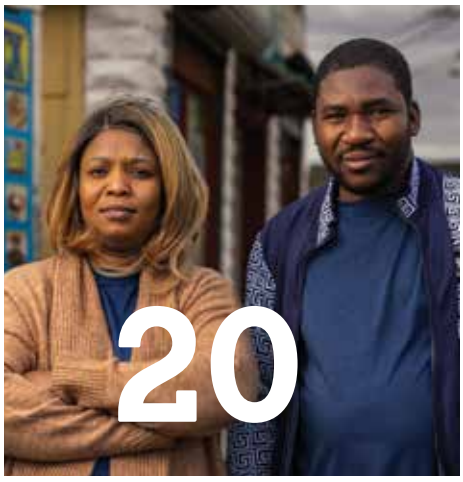
LIBERTY & LAW
June 2025
Volume 34 Issue 3

FIRST-ROUND WIN AGAINST DRIVER SURVEILLANCE PROGRAM

PUBLISHED BIMONTHLY BY
THE INSTITUTE FOR JUSTICE

contents



LIBERTY & LAW

June 2025 • Volume 34 Issue 3

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 illustrates and extends the benefits of freedom to those whose full enjoyment of liberty is denied by government.

Editor:
Kim Norberg

Layout & Design:
Laura Maurice-Apel

General Information:
(703) 682-9320

Donations: Ext. 399

Media: Ext. 206

Website: www.ij.org

Email: general@ij.org

Donate: www.ij.org/donate

facebook.com/institutefforjustice

youtube.com/institutefforjustice

x.com/ij

instagram.com/institutefforjustice

First-Round Win

Against Driver Surveillance Program

Norfolk, Virginia resident **Lee Schmidt** partnered with IJ to challenge the warrantless surveillance of all local drivers. Now a court has shot down the city's attempt to dismiss the case.

BY ROB FROMMER

Great news from Norfolk, Virginia, where IJ scored an early win in a groundbreaking Fourth Amendment challenge to the city's network of 172 automatic license plate readers (ALPRs). Deployed throughout Norfolk, these cameras capture cars' license plates and key details, which are uploaded to a centralized database so law enforcement can track the vehicle over the past 30 days, no suspicion or warrant required.

Norfolk's cameras chronicle the entire driving population's comings and goings. That's creepy and un-American. But in moving to dismiss our case, the city argued that such constant surveillance could *never* amount to a Fourth Amendment "search." Even if residents expected their movements to remain private, it said, those expectations were not societally reasonable. For support, the city cited a 40-plus-year-old case called *U.S. v. Knotts*, which held that "a person traveling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another."

But the law has changed in the decades since *Knotts*. Back in 2018, the U.S. Supreme Court held, contra *Knotts*, that persistent tracking *can* violate a reasonable expectation of privacy. And in 2021, the federal appeals court that covers Norfolk held that Baltimore's flying an airplane to track people's movements was constitutionally unreasonable. Norfolk's ALPR cameras are equally unreasonable since they do from the ground what Baltimore was told it couldn't do from the air.

The court in Norfolk agreed. It held that, under modern Fourth Amendment case law, pervasive dragnet surveillance can be a "search." And it credited our allegation that Norfolk's ALPRs allow for the secret "monitoring and cataloging [of] the whole of tens of thousands

of individuals' movements over an extended period." The case will now proceed to discovery, with a potential trial this fall—where IJ's goal, of course, is to shut down Norfolk's dystopian surveillance scheme.

But more broadly, we want courts to reject the "reasonable expectation of privacy" model altogether. After all, the Fourth Amendment never mentions "privacy," but it does talk about the right to be "secure." That's because the Framers enacted the Fourth Amendment to protect individuals and their property from arbitrary government intrusion. Yet in the 20th century, some figures tried to rewrite the Amendment's purpose, conflating its protection against the prying eyes of government with the idea of personal privacy from private entities. In the 1960s, this interpretation led to the creation of the "reasonable expectation of privacy" test.

Although the privacy model at one time was more protective of Fourth Amendment rights, it has proven to be problematic as society—and especially technology—evolves. And it's easy to understand why: Under it, *anything* you voluntarily expose to the world loses constitutional protection. Your bank records, the phone numbers you dial, even your medical history; it's all fair game. Historically, it would have been impossible for 172 officers to stand at street corners 24/7 to photograph and analyze every single car that passed. But Norfolk's unblinking ALPRs make such dragnet surveillance cheap and easy.

The "reasonable expectation of privacy" test demands that people forfeit their constitutional protections to participate in modern life. So along with demonstrating that Norfolk's surveillance network is unconstitutional, we hope to persuade courts to abandon the flawed privacy framework and instead focus on what truly matters: the right to be secure from unwarranted government tracking and monitoring. By returning to the Fourth Amendment's core principle of security, we can better protect citizens from the kinds of arbitrary governmental intrusions that inspired its adoption. ◆

Rob Frommer is an IJ senior attorney and co-leader of the Project on the Fourth Amendment.

Watch the case video!
iam.ij.org/Norfolk

Historically, it would have been impossible for 172 officers to stand at street corners 24/7 to photograph and analyze every single car that passed. But Norfolk's unblinking ALPRs make such dragnet surveillance cheap and easy.

Family Fights To Recover From Midnight SWAT Raid

BY MARIE MILLER

When Alisa Carr, Avery Marshall, and their two kids went to bed one night last spring, they had no idea that sheriff's deputies were watching their house, duping a judge into issuing a warrant to search the home, and planning a midnight raid. At about 1:00 a.m., more than a dozen officers stormed the house. They shattered a glass door, barged through other doors, shouted profanities, detonated flash-bang grenades, and aimed military-grade firearms at each family member before interrogating them like criminals. The family was shocked, confused, and terrified.

Officers had been looking for a man

Alisa Carr and **Avery Marshall**, along with their children, were victims of a SWAT raid after officers gave a judge inaccurate information to get a warrant. Alisa and Avery are seeking justice with IJ to be made whole for the damage to their home and lives.

Officers had been looking for a man suspected of stealing property from unlocked vehicles. But that man had no connection to Alisa and Avery's family apart from the fact that his phone pinged in their neighborhood.

suspected of stealing property from unlocked vehicles. But that man had no connection to Alisa and Avery's family apart from the fact that his phone pinged in their neighborhood. Officers targeted their home, and no others in the neighborhood, because officers saw Alisa's Nissan parked out front.

They believed the suspect had been riding in a medium-gray 2007 Nissan Sentra, registered to the suspect or one of his relatives, with a certain license plate and vehicle identification number—all of which the officers knew or should have known. Alisa's Nissan was entirely different: a light-silver 2017 Altima, registered to her, with a different license plate and vehicle identification number.

Officers could not have reasonably mistaken Alisa's car for the suspect's Nissan. But officers swore to a judge that it was precisely the vehicle they had connected to the suspect. They also failed to inform the judge that at least five other properties and a public road lie within the 52-meter range where the suspect's phone had pinged. The judge issued a warrant based on the false and misleading information.

The resulting raid has left the family physically and psychologically scarred. Officers reinjured Avery's back, on which he had recently undergone surgery. The raid sent Alisa to the hospital with a panic attack and heart-attack symptoms. Their kids now struggle to sleep at night, reliving the raid and worried that their house is not safe.

Making matters worse, the house was badly damaged. Noxious fumes from flash-bang grenades flooded the house, and officers tracked broken glass everywhere they searched. The front doors and door frame were mangled, and the front wall was cracked. Water now leaks into the house when it rains—especially following the devastating floods that area of North Carolina suffered last fall.

NC SWAT continued on page 22

Watch the case video!
iam.ij.org/NC-SWAT

Despite Setback, **MOMENTUM BUILDS** For Economic Liberty

BY ANDREW WARD

Although IJ's work to protect economic liberty under state constitutions hit a setback in April, our long-term campaign to unleash opportunity continues nationwide.

As *Liberty & Law* readers have seen over the past decade, IJ has been systematically challenging economic restrictions not just under the federal Constitution, but under state constitutions, too. That work, at bottom, is about convincing state high courts that their state constitutions recognize the right to earn an honest living and afford real protection for small businesses and entrepreneurs.

We scored our first big win in this campaign in 2015, when the Supreme Court of Texas held that a licensing restriction on our client—Ash Patel, owner of an eyebrow-threading salon—was unconstitutional because its actual, real-world effect was oppressive. That's a stark difference from what we sometimes see in federal cases, in which courts' reflexive deference to regulators can go as far as accepting obviously false justifications for a law.

Since then, we've had other major successes in reminding states that their own constitutions require more demanding review. A 2020 opinion in one of our cases had the Supreme Court of Pennsylvania reiterating that "Pennsylvania law is less deferential to the legislature than its federal counterpart." (We later won that case at trial.) The Supreme Court of Georgia established real review in 2023. (We won that case, too.) And just last year, we helped persuade the Supreme Court of North Carolina to do the same.

But a project like this isn't easy, and there will be losses. Maryland's highest court rejected our arguments in 2020. And in April, so did Nebraska's.

Our client there, Marc N'Da, wanted to expand his home-health business to drive patients to their medical appointments. He had grown frustrated watching his clients receive poor service from existing medical transportation companies. So he responded in the most American way possible: He decided to start his own company and provide better service.

All Marc needed was a "certificate of public convenience and necessity" from the government. He went through the application process, and the government expressly found that Marc was "fit, willing, and able" to provide this service. But the law also requires Marc to get permission from his competitors before he can begin operating. Not surprisingly, those competitors said "no."

You shouldn't need permission from your competition simply to enter the market. Even so, the Supreme Court of Nebraska held that the state's Constitution afforded Marc no protection.

Losses like this are tough, but they're also expected. No one bats a thousand, especially not while litigating the hardest cases in constitutional law. But as our victories show, we know what works. And we already have two pending cases aiming to extend these successes: one in South Carolina—where we'll argue before the state's highest court just days after this publication arrives in your mailbox—and the other in North Carolina, where we're optimistic about cementing our earlier victory.

We've got the momentum behind us, and we'll keep going, state by state, until we win nationwide. ◆

Marc N'Da immigrated from Togo with $60 in his pocket, became an American citizen, and built a thriving business—but his plans for expansion were stymied by Nebraska regulations.

Andrew Ward is an IJ senior attorney.

THREE MORE STATES SAY YES TO FRESH STARTS

BY SAM HOOPER

At IJ, we believe that a past mistake shouldn't permanently bar someone from earning an honest living. This spring, three states enacted IJ-supported legislation removing outdated or irrelevant criminal-record restrictions from their occupational licensing regimes—and ensuring that people who have paid their debt to society can move forward and earn an honest living.

In Utah, IJ joined a reentry task force, working alongside state agencies, nonprofits, and faith-based organizations to consider policies that reduce recidivism and promote economic liberty. The result was HB 167, a sweeping omnibus bill on second chances. IJ successfully inserted several key provisions: shortening the lookback window for criminal convictions from seven to five years, prohibiting boards from considering juvenile records or mere arrests, and removing remaining references to outdated terms like "moral turpitude."

In Virginia, IJ worked with a coalition of reentry groups and other organizations to pass SB 826, a landmark reform that establishes a formal predetermination process. This process allows applicants to request a binding assessment of whether their criminal record would disqualify them from working in a particular occupation before investing time and money in training. After both chambers passed the bill, IJ's legislative team led a final round of advocacy to ensure it earned the governor's signature—which it did on March 24.

Meanwhile, in Maryland, HB 482 passed with bipartisan support and was awaiting the governor's signature as this issue went to print. Based on components of IJ's model legislation, this much-needed reform limits disqualification to convictions directly related to the license at hand and provides a predetermination process similar to Virginia's for a number of occupations. But in an unexpected twist, a provision making the law effective for only three years was inserted to appease the opposition. IJ will continue working in Maryland to ensure the reform is made permanent.

These victories reflect a growing recognition across the political spectrum that punitive licensing barriers serve no one—and that all communities benefit when more people can work, contribute, and rebuild their lives. IJ strives to ensure that the right to earn an honest living is not a privilege reserved for the faultless, but a freedom guaranteed to all. ◆

Sam Hooper is an IJ legislative counsel.

IJ is expanding our work helping those with past mistakes earn a living without unreasonable government barriers. Some of our past and present fresh start clients include (from left to right) **Katherin Youniacutt**, **Melissa Brown**, **Tammy Thompson**, and **Rudy Carey**.

Where IJ Stands On Executive Abuses

BY SCOTT BULLOCK

I don't need to tell you that news of what is happening at the federal level these days is moving fast and furiously. At times, it's hard to keep up with the latest and to sort out the good from the bad from the ugly.

As you know, IJ has always adhered to a strictly nonpartisan stance. You will never see us doing the bidding of a political party and certainly not of any political figure. Likewise, IJ does not get involved in trendy causes *du jour* to try to gain attention, nor do we typically issue broad policy statements about current controversies. Rather, we adhere to our long-term mission in our areas of expertise.

But when we see an opportunity to defend individual rights and challenge abuses of power that are within our wheelhouse, we don't just talk about it—we take action, no matter who is in power.

You will never see IJ doing the bidding of a political party and certainly not of any political figure.

For instance, we filed three lawsuits against federal administrative agencies overseen by the Biden Administration. Indeed, we first challenged the executive branch in 1997 and have filed cases against every single administration since then.

So you won't be surprised to know that we are likewise following carefully the actions of the current administration, and we have already begun to push back to defend constitutional rights and the separation of

powers. We recently joined with other nonprofit organizations on briefs in opposition to the Trump Administration's blatantly retaliatory policy against certain law firms it views as political enemies. Those cases squarely implicate IJ's longstanding efforts, including our U.S. Supreme Court victory in *Gonzalez v. Trevino*, to make it more difficult for government officials to retaliate against and punish their political opponents.

And as spelled out on pp. 14-15 of this issue, IJ has just challenged a new financial surveillance policy brought about by this administration that requires many small businesses in border states to provide reports on virtually all cash transactions, including completely innocuous acts like getting a money order to pay rent. Although ostensibly aimed at fighting cartels, the reporting requirements will sweep in thousands of innocent people and are burdensome enough to kill many of these businesses.

IJ is also fully prepared to challenge arguments that seek to overturn so-called birthright citizenship. Not only is that issue important in itself, but a wrong outcome in that case could negatively impact our other litigation under the ever-vital protections of the Fourteenth Amendment.

Moreover, IJ will continue to speak out on the crucial need for an independent judiciary that is not afraid to rein in the excesses of the executive and legislative branches. Our Center for Judicial Engagement has long argued for that very thing, and we will be even more outspoken on the subject, especially if the administration starts defying court orders and rulings.

Although we will not hesitate to challenge executive branch excesses, we will also take advantage of opportunities to work with the current administration if circumstances dictate. As an example, the White House recently issued an executive order to agency heads to rescind anticompetitive regulations, and we plan on submitting commentary to steer that review to hopefully pro-freedom outcomes.

Rest assured, IJ will keep monitoring activities to capitalize on positive changes and to fearlessly challenge abuses where we have institutional expertise. Also know that once we commit to a case, IJ will never be cowed into silence nor into dropping litigation that challenges what is happening today, no matter how intense the pressure might get.

IJ will always remain vigilant, bold, and principled. ◆

Scott Bullock is IJ's president and chief counsel.

Long-Term Battles Become Lasting Victories

IJ cases are about more than just one case. They are about a long-term fight to expand individual freedom.

BY ROBERT MCNAMARA AND DANA BERLINER

As this issue of *Liberty & Law* makes clear, IJ cases are about more than just one case. They are about a long-term fight to expand individual freedom. And no one knows that better than IJ's clients, who are told on day one that signing up with IJ is signing up for a fight that will be bigger (and almost certainly last longer) than a single lawsuit.

It takes a special person to sign up for that kind of fight. And that makes it all the more gratifying when the promises of a long-term battle come true in the form of victories years after a case was closed.

Take IJ client Charlie Birnbaum, the Atlantic City piano tuner whose fight to save his family home from eminent domain abuse captured headlines nationwide. Charlie won his battle, which preserved his family's home and legacy.

But the fight was always about a legacy beyond just one family. That is why we were delighted to recently receive a request from a museum consultant asking for our permission to use Charlie's picture in a special exhibit about the American Revolution and the protection of individual rights. (We said yes!) Charlie's fight, which inspired countless Americans as it happened, will live on to inspire countless more.

Or take another eminent domain client, the Community Youth Athletic Center, a boxing gym for at-risk youth. IJ defeated the local government's

Former eminent domain client **Charlie Birnbaum** of New Jersey (left); the **Community Youth Athletic Center** in California (center photos); and **Hermine Ricketts** and her husband, **Tom Carroll**, pictured in their Florida garden (right) inspire others long after their cases are done.

Long-term fights also offer something else: long-term victories.

attempt to condemn the gym for luxury condos more than a decade ago.

With a secure home, the CYAC expanded its program: Today, it takes kids whose parents are drug addicts and in prison and gives them a place to go after school ends. In the years since IJ helped save its property, the gym has provided training, mentorship, tutoring, a safe space, and, really, a family for hundreds of kids. There are kids who started coming when they were only 8 years old and now tutor others as adults.

The CYAC's program works. Dozens have attended a university, and at least a hundred have gone to community college or trade schools. CYAC kids now work in nursing, teaching, law enforcement, construction trades, the military, and even law.

And sometimes that lifelong fight resonates even beyond the lifetime that started it. That's certainly true of Hermine Ricketts, who ignited a national movement after her Florida village forced her to tear up her front-yard vegetable garden under an ordinance that allowed her to have anything in the yard—fruit, flowers, or flamingos—except the healthy food she wanted to grow. Hermine's fight inspired a state law that forbids local governments from banning gardens like hers, though she tragically passed only months after her friends, family, and IJ attorneys re-planted her garden in celebration.

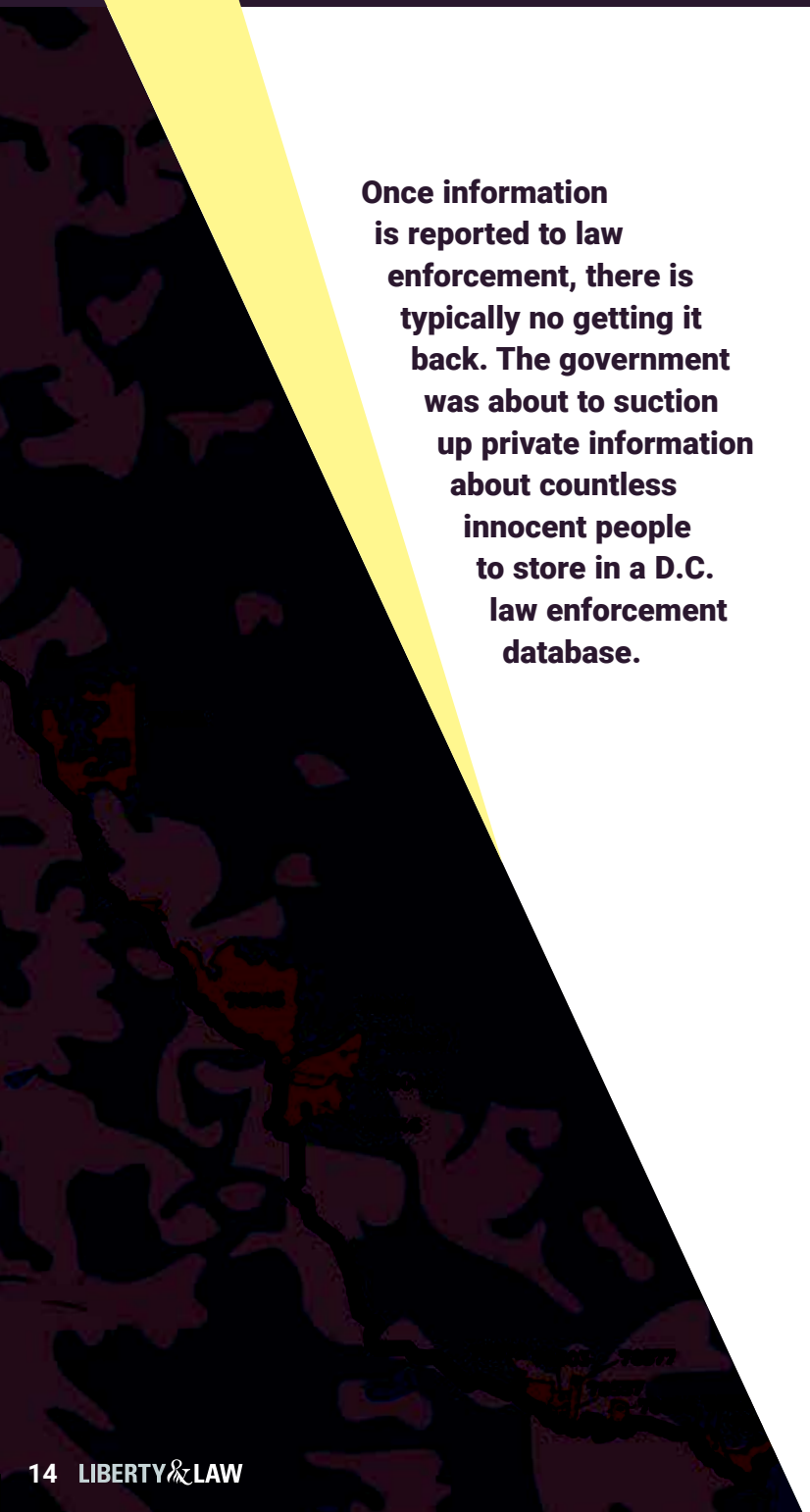
So when a nearby county threatened to destroy Leann Barber's private community garden late last year, a reminder from IJ about Hermine's victory was enough to force the bureaucrats to stand down.

Fighting a long-term fight asks a lot of IJ's clients. It demands tenacity, commitment, and dedication to a cause bigger than themselves. But long-term fights also offer something else: long-term victories. Charlie, the CYAC, and Hermine have won theirs. And other IJ clients have many more to come. ◆

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

LIGHTNING STRIKE:

IJ Springs Into Action To Block Invasive, Unconstitutional Federal Surveillance Rules



Once information is reported to law enforcement, there is typically no getting it back. The government was about to suction up private information about countless innocent people to store in a D.C. law enforcement database.

BY ROB JOHNSON

When the federal government announced an Orwellian change to surveillance rules aimed at businesses and communities near the southwest border, we knew we had to move fast.

The rules targeted people like Esperanza Gomez, who runs a business in San Diego helping customers cash paychecks, send money to family, and take out money orders for things like paying rent. Normally, businesses like Esperanza's are required to report cash transactions over $10,000 to federal law enforcement. But for 30 ZIP codes along the border in California and Texas, the government dropped that to just $200.

The change threatened to destroy Esperanza's business—and hundreds like it. Esperanza's shop has never had a cash transaction over $10,000, but nearly all its transactions are over $200. At over 20 minutes per report, completing all the necessary paperwork would take more hours than there are in a day. Penalties for missed reports are steep: over $70,000 per report.

Plus, once information is reported to law enforcement, there is typically no getting it back. The government was about to suction up private information about the financial activities of countless innocent people, across an area with a population over a million, to store in a D.C. law enforcement database.

It was an impending Fourth Amendment disaster. If the government wants information about these kinds of private transactions, it should get a warrant. Instead, the government

Arnoldo Gonzalez Jr. of Texas and **Esperanza Gomez** of California each own small money-services businesses that will drown under a $200 transaction reporting threshold. They joined with IJ to protect their livelihoods and their customers' privacy.

was demanding all this information without a warrant or even concrete suspicion of a crime.

On top of that, it wasn't even clear what the government was realistically going to accomplish. If criminals were laundering money in $200 increments (which seems very unlikely), they would just take their cash down the road to other ZIP codes not covered by the order. Only innocent people would be caught in the dragnet.

So we sprang into action. IJ lawyers went flying to California, driving across Texas, and then straight to their desks—writing up legal papers. The new rules went into effect April 14, we filed our case one day later, and just one week after that we were in a courtroom in San Diego presenting Esperanza's case to a federal judge.

The judge ruled from the bench: She found that the new rules are likely unlawful and entered a temporary restraining order, blocking the rules from going into effect across California. That order lasts 28 days, during which we will fight for more permanent relief.

Meanwhile, we entered an existing case in Texas—filed by an association of Texas small businesses. A Texas court had blocked the rule for association members, but only for two weeks. After a dramatic day-long hearing in May, we secured a preliminary injunction to suspend the rule until the end of the case. And we're still fighting to protect all affected businesses statewide.

The federal government moved fast to impose these surveillance rules, and we had to move fast in response. Now, as part of our Project on the Fourth Amendment, the fight will continue to translate our early victories into permanent relief. ◆

If the government wants information about these kinds of private transactions, it should get a warrant. Instead, the government was demanding all this information without a warrant or even concrete suspicion of a crime.

Rob Johnson is an IJ senior attorney.

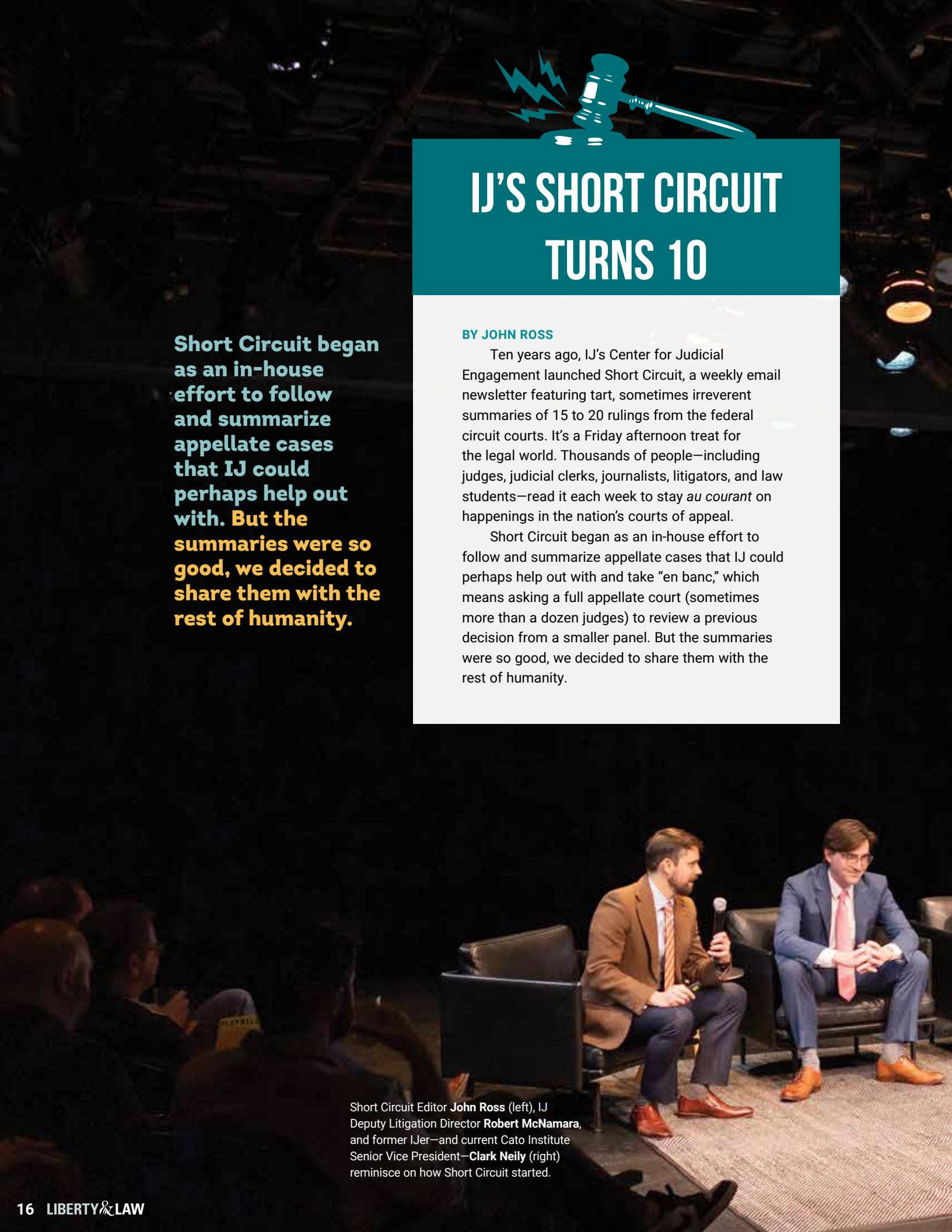
IJ'S SHORT CIRCUIT TURNS 10

BY JOHN ROSS

Ten years ago, IJ's Center for Judicial Engagement launched Short Circuit, a weekly email newsletter featuring tart, sometimes irreverent summaries of 15 to 20 rulings from the federal circuit courts. It's a Friday afternoon treat for the legal world. Thousands of people—including judges, judicial clerks, journalists, litigators, and law students—read it each week to stay *au courant* on happenings in the nation's courts of appeal.

Short Circuit began as an in-house effort to follow and summarize appellate cases that IJ could perhaps help out with and take "en banc," which means asking a full appellate court (sometimes more than a dozen judges) to review a previous decision from a smaller panel. But the summaries were so good, we decided to share them with the rest of humanity.

Short Circuit began as an in-house effort to follow and summarize appellate cases that IJ could perhaps help out with. But the summaries were so good, we decided to share them with the rest of humanity.



Short Circuit Editor **John Ross** (left), IJ Deputy Litigation Director **Robert McNamara**, and former IJer—and current Cato Institute Senior Vice President—**Clark Neily** (right) reminisce on how Short Circuit started.

With most media focused on the U.S. Supreme Court, Short Circuit has filled an important niche, and one we have mostly to ourselves. And with the Court taking up so few cases, most of the day-to-day action is going on in lower courts. At our 10th Anniversary celebration in April, The New York Times' top legal correspondent, Adam Liptak, told the audience he reads Short Circuit "religiously" for that very reason.

The newsletter generates an enormous amount of goodwill for IJ in the legal community. When we call up outside lawyers looking for help with local rules, case searches, and other sundries, they often already know about IJ through Short Circuit and are eager to pitch in.

We also include a heady mix of IJ news, so readers are learning what IJ is all about. And knowing that, one loyal reader even sought us out so we could bring *Gonzalez v. Trevino*, one of our big wins at the Supreme Court last year. The case set a vital speech-protecting precedent, but it would never have been possible if IJ hadn't taken it pro bono from the trial court all the way up to the high court.

In addition to the email newsletter, we also produce the Short Circuit podcast, a weekly discussion with a rotating cast of IJers and guests who dig into two or three of the week's most interesting or important circuit court opinions. As in the newsletter, we tend to focus on constitutional cases that relate to IJ's work. But also as in the newsletter, we cover all manner of wild appellate goings-on, from international fights over stolen artwork

Short Circuit continued on page 22

Blooming Ventures:

New Faces At The IJ Clinic

BY ALEKSEI KAMINSKI

Recently, the IJ Clinic on Entrepreneurship welcomed six new clients—each one bringing fresh ideas, bold ambition, and deep roots in their communities. The Clinic, based at the University of Chicago Law School, trains law students to provide budding entrepreneurs with free legal services and the opportunity to grow their businesses with confidence.

From fried shrimp to freeze pops, yoga flows to tree limbs, these ventures reflect the creative spark powering entrepreneurs across Chicago. Here's a taste of the blooming businesses our students and staff now have the pleasure to work with at the Clinic.

RG Tree Management

Ruben Gonzalez leads RG Tree Management, offering pruning, disease treatment, and storm response services. After years of working as a contractor, Ruben studied business and helped his father, Ricardo, start a tree-trimming company. He came to the Clinic for help navigating legal considerations around serving customers in urban settings, like risk management and liability. We're excited to help protect Ruben's business as it in turn protects Chicagoans' backyards and homes!

Tonye' Arts & Fitness

With Tonye' Arts & Fitness, Garley Briggs blends dance, movement, and mindfulness in a wellness brand as creative as she is. Garley was referred to us by a community partner, the Polsky Center for Entrepreneurship and Innovation. We are thrilled to support her now as she expands her offerings, employee relationships, and locations—while protecting her business in the process.

Fitness Boutique by Tiffany

Tiffany Vann-Cole delivers custom fitness and nutrition coaching in a cozy studio setting on the South Side of Chicago. Her business, Fitness Boutique by Tiffany, offers a variety of class formats to suit individual clients' needs and desires, ranging from boot-camp style classes to Pilates Reformer workouts along with nutritional support and education.

Flavour Unit Corp: Egg Rolls Etc. & Legacy Kitchen Solutions

Javon Nicholas is a culinary powerhouse with a dual mission. Under Flavour Unit Corp, Egg Rolls Etc. brings comfort-filled egg rolls to freezers across the city, and Legacy Kitchen Solutions offers mentorship and commercial kitchen access for under-resourced chefs. With 23 years of experience in food safety and quality, Javon is ready to scale—and we're here to perfect the legal recipes for the businesses' success!

Iceboxx

What began as Jacqueline Foreman's late-night snack idea has grown into a local frozen dessert brand featuring handmade ice cream, gourmet cookies, and lemonade. We're helping Jacqueline and Iceboxx with licensing, customer relationships, and the legal tools to keep things cool—and compliant.

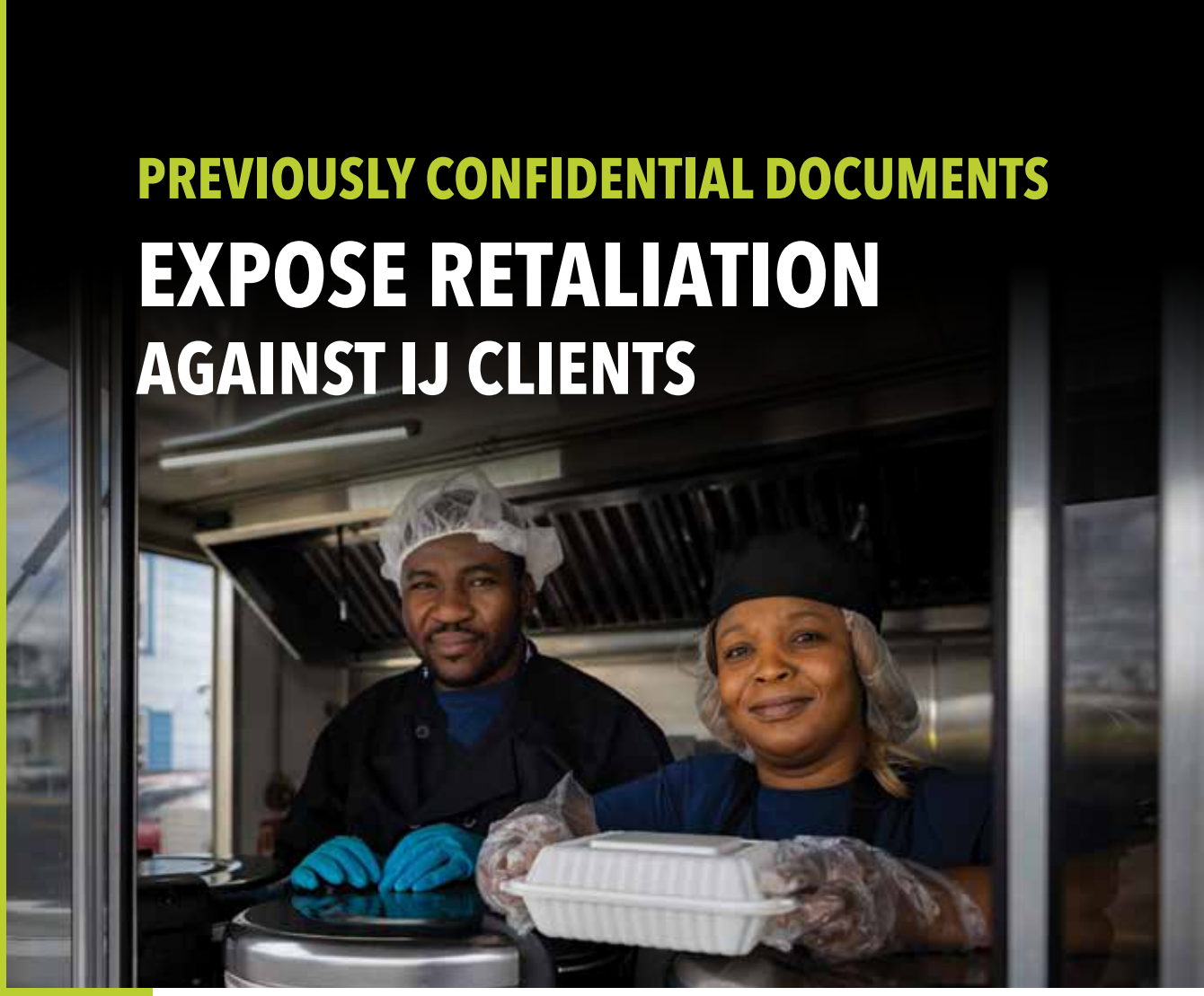
Haire's Gulf Shrimp

A South Side staple since the 1980s, Haire's Gulf Shrimp was launched by Finnie Haire out of a train caboose and has become a beloved spot for Louisiana-style fried shrimp. Finnie's mother gave him the recipe saying, "As long as you have this, you'll always have a way to make money." We're here to help preserve that gift (and do some taste tests, too). Now led by Finnie's widow, Aisha Murff, the restaurant has multiple locations, a food truck, and exciting new plans.

At the IJ Clinic, we don't just support businesses; we champion the people behind them. Our new clients are building stronger communities, and we're proud to be part of their journey. ◆

Aleksei Kaminski oversees community relations and operations at the IJ Clinic on Entrepreneurship.

PREVIOUSLY CONFIDENTIAL DOCUMENTS EXPOSE RETALIATION AGAINST IJ CLIENTS



A Haitian immigrant couple, **Clemene Bastien and Theslet Benoir**, are fighting to operate their food truck in the face of a protectionist ban after enduring retaliation from a councilmember who cut the truck's water line and attempted to stop grocery deliveries.

BY MATT LILES AND JUSTIN PEARSON

Last year, IJ stepped up to fight petty bureaucrats on Virginia's Eastern Shore. Theslet Benoir and his wife, Clemene Bastien, both Haitian immigrants, had opened the first food truck in Parksley, Virginia history. They initally secured a business permit to operate legally, but town officials didn't want outsiders competing with local restaurants. That included Councilmember Henry Nicholson, who berated the couple and told them, "Go back to your own country!"

Parksley then banned food trucks outright. That sparked a chain reaction of events that led to IJ's involvement—and our case is stronger than ever thanks to some previously confidential documents that we uncovered earlier this year.

We already knew that Parksley retaliated against Theslet and Clemene for daring to criticize the food truck ban. The important task for us is to prove it in court. Thankfully, town officials just made that task a little easier. The town inadvertently released documents under its control. And those documents prove both that Parksley retaliated against Theslet and Clemene for speaking up and that town officials knew their food truck ban was unconstitutional.

The situation escalated in October 2023, when Theslet and Clemene

Thanks to the town's mistake, the public can see even more proof that Parksley went after Theslet and Clemene for questioning the government.

spoke to reporters about the town's food truck ban. A newly released email shows that the mayor—on the very same day—instructed the town attorney to send a cease-and-desist letter threatening the couple with 30 days in jail *per day* that they had already operated the food truck, in addition to steep fines. This reversed the mayor's previous promise that Theslet and Clemene could operate their food truck until their business license expired in May 2024.

Just two weeks later, IJ sent a letter urging Parksley officials to repeal the food truck ban. In newly released emails discussing IJ's letter, the town clerk shared the town attorney's opinion of the ban with the Parksley Council. The town attorney stated that the ban was "unconstitutional" and violated state law—adding that he was "not even sure he is able to make it legal."

And finally, we were able to make public a damning deposition transcript. In that deposition, the mayor admitted that the media attention IJ generated on Theslet and Clemene's plight caused town officials to keep their food truck closed. The mayor blamed IJ for exposing Parksley's actions on the internet and in the newspapers. To add insult to injury, he insisted, "If you hadn't got involved in this, we – we would have worked out something with these poor people and they would be selling hot dogs right now." (Theslet and Clemene sold Haitian food, not hot dogs.)

Parksley tried to claw back these documents, which in the course of litigation would normally remain confidential. But a federal judge ruled that because the town itself had disclosed them during the discovery process, they were no longer protected. Thanks to the town's mistake, the public can see even more proof that Parksley went after Theslet and Clemene for questioning the government.

No American should be punished for advocating for their right to earn an honest living. And now IJ has even more evidence we can use to vindicate Theslet and Clemene's rights in court. ◆

Matt Liles is an IJ attorney and Justin Pearson is an IJ senior attorney.

Theslet and Clemene want to sell Haitian food from their own property, where they also operate a grocery store for the town's Haitian community.

Destructive wrong-house SWAT raids like the one **Alisa Carr** and **Avery Marshall** faced are all too common.

NC SWAT continued from page 7

This case continues a pattern of destructive wrong-house raids that is sadly all too familiar to this publication's loyal readers. Indeed, it illustrates all the points where a raid can go wrong: Officers could get a bogus warrant. They could mistakenly raid the wrong house (as in our latest Supreme Court case, where we expect a ruling any day now). Even if a SWAT team properly raids the correct location to apprehend a criminal suspect, that location could be the home of an innocent and unrelated person who shouldn't have to shoulder the cost of repairing the damage.

That's why IJ is so concerned about the proliferation of dangerous and unjustified SWAT raids—and why we are determined both to hold accountable officials who conduct irresponsible raids and to safeguard the rights of innocent homeowners like Alisa and Avery. ◆

Marie Miller is an IJ attorney.

IJ President **Scott Bullock** opened Short Circuit's 10th Anniversary celebration.

Short Circuit continued from page 17

to appellate procedure puzzles. And our live shows at locations around the country have brought us in person to hundreds of law students, lawyers, and other assorted fans.

Short Circuit even helps IJ bring in promising young attorneys to join our mission. Many applicants first learn about our cases through the newsletter or podcast and are inspired to join our ranks!

If you've ever read the newsletter or downloaded an episode, thank you for helping us short the circuits these last 10 years. If you'd like to check it out and sign up, scan the QR code below. ◆

John Ross is the editor of IJ's Short Circuit newsletter.

SHORT CIRCUIT
iam.ij.org/short-circuit-10

Scan the QR code or visit **iam.ij.org/june-2025-headlines** to read the articles.

USA TODAY

Can You Sue The FBI When Agents Mistakenly Raid Wrong House? Supreme Court To Weigh In

By Bart Jansen | April 28, 2025

The mistaken search lasted only about five minutes. But the repercussions have echoed for years.

[Trina Martin's son] Gabe said after the episode, he pulled nervously at threads in his socks, pants or shirt – even picking the paint off walls.

"I don't know how I did that, but I did. It was because of a nervous condition," said Gabe, who is now 14 and in middle school. "That was probably the lowest part of my life."

Martin said she was distraught and pursued the lawsuit after seeing how the episode affected her son, who was diagnosed with post-traumatic stress disorder and depression.

"They shouldn't get away with this and we shouldn't be dismissed and it shouldn't be swept underneath the carpet," said Martin, who works in human resources after earlier serving four years in the Army as a specialist. "So that's what made me file a lawsuit."

To continue reading, scan the QR code above or visit iam.ij.org/june-2025-headlines.

abc NEWS

Georgia Family Fights Centuries Of History And US Law To Keep Their Home

March 3, 2025

The Guardian

ICE Accessed Car Trackers In Sanctuary Cities That Could Help In Raids, Files Show

March 11, 2025

reason
FREE MINDS AND FREE MARKETS

Mississippi Says Medical Marijuana Is Legal—Just Don't Talk About It

April 1, 2025

reno gazette journal
PART OF THE USA TODAY NETWORK

Nevada's Handyman Law Needs Repair

April 1, 2025

The News&Observer

Family Held At Gunpoint As SWAT Team Raids And Destroys Wrong NC Home, Suit Says

April 3, 2025

The San Diego Union-Tribune

A New Rule Aims To Combat Money Laundering. A San Diego Woman Says It Will Put Her Out Of Business.

April 15, 2025

WISCONSIN STATE JOURNAL

Wisconsin Wrong To Ban 'Microschools' For Children Who Learn At Home

April 24, 2025

INSTITUTE for JUSTICE
901 N. Glebe Road
Suite 900
Arlington, VA 22203

Tonya Horn
Kalispell, Montana

www.IJ.org

Institute for Justice
National Law Firm for Liberty