



**LIBERTY & LAW**

February 2019

Volume 28 Issue 1

# Protecting the Opportunity to Start Over: IJ Challenges Pennsylvania Licensing Law

Published Bimonthly by  
the Institute for Justice

IJ Takes Two Cases to the U.S. Supreme Court • Seattle Tenants Stand Up to Warrantless Government Searches  
Making It Simpler to Start a Business in Washington, D.C. • Become a Partner or Guardian of the Institute for Justice  
*Bound By Oath*: IJ Launches New Podcast Series • Entrepreneurship Is on a Roll in Wisconsin  
Safeguarding Eminent Domain Reform in Georgia

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### About the publication:

*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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Even though IJ client **Amanda Spillane** completed all the required training, the Pennsylvania Cosmetology Board denied her application for a cosmetology license because of old criminal convictions that had nothing to do with the occupation she wants to pursue.

## PROTECTING THE OPPORTUNITY TO

# START OVER:

## IJ Challenges Pennsylvania Licensing Law That Blocks Opportunities for Ex-Offenders

BY ANDREW WARD

IJ is always looking for new ways to spread liberty and fight government abuse. Nearly a decade ago, that led to the first of many IJ cases challenging civil forfeiture laws. Four years ago, we began our campaign against cities' abusive fines and fees schemes. And this past December, we launched our first lawsuit on behalf of people denied the right to earn an honest living because of past mistakes.

In 2014, Amanda Spillane was getting her life back on track. She'd gotten hooked on drugs as a teenager, committed crimes to fund her addiction, and landed in prison for two years. When she got out, she was determined to earn her place in the world. For years, she got up before dawn to work the morning shift at a fast food restaurant. She spent her nights at beauty school so she could get off food stamps and have a career supporting herself. She even had a job offer at a salon.

Most people would see this as Amanda's second chance. But the Pennsylvania Cosmetology Board still saw a criminal. Amanda was shocked when the Board told her that, because of her record, she had to prove she had "good moral character" before she could get a cosmetology license. So Amanda and her family drove two hours to a hearing where she had to prove to the government that she is a good person. She

Requiring  
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If anything, social  
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leads to *more crime*.



Left: IJ client **Courtney Haveman** considers herself living proof that recovery is possible, but the Pennsylvania Cosmetology Board won't let her get her cosmetology license because of her past. Below: IJ Attorney **Erica Smith** speaks at a press conference launching Amanda and Courtney's case in December 2018. They are joined by IJ Attorney **Andrew Ward**.



**Nationwide, there are about 30,000 “collateral consequence” laws like this one—laws that limit people’s right to work even after they have paid their debts to society.**

talked about getting clean. Her dad testified that she had turned her life around. She presented character letters, a performance review from work, and certificates from courses she had taken in prison. But it wasn't enough. The Board rejected her, leaving Amanda with nothing to show for the year and thousands of dollars she'd spent on school..

This “good moral character” law is just one more example of the ways that arbitrary and burdensome occupational licensing hurts people most in need of an opportunity to climb the economic ladder. Requiring cosmetologists to prove that they're good people doesn't protect the public. If anything, social science indicates that making it harder to get a license to work leads to *more* crime.

That's why IJ teamed up with Amanda and another woman like her to take on the Cosmetology Board in court. It makes no sense to deny people the right to work

because of criminal convictions that have nothing to do with their desired occupation. In fact, barbershops in Pennsylvania have gotten along fine without a “good moral character” requirement. And if you don't need “good moral character” to shave hair, why would you to curl it?

Nationwide, there are about 30,000 “collateral consequence” laws like this one—laws that limit people's right to work even after they have paid their debts to society. There is also a growing consensus that harsh laws like this aren't working. It doesn't make sense to drag down people who are trying to pull themselves up. Second chances are better than scarlet letters. IJ and our clients won't rest until we establish that everyone—criminal record or not—has the right to earn an honest living. ♦

Andrew Ward is an IJ attorney.





# IJ Takes Two Cases to the U.S. Supreme Court

BY SCOTT BULLOCK

## A Promising Day for Tyson Timbs—and the Eighth Amendment

On a blustery day in late November, IJ argued before the justices of the U.S. Supreme Court in *Timbs v. Indiana*, a civil forfeiture case that will make constitutional history.

As you'll recall, in this case we ask the Court to rule on whether the Eighth Amendment's Excessive Fines Clause applies to state and local governments. After the Indiana Supreme Court ruled that the Clause puts no check on state and local authorities, IJ took the case to the high court on behalf of forfeiture victim Tyson Timbs.

Although it is always risky making predictions about the outcome of cases based on the argument alone, I can report with confi-

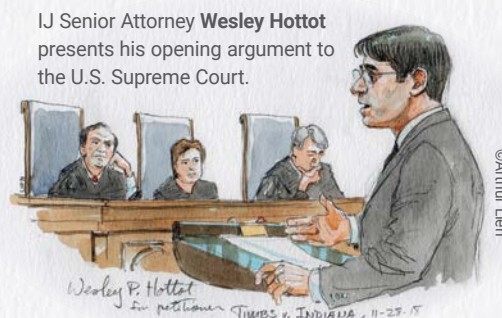
dence that Tyson, IJ, and the Eighth Amendment had a very encouraging day at the Court.

As we were the petitioners, IJ Senior Attorney Wesley Hottot argued first. During his presentation, only Justices Alito and Roberts expressed concerns about the test the Court might use to determine at what level a fine or forfeiture becomes excessive. Wesley kept the focus, though, on the question actually before the Court: whether the Excessive Fines Clause applies to the states at all.

The state of Indiana argued next, and the solicitor general immediately ran into a buzz saw of tough questions and skepticism from justices across the ideological spectrum.

Justice Gorsuch pressed the state hard on how it could

*Timbs continued on page 18*



From left: IJ Senior Attorney **Jeff Rowes**, IJ Attorney **Sam Gedge**, IJ Vice President for Communications **John E. Kramer**, IJ client **Tyson Timbs**, IJ Senior Attorney **Wesley Hottot**, and IJ President and General Counsel **Scott Bullock**.





## IJ Takes on Protectionism and the Tennessee Liquor Cartel in Second Supreme Court Case This Term

While we await a decision in *Timbs*, IJ is pushing along a second case before the U.S. Supreme Court this term. And in this one we have an opportunity to advance one of IJ's long-term litigation goals: breathing new life into the Privileges or Immunities Clause of the 14th Amendment.

This Clause, which was virtually read out of the Constitution by the Court in the infamous *Slaughter-House Cases*, was intended to protect some of our most basic rights as Americans—including the right to earn an honest living and the right to travel freely between the states. Those two essential rights are at the heart of our case before the Court, *Tennessee Wine and Spirits Retailers Association v. Blair*.

IJ represents Doug and Mary Ketchum, who moved from Utah to Tennessee for its cleaner air after their severely disabled daughter, Stacie, suffered a collapsed lung and almost died during a temperature inversion that trapped dirty air in the Salt Lake Valley. The Ketchums quit their jobs, packed up, and used their retirement savings to buy Kimbrough Fine

Wine and Spirits, a historic liquor shop in Memphis just down the road from the legendary Sun Studio. (None other than Johnny Cash was known to stop into Kimbrough's for a bottle back in his day.)

Doug and Mary looked forward to this new chapter in their life, but their dreams of a fresh start were dashed by a crazy anti-competitive Tennessee law that bars them from receiving and renewing a retail liquor license until they've resided in the state for 10 years.

The Ketchums knew about Tennessee's residency requirements before moving to the state, but they were not concerned. The Tennessee attorney general had twice determined the requirements to be in blatant violation of the Constitution's prohibition on treating in-state economic interests more favorably than out-of-state ones. As a result, the Tennessee Alcoholic Beverage Commission (ABC), the entity responsible for granting retail licenses, was not enforcing the requirements.

This all changed when the Tennessee Wine and Spirits Retailers Association—i.e., the local liquor cartel—learned that the Ketchums and TN Liquor continued on page 18



Photo by Karen Puffer Focht

IJ clients **Doug and Mary Ketchum** moved to Tennessee for their daughter **Stacie's** health. They used their retirement savings to buy a historic liquor shop, but Tennessee bars them from receiving and renewing a retail liquor license until they've lived in the state for 10 years.



IJ clients **Keena Bean** (left) and her landlords, **Gwen Lee and John Heiderich** (right), object to a warrantless inspections regime in Seattle that allows the city to enter tenants' homes without their consent.

## Seattle Tenants Stand Up to Warrantless Government Searches

BY ROB PECCOLA

Keena Bean wants to have final say over who enters her home. She cherishes her privacy and security and would never want someone in her kitchen, bathroom, or bedroom without her permission—let alone someone she doesn't know and has never met. After all, your home is your castle, and 800 years of jurisprudence says that the government needs a warrant supported by probable cause to pry open your door.

There is just one problem: Keena is a renter. And in Seattle, renters are treated like second-class citizens when it comes to their property rights and their privacy. Under Seattle's rental inspection law—and the state's enabling legislation—tenants have no right to object to warrantless inspections of their homes.

Tenants have good reason to oppose the city's mandatory inspections: They are wall-to-wall searches that examine private living and sleeping spaces where every imaginable aspect of a person's private life may be on display. If tenants do voice an objection, the city says their landlord must coerce them into opening the door to inspectors—or face fines of up to \$500 per day.

Luckily for renters in Seattle, Keena knows how to stand up to bullies. With IJ's help, she is challenging the city as the lead plaintiff in a state court class action lawsuit against abusive rental inspection laws in Seattle and Washington state.

IJ has challenged rental inspection laws before, but never on behalf of the entire class of tenants and landlords whose rights are violated. This pioneering lawsuit represents





Tenants like **Wesley Williams** (left) and **Boaz Brown** (right) treasure their privacy and have good relationships with their landlords. They do not need private inspectors to conduct warrantless searches of their private spaces.

a diverse coalition—Keena’s fellow plaintiffs include renters who work late-night shifts, a University of Washington student, and landlords who do not want to be conscripted into being the means by which the government gains entry to a tenant’s private home. Our clients are also sending a message to their state and local governments that enough is enough when it comes to privacy invasions.

We are bringing the case under the Washington Constitution, which provides greater and independent protections against search and seizure than the federal Constitution. Whereas Fourth Amendment case law asks courts to evaluate whether searches are “reasonable,” the Washington



IJ client **Keena Bean** speaks to local reporters during a press conference announcing her lawsuit.

Constitution takes a step back to first ask whether a search has the “authority of law.” For decades, Seattle has tried to side-step

this constitutional provision. Its latest effort is to delegate searches to so-called private inspectors. But those private inspectors must report their findings back to the government, essentially making them deputized government agents—with no constitutional oversight.

At its heart, this lawsuit seeks to reinforce the most basic constitutional principle: When government knocks at the door, renters too should have the right to say “come back with a warrant.” ♦

**Rob Peccola** is an IJ attorney.



**When government knocks at the door, renters too should have the right to say “come back with a warrant.”**

# MAKING IT SIMPLER, CHEAPER, AND FASTER TO START A BUSINESS IN WASHINGTON, D.C.

BY BROOKE FALLON

Building on our successes promoting economic liberty across the country, IJ is turning our focus to our own backyard: Washington, D.C. Although government overreach at the federal level is the topic of near-constant attention and discussion, the red tape imposed by the District at the local level is not.

IJ's activism team set out to change that. We know how local regulations keep small business owners from achieving their dreams. We combed through D.C.'s regulations, went door to door interviewing business owners, and hosted roundtable discussions with entrepreneurs. We also met with government officials and community stakeholders and researched best practices for business licensing.

Each path led to the same conclusion: It is far too expensive, time-consuming, and complicated to start a business in D.C.

The aspiring business owners we talked with will tell you as much. One entrepreneur was rejected from obtaining his real estate license—even after completing expensive training requirements—for a crime he committed years ago. (You can read more about IJ's efforts to take on these sorts of "collateral consequence" laws in our cover story this issue.) During a community roundtable IJ hosted, we spoke with entrepreneurs who can't obtain business licenses simply because they owe more than \$100 to the D.C. government.

All in all, D.C.'s regulatory process is so byzantine, and involves so many agencies, that no one has a firm or comprehensive understanding of it. The District's conflicting regulatory requirements have created an impossible web of fees, paperwork, and agency visits.

Complaints about this red-tape nightmare are nothing new, but IJ is taking a solution-oriented approach to the problem. In January, we launched a new coalition called District Works, which will unite entrepreneurs, residents, and decision makers in untangling the red tape that is stifling entrepreneurship in our nation's capital.

To help visualize D.C.'s regulatory burden, we created a flowchart outlining D.C.'s requirements for starting a business, which you can see in the centerspread of this issue of *Liberty & Law*. With our flowchart in hand, we make the case that it is often not just one regulation or license that keeps entrepreneurs from thriving, but instead death by a thousand regulatory cuts. Moreover, this tool enables IJ to identify bottlenecks and propose specific reforms that would have an immediate, direct, and significant impact on business owners.

Our work in D.C. can serve as a model for other cities and will cement IJ's expertise in cutting red tape at every level of government. ♦



Brooke Fallon is  
IJ's assistant director  
of activism.

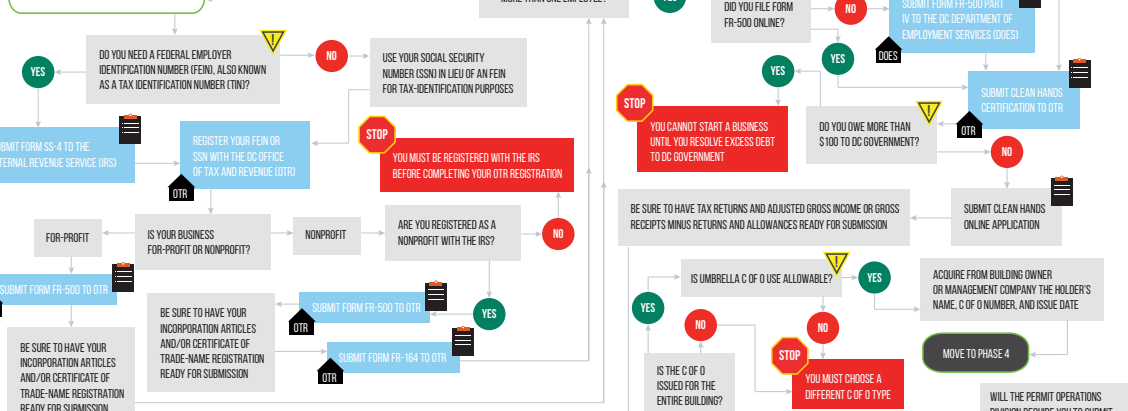


START HERE

PHASE 1: CORPORATE REGISTRATION



PHASE 2: TAX REGISTRATION



PHASE 3: ZONING REGISTRATION



PHASE 4: BASIC BUSINESS LICENSE APPLICATION



YOU DID IT! YOU'VE STARTED YOUR BUSINESS IN D.C.

VISIT WWW.DISTRICTWORKS

DISTRICT WORKS

STARTING A BUSINESS IN D.C. MAY BE MORE COMPLICATED THAN YOU THINK.

This flowchart attempts to outline the general steps to start a business in D.C. It does not include requirements for foreign entities, nor does it cover all paperwork or inspections related to occupational licensing, zoning, building permitting, or health. Disclaimer: This flowchart is not intended as a legal guide or legal advice. The regulatory process may be different depending on your specific situation, and we recommend talking to a lawyer who can help you navigate the process. Regulations and processes are subject to change at any time. For the most up-to-date information, contact the D.C. Department of Consumer and Regulatory Affairs (DCRA) and other relevant agencies before attempting to start your business.

# POWERING THE NATIONAL LAW FIRM FOR LIBERTY: BECOME A PARTNER OR GUARDIAN OF THE INSTITUTE FOR JUSTICE

BY MEGAN COOK AND MOLLY SCHWALL

As you read through this issue of *Liberty & Law* and take note of the many ways that IJ is improving the lives of real people, we hope you will consider increasing your support for our work by becoming a member of IJ's Partners Club or Guardians Circle. IJ Partners contribute \$1,000 or more annually, while Guardians contribute \$10,000 or more annually. Both play an absolutely vital role in our fight to restore constitutional limits on government power.

In all, individual donors who contribute \$1,000 or more provide nearly 80 percent of IJ's annual funding. This support is crucial to our ability to represent—free of charge—ordinary Americans who courageously stand up to abuses of power at all levels of government.

To recognize the importance of this generosity, IJ provides Partners and Guardians with exclusive, behind-the-scenes looks at our vision, strategy, and cases through periodic updates from President and General Counsel Scott Bullock. Additionally, IJ Guardians receive a curated selection of IJ materials, personal reports from Scott and other IJ leadership, and invitations to one-on-one or small group meetings with senior IJ staff and attorneys.

What's more, Partners and Guardians, along with members of IJ's Four Pillars Society, will be invited to see firsthand what their support is making possible at IJ's Partners Retreat event next year. Partners Retreats are designed to give our most generous supporters an inside look at IJ, a chance to meet and speak with our clients and attorneys in person, and an opportunity to connect with other individuals who share our commitment to defending the Constitution and its promise of freedom.

Please consider playing an increased role in IJ's fight for liberty by becoming a Partner or Guardian today with a tax-deductible contribution. To learn more about the Partners Club, please contact Molly Schwall at [mschwall@ij.org](mailto:mschwall@ij.org) or (703) 682-9320, ext. 249. For those interested in membership in the Guardians Circle, please contact Megan Cook at [mcook@ij.org](mailto:mcook@ij.org) or (703) 682-9320, ext. 230. Information is also available online at [ij.org/support](http://ij.org/support). ♦



Megan Cook is  
IJ's donor relations  
manager.



Molly Schwall is  
IJ's Partners Club  
coordinator.



Members of IJ's Partners Club and Guardians Circle have the opportunity to hear exclusive, behind-the-scenes updates from IJ leadership and special guest speakers. For instance, at an event in Washington, D.C., IJ Founding President and General Counsel **Chip Mellor** spoke with panelists **Paul Gigot** of *The Wall Street Journal*, **John Stossel** of Fox News, and syndicated columnist **George Will** about advancing the ideas of liberty—and IJ's cases—in the court of public opinion.





**\$1,000+ annual donation**

- Behind-the-scenes updates from President and General Counsel Scott Bullock
- Invitations to IJ LIVE calls
- Invitations to IJ Partners Retreats



**\$10,000+ annual donation**

- Behind-the-scenes updates from President and General Counsel Scott Bullock
- Invitations to IJ LIVE calls
- Invitations to IJ Partners Retreats
- Curated selection of IJ materials
- Personal reports from IJ leadership
- Invitations to one-on-one or small group meetings with senior IJ staff and attorneys

## Going LIVE With IJ

An increasingly popular benefit of membership in IJ's Partners Club and Guardians Circle is the opportunity to participate in IJ LIVE calls. These exclusive and interactive phone conversations give our most dedicated supporters a deeper understanding of how IJ turns their contributions into important and lasting victories for liberty.

Our most recent IJ LIVE event featured President and General Counsel Scott Bullock, as well as Senior Attorney Wesley Hottot and Attorney Sam Gedge. Wesley and Sam talked about their experience litigating on behalf of forfeiture victim Tyson Timbs at the U.S. Supreme Court last November. They described the months and days leading up to the argument and offered an assessment of how different justices reacted to our case. Scott hosted the conversation and discussed IJ's larger strategy to end abusive fines, fees, and forfeitures nationwide.

IJ LIVE calls take place several times throughout the year and cover a variety of different topics. Whether you're interested in IJ's pathbreaking research on occupational licensing, have questions about our long-term plan to protect and advance educational choice, or want to get IJ leadership's take on a current issue like the direction of the Supreme Court, LIVE calls are a great way to learn more about how IJ changes the world. Partners and Guardians can also ask questions live during each event and get access to audio recordings, transcripts, and additional materials after the call.

We hope that you will consider becoming a member of the Partners Club or Guardians Circle and joining us for the next LIVE event! ♦

# BOUND BY OATH:

## IJ Launches New Podcast Series

BY JOHN ROSS

In 2018, the 14th Amendment to the U.S. Constitution turned 150. In December, IJ's Center for Judicial Engagement launched a documentary-style podcast series, *Bound By Oath*, which tells the dramatic story of how the Amendment came to be—and why it is so important to securing individual liberty.

The 14th Amendment is critical to IJ's mission. That's because the original federal Constitution constrained only the size and scope of the *federal* government. It wasn't until the 14th Amendment was ratified that the Constitution also limited abuses by *state* and *local* governments. So when IJ challenges state and local laws under the U.S. Constitution—even those that violate property rights or free speech or other rights enumerated in the original 1791 Bill of Rights—we can do so only because the 14th Amendment makes those protections enforceable against the states.

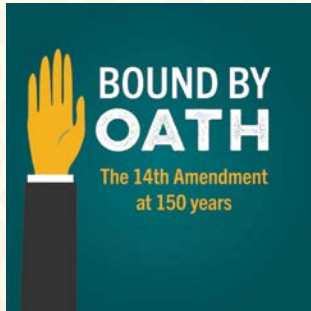
Ratified in response to the former Confederate states reinstating slavery in all but name after the Civil War, the 14th Amendment has a fascinating and meaningful history. But too few people are familiar with the Amendment's liberty-protecting roots, and for that reason they are skeptical that courts should invoke the Amendment to strike down state laws and regulations.

Indeed, the Supreme Court defanged some of the most important provisions of the Amendment almost from its beginning. Starting in 1873, in the infamous *Slaughter-House Cases*, the Court virtually erased one of the Amendment's most significant provisions, the Privileges or Immunities Clause. Other cases that followed limited other parts of the Amendment, ultimately putting the country on course for a century of Jim Crow laws unchecked by the federal courts.

Although the Supreme Court has corrected course on some fronts, much of the 14th Amendment is still dormant—waiting to be resurrected by the courts to stop the kinds of injustices the Amendment was designed to guard against when it was adopted in 1868, from protectionist occupational licensing laws to policing for profit schemes.

Featuring both modern and historical cases, *Bound By Oath* traces the Amendment's origins, history, and modern significance. The podcast features leading legal scholars, historians, and IJ attorneys—as well as regular people who sued the government to vindicate their rights under the Amendment.

Download *Bound by Oath* wherever you get your podcasts—or visit [www.ShortCircuit.org](http://www.ShortCircuit.org) to listen. ♦



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John Ross is editor and producer of Short Circuit.





# ENTREPRENEURSHIP

## Is on a Roll in Wisconsin

BY JENNIFER MCDONALD

In 2017, IJ defeated Wisconsin's unconstitutional ban on the sale of home-baked goods, freeing Wisconsinites to use their home kitchens to earn money for their families. Now a new report from IJ's strategic research team, *Ready to Roll: Nine Lessons from Ending Wisconsin's Home-Baking Ban*, finds the end of the home-baked goods ban has already made a real difference in people's lives.

To give people a chance to tell us, in their own words, what the end of the ban has meant for them, we created an original survey for Wisconsin home bakers. In total, 79 bakers took the time to tell us about their brand-new businesses.

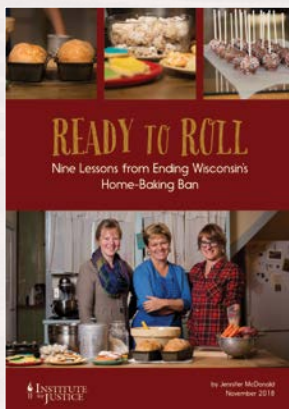
For many of these entrepreneurs, their newfound home-baking income helps pay the bills, buy lessons for their kids, and even afford health insurance. Other new businesses are providing neighbors with additional options for purchasing tasty treats beyond the single grocery store in their small, rural towns.

The vast majority of Wisconsin home bakers surveyed were women—many of them homemakers—and they live in rural areas at a higher rate than the general Wisconsin population. Given that rural areas lag behind the rest of the state in employment growth, it makes sense that home-based businesses, including home-baking ones, would be a particularly attractive option for rural Wisconsinites. Additionally, 62 percent of the bakers we surveyed put at least some of the money they earned baking back into their businesses—and many bakers hope to open their own brick-and-mortar bakeries one day.

These results demonstrate the near-immediate impact of an IJ courtroom victory—not just for our clients, but also for countless others like them. Before our 2017 victory, Wisconsin's half-baked laws allowed enterprising individuals to sell homemade items like jams and jellies, but threatened fines and jail time if they sold even one cookie or muffin. To make legally salable cookies, bakers had to rent commercial kitchen space, making it impossible for most of them to turn a profit.

While far better for business than it used to be, Wisconsin is still one of the many states that place unnecessary limits on the ability of home-based cooks and bakers to earn an honest living. A previous study by IJ's strategic research team suggests restrictions on the types of homemade foods that can be sold may inhibit entrepreneurship in rural communities across the country. Without the ability to sell a wider variety of foods, many rural home cooks and bakers report having no plans to expand their businesses.

That is why IJ continues to push for greater food freedom across the country. Using our model Food Freedom Act—the product of collaboration between IJ's legislation, activism, and strategic research teams—we will persuade more and more state legislatures to broaden opportunities for home-based food entrepreneurs and give consumers access to more delicious homemade foods. And as this new report shows, IJ's sweet victories in court mean everyone gets an extra helping of freedom. ♦



Read the report at  
[ij.org/ready-to-roll](http://ij.org/ready-to-roll)

Jennifer McDonald is  
IJ's senior research analyst.





# Safeguarding Eminent Domain Reform in Georgia

BY PAUL AVELAR

After the U.S. Supreme Court's 2005 decision in our case *Kelo v. New London* set off a nationwide backlash against eminent domain abuse, IJ worked with lawmakers across the country to end governments' use of eminent domain for private development. As a result of our efforts, 44 states now have stronger protections for property owners than they did before *Kelo* came down.

Georgia is one of the states that enacted strong reforms. IJ worked with lawmakers there to pass the 2006 Landowner's Bill of Rights, which prohibits taking property for

redevelopment, improves due process protections for property owners, and provides attorney's fees to property owners so they can go to court if needed to protect their rights.

Twelve years later, those reforms are still protecting Georgia property owners. Consider the Candelaria family.

Leslie Candelaria and her family own a home in Jonesboro, Georgia. When they bought the house in 2013, it needed substantial work, but it was the best they could afford. Leslie's father, José, a contractor, has spent the last five years fixing up the property while Leslie went to college and her younger siblings attended high school. The time and



**Leslie Candelaria** (third from left) and her family won the fight against attempts by the city of Jonesboro, Georgia, to seize their home and replace it with high-end homes, shops, and restaurants.



energy the family spent on the property made it their home; they never wanted to leave.

But Jonesboro had other plans for their property. City officials spent years on a redevelopment plan, the centerpiece of which was a new municipal building surrounded by new high-end homes, shops, and restaurants.

In 2018, Jonesboro sued Leslie and her family to take their home.

The city claimed the property was for the new municipal building. And before the 2006 reforms, the city's say-so may have been enough to qualify the taking as a "public use." But not now.

Thanks to Georgia's reforms, Jonesboro had to prove in court its plan served a genuine public use. But Jonesboro's own redevelopment documents revealed its real aim: to give the family's home to a private developer to build homes for other—richer—people there instead.

When it became clear midway through the hearing in the Candelarias' case that the judge was going to deny its

eminent domain action, Jonesboro "voluntarily" dismissed its own petition. Leslie and her family won a clear victory and, under Georgia's Landowner's Bill of Rights, they are entitled to receive attorney's fees. But in yet another attempt to evade

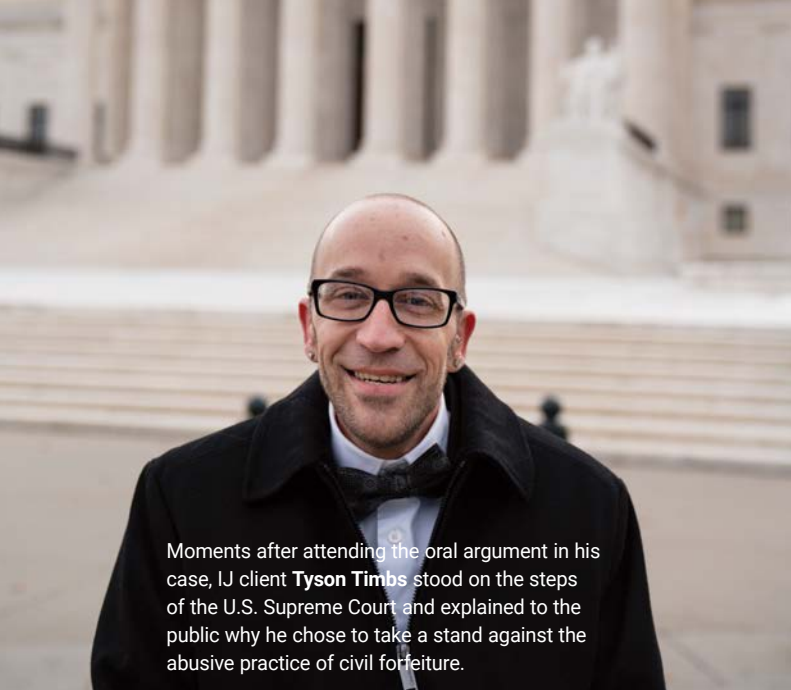
the state's eminent domain reforms, the city is refusing to pay and threatening to refile its petition to take the Candelaria family's home.

IJ is not going to let Jonesboro flout the reforms that we worked so hard to secure. We are supporting Leslie's fight to have her attorney's fees paid by Jonesboro. And if Jonesboro does come after her property again, IJ will be there to protect her family—and all Georgians—from eminent domain abuse. ♦

**IJ is not going to let Jonesboro flout the reforms that we worked so hard to secure.**

Paul Avelar is managing director of IJ's Arizona office.





Moments after attending the oral argument in his case, IJ client **Tyson Timbs** stood on the steps of the U.S. Supreme Court and explained to the public why he chose to take a stand against the abusive practice of civil forfeiture.



**Doug and Mary Ketchum** (fourth and fifth from left) stand with IJ's litigation team on the steps of the U.S. Supreme Court after argument in their case in January.

#### Timbs continued from page 6

even be possible, given our constitutional history, to argue that the Excessive Fines Clause is not incorporated against the states. Justice Kavanaugh asked whether it was “just too late in the day to argue that any of the Bill of Rights is not incorporated.”

Justice Breyer focused on the sweep of civil forfeiture statutes. He posed the hypothetical question of whether it would be acceptable under the state’s theory for the government, in a desire for revenue, to forfeit any vehicle that drove even five miles over the speed limit, be it a “Bugatti, [a] Mercedes, or a special Ferrari or even [a] jalopy.” The solicitor general ultimately conceded: “Yes, it’s forfeitable.” Justice Sotomayor immediately expressed concern about the dangers inherent in modern civil forfeiture laws, analogizing them to the Star Chamber of early modern England.

After the argument, the IJ litigation team and Tyson gathered outside the Supreme Court to talk to the press. It was wonderful to see Tyson, a man who has overcome drug addiction, step up with humility and courage to describe to the public why he chose to take a stand. IJ scored substantial features in nearly every major mainstream media outlet that covers the Court, and much of the early coverage reflected IJ’s optimism for a favorable outcome. We expect a decision in the next few months. ♦

#### TN Liquor continued from page 7

a more formidable competitor, Total Wine, were about to get their retail licenses.

To prevent that from happening, the Retailers Association threatened to sue the

ABC. Ultimately, the state simply handed enforcement of the law over to the cartel. Indeed, neither the Tennessee attorney general nor the ABC are appearing before the Supreme Court or even filing a brief in the case.

The Ketchums and Total Wine won in the lower courts, but the Retailers Association appealed to the Supreme Court, where we now represent the Ketchums.

In our briefs to the Court, Total Wine’s attorneys focused on how the residency requirements violate the Commerce Clause, while IJ made the case that they also violate the Privileges or Immunities Clause. A victory in this case will provide more ammunition to take on those who, like the Retailers Association, use government power to keep out competition, and to protect the economic liberty rights of all Americans.

As in *Timbs*, we will know the Court’s decision by the end of June. Both cases testify to the power of IJ’s long-term strategy to drive our issues up to the highest levels of our legal system, with the potential to secure the vital liberties of all Americans for generations to come. ♦



Photo by Karen Pulfer Focht



Scott Bullock is IJ's president and general counsel.





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## THE WALL STREET JOURNAL

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## Orlando Sentinel

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In Nearly Decade-Old Education Lawsuit**  
November 8, 2018



My daughter—like 130,000 other students—relies on one of Florida's educational choice programs to attend the right school for her.

But her scholarship was threatened when opponents of the program sued to have it ruled unconstitutional.

I fought for the best education for my family all the way to the Florida Supreme Court.

And I won.

*I am IJ.*