LIBERTY & LAW
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VICTORY!

DEFEATING QUALIFIED IMMUNITY TWO CASES AT A TIME

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

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VICTORY!

Defeating Qualified Immunity Two Cases At A Time

BY BOBBI TAYLOR

Lawsuits against government officials often face an uphill battle, with immunity doctrines blocking accountability at every turn. But recently, IJ scored two important first-round victories for clients wrongfully detained by police, with courts ruling that the officials responsible do not get qualified immunity for their actions.

On Christmas Eve in 2022, Jennifer Heath Box was arrested by sheriff's deputies in Broward County, Florida, and jailed for three days. Why? Because deputies had a warrant for a different Jennifer who was 23 years younger, had a different last name, and looked completely different. Deputies ignored these obvious differences and arrested Jennifer anyway. When she was finally released, they simply told her, "It happens."

Earlier that same year, police officers in Alexandria, Louisiana, stopped Mario Rosales and Gracie Lasyone for no reason other than that they were driving a car with an out-of-state plate. They ordered Mario and Gracie out of the car, interrogated them both, and searched Mario twice without a warrant or probable cause, all because they were "curious." In other words, fishing for drugs—or, more likely, cash.

IJ sued in both cases, alleging violations of the Fourth Amendment, along with other claims.

These constitutional violations may seem obvious. And it may also seem obvious that the government should be held accountable. But as so often happens, the officers in both cases argued that qualified immunity protects them from liability—even for blatant violations of the Constitution.

Qualified immunity is a judge-created doctrine that protects any public official from answering, in court, for their conduct.

And overcoming a qualified immunity defense is no easy task. It's not enough to prove that the officials violated a constitutionally protected right. A plaintiff must also show that the right was "clearly established," meaning that officials should have known

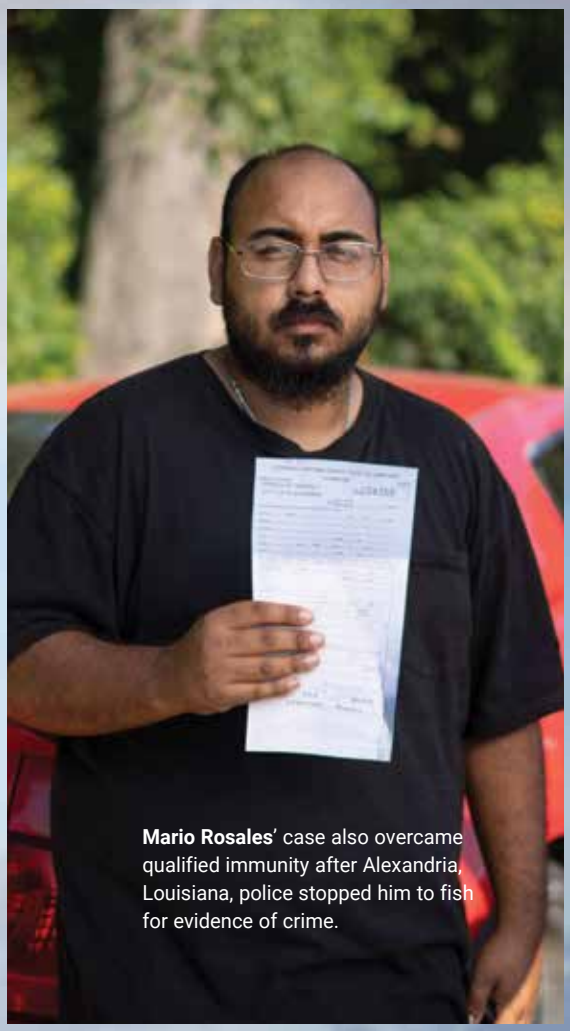
Broward County, Florida, deputies arrested **Jennifer Heath Box** and held her for three days in an inexcusable case of mistaken identity. Her case overcame qualified immunity and will continue.

that their conduct was unconstitutional because of pre-existing case law. Courts have split incredibly fine hairs to find that a violation wasn't clearly established, such as shielding an officer who used a dog to attack a man who surrendered by sitting down and raising his hands—even though a prior case found it unconstitutional to use a dog on someone who surrendered by *lying down*.

But the tide may be turning. Almost a year after we sued Broward County on Jennifer's behalf, a federal judge ruled that Jennifer plausibly alleged a clearly established Fourth Amendment violation. And almost three years after we sued the officers who detained Mario and Gracie, a different federal judge ruled that they had plausibly alleged clearly established violations of both the Fourth and First Amendments. In both cases, the officers' defense of qualified immunity was rejected, meaning our clients' claims can go forward.

And that's a big deal. By invoking qualified immunity, the government can frequently end a case—or at least add years of expensive litigation before a claim can be heard. These victories show that qualified immunity doesn't have to be a death knell for constitutional challenges, and they help add to the growing body of clearly established law. All of this brings us closer to removing one of the many immunities that make it all but impossible to hold the government accountable for abuse.◆

Bobbi Taylor is an IJ attorney.



Mario Rosales' case also overcame qualified immunity after Alexandria, Louisiana, police stopped him to fish for evidence of crime.

Victory In Virginia!

Court Holds Lifetime Ban Unconstitutional In IJ's Fifth Win For Fresh Starts

Melissa Brown will continue fighting for economic liberty alongside IJ as we defend her recent victory against the government's appeal.

BY ANDREW WARD

In a training at the end of September, I told a group of new IJ lawyers that there's perhaps nothing more fulfilling than our economic liberty work. That's because even though we litigate these cases under the hardest standard in constitutional law, we win anyway, allowing our clients a chance to do the work that makes their lives meaningful. A chance the government had no business taking away.

Six days later, on September 30, I learned we'd climbed that mountain again. Regular *Liberty & Law* readers know about IJ's "Fresh Start" cases, which challenge laws that stop people from working because of irrelevant criminal convictions. We've saved a beloved radio station in Tennessee, stopped a draconian regime for estheticians in Pennsylvania, and more. This time we challenged Virginia's "barrier law," which bans people with any of 176 convictions from working as substance abuse counselors—usually for life.

But as the state itself admits, that makes drug abuse worse.

Take our client, Melissa Brown. Seeking money for drugs, she snatched a stranger's purse and was convicted of robbery. *Twenty-four years ago*. Since then, she's turned her life

We even got an official to admit that enforcing the ban against Melissa was "crazy." And now, a federal court has agreed.

around and dedicated herself to helping others overcome the same struggles she had. She trained for thousands of hours. Virginia even certified her as fit to be a substance abuse counselor. But the state still permanently banned her from working in that role because of a nonviolent robbery committed early in the second Bush administration. Even while admitting that there's a "huge" shortage of counselors and that the law is keeping out people with "invaluable" experience.

So IJ sued. We won a first-round victory in June of last year, when the court denied Virginia's request to dismiss because the test governing economic liberty cases "must mean something beyond absolute deference to the legislature." After that, the evidence against the law came rushing in. We learned that even though Melissa was banned forever because of a robbery, the state was allowing people with identical stories to work despite convictions for burglary. We found a state presentation admitting that "everyone" wanted things to change. We even got an official to admit that enforcing the ban against Melissa was "crazy."

And now a federal court has agreed. It granted judgment in our favor, ruling that "there can be no harm in providing [Melissa] with an individualized screening assessment, especially given the 'huge workforce shortage' and urgent need." That's the same screening the state allows for people convicted of burglary, and we have no doubt that Melissa will pass: A state screener appeared in the case as a witness for us.

IJ's Fresh Start record now stands at 5-1. And we're not going to stop. We're defending Melissa's victory against an appeal recently filed by the government. Meanwhile, Melissa's second chance is still a first step. The judgment applies only to her, so the law still bars hundreds of qualified people every year because of decades-old crimes. Maybe Melissa's case can finally convince Virginia that things do need to change. If not, armed with this great new precedent, we'll be back in court. ◆

Andrew Ward is an IJ senior attorney.

A win at the 11th Circuit means IJ client **Brian Moore Jr.** will finally be made whole after a yearslong case derailed his music career.

TAKING FLIGHT

To End Civil Forfeiture

We secured a unanimous decision from the 11th Circuit that Brian *had* substantially prevailed and was entitled to be reimbursed for his attorneys' fees, thus finally making him whole after a very trying ordeal.

BY DAN ALBAN

IJ wrapped up a busy year of forfeiture litigation with a federal appellate victory and a U.S. Supreme Court cert petition involving an airplane forfeited in Alaska over a six-pack of beer. We're also gearing up for a long-awaited oral argument in our class action lawsuit challenging TSA's abusive cash seizure practices.

First, we struck an important blow for government accountability and justice for forfeiture victims. We won an appeal in the 11th Circuit regarding who has to pay the attorneys' fees of property owners who win their forfeiture cases and get their property back. (Spoiler alert: It's the government.)

We represented Army veteran and aspiring musician Brian Moore Jr., who had $8,500 in cash seized at the Atlanta airport by DEA agents in 2021 as he traveled to Los Angeles to shoot a music video. Represented by private attorneys, Brian eventually won when the government agreed to dismiss his case with prejudice. Shockingly, the district court then ruled that Brian had not "substantially prevailed" because he had not gotten a ruling "on the

One of **Ken Jouppi**'s passengers transported multiple cases of beer to her husband in a dry Alaska town—and the Alaska Supreme Court ruled that the forfeiture of his plane wouldn't be excessive even for a single six-pack.

merits," even though he got all his money back.

Brian's flabbergasted attorneys reached out to us, and we agreed to take up his case on appeal. We secured a unanimous decision from the 11th Circuit that Brian *had* substantially prevailed and was entitled to be reimbursed for his attorneys' fees, thus finally making him whole after a very trying ordeal that took years to resolve and sidelined his music career.

And after years of discovery, we prepared to present our case against the TSA to a federal judge—though not before a few last-minute delays related to the government shutdown. We expect the argument to be rescheduled in the new year.

The class action challenges TSA's seizures of travelers with large amounts of cash during airport security screenings, which both exceed its statutory authority and violate the Fourth Amendment. We aim to stop that practice by vacating TSA's policies and securing a permanent injunction against TSA's abusive behavior in the future.

Finally, IJ filed a cert petition asking the U.S. Supreme Court to review a decision by the Alaska Supreme Court about whether forfeiting an entire Cessna airplane over a prohibited six-pack of beer is an excessive fine.

We represent Ken Jouppi, a bush pilot who transported passengers to remote Alaskan villages. In 2012, one of his passengers was caught smuggling beer—which is illegal in the village of Beaver—by state troopers. The troopers also charged Ken, who they alleged had seen a six-pack of the passenger's beer at the top of her bag, and he was ultimately convicted and sentenced to the statutory minimum of three days in jail and a $1,500 fine.

But for the past 13 years, Alaska has also been trying to forfeit Ken's Cessna because it was used to carry the beer. In April, the Alaska Supreme Court rejected his appeal, allowing his $95,000 plane to be forfeited over a six-pack of beer.

In a previous IJ victory, *Timbs v. Indiana*, the U.S. Supreme Court held that the Eighth Amendment's prohibition on excessive fines applies to the states—but the Court didn't resolve what "excessive" means. In Ken's case, we hope to build on *Timbs* to establish that financial penalties like forfeiture must be proportional to an individual's supposed crime. We're optimistic that the Court will take up the case because several Justices have previously signaled interest in reviewing forfeiture abuses.

And if the high court decides not to take Ken's case, IJ has nearly a dozen other forfeiture cases working their way up. We will continue to rein in the myriad constitutional deficiencies as we push to eliminate civil forfeiture once and for all.◆

Dan Alban is an IJ senior attorney and co-director of IJ's National Initiative to End Forfeiture Abuse.

Zoning Justice Project Litigates Cases On THE CUTTING EDGE

BY ARI BARGIL AND BOB BELDEN

No matter the practice area, the world of public interest law is ever changing. To both drive that change and be responsive to it, we must remain strategic, creative, and entrepreneurial. IJ's litigation within our Zoning Justice Project embodies each of these qualities, with several recent cases showcasing our adaptability.

A good example of making change—and then building off of it—can be found in Georgia. Most recently, IJ won our lawsuit on behalf of a nonprofit looking to build a community of smaller homes in Calhoun, Georgia. You can read more about it on page 12. But that victory was possible because of an economic liberty case we won at the state's high court a few years ago.

Khalilah Few

In 2023, IJ prompted the Georgia Supreme Court to declare that the government simply cannot pick winners and losers in the marketplace without a good reason based in health and safety. In the years since that landmark win, we've filed several cases asking Georgia courts to apply that standard to other areas beyond the traditional economic liberty context—particularly zoning.

That's exactly what our strategy was in Calhoun—to present evidence that the minimum square footage requirement was much larger than necessary for health or safety purposes and was instead based merely on zoning officials' opinion that smaller homes were just "too small" ... and likely a desire to exclude poorer people from the city. Though we ultimately won on other grounds, the city's own lawyer readily agreed that our earlier precedent meant we would have prevailed on those claims.

Meanwhile, an aspiring hair salon owner, Khalilah Few, was denied a conditional use permit in a suburb of Atlanta. There, local officials think their zoning power means they can deny a permit to an otherwise lawful business because it doesn't satisfy their subjective sense of how many hair salons is "too many." IJ helped Khalilah file a lawsuit to reinforce and build upon our previous Georgia victories.

Gil Kerley

IJ's Zoning Justice Project also recognizes opportunities that result from cases litigated by others. For example, a 2024 U.S. Supreme Court decision upheld the constitutionality of a municipal ban on camping on public property. But that case left unresolved a question we at IJ were uniquely poised to address: If homeless individuals are prohibited from sleeping on public property, and a town separately prohibits them sleeping on *private* property, what's left?

That's precisely the issue IJ is litigating on behalf of Gil Kerley in Albuquerque, New Mexico. Gil allowed a few homeless people to spend the night in the private parking lot of his bookstore. In response to this compassionate act, the city fined Gil for the presence of tents as a violation of its zoning code. But New Mexicans have long used their property to help others in need, and the U.S. and New Mexico Constitutions both protect that right.

IJ is not afraid to take creative approaches to vindicate the constitutional rights of clients, even those ensnared in zoning purgatory. In Calais, Maine, IJ represents Kamiwan and Paul Oliver in a challenge to the town's hodgepodge of zoning restrictions that make it illegal to raise more than a handful of chickens on one's own property. For months, the Olivers sought clarity on the town's laws to see if there was any way they might be able to comply, only to be ignored. Finally, they sued.


Kamiwan and Paul Oliver

The constitutional right implicated? The Maine Constitution's newly enshrined "Right to Food" Clause, which protects the right of Mainers to "grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being." IJ's lawsuit is the *first* aimed to vindicate this now expressly enumerated right.


Gene Weierbach

Another novel approach to zoning litigation is unfolding in North Whitehall, Pennsylvania, where a beloved auto mechanic was ordered to shut down his home-based business—even though the garage operated from an isolated 16-acre residence that neighbors never complained about. The owner, Gene Weierbach, was trapped in municipal administrative limbo for more than a year and spent tens of thousands of dollars on a private attorney.

Now, thanks to some crafty procedural maneuvering by IJ, he has well-positioned constitutional arguments. The Pennsylvania Constitution prohibits local governments from using zoning to run roughshod over property rights or destroy a beloved home-based business. With IJ's help, Gene is now fully on track to have those claims heard by a proper court.

Zoning cases can be tricky. But by staying flexible—yet always principled—IJ advances cutting-edge arguments wherever and however a case may arise.◆

Ari Bargil and Bob Belden are IJ attorneys and co-leaders of IJ's Zoning Justice Project.

A Big Win For Tiny Homes In Georgia

BY JOE GAY

Tired of talking about the affordable housing crisis, a group of concerned residents in Calhoun, Georgia, resolved to do something about it.

Through their nonprofit, Tiny House Hand Up, they decided to build charming small cottages on nearly eight acres of land that had been donated for that purpose. Because smaller homes cost less to build and maintain, they would naturally be affordable for more people in the community, like workers with modest incomes, first-time homebuyers, and retirees.

True to its name, Tiny House Hand Up would offer a "hand up" on the ladder of homeownership.

Tiny House Hand Up plans to build cottages between 540 and 600 feet. The nonprofit can finally break ground after IJ secured a court victory over the city's ban on smaller homes.

Rather than applaud those efforts, the city of Calhoun stood in the way. Its zoning code banned new single-family homes smaller than 1,150 square feet from being built within city limits. And when Tiny House Hand Up applied for a variance from that requirement, the City Council denied that, too.

But it shouldn't be illegal to build a small house. So Tiny House Hand Up teamed up with IJ to challenge Calhoun's ban on smaller homes under the Georgia Constitution.

And we won! A state trial court judge ruled that the city cannot ban smaller homes on Tiny House Hand Up's land.

The ruling rests on a procedural gambit by the city that backfired spectacularly. Under Georgia's Due Process Clause (and

thanks in large part to a previous IJ victory, as described on page 10), zoning restrictions must bear a "substantial relation" to public health, safety, or general welfare. We presented evidence conclusively establishing that banning smaller homes is completely unrelated to any legitimate interest—as even the city's attorney was forced to acknowledge at a hearing.

Normally, that would be the whole ballgame. In a last-ditch effort, though, the city tried to argue that Tiny House Hand Up had simply applied for the wrong zoning classification for its land. The city conveniently claimed that a different classification would have allowed smaller homes. Yet the city told Tiny House Hand Up in writing years ago that the other classification also forbade smaller homes. The city then amended the code while this case was pending to make that prohibition even more adamant.

The trial judge was not amused by that last-minute about-face. The city's apparent lies about its zoning code, he observed, separately violated due process. Based on that, he ruled that the city is barred from applying the ban on smaller homes against Tiny House Hand Up. Thoroughly beaten, the city did not appeal.

Courts sometimes hesitate to hold local governments to their word, especially on zoning matters, so the decision here helps establish a crucial safeguard against duplicitous officials.

That is a total victory for Tiny House Hand Up. It's also a big deal for property owners who are misled by government officials. Courts sometimes hesitate to hold local governments to their word, especially on zoning matters, so the decision here helps establish a crucial safeguard against duplicitous officials.

But there is still more work to do. Bans on smaller homes are still on the books around the country. As part of our Zoning Justice Project, IJ remains committed to fighting those bans, as well as other restrictions on property rights that needlessly drive up housing costs.◆

Joe Gay is an IJ attorney.

The Supreme Court IS POISED TO ADOPT IJ'S VIEWS ON Occupational Speech

BY JEFF ROWES

IJ cases can't always be center stage at the U.S. Supreme Court. Sometimes non-IJ cases have just the right timing, just the right facts, and just the right amount of good old-fashioned luck to be chosen for Supreme Court review. But IJ is invariably the voice driving the important changes in the law in our practice areas. And our long-term impact can be measured in how we influence the law in the years and even decades before a Supreme Court clash over fundamental principles.

We see this going on now in occupational speech, with the Supreme Court poised to issue a decision by the end of the term in June 2026, with implications for IJ's work in this space.

Occupational speech combines economic liberty and free speech. Our clients have had their speech restricted by occupational licensing laws: from engineers to diet bloggers to mapmakers and more. We have argued in federal courts around the country that the First Amendment protects speech when the government tries to restrict it using occupational licensing. When IJ first started in this area in the late 2000s, the prevailing legal view (based on a 1985 Supreme Court concurrence) was that occupational speech was a special exception to the First Amendment.

We were the only people advancing what seemed like a radical take on free speech: People who speak for a living should get the same speech protections as everyone else.

Fast forward to fall 2025. In August, IJ won at the 7th Circuit on behalf of Lauren Richwine, an Indiana entrepreneur who helps people plan their final days and even home funerals. Indiana tried to shut her down, arguing that she needed to be a state-licensed funeral director even to have a conversation with people about their options. No, said the 7th Circuit, fully endorsing IJ's view. All Lauren does is speak with people, and that speech is protected by the First Amendment.

And in October, a federal court in Minnesota followed suit with a ruling for IJ client Leda Mox, who teaches equine enthusiasts about horse massage. These victories were just the latest in a series of wins over the past 15 years that have fundamentally changed how courts think about occupational licensing and speech.

That brings us to *Chiles v. Salazar*, one of the "big" cases for the Supreme Court's 2025 term. The question in *Chiles* is whether the First Amendment applies to Colorado's use of psychology licensure to prohibit counselors from discussing aspects of sexuality and gender identity with minors (with the parents' permission). It's a difficult topic. When the Court indicated it was interested in deciding the occupational speech issue, we hoped it would take up one of the many IJ cases currently pending instead of one that is so caught up in the culture war.

Even so, we must seize the opportunities in front of us. And many of the cases debated in the *Chiles* briefing are IJ cases. Our amicus brief explained how to translate IJ's view of speech into the eventual *Chiles*

IJ is invariably the voice driving the important changes in the law in our practice areas.

decision. It is impossible to imagine the Court reaching this point without IJ having patiently laid the groundwork for a pro-liberty revolution in free speech law.

And based on oral argument, that is what is coming. Justices across the ideological spectrum were skeptical that Colorado could pluck pure speech from under the protection of the First Amendment simply by using occupational licensing as the censorship tool.

That is good news for IJ because not only are we influencing the long-term evolution of the law, but the high court consistently recognizes the importance of our cases. We have three cert petitions currently being held until the decision in *Chiles*. Once *Chiles* comes down, we expect the two of those cases that were losses to be reversed (mapmaker cases out of the 4th and 9th Circuits) and a victory to be affirmed (a veterinarian case out of the 5th Circuit).

These will be the first appellate decisions applying *Chiles*, and thus we will have the first opportunity to cement and expand on what we anticipate will be a pro-First Amendment ruling. Stay tuned for an update next year on how all of this plays out.◆

Jeff Rowes is an IJ senior attorney.

Not only are we influencing the long-term evolution of the law, but the high court consistently recognizes the importance of our cases.

IJ's appellate court victory for **Lauren Richwine**, an Indiana "death doula" giving advice to the dying and their loved ones, is another sign IJ's pioneering stance on occupational speech is winning over judges.

A Vegan Sweet Treat Company Is Crowned South Side Pitch Winner

BY ANDREW WIMER

As IJ's media relations director, I love working with the Clinic on Entrepreneurship to tell our clients' stories and make Chicago a better place to do business. Despite its problems, the Windy City has energy and grit, and every year we get to recognize and reward five standout businesses at South Side Pitch.

This year's contest, the 12th annual, had a diverse array of entrepreneurs: an eyeglass designer making customizable frames to fit any face; a young brother and sister starting a coffee company in a neighborhood with few community meeting places; a vegan ice cream parlor; a program that teaches girls business and braiding skills; and a musician building an app to connect performers with opportunities.

The finalists were selected from a pool of more than 160 applicants, up significantly from last year. Nearly every seat was taken, and the audience was lively. The whole event is a testament to the Clinic's work and the success of South Side Pitch. Food and drinks were provided by past contestants and clients, like Moor's Brewing Co., which won in 2022.

This year's overall winner was Runaway Cow, a vegan ice cream parlor from the Bridgeport neighborhood. Founder Alison

Prize winners **Alison Eichhorn** and **Aaron Gutierrez** launched Runaway Cow after health issues prompted Allison to seek out dairy-free ice cream options.

The Windy City has energy and grit, and every year we get to recognize and reward five standout businesses at South Side Pitch.

Eichhorn is a full-time high school teacher who grew up in a family that ran a traditional ice cream parlor. When she told her mother that she wanted to open up a dairy-free, egg-free ice cream shop on the South Side, she got discouraging words, but the tasty frozen treats won people over.

Alison told a story about four older women who walk the neighborhood every day and who came in skeptical about the new venture. After she got them to try some ice cream, they left happy and other people from the neighborhood started showing up. Turns out she had served just the right customers and created the word of mouth that made her business start to thrive. This year, when she opened her doors for the season, there was a line formed outside.

While I've been to South Side Pitch several times, this year I got to sit in and hear the judges deliberate. Alison won them over with a pitch focused on growing her business on the South Side, how partnerships with vegan restaurants grow the customer base, and a clear plan for how the prize money would fuel further growth.

Two additional prizes, the Community Favorite Award and the Rustandy Center Social Impact Award, went to ChiBrations. Creator Sam Thousand started his pitch by asking the audience to imagine the lively Bronzeville social scene of 100 years ago and playing his trumpet. He wants the ChiBrations app to recreate that golden age by connecting people to gigs, open mic nights, and workshops.

Sam Thousand (with trumpet) and other participants were in high spirits as Chicago small businesses competed for thousands of dollars in prize money.

Chicago has been through some rough times, but it's amazing to see how people on the South Side have hope for a brighter future. For one night, hundreds of people got to share in the dreams of entrepreneurs who love their communities and work hard to create opportunity.◆

Andrew Wimer is IJ's director of media relations.

Beth Kregor, director of the IJ Clinic on Entrepreneurship, welcomed contestants, judges, and the public to the 12th annual South Side Pitch.

A Texas appeals court ruled that Freeport, Texas, unlawfully took the homes of **Pendleton Johnson**, **Pam Tilley**, and other families in the historically black East End neighborhood. At right, **Pendleton** and **Pam** stand with their legal team.

IJ Defeats "Take Now, Plan Later" Eminent Domain Scheme

BY JEFF REDFERN

Pam Tilley grew up in the East End of Freeport, Texas—a once-thriving historically black neighborhood of single-family homes, businesses, and churches. Today, however, there is nothing left of that tight-knit community. The nearby Port of Freeport acquired all of the land through a mix of eminent domain and supposedly "voluntary" purchase agreements (made under the threat of condemnation). The Port has since bulldozed the neighborhood, including Pam's childhood home.

What did the Port plan to do with all of this land? It didn't have a clue. All the Port could say is that it planned to market the property to third-party businesses, who might themselves have a use for it. This scheme was illegal, twice over.

First, government cannot seize private property without a specific plan for how it is going to use it. That's called "land banking," and it is unconstitutional. Second, in Texas at least, private property cannot be taken for the mere purpose of economic development. After the U.S. Supreme Court's infamous decision in *Kelo v. City of New London*, Texas (like several other states) specifically amended its state constitution to forbid these kinds of takings.

The Texas Court of Appeals recently agreed, holding that the Port of Freeport had unlawfully taken Pam Tilley's family home. According to the court, the Texas "Constitution does not condone this take now, plan later approach. The government must tell the court what it plans to do with property so the court can exercise its constitutional duty to assess public use."

What did the Port plan to do with all of this land? It didn't have a clue.

Sadly, this ruling came too late to save the East End. Like many states, Texas law allows condemnors like the Port to take possession of property—even while the courts are still considering whether the condemnation itself is lawful. The Port used these procedures, however, at its own risk. Now Pam and her family can seek damages for the violation of their rights. And more importantly, they have left a legacy: a judicial ruling that will protect property owners across Texas. ◆

Jeff Redfern is an IJ senior attorney.

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

The Washington Post

When ICE Came For A U.S. Citizen And Army Veteran

By George Will | October 24, 2025

Born 26 years ago in Ventura, California, where his mother was born, [George Retes] enlisted after high school and calls the Army "the best job ever." ... He and an Institute for Justice attorney (Anya Bidwell, born in Kyrgyzstan, reared in Ukraine, *serious* about liberty), visited congressional offices urging legislators to facilitate holding federal officials accountable. ...

A 1971 Supreme Court ruling opened the door for holding abusive federal agents accountable for constitutional violations. Subsequent cases, however, have almost closed the door. This might explain ICE agents' aura of impunity when abusing Retes for days. How many appalling incidents are occurring during today's tsunami of sometimes lawless "law enforcement"? ICE might not know and, if it does, might not speak truthfully.

Retes, who laughs easily and often, is ebullient, not angry. He is merely miffed about the difficulty of holding accountable those whose behaviors besmirch the reputation of the nation he served.

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

FOX NEWS

Lab-Grown Meat Ban Goes Into Effect In Red State, Faces Legal Challenge

September 5, 2025

REUTERS

US Appeals Court Overturns Free Speech Ruling For Legal Advice Nonprofit Upsolve

September 9, 2025

NBC NEWS

Police Cameras Tracked One Driver 526 Times In Four Months, Lawsuit Says

September 18, 2025

reason
FREE MINDS AND FREE MARKETS

They Face $1 Million in Fines—For Someone Else's Code Violations

October 31, 2025

TEXAS OBSERVER

Castle Hills Settles 'Retaliatory Arrest' Case For $500,000 In Win For Free Speech Advocates

September 28, 2025

The New York Times

Alaska Seized A $95,000 Plane Over Illicit Cargo: A Six-Pack Of Beer

September 29, 2025

npr

Should The Fine Have To Fit The Crime?

October 24, 2025

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

Java Blondies

Yields 16 servings

Ingredients

- 2 cups sugar
- 1 ½ cups all-purpose flour
- ½ cup salted butter
- ½ cup dark chocolate chunks
- 3 eggs
- 2 tablespoons instant coffee
- 2 teaspoons baking powder
- 1 teaspoon vanilla extract
- ½ teaspoon salt

Recipe by IJ client
Martha Rabello

Directions

- Preheat the oven to 350 degrees F (175 degrees C). Grease or parchment line a 9x13-inch baking pan.
- Melt butter.
- Add instant coffee and vanilla extract to melted butter mixing until the instant coffee is dissolved. Set aside to cool a bit.
- Mix sugar, flour, baking powder, and salt gently with a whisk.
- Add the butter mix, three eggs, and chocolate to the dry ingredients, mixing by hand until smooth.
- Spread evenly into the prepared pan.
- Bake in the preheated oven until the top is dry and the edges have started to pull away from the sides of the pan, 25 to 30 minutes.
- Remove from the oven and cool for 10 to 15 minutes before slicing.