



LIBERTY & LAW

February 2026
Volume 35 Issue 1



VICTORY!

TEXAS COUPLE WINS ROUND TWO IN FORFEITURE FIGHT

Red Tape Sinks Backyard Swim Lessons • 6
IJ Challenges Miami's Extortionate Land-Use Permitting Scheme • 8
Freeing The New York City Housing Market • 12



PUBLISHED BIMONTHLY BY
THE INSTITUTE FOR JUSTICE

contents

- 4** **Victory! Texas Couple Wins Round Two In Forfeiture Fight**
James Knight
- 6** **Red Tape Sinks Backyard Swim Lessons**
Robert Fellner
- 8** **Sunshine State Shakedown: IJ Challenges Miami's Extortionate Land-Use Permitting Scheme**
Benjamin Marsh
- 10** **Lighthouse Will Continue To Shine For Washington Community**
Jeff Rowes
- 12** **Freeing The New York City Housing Market**
Suranjan Sen
- 14** **Counsel Unbound: IJ's New Initiative To Liberate Legal Help**
Christina Walsh and Kate Harty
- 16** **Why IJ Is Suing ICE**
Scott G. Bullock
- 18** **Landmark Victory For Renters' Privacy And Property Rights**
Rob Peccola
- 20** **IJ Engineers A Trip To The Arizona Supreme Court To Expand Economic Liberty**
Paul Avelar
- 22** **New IJ Study Finds Bad Data In Indiana Forfeiture Reports**
David Warren, Ph.D.



LIBERTY & LAW

February 2026 • Volume 35 Issue 1

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

 facebook.com/instituteforjustice

Layout & Design:
Laura Maurice-Apel

 youtube.com/instituteforjustice

General Information:
(703) 682-9320

 x.com/ij

Donations: Ext. 399

Media: Ext. 206

 instagram.com/instituteforjustice


Website: www.ij.org

Email: general@ij.org

Donate: www.ij.org/donate

VICTORY!

TEXAS COUPLE WINS ROUND TWO IN FORFEITURE FIGHT



Ameal Woods (right) and **Jordan Davis** (left) scored a major victory when a Texas appeals court ordered \$41,680 in seized cash to be returned to them. The state has declined to appeal but continues to delay returning the funds.

BY JAMES KNIGHT

Our last update to *Liberty & Law* readers on IJ's constitutional challenge to civil forfeiture in Texas started with seven words: Good things come to those who wait. This past October, a Texas appellate court proved that principle true once again when it unanimously reversed a Harris County civil forfeiture judgment and ordered the return of \$41,680 seized from IJ clients Ameal Woods and Jordan Davis.

Ameal and Jordan's case is part of IJ's enduring effort to end the unjust and unconstitutional forfeiture system in Texas. In 2014, IJ's lawsuit aimed at Harris County's forfeiture program came

just one vote shy of obtaining review at the Texas Supreme Court. In a rare move, five of the nine justices wrote separately to outline the type of forfeiture challenge they would like to see in the future.

Harris County's continued abuse of state forfeiture power provided that case.

In 2019, police illegally seized Ameal and Jordan's life savings based on a suspected connection to drugs. As Ameal told the officers, the couple built those savings through years of hard work and intended to invest the cash in Ameal's fledgling trucking business. The police who seized their money found no drugs and made no arrests. No charges were filed. But Harris County prosecutors were determined to keep the money anyway.

IJ stepped in to defend Ameal and Jordan against Harris County's forfeiture efforts and simultaneously filed a major class action on the couple's behalf seeking to invalidate the

county's abusive seizure practices. That class action asks the court to strike down Texas' unconstitutional laws that allow the county to profit from forfeitures and burden property owners with proving their own innocence.

Ameal and Jordan's forfeiture case went to trial in 2023, and we lost. Losing at trial stings, but it often sets the stage just right for the appellate court.

Perseverance paid off. The appellate court agreed with IJ that when the state takes your property, it needs actual evidence of a crime. And, here, the state's mere speculation didn't cut it. "The evidence," the court wrote, "is legally

insufficient." The court reversed, rendered judgment for Ameal and Jordan, and ordered their money returned. It took quite a while, but Ameal and Jordan are finally vindicated.

It's not the end of the road yet: Despite the appellate court's ruling, Harris County continues to use delaying tactics to try to hold on to Ameal and

Jordan's savings. But the appellate court made the right call in October, and we will stand by the couple for as long as it takes to secure the return of their savings. And in the meantime, our class action remains pending in the appellate courts, giving us a shot at taking down the state's entire forfeiture machine.

There's still work to do, but this is a victory worth celebrating.◆

WHEN THE STATE TAKES YOUR PROPERTY, IT NEEDS ACTUAL EVIDENCE OF A CRIME. AND, HERE, THE STATE'S MERE SPECULATION DIDN'T CUT IT.

James Knight is an IJ attorney.





Libby Souder has taught children how to swim in her backyard pool for years. Despite widespread community support, town officials banned her business after a new neighbor—who hadn't even moved in yet—complained.

BY ROBERT FELLNER

For the past seven years, Libby Souder has earned her living by teaching students how to swim in her backyard pool. With more than 30 years of experience, Libby is widely respected for her ability to teach students of all ages and abilities—including young children with special needs. Although Libby enjoys widespread support from her community, her hometown of Columbia, South Carolina, shut her down anyway. The reason? Her swim lessons take place outdoors.

The city approved her business in 2018 (knowing that her pool was located outside) and has renewed her license every year without issue. But when a new neighbor—who hadn't even moved in yet—complained, city officials suddenly decided to enforce a long-dormant provision of the zoning code that requires home-based businesses to operate entirely indoors.

Libby has a constitutional right to use her property and earn an honest living free from unreasonable government interference, and the city's categorical ban on outdoor home businesses violates that right. That's why Libby partnered with IJ to challenge the city's ban in court.

Importantly, the city does not claim that Libby's business is disruptive or constitutes a nuisance of any kind. And for good reason. Libby typically teaches only one student at a time, and never more than three



students at once. In fact, a sound reader placed along Libby's property line for a year showed her lessons produced only 20–30 decibels—the equivalent of a conversation. And numerous neighbors spoke in support of Libby before the city's zoning board, urging officials to let her continue providing these lifesaving skills to the community. None of that mattered. Because Libby's pool is outdoors, the city insists she must shut down—no matter how safe, quiet, or beneficial her business may be.

Thankfully, the South Carolina Constitution does not allow the government to deprive someone of their constitutional rights for such arbitrary and irrational reasons. If the government is going to restrict how someone uses their own property or earns a living, it must have a real, legitimate justification for doing so.

Indeed, IJ recently argued to the state supreme court that South Carolina's Constitution has always provided meaningful protection for the right to earn an honest living. That case

challenges the state's ban on online eye exams on behalf of Opternative (formerly Visibly). We are still awaiting a ruling, but we are hopeful that the state high court will reinvigorate their older precedent—precedent that once took property rights seriously and refused to tolerate unreasonable restrictions on the right to earn a living. If they do so, Libby's case will present an excellent follow-up vehicle to cement that standard.

Moreover, a win in South Carolina could benefit homeowners beyond the state. By restoring her right to provide critically important swim lessons to those who are desperate to receive them, Libby would prompt a persuasive ruling that IJ could then draw upon when challenging similarly unreasonable restrictions in other states as we advance our broader mission to protect economic liberty and rein in zoning abuse nationwide. ♦

Robert Fellner is an IJ attorney.



If the government is going to restrict how someone uses their own property or earns a living, it must have a real, legitimate justification for doing so.



SUNSHINE STATE SHAKEDOWN

IJ Challenges Miami's Extortionate Land-Use Permitting Scheme



BY BENJAMIN MARSH

**A soon-to-be father named Chad
Just wanted to be a good dad
So he asked for permission
To build an addition
But Miami's land grab was quite mad.**

This *Liberty & Law Limerick™* tells the story of Chad Trausch—a new IJ client—whose life was turned upside down when he found himself in the crosshairs of Miami's extortionate and unconstitutional land-use permitting scheme. Chad's story began when he and his wife, Stephanie, learned they would be having a baby. Realizing that their two-bedroom, one-bathroom home would soon become too small for their growing family, they decided to build an addition to create more livable space—both for themselves and for their parents to stay for extended periods and assist with child care.

Chad, an Navy veteran, wanted to do things by the book. But when he submitted his permit application, the city demanded that—in exchange for a permit—he hand over a deed to 500 square feet of his property. That meant taking away *half* of Chad's front yard! And the city gave no reason for this demand. Indeed, the city offered no explanation for how acquiring half of Chad's yard was necessary to mitigate any supposed harm resulting from adding a few rooms to the back of his home.

Normally, the city would have to pay to acquire that land. It could potentially do so here: The city could offer to purchase Chad's land. Or the city could try to acquire it through eminent domain (which would still require paying just compensation). But the city wants the land for free, and it is abusing the land-use permitting process to get it.

And Chad is not the first victim of the city's scheme. Miami has demanded land from hundreds of its residents already, with thousands more potentially at risk.

When the government imposes conditions on your ability to use your own property, it is the government's burden to show that the conditions are both directly related to its interest in your land *and* roughly proportional to an identified harm that it seeks to mitigate. In Chad's case, Miami fails twice over because officials have no concrete plan for the land and cannot identify any harm. Instead, Miami's theory is that maybe the road will eventually need expanding, so it might as well take half of Chad's yard today (and not pay for it) ... just in case.

If this all sounds familiar, that's because it is. Miami is engaged in "land banking," the same unconstitutional practice that Pam Tilley faced—and IJ recently defeated—in Freeport, Texas. Only here, Miami isn't using eminent domain to bank land; it is instead holding unrelated building permits hostage to accomplish the same goal.

Chad's situation shows why it is so important that we hold governments accountable for meeting constitutional burdens, especially because land grabs often target people who cannot afford to challenge them on their own. Not only would victory in this case secure freedom from extortionate permitting demands for thousands of Miami residents, but it would also force governments across the country to think long and hard before treating property owners the same way Miami has treated Chad. ♦

Benjamin Marsh is
an IJ attorney.



When Miami demanded Chad Trausch's land—for free—IJ helped him file suit under the U.S. and Florida Constitutions.



Lighthouse Will Continue To Shine FOR WASHINGTON COMMUNITY

BY JEFF ROWES

A cheerful 3-month-old baby was the youngest participant in a press conference that kicked off IJ's latest property rights case—representing Lighthouse Christian Ministries in Wenatchee, Washington. His mom and dad are among the many people, now happy and productive citizens, whom Lighthouse saved from homelessness through its soup kitchen and other services.

Now it is Lighthouse that needs saving. Last May, the city shut down the soup kitchen without warning by revoking its conditional use permit. The order claimed that Lighthouse had locked a gate the city apparently wanted unlocked. The city also objected to Lighthouse's lease of a few parking spaces at a vacant lot next door.

You read that right. Rather than asking Lighthouse to not lock the gate, the city

closed the soup kitchen entirely. Forever. So low-income and homeless residents are now missing out on hundreds of warm meals per week in the dining hall and thousands of pounds of food distributed through the food pantry. Lighthouse immediately addressed the city's concerns and met with officials, but the city dug in its heels.

The city seems to have piled on these nonsensical reasons because its other assertion, that Lighthouse was a nuisance, didn't add up. The city claimed that neighbors in the vicinity had made hundreds of calls for emergency services. But when we used public records requests to examine the underlying data, we found out that the city was counting literally all local emergency services activity against the soup kitchen.

For example, of 103 calls to a nearby intersection, over half were simply about



Kolin Oliveira (left), with former executive director **Shawn Arington** (right), runs Lighthouse Christian Ministries, a soup kitchen in Wenatchee, Washington, that the city shut down without warning. IJ is defending the soup kitchen's property rights against unjust and irrational zoning regulations.

Abusive zoning regulation is a nationwide impediment to building homes, starting businesses, and providing charity.

traffic enforcement. Car crashes and parking tickets. Not a single call could be pinned on a guest of the soup kitchen. Other databases showed that crime and nuisance calls either stayed the same or went down after Lighthouse opened in 2019.

The bottom line is that a few politically connected neighbors decided that they didn't want Lighthouse around. Yet Lighthouse has a constitutional right to use its property to help those in need. The soup kitchen spent over \$1.6 million and three years renovating an old apple-packing warehouse in the industrial part of town. It is the perfect location for Lighthouse's difficult work, which includes connecting people with the resources they need to overcome poverty, addiction, and homelessness. The city cannot shut Lighthouse's doors by inventing bogus infractions like locked gates or cooking

the books to exaggerate emergency service calls.

As with our victories on behalf of homeless shelters in North Carolina and Montana, this case is part of IJ's Zoning Justice Project. Our goal is to

set even more precedent imposing principled limitations on the government's power to regulate property through local zoning laws. Abusive zoning regulation is a nationwide impediment to building homes, starting businesses, and providing charity.

We're going to prove once again that you can fight city hall—so Lighthouse can get back to the business of fighting hunger and despair. ♦

Jeff Rowes is an IJ senior attorney.





Freeing The New York City Housing Market

BY SURANJAN SEN

In November, IJ launched an ambitious case: a constitutional challenge to a core aspect of New York's rent stabilization law. Many others have tried (and failed). IJ, however, is poised to succeed—in part because our case uniquely focuses on *vacant* apartments.

Stabilization restricts rents for apartments in buildings that were constructed in New York City before 1974 (approximately half of all apartments in the city). A governmental board decides the annual percentage by which landlords may increase the rent for mandatory renewal leases. Constitutional challenges against stabilization or rent control have historically attacked one of these (or related) aspects of the law—that is, a landlord has been prevented from evicting or raising the rent on an existing tenant.

IJ's case is fundamentally different. We are not challenging any aspect of the law that protects existing tenants from eviction or unforeseeable upswings in rent. Instead, we are challenging only the restriction on rent for *vacant* apartments.

For decades, New York allowed the rent on stabilized apartments to increase upon vacancy by about 2.5% of the cost of any improvements needed before the unit could be rented to a new tenant. But in 2019, the state legislature amended the law to prohibit virtually all vacancy increases. As a result, the rents for thousands of vacant apartments are now permanently capped at low and bizarrely disparate rates.

These caps have nothing to do with the apartment's condition or location, or the incoming tenant's ability to pay. Instead, the cap reflects the apartment's history of prior tenant turnover. Our clients Pashko and Tony Lulgjuraj own a building with two essentially identical vacant apartments—mirrored floor plans within the same building—yet rent for one is capped at \$700, while rent for the other is capped at \$2,500.

Consider how absurd this scheme would be in any other industry. It would be bad enough for the government to set the price of milk. Now imagine the government tells one farmer that he can sell milk for \$X and another farmer that he can sell milk for \$Y. Or even more analogous, imagine the government randomly set different milk prices according to the particular cow. This scheme would prove largely unworkable, and it would result in select farmers bearing disproportionate costs. That is how rent stabilization works in the absence of vacancy increases.



Pashko (left) and **Tony Lulgjuraj** (right) are brothers and small-scale New York City landlords. Their building includes units that sit vacant because of the rent stabilization law. IJ has joined with them to challenge a system that serves neither landlords nor tenants.

This scheme is not only incoherent; it also restricts New York City housing by rendering many vacant apartments unviable and thus keeping them off the market. It simply doesn't make economic sense for a landlord to rent a unit at a price that makes it impossible for them to recoup their costs. A victory for IJ would result in potentially 100,000 of these "zombie" apartments being added to the city's housing market.

That makes this challenge similar to other IJ cases that, ultimately, are about adding to the housing supply. You should be able to live in a "tiny" home, stay in an RV on your own land, or obtain a building permit free from extortionate conditions. These kinds of property restrictions, like rent caps on vacant apartments, contribute to housing scarcity and skyrocketing prices.

As our cases show, the solution is simple: Get government out of the way. ♦

Suranjan Sen is an IJ attorney.



This scheme is not only incoherent; it restricts the New York City housing market.

Double Your Impact To IJ At No Extra Cost!

Did you know your employer may match your donation to the Institute for Justice, allowing you to maximize your support without spending an extra penny? Many companies offer a corporate matching gift program to encourage giving among their employees—and yours might be one of them.

Getting matched is quick and easy:

- Donate to IJ
- Check if your employer will match your donation using the QR code below
- Complete your company's matching process
- Double your contribution

Every matched gift fuels IJ's fight for freedom—bringing more resources with which to defend constitutional rights and stand up for everyday Americans. When you take a moment to request a match, you're doubling the difference your gift makes in the lives of the clients we represent.

Ready to maximize your support? Visit www.ij.org/support/employer-match or scan the QR code below to get started.

If you have questions, email Alex Ramey at specialgifts@ij.org.

Check if your company matches today—and share the opportunity with friends and colleagues who care about protecting our constitutional rights. ♦



Scan the QR code or visit www.ij.org/support/employer-match

Counsel Unbound

IJ's New Initiative To Liberate Legal Help

BY CHRISTINA WALSH AND KATE HARTY

IJ has long fought harmful, protectionist occupational licensing laws and regulations of speech that block Americans from earning a living and serving their communities. We've taken on licensing cartels for occupations including tour guides, engineers, health coaches, veterinarians, and more. And with cases on behalf of Upsolve in New York and the North Carolina Justice for All Project, we are taking on the biggest cartel of all: lawyer licensure.

Our newest initiative, Counsel Unbound, takes that fight beyond litigation to restore the freedom to give and receive basic legal help nationwide. IJ's litigation and activism are grounded in the same core principle: When people are barred from speaking—including nonlawyers offering legal advice—speech is being censored. And when it comes to the law, the cost of that censorship is paid every day by people who cannot get help when they need it most.

This is no accident. Courts have given lawyers the exclusive right to define the practice of law and enforce who can and cannot engage in those

activities, making them the self-regulated gatekeepers of justice. "Unauthorized practice of law" (UPL) rules make it a crime for anyone to offer even basic legal help without a license to practice law—no matter how knowledgeable, experienced, or trained they may be.

America has an access-to-justice problem. Every year, millions face routine civil legal issues: family disputes, property issues, debt collection lawsuits, and more. For most, hiring a lawyer is simply out of reach financially. As a result, millions are forced to face the legal system alone. Those who don't give up entirely are trapped in avoidable legal messes. Courts are clogged with self-represented litigants. And legal help remains artificially scarce and expensive.

This problem has long been studied. For low-income families, 86% of legal needs go unmet because civil legal aid providers lack the resources to help everyone—and only a fraction of Americans qualify for aid to begin with. Many current reform efforts focus on funding, encouraging pro bono work by lawyers, and court reforms. But more funding won't make a dent; providing one hour of help

For most, hiring a lawyer is simply out of reach. As a result, millions are forced to face the legal system alone or give up entirely, trapping people in avoidable legal messes, clogging courts with self-represented litigants, and keeping legal help artificially scarce and expensive.



per household with unmet needs would cost over \$50 billion annually—13 times the current combined public and charitable spending on legal aid. Instead of subsidizing a broken system, we want to help radically transform an industry that has previously taken many steps to protect its monopoly status.

That's why Counsel Unbound will tackle the root cause. Alongside continued strategic litigation, we will confront UPL rules directly by pressing state supreme courts—where most lawyer-licensing regulations are made—to reform their rules and allow more legal helpers. We will launch targeted state-based campaigns that engage the public; elevate the voices of nonlawyers who want to offer real-world solutions; and promote clear, principled models that expand the scope of legal help that does not require a license.

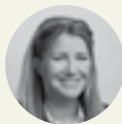
Allowing nonlawyers to help with basic legal issues—including for pay—is not radical or new; for example, it is how things work in England. Anyone there can provide legal advice, and a license is only required for six more complex legal activities, such as representing someone in court.

At its core, Counsel Unbound is about restoring a simple freedom: the freedom to help. Americans should not need seven years of education and a license to share knowledge and serve their communities in safe, responsible ways. The window for meaningful change is open, and IJ is uniquely positioned to offer our decades of experience, focused energy, and strategic advocacy to confront the legal rules that have long stood in the way of real, lasting access to justice. ♦

At its core, Counsel Unbound is about restoring a simple freedom: the freedom to help. Americans should not need seven years of education and a license to share knowledge and serve their communities in safe, responsible ways.



Christina Walsh is IJ's senior director of activism and coalitions.
Kate Harty is IJ's activism policy assistant.



WHY IJ IS SUING ICE

BY SCOTT G. BULLOCK

Over the course of our history, IJ has sued a wide range of governmental bodies—from city councils and local zoning boards to state governments and agencies to such federal behemoths as the IRS, the DEA, and the TSA. This past year we added a new defendant to our lawsuits—Immigration and Customs Enforcement (ICE).

I am sometimes asked whether IJ is now stepping into the contentious issue of immigration policy, and my answer is always no. While we've long championed the rights of recently arrived immigrants to pursue the American Dream, we are not experts in the intricacies of immigration law—and many issues surrounding the fight over immigration don't touch on the constitutional rights at the core of IJ's mission.

So why are we suing ICE? Quite simply, the agency is flagrantly violating the Constitution in areas IJ cares about passionately. Two cases show how those violations arise in areas where we have strategic expertise.

For decades, IJ has made defending Fourth Amendment rights against unreasonable searches and seizures a major part of our property rights mission, and we expanded our work even further in this area in 2021 with the launch of our Project on the Fourth Amendment. Today, though, ICE agents routinely enter private property without a warrant or probable cause to detain and often arrest individuals who are working there.

That's what happened to IJ client and American citizen Leonardo Garcia Venegas—twice—when

ICE agents entered a clearly marked and private construction site. Leo, like everyone else, has the right to earn an honest living. He could prove that he is an American citizen, doing his job at his place of employment. Yet the agents came onto private property without justification and detained him anyway.

Through our Project on Immunity and Accountability, we've taken on numerous cases challenging wrong-house raids and mistaken-identity arrests, all with the goal of holding government accountable for wholly unreasonable mistakes. That same principle applies to ICE. So our second case involves George Retes, another American citizen—and Army veteran—who was arrested and unlawfully held for three days during an immigration raid at the farm where he works.

From the very beginning of the encounter with ICE, George identified himself as a citizen, veteran, and employee—and had the documents to prove it. He calmly asked to pass through the barricades to get to his job. Instead, ICE agents smashed his window, shouted contradictory commands at him, dragged him out of his car, and then detained him for days without allowing him a hearing before a judge, a phone call, or access to a lawyer. He was eventually released—without any charges, apology, or explanation.

Someone can come down on either side of the current administration's policies and priorities concerning the enforcement of our immigration laws. But one principle must be upheld throughout: Government cannot



IJ is representing two U.S. citizens illegally detained by ICE: **Leonardo Garcia Venegas** (left) and **George Retes** (right). When the government violates the constitutional rights we all depend on, IJ fights back—no matter who's in the White House.

carry out the enforcement of any law, no matter how important one might think it is, in a manner that violates the rights guaranteed in the Constitution.

Indeed, the whole point of our Bill of Rights is to ensure that the ends don't justify the means when it comes to government actions. For instance, virtually everyone agrees that combatting crime is a legitimate function of government, but over half of the Bill of Rights comprises protections for the rights of those accused of crimes to ensure that individuals are not steamrolled by law enforcement, whether it's the local sheriff or a federal agent.

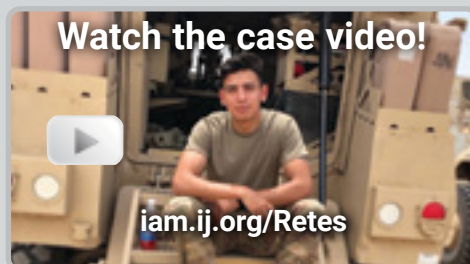
As I promised a few issues back, we will take on the current administration—as we have other administrations, regardless of political or party affiliation—in areas where we have institutional knowledge and that are within our wheelhouse. Moreover, IJ always looks to bring unique, principled alternatives to the often-unreasonable positions of today's warring partisan factions.

In the context of ICE, rather than trying to get people out of detention facilities or fight over the wisdom of current deportation policy, IJ is bringing high-profile, high-impact, and principled cases in areas that we have litigated for years to ensure that constitutional rights are protected during the enforcement process.

Not surprisingly, given the importance of immigration policy to the current administration, our lawsuits have big stakes and are already intense. Like with every IJ case, we will never back

down even when the pressure is ratcheted up.

If we are successful in this litigation, we will not only put the brakes on current abuses by ICE but also set important precedent that reinforces the rights of all Americans and reins in the power of administrative agencies that try to operate outside of constitutional constraints.◆



Scott G. Bullock is IJ's president and chief counsel.



LANDMARK VICTORY FOR RENTERS' PRIVACY AND PROPERTY RIGHTS

IJ and our clients endured. The storm did its worst, and now, at last, the sky has opened with a clear message: *Come back with a warrant.*

BY ROB PECCOLA

Some victories arrive as thunderclaps; others come like the slow lifting of a long, oppressive fog. Our rental-inspection challenge in Pottstown, Pennsylvania, was the latter—a case that began in 2017 and wound its way through years of procedural traps, vanished documents, sudden turns, and hard-won breakthroughs. Yet IJ and our clients endured. The storm did its worst, and now, at last, the sky has opened with a clear message: *Come back with a warrant.*

In December, a Pennsylvania appeals court issued a unanimous precedential ruling holding that the commonwealth's constitution requires individualized probable cause before the government can enter a rented home. In doing so, the court declined to follow the U.S. Supreme Court's diminished approach to "administrative warrants," instead restoring the full force



Where towns once relied on administrative warrants as routine, they must now confront the constitutional limits they long overlooked.

of Pennsylvania's own search-and-seizure protections. It is the first ruling of its kind in the nation.

The path to this moment was anything but straightforward. Simply bringing the case required exquisite timing: file too early and courts dismiss the claim as unripe, but file too late and they deem it moot. Once filed, the case encountered every obstacle imaginable—restricted discovery, the removal of a trial judge, municipal files that vanished and had to be resurrected through forensic analysis, and a hard-fought appellate battle just to obtain records showing how Pottstown actually wielded its inspection powers.

Along the way, inspectors' own notes confirmed what tenants had long feared: Intimate details of their private lives (gathered by searching bedrooms, bathrooms, and other areas) were shared casually, and the inspection program had become a ready-made backdoor for law enforcement.

And yet, when the appellate court finally confronted the constitutional question, the answer arrived with clarity and conviction. The Pennsylvania Constitution protects the sanctity of the home *for everyone*. Renters are not second-class citizens whose living spaces can be entered on a government schedule. The

federal standard may have drifted, but Pennsylvania's has not.

This ruling now places every municipality in the commonwealth on notice. Rental inspections are not abolished—but forced entry without individualized probable cause is. Where towns once relied on administrative warrants as routine, they must now confront the constitutional limits they long overlooked.

For the ordinary Pennsylvanians at the center of this lawsuit—people who simply want to live in peace, free from unwarranted intrusion—this decision marks a profound moment of empowerment.

And for IJ, it is something more: a reminder that state constitutions remain powerful sources of liberty, capable of strengthening rights federal doctrine has allowed to thin. Sometimes the storms of litigation rage with cruel fury. But when they pass—and they do pass—the returning light can reveal a landscape transformed.

This ruling is that kind of light. ♦

Rob Peccola is IJ's special counsel for litigation and development.



IJ scored a first-of-its-kind ruling on behalf of Pottstown, Pennsylvania, landlord **Steve Camburn** and his tenants when a state appeals court ruled that town officials need a real warrant to inspect homes without permission from the landlord or tenant.

IJ Engineers A Trip To The Arizona Supreme Court To Expand Economic Liberty

BY PAUL AVELAR

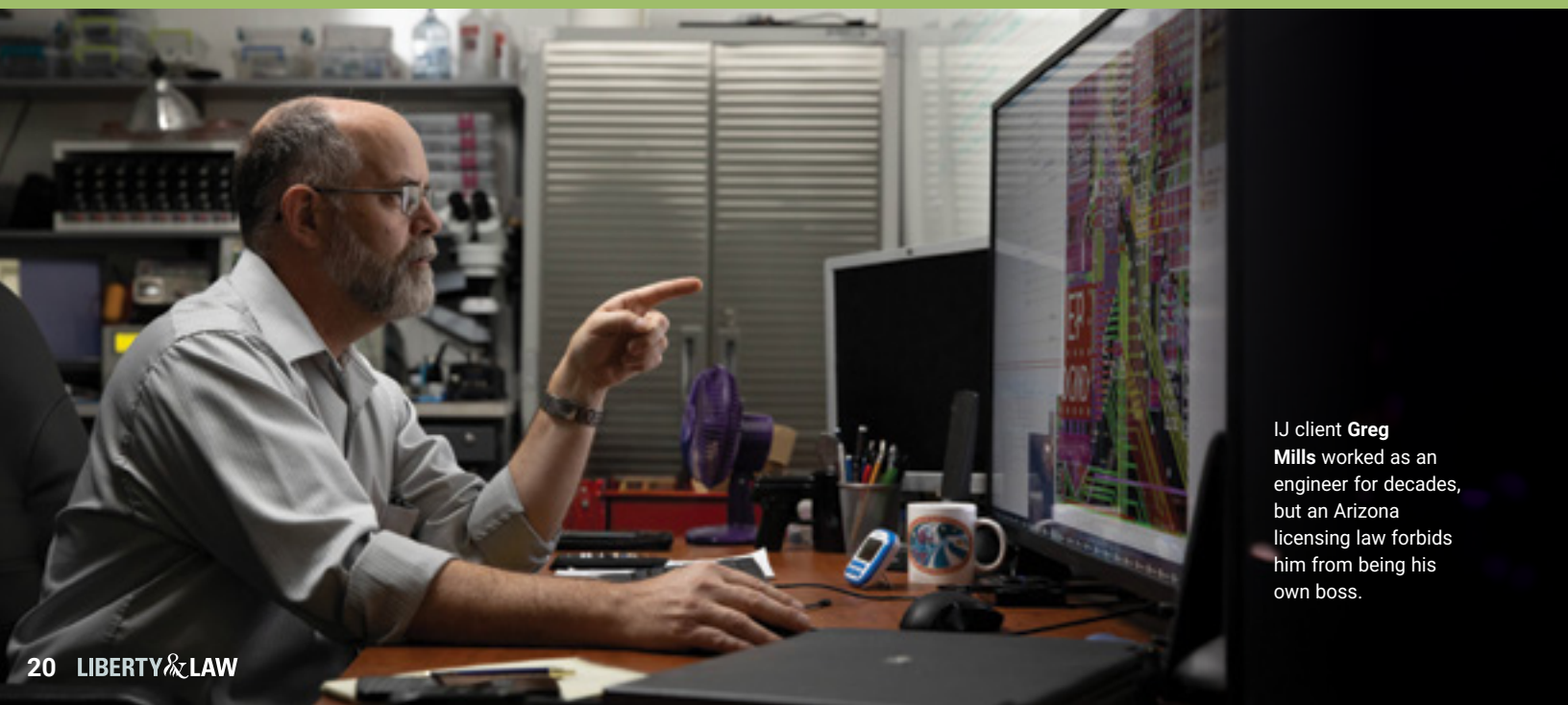
2026 marks the 25th anniversary of IJ's Arizona office. To celebrate, we are going to the Arizona Supreme Court to address an issue we have been working on since IJ-AZ opened: the greater protections for economic liberty under the Arizona Constitution.

IJ has been fighting and winning Arizona economic liberty cases for years. We have represented natural hair braiders, small-scale landscapers and gardeners, eyebrow threaders, and animal massage therapists. All these cases were wins. But all were won before we ever got a court ruling. IJ's success in the court of public opinion resulted in victories by the government throwing in the towels and changing the law before the courts could act.

Now we finally have our first chance to make our economic liberty argument to the state's Supreme Court.

For decades before IJ was founded, economic liberty cases were all but impossible to win in federal courts. This was due to a string of U.S. Supreme Court decisions that rolled back protections for economic liberty under the "rational basis test." Some courts interpret that deferential standard as requiring judges to uphold regulations if they can imagine any possible justification—even ones the government itself never raised—without looking at the real consequences or purported benefits of the regulation.

Even so, those federal decisions did not change state constitutional protections. Most



IJ client **Greg Mills** worked as an engineer for decades, but an Arizona licensing law forbids him from being his own boss.

states have a history of greater economic liberty protections under their own constitutions. We set out to remind courts of their role as an engaged check on government overreach, starting with state constitutional protections for the right to earn a living.

And IJ has had great success; in just the last 10 years, we have convinced supreme courts in Texas, Pennsylvania, Georgia, and North Carolina that their constitutions are more protective of economic liberty than is the federal Constitution.

Arizona is like these other states. Certainly before and even years after the U.S. Supreme Court largely abandoned protections for economic liberty, Arizona maintained meaningful protections for the right to earn a living. But in 1981, the Arizona Supreme Court suddenly stopped applying its own constitution and just adopted, in lockstep, federal rational basis. The court gave no reason for this departure. It didn't even acknowledge the many decades of its own decisions. By taking up IJ's latest economic liberty case in the state, the Arizona Supreme Court finally has a chance to rediscover its own rights-affirming jurisprudence.

Our case is on behalf of Greg Mills. Greg is an engineer. He worked as an engineer for decades, designing electronic circuits for everything from flashlights to satellites. This

was perfectly legal because he was a full-time employee of a manufacturer.

But then Greg started his own business. He still does the same work for manufacturers, start-ups, and entrepreneurs. He helps them take their ideas from concept to prototype. He simply works as a consultant rather than an employee.

Arizona says that is illegal. Greg has to be a licensed "Professional Engineer" if he wants to work for himself. Yet "PEs" don't engineer products. They engineer buildings, dams, bridges, and the like. The majority of engineers in this country are not PEs. They don't need to be to do their engineering work. To become a PE, Greg would have to close his own successful company and work for a PE for 8 years, doing a different kind of engineering, just to get back to the job that he has always done.

Whether or not this ridiculousness could withstand the federal rational basis test, it certainly cannot survive the greater protection for economic liberty that the Arizona Constitution promises. When we argue Greg's case at the state's high court later this year, we will make sure that Arizona courts get back to delivering on that promise. ♦

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



To become a "Professional Engineer," Greg would have to close his own successful company and work for a PE for 8 years, doing a different kind of engineering, just to get back to the job that he has always done.



New IJ Study Finds Bad Data In Indiana Forfeiture Reports

BY DAVID WARREN, PH.D.

Indiana enacted forfeiture reporting requirements more than a decade ago with a simple goal: to give lawmakers and the public a clear picture of how forfeiture works in the state. Now a new study from IJ's strategic research team shows the state's forfeiture reporting system instead delivers incomplete, inaccurate, and misleading information—in short, bad data.

Comparing prosecutors' reports with court records, the study, titled *Bad Data*, found nearly 2,000 forfeiture cases worth about \$10 million between 2016 and 2021 that were never reported—almost 30% of known cases statewide. More than 70% came from counties that farm out the prosecution of forfeiture cases to private attorneys who are paid only if they win. Unique to Indiana, this arrangement creates a conflict of interest by giving attorneys a direct financial stake in the outcome of forfeiture cases. (A current IJ class action challenges this scheme.)

When cases are reported, accuracy is the exception rather than the rule. In a random sample of reported cases from 2019 to 2023, about two-thirds contained an error on at least one of 14 characteristics, including whether seized property was returned, whether the case was settled, and even the amount forfeited.

Many of the errors make it look like property is hardly ever wrongfully seized from people who might be innocent, but the real data suggest this is unlikely to be true.

Indeed, although proponents point to low rates of contested cases as evidence forfeiture targets criminals, property owners in Indiana contest forfeiture far more often than official reports suggest. And when they do, prosecutors frequently settle—often returning some or all of what was seized. Owners are also more likely to fight when more money is at stake, suggesting at least some owners fail to fight because of the time, money, and trouble it would take.

While the picture painted of forfeiture in Indiana is fuzzy, the takeaway is clear: Indiana's forfeiture reporting misleads lawmakers and the public, masking serious flaws in a system that already violates property and due process rights. IJ is using the good data in *Bad Data* to push for full and accurate reporting not just in Indiana but also in other states. Reporting reform is a first step toward dismantling civil forfeiture nationwide. ♦

David Warren is an IJ senior research analyst.



Read the report at:
ij.org/report/bad-data



THE WALL STREET JOURNAL.

Rent Control As A Constitutional Taking

By The Editorial Board | November 12, 2025

Finding an affordable place to live in New York City is an ordeal, but it doesn't have to be as bad as it is. The city's low vacancy rate is made worse by rent regulations that have taken many New York city apartments off the rental market.

That's the subject of a lawsuit filed Wednesday by building owners challenging the city's rent "stabilization" law. The statute limits the rent increases a landlord can demand of existing tenants or new ones. Rent increases are limited to between 3% and 4.5% when a tenant renews an existing lease or when the apartment is vacated. Many landlords look at their income statements and say, why bother?

*To continue reading, scan the QR code above
or visit iam.ij.org/february-2026-headlines*

The Boston Globe

Colorful Mural Above Bakery In New Hampshire Will Stay After Settlement With Town

November 3, 2025

AP Associated Press

A Kansas County Agrees To Pay \$3 Million And Apologize Over A Raid On A Small-Town Newspaper

November 11, 2025

AP Associated Press

Border Patrol Is Monitoring US Drivers And Detaining Those With 'Suspicious' Travel Patterns

November 20, 2025

Columbia Star

Swim Instructor Sues Columbia After City Changed Its Tune And Banned Her Backyard Business

November 13, 2025

Patch

In Landmark Decision, Court Rules Pottstown Cannot Enter Rental Units Without Warrant

December 9, 2025

WIRED

The DHS Data Grab Is Putting US Citizens at Risk

December 10, 2025

Arkansas Democrat Gazette

3 Mothers Of Arkansas Education Account Users Get Court's Approval To Intervene In Lawsuit Challenging Program

December 11, 2025

New Jersey wanted to take my family's home
for the benefit of a bankrupt casino.

In America no one should lose their home to
eminent domain for someone else's private use.

I fought to keep my property.

And I won.

I am IJ.

