IJ successfully defended the OSP against lawsuits by the state's school boards and teachers' association. The case resulted in a victory for educational choice at the North Carolina Supreme Court. Since then, the OSP has expanded to serve more than 7,000 students. In June, North Carolina State University released a study showing that OSP students outperformed their public school peers on a standardized math, reading, and language test.

The NC State study used the nationally recognized Iowa Test of Basic Skills to compare students in public schools and similarly situated students using scholarships to attend private schools. The gaps between the two groups were statistically significant for all three subject areas, with the most progress demonstrated in language.

NC State's study demonstrates just one of the benefits of educational choice, and IJ's work continues so that families across the nation can enjoy the same opportunities as North Carolinians. ♦

IJ Brief Urges U.S. Supreme Court to Check the Administrative State

Did you know it's a federal crime to sell wine with "Zombie" in its brand name? Unelected bureaucrats are responsible for countless ridiculous criminal laws like this one—and hundreds of thousands more that ruin people's lives, liberties, and livelihoods.

Now the U.S. Supreme Court is poised to hear a case that could have a major impact on Congress' practice of outsourcing its lawmaking powers to unaccountable bureaucrats. The case, *Gundy v. United States*, involves a narrow criminal statute—but IJ filed an amicus brief to show the profound implications the case could have for the size of the federal administrative state.

The elegant "checks and balances" system created by the Framers is broken. It's supposed to be the legislative branch's job to make laws and the executive branch's job to enforce them. Instead, Congress routinely outsources to the president the power to write the very laws that the president himself enforces. Too often, Congress delegates its powers to avoid accountability. As a result, in 2016, unelected bureaucrats in the executive branch issued 18 times more regulations than Congress—and those regulations cost \$1.9 trillion or more.

For more than 80 years, the Supreme Court has let this breach of separation of powers go unchecked, an outrageous example of judicial abdication. IJ's Center for Judicial Engagement has been leading the charge to persuade courts to take constitutional limits on the size and scope of government seriously. *Gundy* is the first time since 1935 that the U.S. Supreme Court will decide whether Congress unconstitutionally delegated its lawmaking power to the president, and it could be an important step forward in the fight for judicial engagement. ♦

CERT GRANTED!

U.S. Supreme Court Will Hear IJ Forfeiture Case

BY SAM GEDGE

This summer, IJ learned that, for the sixth time in our history, we will appear before the U.S. Supreme Court to defend individual liberty.

Loyal *Liberty & Law* readers will recall that in our April 2018 issue we described a Supreme Court petition IJ had just filed on behalf of Tyson Timbs. After Tyson's car was seized by Indiana police using civil forfeiture, both the state trial court and court of appeals ruled that taking the vehicle was "grossly disproportionate" to Tyson's wrongdoing. For that reason, the courts held, forfeiting the car violated the Excessive Fines Clause of the Eighth Amendment to the U.S. Constitution. At the Indiana Supreme Court, however, things took an unusual turn: The court ruled that the Excessive Fines Clause does not apply at all to the state of Indiana. Until the U.S. Supreme Court steps in, the Indiana Supreme Court said it would "opt not to" enforce the Clause.

That got IJ's attention. Virtually all of the protections in the Bill of Rights have long been held to guard Americans not only against the federal government but also against state and local authorities. In legal terms, the protections are "incorporated" against the states under the 14th Amendment.

But the U.S. Supreme Court has never squarely applied the Excessive Fines Clause in this way. And until the Supreme Court intervenes, the Indiana courts have made clear they will not honor the Excessive Fines Clause within their state.

So with IJ at his back, Tyson asked the U.S. Supreme Court to hear his case and, in June, the Court granted our request to decide—once and for all—whether the Excessive

The case will have nationwide implications. The Excessive Fines Clause is an important check on the government's impulse to use fines and forfeitures for raising revenue, and it is just as vital at the state level as it is at the federal.

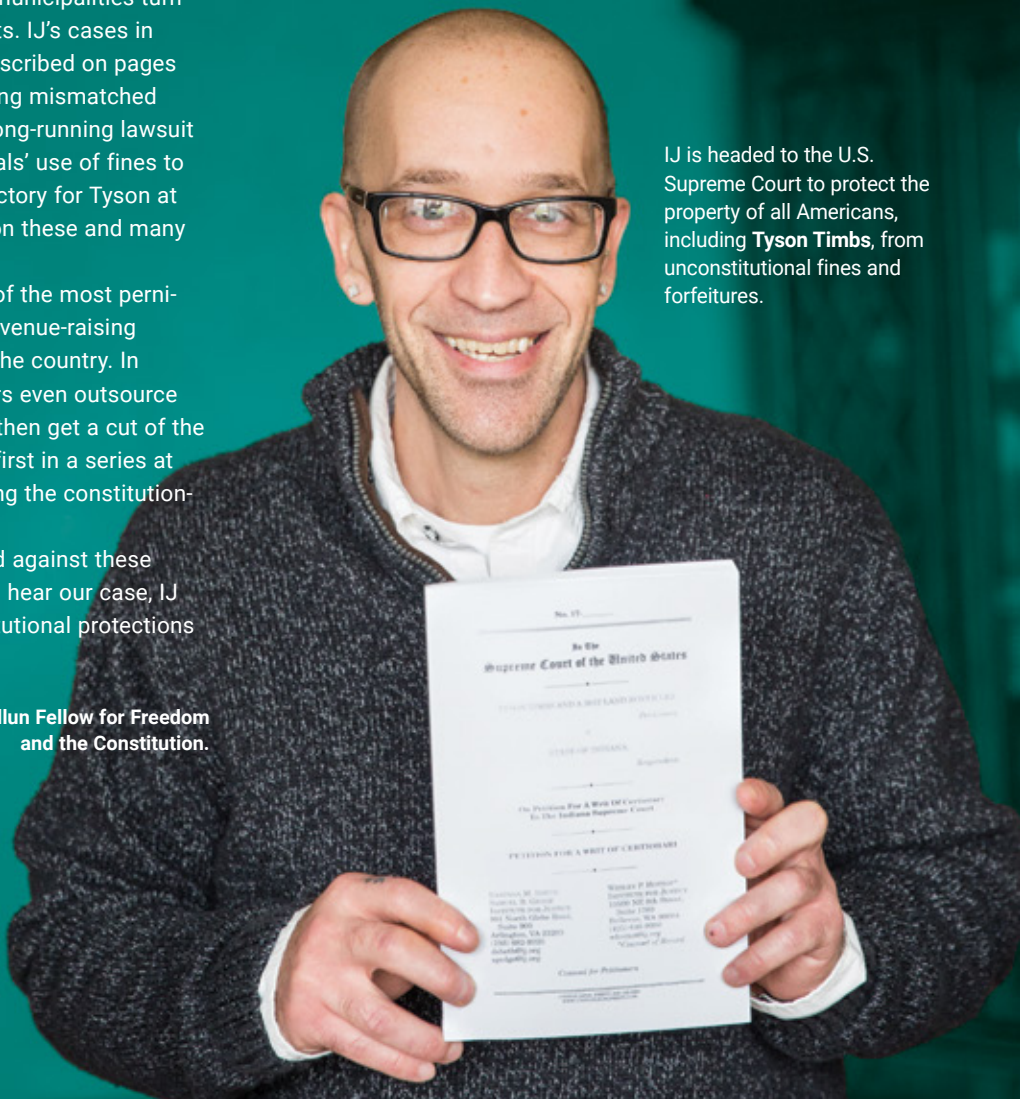
Fines Clause protects individuals from abuse by state and local authorities.

The case will have nationwide implications. The Excessive Fines Clause is an important check on the government's impulse to use fines and forfeitures for raising revenue, and it is just as vital at the state level as it is at the federal. In recent years, fines and forfeitures have exploded as states and municipalities turn to economic sanctions to bolster their budgets. IJ's cases in Pagedale, Missouri, and Doraville, Georgia, described on pages 10 and 14, involve fines for offenses like having mismatched blinds and cracks in cement driveways. Our long-running lawsuit in Charlestown, Indiana, centers on city officials' use of fines to pressure people into selling their homes. A victory for Tyson at the Supreme Court will have a direct impact on these and many other IJ cases.

Meanwhile, Tyson's case spotlights one of the most pernicious aspects of civil forfeiture. That same revenue-raising incentive also fuels civil forfeiture all across the country. In Indiana—where Tyson lives—some prosecutors even outsource their forfeiture cases to private lawyers, who then get a cut of the money seized. We hope this case will be the first in a series at the Supreme Court fundamentally re-examining the constitutionality of civil forfeiture.

The Excessive Fines Clause should guard against these abuses. With the Supreme Court's decision to hear our case, IJ will have the chance to solidify crucial constitutional protections for property owners nationwide. ♦

Sam Gedge is an IJ attorney and the Elfie Gallun Fellow for Freedom and the Constitution.



IJ is headed to the U.S. Supreme Court to protect the property of all Americans, including **Tyson Timbs**, from unconstitutional fines and forfeitures.



Thanks to a sweeping IJ victory for free speech, Coloradans like **Tammy Holland** no longer need a lawyer in order to express a political opinion.

VICTORY!

IJ Puts a Stop to Colorado's Campaign Finance Bullies

BY PAUL SHERMAN

Two and a half years ago, IJ launched a bold First Amendment challenge to Colorado's unusual system of campaign finance enforcement. Unlike most states, Colorado had granted every person the right to file private lawsuits to enforce the state's byzantine campaign finance laws. Predictably, political insiders filed these lawsuits not out of any genuine concern for enforcing the law but to harass and intimidate their political opponents.

Not anymore. In June, Judge Raymond P. Moore of the U.S. District Court for the District of Colorado declared Colorado's private enforcement system unconstitutional, calling it "a feeding ground for political warfare and what could be described as extortion."

This first-of-its-kind ruling comes as a welcome relief to IJ client Tammy Holland,

who in 2015 found herself dragged into the private enforcement system by two school board officials in her community of Strasburg, Colorado. Her supposed offense? Running a newspaper ad about an upcoming school board election. Even though the ad didn't advocate for the defeat or election of any candidate, the school board officials accused Tammy of violating both state and federal campaign finance laws.

The charges against Tammy were meritless, but that didn't save her from accruing \$3,500 in legal fees defending herself. That's when IJ stepped in. We took over Tammy's case and succeeded in getting the charges against her dismissed.

But we didn't stop there—we wanted to make sure that what happened to Tammy never happened to anyone else in Colorado. And so, representing Tammy, we filed a federal First Amendment lawsuit, arguing

When IJ started the case, even we didn't realize how outrageously Colorado's law had been abused. But as we dug into the facts, the evidence became overwhelming.

that Colorado's private enforcement system created an unconstitutional chilling effect on protected speech.

When IJ started the case, even we didn't realize how outrageously Colorado's law had been abused. But as we dug into the facts, the evidence became overwhelming. Politically motivated lawsuits were not the exception; they were the rule. In fact, Colorado's most prolific filer of private complaints openly described the private enforcement system as a tool for "political guerilla legal warfare (a.k.a. Lawfare)."

Making matters worse for political speakers was the fact that Colorado's campaign finance laws are virtually impossible to comply with. A 2007 study by University of Missouri economist Dr. Jeffrey Milyo asked 141 adult participants to fill out the forms that would be necessary for a modest ballot issue campaign in Colorado. Not one participant was able to fill out the forms perfectly, which means that every one of them could have been dragged into court by a political opponent.

No matter your position on campaign finance laws, everyone should be able to agree that Colorado's private enforcement system was a terrible way to enforce those laws. Unfortunately, state elected officials were powerless to do anything about it; the private enforcement system was written into the Colorado Constitution as a result of a ballot initiative in 2002, so only a court ruling could take it off the books.

Now we have that ruling, which means that the Colorado Legislature can—finally—go back to the drawing board and fix its abuse-prone system once and for all. Our victory also lays the groundwork for challenges in other states, such as California and Washington, with similar private enforcement systems. And as for Colorado's campaign finance bullies? They're in timeout—permanently. ♦

Paul Sherman is an
IJ senior attorney.



FOIA Victory at the Illinois Supreme Court

BY DANA BERLINER

Usually, IJ's victories come to us as the lawyers in a case. In our latest state supreme court victory, however, we won as a client. In May, the Illinois Supreme Court ruled that IJ is entitled to government documents we first requested under the Freedom of Information Act (FOIA) in September 2013.

When we first began asking pro bono attorneys to represent IJ itself in FOIA lawsuits, we had two goals: to support IJ's strategic research team in getting the information it needs to produce high-quality research and reports and to set legal precedent that will help other people who seek records from the government. The Illinois case has done everything we hoped.

IJ's strategic research program serves a critically important role in our work. We need data about the effects of government policies, but that information usually does not already exist. So IJ must collect those data ourselves, and one of our main methods is through freedom of information requests.

The amount of effort it takes to pry even simple documents out of government files is staggering. It took IJ and a team of lawyers at one of the top law firms in the country more than five years in this case. The agency actually persuaded the Illinois Legislature to change the law to exempt from FOIA the exact records we asked for, and then it turned around and argued in court that now it would never have to produce them.

If this is what happens when a nationally recognized institution full of lawyers asks for public records, imagine what happens when an individual citizen acting alone makes a request. And that is the other purpose of our FOIA lawsuits—to make it easier for everyone to get information from the government. The Illinois Supreme Court decision sets an example for other states to follow. ♦

Dana Berliner is IJ's
senior vice president
and litigation director.



A Historic Victory Against Taxation by Citation

BY BILL MAURER

In 2015, IJ took on a wildly abusive fines and fees scheme in Pagedale, Missouri. The case was our second-ever class action lawsuit, and the practices we targeted affected the entire town.

This May, our big ambitions paid off when we secured a groundbreaking consent decree between the city of

The city treated its citizens like walking ATMs, relying on fines and fees derived from tickets as an essential revenue source.

Pagedale and the thousands of people we represented—one that fundamentally trans-

forms the city's ticketing policies, housing code, and municipal court practices.

Located in St. Louis County, Pagedale has about 3,000 residents, many of whom live under the poverty

line. Despite this, the city treated its citizens like walking ATMs, relying on fines and fees

Mildred Bryant is one of thousands of residents who was harassed by the city of Pagedale, Missouri, for frivolous municipal code violations like having chipped paint and not having matching curtains in her windows.

For years the tiny town of Pagedale, Missouri, used its municipal code to harass its citizens and fill its coffers. It was so dependent on fines that it cited 39 percent of its entire adult population for housing violations.

derived from tickets as an essential revenue source. The numbers were astounding:

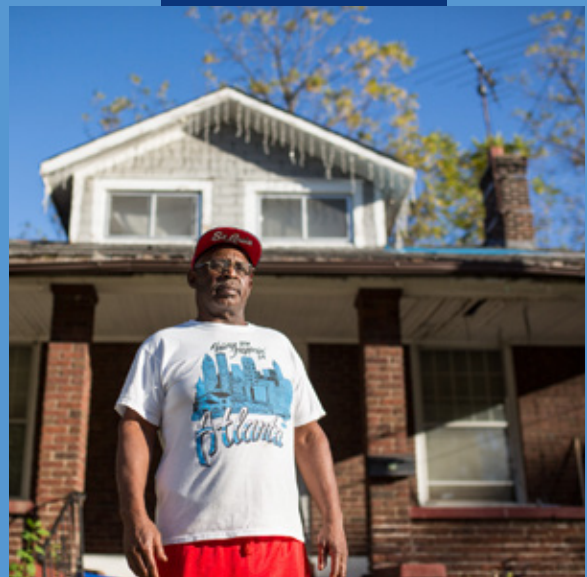
- From January 2010 to October 2016, the city issued 32,229 tickets to 18,678 different people, both residents of the town and those just passing through.
- The city's municipal court, which met twice a month on Thursday evenings, heard a staggering number of cases. In 2013 alone, it heard 5,781 cases, or an average of 241 cases per night.
- From 2010 to 2014, revenue from fines and fees composed between 16 and 23 percent of the city's general revenue funds—so much that the city even budgeted for it.

These were not just traffic tickets, either. After Missouri restricted the percentage of revenue from traffic tickets that a municipality could keep, the number of tickets Pagedale issued for housing violations exploded, resulting in the city citing 39 percent of its entire adult population for housing violations.

These violations were often for trivial matters. The city could—and did—ticket residents for not having curtains on basement windows, having mismatched blinds, and having more than three people at a barbecue. The city even prosecuted residents for conditions that were not forbidden by the municipal code, like having a crack in one's driveway. Residents often had no way of knowing why the city was ticketing them at all, as their citations lacked any information about the alleged offense.

This constant stream of tickets resulted in a cycle of debt for city residents and led to poverty, job loss, and even arrest. As IJ

Pagedale continued on page 18



IJ Delivers One-Two Punch Against Airport CASH SEIZURES

BY DAN ALBAN AND WESLEY HOTTOT

In May, IJ filed back-to-back lawsuits against U.S. Customs and Border Protection (CBP), challenging the agency's predatory forfeiture practices at America's airports. Both cases resulted in swift victories for our clients, and now both cases will continue in federal court with the goal of establishing broad precedent curtailing CBP's mistreatment of innocent air travelers.

In the first case, IJ filed a class action lawsuit against CBP on behalf of Texas nurse Anthonia Nwaorie—and anyone else who has suffered a nightmarish experience like hers. Anthonia had her savings seized at Houston's George Bush

Intercontinental Airport as she was boarding an international flight to Nigeria, where she planned to open a free clinic for women and children.

Anthonia ran afoul of an obscure currency reporting requirement because she—like most Americans—was unaware that she was supposed to report that she was *leaving* the country with more than \$10,000. CBP seized the \$41,377 she was carrying, most of which was destined for her

clinic. But the agency never charged her with a crime. Agents simply took her money and sent her on her way.

Anthonia immediately demanded that the government return her cash, but four months went by without any action from the

Both cases will continue in federal court with the goal of establishing broad precedent curtailing CBP's mistreatment of innocent air travelers.



Houston nurse and American citizen **Anthonia Nwaorie** was en route to Nigeria to build a free medical clinic for women and children when U.S. Customs and Border Protection seized all the money she'd saved for the project.

agency. The government continued to hold her money even when the legal deadline to file a forfeiture case had passed. Finally, Anthonia got a letter from CBP saying that it would return her money *if* she signed a “hold harmless release agreement.” If she did not sign, the letter threatened automatic forfeiture of her property. But if she did sign, she would be waiving her constitutional right to sue the government, as well as her right to interest and attorney’s fees.

Instead of giving in to CBP’s demands, Anthonia filed a class action lawsuit on behalf of herself and others whom CBP put in the same position: forced to choose between getting their property back and surrendering their rights. Federal law requires a seizing agency that misses its deadlines to “promptly release the property.” IJ’s lawsuit challenges CBP’s authority to make any demands of property owners as a condition of that release—especially conditions that force individuals to waive their constitutional rights.

After we sued, CBP quickly returned Anthonia’s money, without conditions, in a bid to moot our case. But the class action claims will go forward on behalf of Anthonia and all those like her who the agency has bullied.

Our second case comes from Ohio, where CBP seized \$58,100 from Rustem Kazazi, a naturalized American citizen, as he was traveling from his home in Cleveland to his native Albania. He was carrying cash—saved over 13 years of

working as a janitor—and intended to use the money to assist his family and purchase a vacation home for him and his wife Lejla. Like Anthonia, he did not reach his destination.



U.S. Customs and Border Protection held the **Kazazi family’s** savings for more than seven months and flagrantly violated federal law.

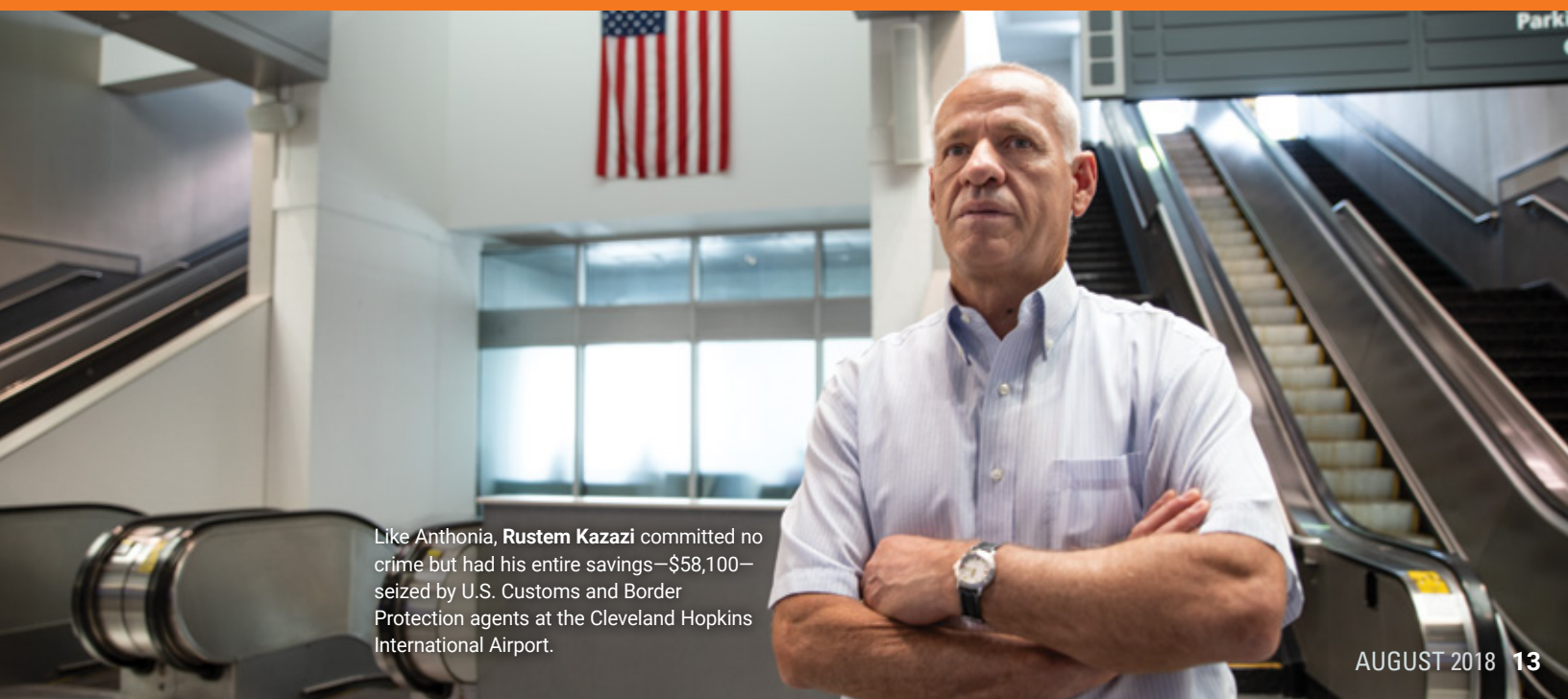
After detaining, interrogating, and even stripping Rustem naked for a full-body search, CBP agents took every penny of his savings. He was never arrested or charged with any crime. And like Anthonia, he waited months for his day in court, only for the government to miss its deadline to file a case against the money.

When IJ filed on Rustem’s behalf in federal court, the government immediately agreed to return \$57,330, with interest. But more than \$700 had gone missing. Rustem and his family are

demanding that the government return every penny, and we are preparing to go to trial in December to vindicate Rustem’s rights and to hold the agency accountable.

Both Anthonia’s and Rustem’s cases highlight how inherently abusive civil forfeiture is. Even when the process “works,” innocent owners are deprived of their property for months or even years, only getting it back when they sign away their rights—or file a federal lawsuit. IJ will keep litigating these cases, and bringing others like them, until that abuse ends. ♦

Dan Alban and Wesley Hottot are IJ attorneys.



Like Anthonia, **Rustem Kazazi** committed no crime but had his entire savings—\$58,100—seized by U.S. Customs and Border Protection agents at the Cleveland Hopkins International Airport.

Suing to Make a Georgia City Serve and Protect, Not Ticket and Collect

BY JOSHUA HOUSE

Fresh off our victory against an unconstitutional fines and fees scheme in Pagedale, Missouri (see page 10), IJ launched a new case representing four Georgians taking on financially motivated code enforcement in their community.

Hilda Brucker received a \$100 fine and six months of probation because of her cracked driveway. Jeff Thornton was sentenced to a \$300 fine and a year of probation because he had improperly stacked wood in his backyard. Janice Craig was forced to pay a \$215 ticket because she “held up traffic” when changing lanes. And Byron Billingsley received a ticket, which was reduced to \$100, after he changed lanes without using his signal to pass a truck moving five miles per hour on an open road in the middle of the day.

If these criminal sentences seem disproportionate to the alleged crimes, that’s because they are. These are violations that most American towns never enforce because they pose no real threat to public safety. But Doraville, Georgia—a city of approximately 9,000—relies heavily on criminal fines and fees to balance its budget. In fact, the U.S. Commission on Civil Rights recently found that, among tens of thousands of cities nationwide with populations over 5,000, Doraville is the sixth most reliant on fines and fees revenue.

In other words, there is a straightforward explanation for our clients’ tickets: Doraville needs to ticket, convict, and fine people in order to stay afloat.

According to its last four audited financial statements, Doraville relies on fines and fees for about 24 percent of its operating revenue. Doraville’s dependence on fines and fees is no secret. *The Atlanta Journal-Constitution* has called Doraville one of Georgia’s worst speed traps. And the city even boasted, in a newsletter to its residents, that “[a]veraging nearly 15,000 cases and bringing in

over \$3 million annually, [Doraville’s municipal] court system contributes heavily to the city’s bottom line.”

Doraville’s financial incentive to convict, ticket, and fine residents and passers-through infects all levels of Doraville’s municipal court system. The city’s municipal court judges and prosecutors both serve at the pleasure of the City Council—the same City Council that sets Doraville’s budget. Every official

knows that the city’s finances are heavily dependent on income from the municipal court.

That financial incentive is unconstitutional. The U.S. Supreme Court has repeatedly held that judges cannot have even the appearance of financial interest in the cases that come before them. And prosecutors cannot have a direct financial

incentive to pursue a conviction. In the United States, a defendant should enter a courtroom and expect an unbiased court and prosecutor. But in Doraville, defendants enter the courtroom knowing that the deck is stacked against them.

Doraville’s finances shouldn’t be dependent on finding people to ticket and fine. That’s why Hilda, Jeff, Janice, and Byron have teamed up with IJ to file a federal lawsuit challenging Doraville’s unconstitutional financial incentive to use its municipal courts and law enforcement personnel to drive revenue. They are asking the court to end Doraville’s perverse incentive system by stopping the city from balancing its budget using fines and fees.

IJ is leading the nationwide fight against policing for profit in all its forms, fighting against civil forfeiture, excessive fines, and abusive code enforcement. A victory in Doraville will go a long way toward eliminating unconstitutional financial incentives in government once and for all. ♦



Joshua House is an IJ attorney.





Doraville, a small town outside Atlanta, runs a lucrative and abusive "taxation by citation" scheme, convicting and fining residents and passers-through for things like cracked cement, improperly stacked wood, and holding up traffic while changing lanes.



According to its last four audited financial statements, Doraville relies on fines and fees for about 24 percent of its operating revenue.

Doraville's finances shouldn't be dependent on finding people to ticket and fine.



In the Trenches

AND

On the Hills:

IJ Wins Legislative Victories for Liberty

BY NICK SIBILLA AND LEE MCGRATH

IJ is well known for litigating in courts of law and the court of public opinion. But we also work tirelessly in state capitals across the country to protect and advance individual liberty.

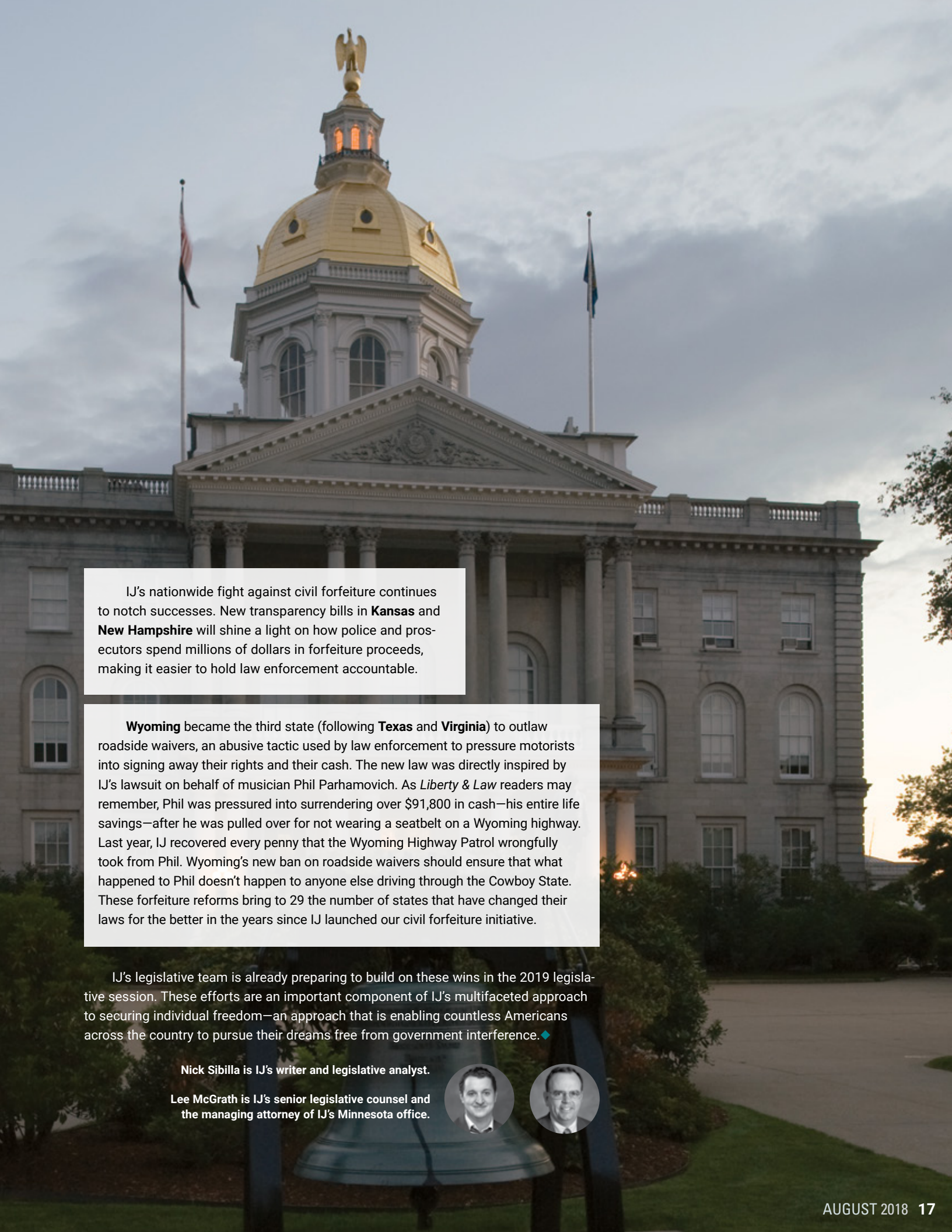
IJ's activism team organizes local entrepreneurs to fight burdensome licensing laws, our strategic research team supplies legislators with fresh data to use in reining in government overreach, and our attorneys review draft bills and provide testimony on legislation that impacts free speech, educational choice, economic liberty, and property rights. Meanwhile, IJ's legislative team makes a unique pitch to state legislators: We are among the few advocates who ask lawmakers to have the government do *less*, not more.

This year, IJ has worked on more than 80 bills in 27 states—a new record for our legislative team. Here are some of our biggest legislative accomplishments so far this year:

Nebraska became the first state to adopt IJ's model legislation to review occupational licensing laws. Every year, nonpartisan analysts will review one-fifth of the state's occupational regulations in a two-step "sunset" process to confirm both that these rules actually protect Nebraskans from harm, and that they are the "least restrictive" way to do so. Nebraska's law will systematically overhaul the state's licensing laws, which is why *The Wall Street Journal* called it "a model for licensing reform." We also helped enact a more modest version of our licensing review model in **Louisiana** this year.

IJ scored important victories for economic liberty in **Arizona**. The state now prohibits cities from banning food trucks and prevents municipalities from restricting the ability of mobile vendors to compete with brick-and-mortar restaurants. Thanks to this sweeping reform, food trucks are free to operate across the state.

Arizona also banned many licensing boards from disqualifying applicants simply because of a criminal record. Boards can use a criminal record to deny a license only if an applicant has been convicted of a felony or violent crime, and that crime is "substantially related" to the occupational license. Earning an honest living is one of the best ways to prevent re-offending, and Arizona's reform will expand economic opportunity and help reduce recidivism.



IJ's nationwide fight against civil forfeiture continues to notch successes. New transparency bills in **Kansas** and **New Hampshire** will shine a light on how police and prosecutors spend millions of dollars in forfeiture proceeds, making it easier to hold law enforcement accountable.

Wyoming became the third state (following **Texas** and **Virginia**) to outlaw roadside waivers, an abusive tactic used by law enforcement to pressure motorists into signing away their rights and their cash. The new law was directly inspired by IJ's lawsuit on behalf of musician Phil Parhamovich. As *Liberty & Law* readers may remember, Phil was pressured into surrendering over \$91,800 in cash—his entire life savings—after he was pulled over for not wearing a seatbelt on a Wyoming highway. Last year, IJ recovered every penny that the Wyoming Highway Patrol wrongfully took from Phil. Wyoming's new ban on roadside waivers should ensure that what happened to Phil doesn't happen to anyone else driving through the Cowboy State. These forfeiture reforms bring to 29 the number of states that have changed their laws for the better in the years since IJ launched our civil forfeiture initiative.

IJ's legislative team is already preparing to build on these wins in the 2019 legislative session. These efforts are an important component of IJ's multifaceted approach to securing individual freedom—an approach that is enabling countless Americans across the country to pursue their dreams free from government interference. ♦

Nick Sibilla is IJ's writer and legislative analyst.

Lee McGrath is IJ's senior legislative counsel and the managing attorney of IJ's Minnesota office.



Our success in Pagedale gives us momentum and a framework for reform in other cities that use their justice systems to raise revenue.

Pagedale continued from page 11

argued in our lawsuit, the city's reliance on revenue from fines and fees violated the due process rights of Pagedale residents by injecting an impermissible financial interest into the city's justice system. Furthermore, by making harmless conditions around residents' homes illegal, the city violated the Excessive Fines Clause of the U.S. Constitution.

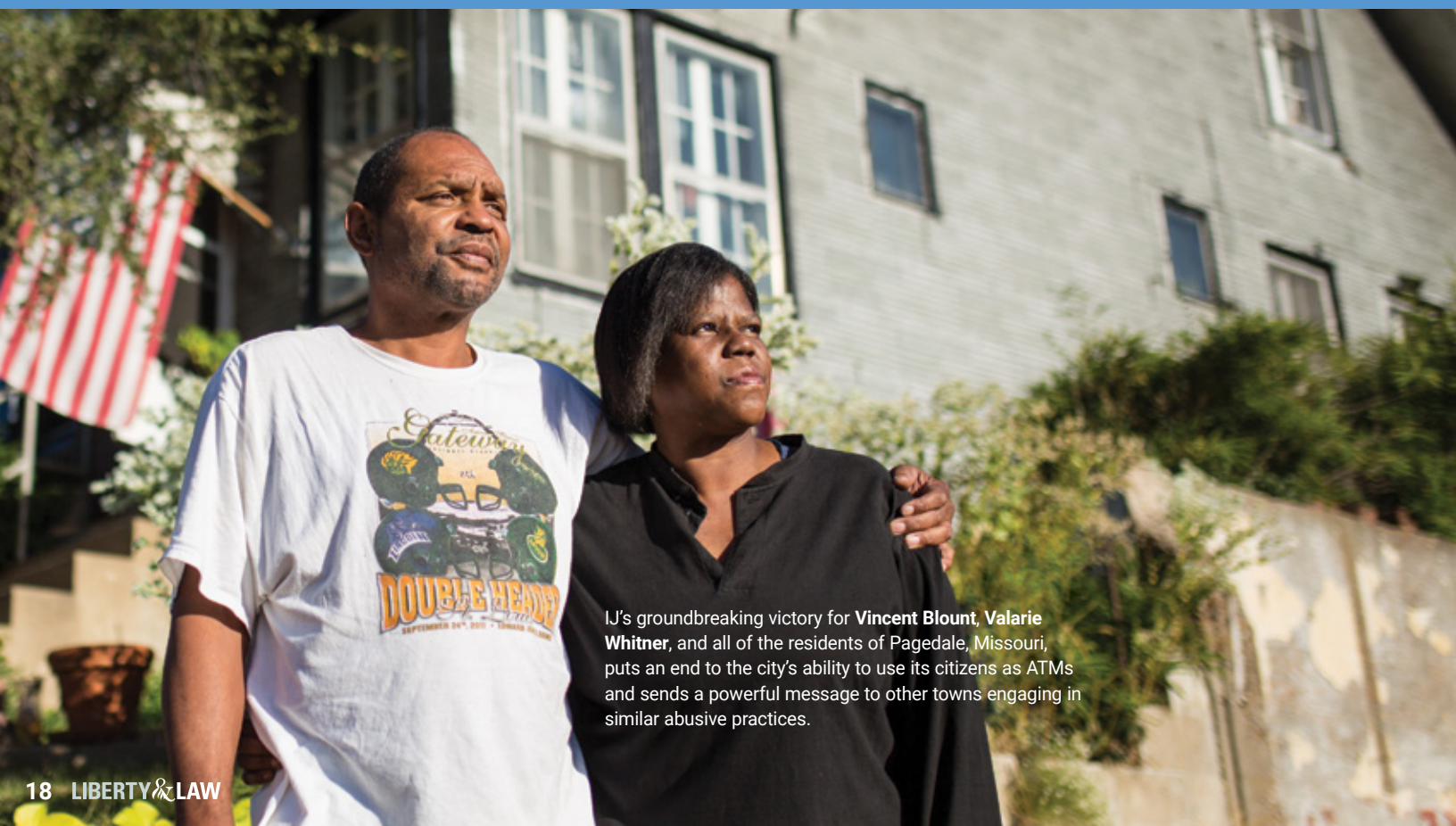
After more than two years of litigation, a federal judge in Missouri approved a sweeping consent decree, which implements important reforms to Pagedale's municipal court and municipal code. Among other things, the city must now:

- Repeal the sections of the Pagedale municipal code that gave it the power to ticket harmless conditions.
- Decline to prosecute all pending cases unless the city prosecutor finds good cause to continue prosecution.

- Dismiss any remaining fines and fees in cases where the defendant has paid more money than the initial amount of the fine.
- Stop ticketing people for conditions that are not in its municipal code.

IJ will monitor the city's compliance and can press the court to enforce these requirements if necessary. Our success in Pagedale gives us momentum and a framework for reform in other cities that use their justice systems to raise revenue. As our new case in Doraville shows (see page 14), we will fight this abuse until it is stopped altogether. ♦

Bill Maurer is the managing attorney of IJ's Washington office.



IJ's groundbreaking victory for **Vincent Blount, Valarie Whitner**, and all of the residents of Pagedale, Missouri, puts an end to the city's ability to use its citizens as ATMs and sends a powerful message to other towns engaging in similar abusive practices.

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