LIBERTY & LAW
December 2026
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VICTORY!

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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!

Jury Holds Texas County Liable For Baseless Highway Stops

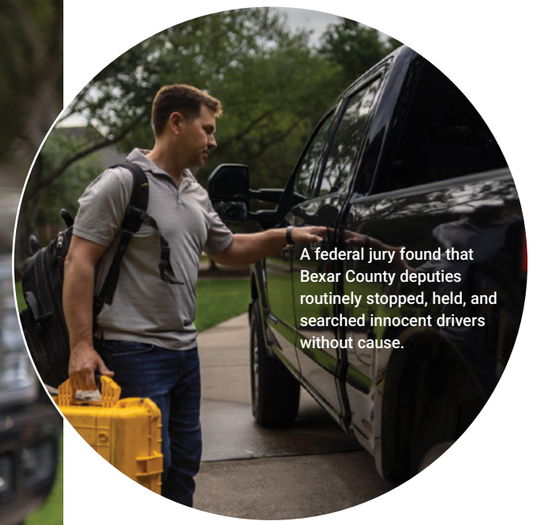
BY CHRISTIE HEBERT

Seventy-six minutes. That is how long Bexar County sheriff's deputies held Alek Schott on a highway shoulder without any real reason to suspect him of a crime. In September, a federal jury in San Antonio agreed that was unconstitutional and held the county responsible.

In March 2022, Alek was driving home from a work trip when a deputy pulled him over near San Antonio for supposedly drifting out of his lane. Yet Alek's own dash camera shows that he never drifted.

What happened next was no ordinary traffic stop. Within seconds, the deputy told Alek he was getting a warning but then ordered him into the front seat of the police car and interrogated him about money, drugs, his trip, and his family. His records came back clean in under three minutes, but the questioning continued.

Once a car was a target, it was getting stopped and searched, no matter what the driver did.



A federal jury found that Bexar County deputies routinely stopped, held, and searched innocent drivers without cause.

When Alek refused to consent to a search, the deputy called for a drug dog. The dog alerted, and three officers searched Alek's truck. They found nothing.

IJ stepped in to enforce the constitutional limits on traffic stops. Under the U.S. Supreme Court's decision in *Whren v. United States*, police can use any traffic violation, no matter how minor, as a pretext to pull over a driver they really want to investigate for something else.

Unfortunately, that leaves only three constitutional rules of the road between ordinary drivers and a roadside fishing expedition. (1) The police must actually see a violation before stopping someone. (2) They must have a real reason to suspect another crime before extending a stop. And (3) they must have a real reason to believe the car holds contraband, like an alert from a reliable drug dog, before searching it.

Alek didn't really sue for money. He sued to stop constitutional violations on Texas highways, and that work continues.

Bexar County's criminal interdiction unit routinely violated these rules.

Deputies picked targets in two ways. First, they used license plate reader data, sometimes shared in an off-the-books WhatsApp chat, to target cars based on how and where they traveled. Second, they targeted cars for ordinary driving, like slowing down near a police car, on the theory that criminals can look like ordinary people.

Once a car was a target, it was getting stopped and searched, no matter what the driver did. Those stops often played out just like Alek's did. Deputies greeted every driver with a smile and promised just a warning. Then they interrogated the driver in the front seat of their police car, a tactic designed to force consent to a search or create an excuse to call for the drug dog. The unit's favorite drug dog was rewarded for alerting, not for finding drugs—so he alerted whether or not drugs were there, giving the green light for a search.

Hundreds of innocent drivers were caught in this net.

After a five-day trial, a jury ruled for Alek on all three of his claims. It determined that the stop, the extended detention, and the search each violated the Fourth Amendment. Crucially, it found that these violations stemmed from county custom, not one bad deputy. And the jury awarded Alek the $76 he asked for: $1 for every minute of the traffic stop.

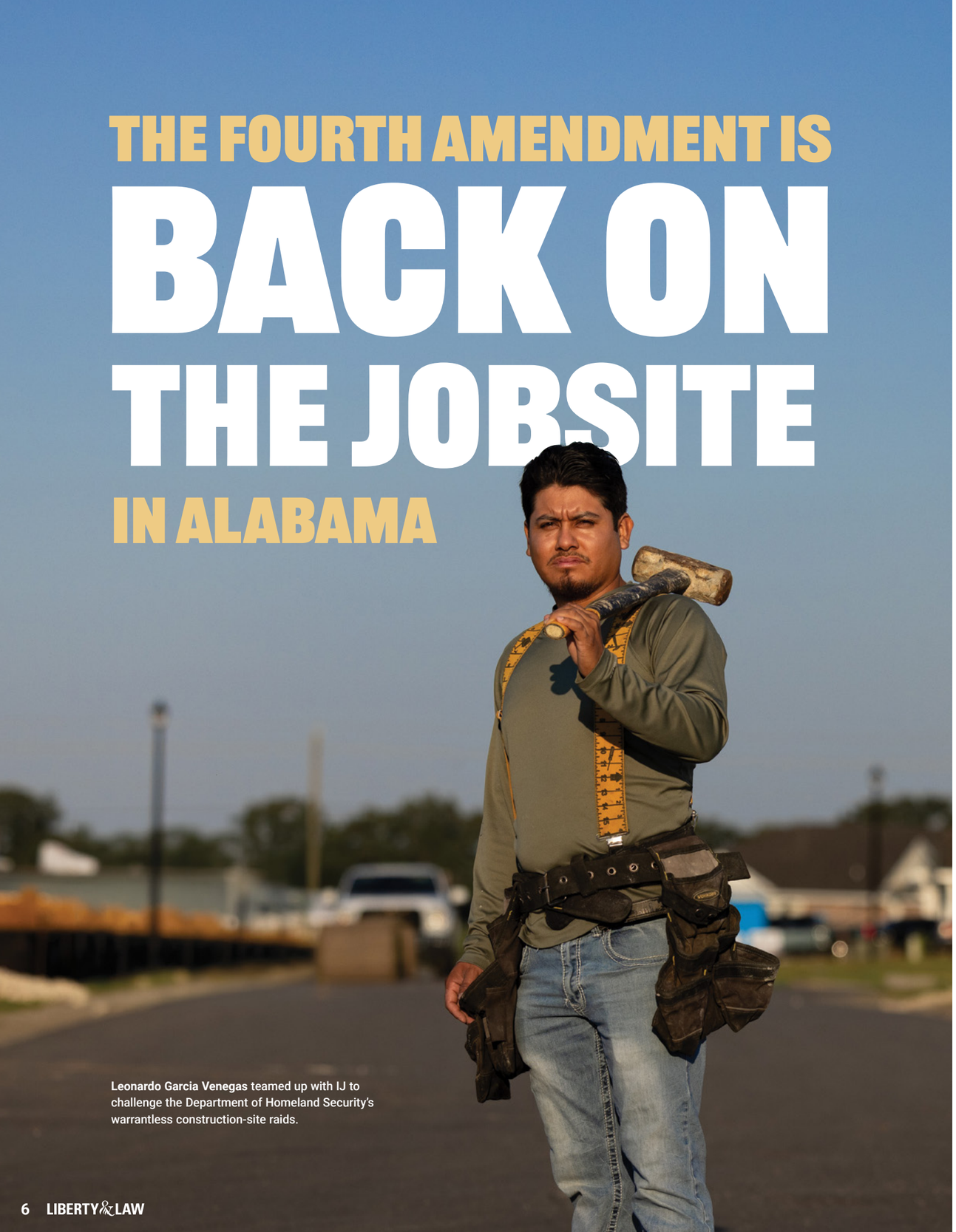
Of course, Alek didn't really sue for money. He sued to stop constitutional violations on Texas highways, and that work continues. Even after sitting through the trial, the county's representative testified that the county needed no policy changes. IJ will next ask the court for a permanent injunction, and we stand ready to defend the victory if the county appeals.

The Fourth Amendment promises every American the right to be secure against unreasonable searches and seizures. Thanks to Alek, that promise means more in Texas today.◆

Christie Hebert is an IJ attorney.



THE FOURTH AMENDMENT IS BACK ON THE JOBSITE IN ALABAMA



Leonardo Garcia Venegas teamed up with IJ to challenge the Department of Homeland Security's warrantless construction-site raids.

BY JARED MCCLAIN

A federal court in Alabama recently sided with IJ and ruled that the government needs to get a warrant to enter private worksites.

Last year, IJ sued the Department of Homeland Security on behalf of Leonardo Garcia Venegas, a U.S. citizen and construction worker in Alabama. Twice in two months, immigration officers detained Leo at work even after Leo told them he was a citizen and showed his REAL ID.

Leo's lawsuit challenges three policies that violate the Fourth Amendment, federal law, and DHS' own regulations. Specifically, DHS authorized officers to enter construction sites without a warrant, round up workers without evidence that individual workers had done anything wrong, and then continue detaining those workers even after they showed a government-issued ID to prove their legal status.

Our arguments are simple: The government needs a warrant to enter private worksites. It needs individualized suspicion to detain workers. And it must let people go as soon as they dispel an officer's suspicion.

The first of these arguments builds on IJ's work to keep the government out of parts of a business where the public is not invited. If a customer can't walk into an office, break room, or construction site, then neither can the government.

From there, we built on our cases about car impounds, mistaken-identity arrests, and wrong-house raids. The government must have a good reason to justify a search or seizure, and the intrusion must end once a reasonable officer would realize their initial justification was wrong.

A federal court held an evidentiary hearing back in May. A regional manager within the agency testified that DHS believes construction sites are "open fields" that its agents can inspect without permission. He also admitted that officers raid construction sites without any idea of whom they might find—let alone any suspicion about the individual workers. And he testified that DHS trains officers not to trust REAL IDs ... even though DHS is the agency that certifies REAL IDs are, in fact, real (and are issued only to citizens or people who unquestionably have legal status).

In September, the court ruled entirely in our favor. The court denied DHS' motions to dismiss and "stayed" all three policies (meaning DHS cannot enforce them) for the duration of our lawsuit.



IF A CUSTOMER CAN'T WALK INTO AN OFFICE, BREAK ROOM, OR CONSTRUCTION SITE, THEN NEITHER CAN THE GOVERNMENT.

With respect to the warrantless entries, the court held that a worksite is "not 'open' to the public" simply because it's "visible" from the street. A lack of walls does not make a construction site "constitutionally subpar to other workplace environments where an expectation of privacy exists."

As for the suspicionless detentions, the court held that there was "no factual support whatsoever" for officers to think Leo may be an alien.

And, finally, the court held that a policy that allows officers to disregard evidence that should dispel their suspicion is likely unconstitutional.

These victories mean we can now begin discovery into DHS' enforcement practices, and DHS cannot enforce its unconstitutional policies in the meantime. That's a huge win for construction workers like Leo who just want to earn an honest living in peace—and a huge win for the Fourth Amendment.◆

Jared McClain is an IJ senior attorney.





Victory:







Humboldt County fined property owners like **Corrine** and **Doug Thomas** (opposite), **Blu Graham** (top), and **Rhonda Olson** (bottom) for greenhouses and buildings it assumed were used to grow cannabis—based on blurry satellite images and no in-person inspection. IJ has ended that scheme.

Humboldt County Reforms Predatory Code Enforcement Scheme

BY AN ALTIK

Nearly four years ago, IJ filed a class action lawsuit against Humboldt County, California. A recent victory brought peace and resolution to our five clients—and to property owners throughout the county.

In 2022, IJ raised a series of claims challenging Humboldt's unconstitutional code enforcement policies following the legalization of cannabis in California.

Relying on blurry satellite imagery, the county issued fines to any property owner who had a greenhouse or barn under the default assumption that cannabis was grown in them. There was no in-person confirmation or follow-up investigation.

Worse yet, some property owners received notices shortly after moving in, addressed to prior owners. Once alerted to the new ownership, the county simply re-noticed the property, fining the new owners for someone else's crime.

The county simply re-noticed the property, fining the new owners for someone else's crime.

The fines were ruinous, reaching up to $10,000 per day. Owners were given 10 days to "abate" the nuisance—if they were notified at all. For Corrine and Doug Thomas, abatement meant spending $200,000 to tear down a barn a previous owner had built without a permit. Although an owner could elect to appeal the fines, the county never scheduled the necessary hearings.

As the county delayed, the fines continued to pile up, sometimes reaching millions of dollars. At the same time, property owners were barred from obtaining any permits needed for property improvements—including for the very abatements the county demanded.

In a scheme designed to extract money from residents, it's no surprise that county officials aggressively pushed property owners to settle by admitting guilt and paying a smaller, but still exorbitant, fine.

Humboldt's policies were rife with constitutional violations, including imposing excessive fines, punishing innocent owners, failing to provide adequate notice, and broader due process concerns. The case had many twists and turns, including a dismissal and a revival. And in 2024, it set important precedent in the 9th Circuit, affirming that municipalities cannot impose ruinous fines based on flimsy evidence or delay hearings indefinitely.

In 2024, this case set important precedent in the 9th Circuit, affirming that municipalities cannot impose ruinous fines based on flimsy evidence or delay hearings indefinitely.

Now the county has agreed to a settlement that vindicates our clients, protects all property owners from future enforcement, and warns local governments to think twice.

The county will withdraw every outstanding cannabis-related notice for property owners who requested hearings; process permit applications; and retract the public accusations against our clients. To avoid potential future abusive practices, the county is also drastically amending its code to require providing exact dates and timelines in notices; scheduling hearings no later than 60 days after requested; pausing fines until final adjudication; sending warning letters and allowing 30 days to prove lack of cannabis before issuing notices; and no longer holding new owners responsible for prior owners' conduct. Our clients were also reimbursed for the money they spent trying to comply with the county's demands before IJ got involved.

This binding agreement, combined with our previous win in the 9th Circuit, ensures that property owners are able to challenge constitutional violations in court. It also serves as a warning to other municipal governments that may be considering a similar money-making scheme: It is unconstitutional, it will be challenged, and it will be dismantled.

This tallies another win in IJ's fight against the excessive financial penalties that arise in multiple aspects of our work, from civil forfeiture to zoning. These cases all share the same principle: The punishment must fit the offense. Humboldt County learned that the hard way.◆

An Altik is an IJ attorney.



Sixth Circuit To East Cleveland:

YOU CAN'T TOW AWAY DISSENT

BY BEN FIELD

William Fambrough loves his city of East Cleveland, Ohio, despite its challenges.

In 2021, he was concerned about mismanagement at city hall, so he decided to speak up by supporting a friend on the City Council in her bid to unseat the incumbent mayor. William used his step van (an old FedEx truck) to campaign, displaying a large sign and broadcasting messages around town. It's the kind of old-school speech that makes self-government possible and that sits at the core of the First Amendment.

But city hall didn't appreciate the competition. So the mayor and his chief of staff ordered the police chief to sic the entire police department on William's van. They descended on his home when he was preparing to campaign one day and seized the van, causing thousands of dollars in damage and knocking it out of the campaign.

IT'S THE KIND OF OLD-SCHOOL SPEECH THAT MAKES SELF-GOVERNMENT POSSIBLE AND THAT SITS AT THE CORE OF THE FIRST AMENDMENT.

It was a textbook case of First Amendment retaliation—a now-central part of IJ's free speech practice challenging the pretextual use of seemingly speech-neutral laws as a form of backdoor censorship. That pretext here was obvious. The parking ordinance used to tow William's van seemingly bans parking even a pickup truck at home, but it's never been enforced that way.

That includes never being enforced against William's van when it was parked at his home for years without incident, against a nearly identical van a neighbor had a block away, or against a similar van parked right behind William's van even as it was being towed.

Litigating the case has illustrated why IJ has made First Amendment retaliation a major focus. At the same time that courts have excelled in scrutinizing laws that directly target speech, those courts are often far too willing to excuse retaliation that accomplishes the same end. Here, in a series of decisions, the district court dismissed all of William's claims. It reasoned that because city officials were putatively enforcing parking and noise ordinances, it didn't matter *why* they were doing it or whether those laws were being selectively enforced.

Fortunately, this October, the 6th Circuit disagreed. In a significant victory for William and IJ, the court revived his First Amendment retaliation claims.

Building on our 2024 U.S. Supreme Court victory for Sylvia Gonzalez, the ruling rejected the district court's decision to extend to this case certain special rules that make it more difficult for plaintiffs to bring claims for retaliatory prosecutions and arrests.

As the court explained, "Municipal ordinances touch nearly every aspect of daily life. This raises the prospect that an official need only pick a target because the search for a violation won't be hard. These conditions are the natural habitat of retaliation. And we should be wary of officials engaging in a death-by-a-thousand-cuts approach through enforcement of minor infractions."

It wasn't a total victory. The court granted qualified immunity to the police chief who ordered the tow and citations on the grounds he was only following orders. And we will seek Supreme Court review on a Fourth Amendment issue—specifically the court's ruling that there was a "community caretaking" exception to the Fourth Amendment that allowed police to impound William's van without a warrant when it wasn't obstructing traffic and when he was there and able to drive it away.

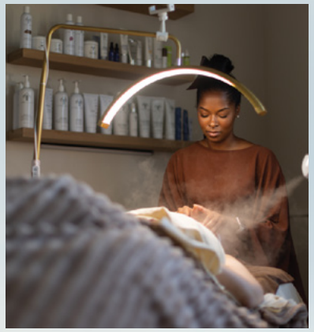
The thrust of the ruling, however, is clear: Officials can't weaponize municipal codes to target their critics. We had a difficult road to get here. And as the case continues, this vindication of William's speech rights was worth the wait.◆



Ben Field is an IJ attorney.

William Fambrough used his step van to campaign against East Cleveland's incumbent mayor; then the city sent the police to seize it. The 6th Circuit has now revived his First Amendment retaliation claims.

Opening The Road For Mobile Beauty Entrepreneurs In South Carolina



BY JESSICA BIGBIE

The wheels on the bus may go round and round, but the wheels on Brandi Rosemond's mobile beauty salon must stay put. Or so says South Carolina—where estheticians must work in physical salons, though barbers can take their services on the road. That's not just wrong; it's unconstitutional.

Brandi grew up idolizing her grandmother. She loved watching her sit at her vanity each day, carefully working through her skincare and makeup routine. Those moments sparked Brandi's passion for a career in esthetics. In school, Brandi envisioned a business where she could take her skills to clients instead of the other way around.

To accomplish that dream, she bought an RV and spent her time and hard-earned money renovating it. When she was done, she was eager to share it with her community. Brandi posted in a local wedding Facebook group announcing that the mobile salon would be coming soon. Despite enthusiasm from the group, a message from a member of the Board of Cosmetology informed Brandi that mobile esthetics is illegal.



Brandi adapted. She now rents a booth in Greenville, where she provides most of her services. But the state's rule creates an impractical reality: Her mobile unit can be used for spray tans, which do not require an esthetics license. Yet she cannot use it to give facials, apply makeup, or wax eyebrows, which is the work she is licensed to perform.

Brandi's knowledge doesn't disappear just because she steps outside of a brick-and-mortar salon. The location may change, but her skills and sanitation practices do not.

South Carolina's rule is especially hard to justify because the state allows barbers to serve clients in mobile shops. That doesn't make sense. Barbers' work and sanitation practices largely overlap with Brandi's. If the state trusts a barber to work safely in a mobile shop, why does Brandi's salon need a permanent address? With IJ, Brandi filed a lawsuit challenging this unequal and irrational treatment.

South Carolina has already shown that it can remove barriers to new businesses. In 2023, IJ helped legislatively repeal most of the state's certificate of need requirements. Those rules forced healthcare providers to obtain government permission before opening or expanding, giving established competitors an opportunity to resist newcomers.

Brandi's federal case now asks a court to open a door that remains closed to mobile beauty entrepreneurs. Regardless of the industry—healthcare, barbering, esthetics, and beyond—government shouldn't stand in the way of qualified people serving their customers.

IJ has taken this fight to federal appellate courts before. In the 5th and 6th Circuits, we defeated rules that made Benedictine monks in Louisiana and independent retailers in Tennessee obtain funeral director licenses to sell simple caskets.

Brandi's case is the next opportunity to protect entrepreneurs' freedom to compete. She trained, got licensed, and built the mobile salon. Now she is fighting for the chance to get it rolling.◆



Jessica Bigbie is an IJ attorney.

KHALILAH'S SALON MAY OPEN, BUT THE FIGHT FOR ECONOMIC LIBERTY CONTINUES!

Khalilah Few can finally open the natural hair salon she poured her heart, soul, and life savings into building. Fourteen months after Clayton County, Georgia, denied her a permit, the county reversed course. That is welcome news for Khalilah and her clients, but her lawsuit is far from over.

After more than 20 years in the industry, Khalilah leased a previously vacant storefront to expand her business. She followed the county's rules and completed its lengthy approval process. Then, at the final step, officials denied her permit because they thought there were already too many salons in the area.

Bureaucrats can't pick winners and losers in business. So Khalilah teamed up with IJ to have a court recognize this process as unconstitutional.

Though the county has now decided to let Khalilah open her shop, it has left the system that initially blocked her in place. Other local businesses must still seek the county's permission to open, and officials may still deny permits if they believe there are enough similar businesses nearby.

Allowing Khalilah's business to move forward is an important step, but it does not resolve our constitutional challenge—and Khalilah has no interest in backing down. Without a court ruling or a change to the county's ordinances, another entrepreneur could face the same type of protectionist denial.

Together, we will keep fighting for the right of all Georgians to earn an honest living free from government overreach.◆



Khalilah Few teamed up with IJ when Clayton County denied her a permit for her natural hair salon to protect existing salons.

Ten Years, Two Lawsuits, One Unbroken Principle

BY ROB PECCOLA

A decade is easy to print and hard to live. It is a childhood, a succession of lease renewals, and, for our battle-tested clients in Pottstown, Pennsylvania, the measure of a promise kept: Government will not enter their home without lawful cause.

When last we wrote of IJ clients Dottie and Eddy Rivera and their landlord, Steve Camburn, they had won. The Commonwealth Court unanimously held that the Pennsylvania Constitution requires individualized probable cause before government can obtain a warrant to search a home.

A unanimous constitutional defeat should have ended that part of our story. Pottstown treated it instead as drafting guidance.

Pottstown appealed, and IJ is defending the victory before the Pennsylvania Supreme Court. Meanwhile, the borough rewrote its code—not to honor the decision, but to circle around it.

Now, if a tenant refuses a warrantless borough inspection, Pottstown withholds the landlord's rental license unless the landlord hires a borough-approved third party to perform the search. That inspector needs the tenant's written consent.

Pottstown distributed the suffering. The tenant must choose between surrendering privacy and risking eviction. The landlord must choose between pressuring their tenant and losing their license. If the door remains closed, fines accumulate and prosecution may follow.

Recall how the first chapter began. When Dottie and Eddy refused an inspection, Pottstown did not return with evidence that something was wrong. It went around them.

The Riveras were not heard. The borough presented its papers to a magisterial district judge; Pennsylvania does not even require such judges to be lawyers. It identified no complaint, suspected hazard, or code violation. It said only that an inspection had come due and the occupants had refused entry.

On that showing, the judge issued a warrant authorizing inspectors to force their way into the home where Dottie and Eddy were raising their family.

A warrant is supposed to stand between the government and the home. This one became the key.

Dottie and Eddy did not wait inside for Pottstown to invade their home. Together with Steve and IJ, they raced to court and stopped the search before an inspector crossed the threshold. They stayed in the fight for nine years.

That first battle vindicated the Pennsylvania Constitution's strong protection of the home. The second will do the same for the federal Constitution. The Fourth Amendment does not confuse capitulation with consent. Government cannot punish a closed door, call its opening voluntary, or evade the Constitution through a chosen substitute.

When Pottstown's threats arrived in the mail, our clients again stood firm. In September, IJ filed a federal lawsuit challenging the scheme and moved for a preliminary injunction. A court has barred Pottstown from taking or threatening enforcement until it rules.

Nearly 10 years after Pottstown obtained permission to force its way inside, the Riveras' door remains closed to that search. That is not evidence that nothing happened; it is the measure of what their courage prevented.

Pottstown changed the machinery. Our clients again said no. And IJ remains where readers last found us: beside them.◆

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



Nearly 10 years after Pottstown obtained permission to force its way inside, the Riveras' door remains closed to that search.



A unanimous constitutional defeat should have ended that part of our story. Pottstown treated it instead as drafting guidance.





NEW IJ RESEARCH SHOWS

PUBLIC BENEFITS BECOMING PRIVATE BURDENS

No one has ever quantified, on a national basis, how often property owners seek compensation for law enforcement property damage and how often they are denied—until now.

Above: A Los Angeles SWAT team destroyed the shop of IJ client **Carlos Pena** while pursuing a fugitive unknown to Carlos. Opposite: In South Bend, Indiana, a SWAT team raided the wrong home, leaving **Amy Hadley** with thousands of dollars in damage not covered by insurance.

BY MINDY MENJOU

If the government takes your home or business to build a road or courthouse, the Constitution requires that it pay you just compensation. This makes perfect sense. It's fundamentally unfair to turn public uses into private burdens.

Unfortunately, this principle goes out the window when law enforcement damages innocent people's property while trying to protect the public. IJ clients like Amy Hadley and Carlos Pena learned this to their quite literal cost. As *Liberty & Law* readers will recall, SWAT teams destroyed Amy's home and Carlos' shop while pursuing criminal strangers. Their cities now refuse to cover the tens of thousands of dollars in damage.

We know Amy, Carlos, and our other clients who experienced destructive SWAT raids aren't alone. But no one has ever quantified, on a national basis, how often property owners seek compensation for law enforcement property damage and how often they are denied—until now.



Read the report:
ij.org/report/public-benefit-private-burden

Released in September, our latest strategic research report, *Public Benefit, Private Burden*, finds local governments frequently leave private citizens on their own to bear the costs of policing.

All told, we identified more than 2,700 claims for law enforcement property damage across 222 local jurisdictions over nine years. Municipalities denied 60% of all claims with known outcomes and 41% of those where the property owners were innocent bystanders, lacking any relationship to the person who triggered the law enforcement action.

We also found that while law enforcement property damage can create genuine hardship for ordinary people, compensating claimants would pose little burden to local governments. The median value of a property damage claim in our data was $1,260.

That amount is a lot less than the damage wrought on Amy or Carlos. This reflects the fact that the plurality of claims involved residential damage from routine law enforcement activities like damaging a door while forcing entry (37%) or vehicle damage (25%), not wholesale damage from SWAT raids—though, at 12%, residential damage from tactical raids was the third largest category. Still, $1,260 is more than most Americans have in their emergency funds. And some claims were far more costly: About 1 in 10 sought $10,000 or more.

Even as such costs can be onerous for individuals, they are trivial for local governments. If municipalities paid every claim in our data, it would have cost them only about $6,500 a year—a tiny fraction of their annual spending. And this is almost certainly overestimating the government's burden, as some claims in our data, such as those where owners were at fault for the law enforcement action, would not qualify as takings.

The U.S. Supreme Court can require governments to pay when actions taken by law enforcement to benefit the public result in private property damage. The Court recently declined to hear Amy's and Carlos' cases, but it has also clearly signaled interest in this issue—and IJ won't stop bringing cases of innocent victims of law enforcement property damage.

Public Benefit, Private Burden shows this is a pressing national issue. This new research also means our attorneys are even better equipped to show why governments should have to buy what they break—and to allay any fears that compensating worthy owners would break the bank.◆



Mindy Menjou is IJ's assistant director of strategic research.

Two Paths To Justice

When police damage an innocent person's home, who pays?

Most of IJ's cases on this question don't challenge the officers' conduct. They were lawfully chasing a fugitive, for instance, and the only question is whether the government must compensate the owner for property it destroyed for the public's benefit.

Alisa Carr's case is different because she has two avenues to receive just compensation—and a federal court recently endorsed both.

In April 2024, sheriff's deputies hunting a suspected thief raided Alisa's home in Willard, North Carolina. The only link was cell phone location data placing his phone in the neighborhood. Officers saw a car out front that, like a vehicle associated with the suspect, was a Nissan sedan. But everything else about the car was different: model, year, license plate, color, owner.

An officer got a warrant anyway based on a sworn statement that deputies had seen the suspect's car there, which was false. In the middle of the night, a tactical team broke in, set off flash-bang grenades, aimed guns at the family, and sent Alisa to the hospital. The fugitive was across the street.

Alisa's case pursues justice on two parallel tracks: First, the officers violated the Fourth Amendment by misleading a judge, botching the investigation, and raiding the wrong home, so they may be liable. Second, whether or not the officers acted unlawfully, the raid took Alisa's property for a public use: catching a criminal suspect. Under the Takings Clause, the public should pay for that, not one unlucky homeowner.

In August, a federal court let both theories go forward. It denied qualified immunity to the officers and allowed Alisa's takings claims under the U.S. and North Carolina Constitutions to proceed.

Whoever is to blame, Alisa shouldn't be left holding the bill.◆





From The Courtroom To CAPITOL HILL

CHALLENGING MASS SURVEILLANCE



Above: IJ attorneys and staff traveled to Capitol Hill to testify on the risks of automated license plate readers. Below: **Lee Schmidt** (top) and **Tony Tan** (bottom) joined with IJ to file lawsuits against ALPR cameras in Norfolk, Virginia, and San Jose, California.

BY ALASDAIR WHITNEY

On September 23, the CEOs of Flock Safety, Axon, Motorola Solutions, and Verkada were invited to explain to the U.S. Senate how their automated license plate reader (ALPR) cameras have photographed hundreds of millions of cars across the country—and what they do with those photos.

None of them showed up.

The companies responsible for the technology that watches most cars in America declined to be seen at a hearing entitled "Always Watching: Flock's Nationwide AI Surveillance Network."

But IJ was also invited—and we were more than happy to accept that invitation.

The hearing was arranged by the Senate Judiciary Subcommittee on Crime and Counterterrorism to examine privacy and the risks posed by AI-enabled surveillance. The Subcommittee was concerned that this technology could allow authorities to reconstruct people's movements over extended periods. IJ shares those concerns.

I had the opportunity to tell several senators what our litigation has taught us about ALPRs.

Flock, the largest ALPR company, operates more than 120,000 cameras across 49 states. Those cameras capture 20 billion photos a month. They record make, model, color, and dents. They can map everywhere a car has been captured.

Run that map back a few weeks and a government agent can do more than just recreate someone's day; they can gain insight into someone's habits, personal associations, religious beliefs, and more. In short, ALPR technology can reveal your way of life.

I could explain this to the Subcommittee with authority because I was armed with an arsenal of information that IJ has gathered through multiple lawsuits. No one has looked more closely at how governments use ALPR networks than my colleagues, who were among the first to examine how the surveillance dragnet operates in a particular city.

In 2024, IJ filed the first federal civil challenge to one of those networks. We represent Navy veteran Lee Schmidt and home healthcare worker Crystal Arrington in Norfolk, Virginia.

Discovery in that case revealed more than 170 cameras capturing 41 million images in one month. My colleagues combed through records of 230,000 searches—around 75,000 (32.6%) of which were justified with entries like "cj" and "inv"—and audit logs no one had read until we sued.

An IJ class action followed in April 2026 in San Jose, California.

In parallel to litigation, we built a public database of ALPR abuses, which now documents more than 300 incidents. Our model legislation has shaped dozens of reform bills and ordinances. And our advocacy has helped concerned citizens and policymakers rethink their policies around ALPRs—or end their contracts altogether.

That record is why Congress called us.

It is also why IJ insists that, at a bare minimum, government agents need to get a warrant before searching for motorists' movements, patterns, and associations.

The warrant requirement is reasonable, and government agents are familiar with the process of obtaining one. Police officers across the country routinely get warrants for cellphone location records and other surveillance data, and the U.S. Supreme Court held in June that even two hours of location data is protected by the warrant requirement.

Congress can make that standard the rule of the road before these cameras end up, as Flock's founder has promised, on every street corner.◆



Alasdair Whitney serves as IJ legislative counsel.





Keep Swingin'

The Long Game For Liberty

BY SCOTT G. BULLOCK

This has been quite the year for IJ.

For the first time in our history, we had three cases heard by the U.S. Supreme Court in a single term.

We launched our Rule of Law pillar and Education Entrepreneurship Project, and we published an IJ history book to commemorate our 35th anniversary.

Our work challenging automated license plate reader cameras rocketed to widespread public attention and fomented nationwide change, as described on page 18.

And we released the fourth edition of our flagship civil forfeiture study, *Policing for Profit*, as well as a pathbreaking study on property damage by law enforcement and its impact on innocent property owners (see page 16). And that's on top of scores of victories in other cases and our freedom-advancing legislative and grassroots activism work.

Several supporters have asked me whether IJ had done anything differently to create a year of such landmark success and momentum on some of our signature issues along with newer projects. The answer is no. Instead, we have continued to do what we have always done: bring compelling cases on cutting-edge legal issues with sympathetic clients and award-winning communications efforts to spread the word as far and wide as possible about why these battles matter.

One of my favorite quotes is from baseball legend Hank Aaron. When asked about his key to breaking the home run record, he said: "My motto was always to keep swinging. Whether I was in a slump or feeling badly or having trouble off the field, the only thing to do was keep swinging."

Not surprisingly, I like the swinging quote in part because of its relation to jazz ("It Don't Mean a Thing …"), but the motto also perfectly captures the principles of resilience and perseverance that have been hallmarks of IJ since our earliest days, especially when the legal landscape was even more challenging and IJ had no track record and few resources.

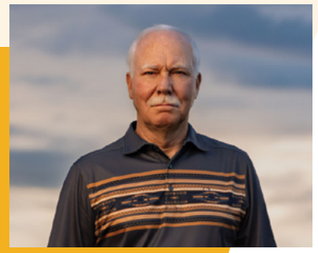
Like Hank noted, the only thing to do—then and now—is to produce the highest quality work in all of our public interest endeavors: litigation, communications, research, and advocacy. Some years, there will be slumps, setbacks, and defeats, especially in the lower courts. And there will be some years, like this one, where we see the results of our determination and our commitment to excellence in everything we do.

All along, IJ has the confidence that victory is assured, whether it takes a couple of years or a few decades. Keep swingin'!◆



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

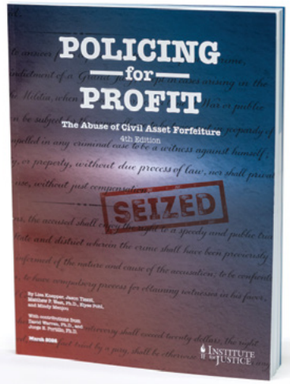




As we look back on an incredible 2026, I'd like to acknowledge the nearly 14,000 freedom-loving supporters who make all of this work possible. Thank you for standing with IJ to defend the Constitution!







2026

IJ'S ANNUAL REPORT

FISCAL YEAR '26

JULY 1, 2025 – JUNE 30, 2026

INSTITUTE for JUSTICE

IJ'S IMPACT
BY THE NUMBERS

34 LITIGATION VICTORIES

6 "LITIGATION BY LETTERHEAD" VICTORIES

9 AMICI VICTORIES

9 HIGHER COURT VICTORIES:
- **1** STATE SUPREME COURT
- **3** STATE APPEALS COURTS
- **5** FEDERAL APPEALS COURTS

41 LEGISLATIVE VICTORIES

10 ACTIVISM VICTORIES

12 INDUSTRIES FREED IN **19** STATES

STRATEGIC RESEARCH:

2 REPORTS PUBLISHED

4 CITATIONS IN REPORTS

21 CITATIONS IN LEGAL BRIEFS

112 STUDENTS TRAINED

140 ORGANIZATIONS COLLABORATED

103 YOUTUBE VIDEOS

1,600+ MEDIA HITS IN OVER **800** OUTLETS

518,600
SUBSCRIBERS ON IJ'S YOUTUBE CHANNEL

11.8 MILLION
IJ VIDEO VIEWS ON YOUTUBE

IJ'S COMMUNITY
FREEDOM IN NUMBERS

FY '26: JULY 1, 2025 – JUNE 30, 2026

134 CASES LITIGATED

12 CLASS ACTIONS

30 CASE LAUNCHES

218 CLIENTS REPRESENTED

AVERAGE CASE LENGTH (for cases closed in FY26)
3 YEARS, 5 MONTHS

AVERAGE ATTORNEY & STAFF HOURS
(for cases closed in FY26)
2,538

STAFF

223 FULL-TIME STAFF (cumulative)

86 ATTORNEYS (cumulative)

BUDGET

BUDGET
$52,014,905

PROGRAMS **80.4%**

ADMIN **10.3%**

FUNDRAISING **9.3%**

DONORS

DONORS
13,960

INDIVIDUALS **87%**

FOUNDATIONS **12%**

BUSINESSES **1%**

GIVING CLUBS

FOUR PILLARS SOCIETY

sentinels

GUARDIANS

partnersclub

The Merry Band of IJ Monthly Donors

885 **FOUR PILLARS SOCIETY** MEMBERS
(have included IJ in their estate plans)

47 **SENTINELS** MEMBERS
(opt-in club for people giving $25,000+)

213 **GUARDIANS CIRCLE** HOUSEHOLDS
(giving $10,000+)

1,924 **PARTNERS CLUB** HOUSEHOLDS
(giving $1,000+)

2,886 **MERRY BAND OF MONTHLY DONORS** MEMBERS

IJ'S ACTIVITY

BEHIND THE NUMBERS

This timeline visualizes some of the numbers captured on the previous page. These highlights represent just a handful of IJ's many victories and milestones since July 2025—and preview a select few major cases where we await decisions from the U.S. Supreme Court.

TIMELINE KEY:

- LITIGATION VICTORIES
- INSTITUTIONAL MILESTONES
- LEGISLATIVE VICTORIES
- COURT APPEARANCES *(TRIALS, ARGUMENTS, AND HEARINGS)*
- PENDING CASE DECISIONS AT THE U.S. SUPREME COURT



VICTORY

7/29/2025

FEDERAL APPEALS COURT

SUN VALLEY ORCHARDS V. DEPARTMENT OF LABOR

The 3rd Circuit held that the Department of Labor's in-house administrative court could not impose financial penalties—in this case, more than $550,000—on a family farm without review by a neutral judge.



VICTORY

8/4/2025

STATE APPEALS COURT

NASHVILLE HOME-BASED BUSINESS

A Tennessee appeals court unanimously struck down Nashville's unequal treatment of IJ's home-based business clients.



VICTORY

12/9/2025

STATE APPEALS COURT

PENNSYLVANIA RENTAL INSPECTIONS

The Pennsylvania Commonwealth Court held unanimously that Pottstown's compelled rental inspections violate the state constitution.

VICTORY

6/11/2026

FEDERAL TRIAL COURT



INDIANA END-OF-LIFE GUIDANCE

The court entered a consent decree giving IJ's client a permanent injunction and total victory protecting occupational speech.

VICTORY

3/31/2026

LEGISLATIVE



IDAHO OPEN FIELDS LAW

Idaho enacted legislation, based on IJ's model, that requires consent, a warrant, or an emergency before government agents enter private land, becoming the eighth state—and the first by statute—to close the open fields loophole.

VICTORY

7/21/2026

STATE SUPREME COURT

PENNSYLVANIA OPEN FIELDS



Pennsylvania Supreme Court unanimously protected landowners from warrantless intrusions by game wardens.

TRIAL

9/21/2026

FEDERAL TRIAL COURT



TEXAS TRAFFIC STOP

A week-long federal jury trial against pretextual traffic stops began in Texas, concluding with a victory for IJ client Alek Schott on all three of his claims.

DECISIONS ANTICIPATED SPRING 2027

HOFFMANN V. WBI ENERGY TRANSMISSION

11/9/2026

U.S. SUPREME COURT



The Supreme Court heard argument on whether a pipeline company that has been delegated the federal eminent domain power can bypass state-law protections for property owners.

SUN VALLEY ORCHARDS V. DEPARTMENT OF LABOR

11/10/2026

U.S. SUPREME COURT



The Supreme Court heard argument on whether a federal executive agency can act as rulemaker, prosecutor, and judge when imposing ruinous financial penalties on businesses.

JOUPPI V. ALASKA

12/1/2026

U.S. SUPREME COURT



The Supreme Court heard argument on whether it is unconstitutionally excessive for Alaska to forfeit a pilot's entire airplane over a passenger's beer.

2025 JULY AUG SEPT OCT NOV DEC 2026 JAN FEB MAR APR MAY JUNE JULY AUG SEPT OCT

MILESTONE

8/14/2025

PROJECT LAUNCH



PLATE PRIVACY PROJECT

IJ launched the Plate Privacy Project, a nationwide litigation, legislative, and activism campaign against warrantless automated license plate reader surveillance.

MILESTONE

12/31/2025

COMMUNICATIONS



OVER 500,000 YOUTUBE SUBSCRIBERS

IJ surpassed 500,000 YouTube subscribers and crossed 50,000 followers each on Instagram and TikTok.

MILESTONE

2/1/2026

PROJECT LAUNCH



COUNSEL UNBOUND

IJ launched Counsel Unbound, an initiative to press state supreme courts to relax unauthorized-practice-of-law rules so nonlawyers may give basic legal help.

MILESTONE

9/3/2026

ANNIVERSARY



IJ 35TH ANNIVERSARY

IJ marked 35 years since it opened its doors on September 3, 1991.

MILESTONE

9/10/2026

PROJECT LAUNCH



EDUCATION ENTREPRENEURSHIP PROJECT

After firmly establishing the constitutionality of educational choice programs, IJ launched the Education Entrepreneurship Project to defend individuals offering innovative or personalized models of education—such as microschools and learning pods—and the parents who seek these alternatives to public schools.

MILESTONE

10/1/2026

PILLAR LAUNCH



RULE OF LAW PILLAR

The Rule of Law was formalized as IJ's new fourth pillar to unite work involving warrantless surveillance; excessive fines and fees; unjust proceedings; and immunity and accountability.

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