

In the Supreme Court of the United States

GARNER WALLS,

Petitioner,

v.

PRINCE GEORGE'S COUNTY, MARYLAND, ET AL.,

Respondents.

TEDFORD'S TENANCY, LLC,

Petitioner,

v.

CITY OF NEW YORK, NEW YORK, ET AL.,

Respondents.

**On Petitions for Writs of Certiorari to the United States
Court of Appeals for the Fourth Circuit and to the
Appellate Division, Supreme Court of New York, First
Judicial Department**

**BRIEF OF AMICI CURIAE ADVANCING AMERICAN FREEDOM;
INTERNATIONAL CONFERENCE OF EVANGELICAL CHAPLAIN
ENDORSERS; JCCWATCH.ORG; MEN AND WOMEN FOR
A REPRESENTATIVE DEMOCRACY IN AMERICA, INC.;
NEW YORK STATE CONSERVATIVE PARTY; RIO GRANDE
FOUNDATION; ET AL. IN SUPPORT OF PETITIONERS
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STATEMENT OF INTEREST OF AMICI CURIAE

Advancing American Freedom (AAF) is a nonprofit organization that promotes and defends policies that elevate traditional American values, including freedom from arbitrary power.¹ AAF “will continue to serve as a beacon for conservative ideas, a reminder to all branches of government of their responsibilities to the nation,”² and believes American prosperity depends on ordered liberty and self-government.³ AAF files this brief on behalf of its 164,819 members nationwide.

Amici International Conference of Evangelical Chaplain Endorsers; JCCWatch.org; Men and Women for a Representative Democracy in America, Inc.; New York State Conservative Party; Rio Grande Foundation; Salt & Light Global; Tea Party Express; Women for Democracy in America, Inc.; Tim Jones, Former Speaker, Missouri House, Founder, Leadership for America Institute; Jenny Beth Martin, Honorary Chairman, Tea Party Patriots Action; John Shadegg, Member of Congress, 1995-2010; and Hon. William Wagner (Ret), Distinguished Professor of Law

¹ All parties received timely notice of the filing of this amicus brief. No counsel for a party authored this brief in whole or in part. No person other than Amicus Curiae and its counsel made any monetary contribution intended to fund the preparation or submission of this brief.

² Edwin J. Feulner, Jr., *Conservatives Stalk the House: The Story of the Republican Study Committee 212* (Green Hill Publishers, Inc. 1983).

³ Independence Index: Measuring Life, Liberty and the Pursuit of Happiness, Advancing American Freedom available at <https://theindependenceindex.org/>.

Emeritus believe that the right to property is central to American freedom.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

In *McDonald v. City of Chicago*, this Court declined Chicago’s request that the Second Amendment “right recognized in *Heller*” be treated “as a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees that we have held to be incorporated into the Due Process Clause.” 561 U.S. 742, 780 (2010). The Court should similarly ensure that lower and state courts do not treat the inherent and inalienable right to property as a “second-class right.”

In many ways, this Court’s jurisprudence has treated the right to property as a second-class right, or worse. In these areas, “[s]omething has gone seriously wrong with this Court’s interpretation of the Constitution.” *Kelo v. City of New London*, 545 U.S. 469, 518 (2005) (Thomas, J., dissenting). Under the Court’s precedent, “[t]hough citizens are safe from the government in their homes, the homes themselves are not.” *Id.*⁴

⁴ See Brief of Amici Curiae Advancing American Freedom et al., *Carbin v. Massachusetts Board of State Examiners of Plumbers and Gas Fitters*, No. 25-787 (Feb. 5, 2026) available at <https://advancingamericanfreedom.com/aaf-fights-for-property-rights-it-should-not-be-illegal-for-homeowners-to-fix-their-own-homes/>. See also Brief of Amici Curiae Advancing American Freedom et al., *Benedetti v. Marin County*, No. 25-1241 (June 1, 2026) available at <https://advancingamericanfreedom.com/news-blog/aaf-files-amicus-brief-against-state-imposed-serfdom>.

In these cases, courts below dismissed Petitioners' property rights claims on grounds of prudential unripeness. In doing so, the courts facilitated local burdens on the fundamental, constitutionally protected right to use one's property when those cases were within the bounds of those courts' constitutional jurisdiction.

In *Walls v. Prince George's County*, Garner Walls spent \$40,000 developing land for his retirement home but, after the county permitting office repeatedly assured him that he would receive the requisite permits for his home, the county denied his permit request to install a septic system. Pet. for Cert. in No. 26-107 at 7-8. The county told him that his only option was to seek an amendment through the legislative process of the county's regulation. *Id.* at 8. The Fourth Circuit, however, affirmed the district court's finding that Walls' claim was prudentially unripe because he had not attempted to have the permitting law changed. *Id.* at 10.

In *Tedford's Tenancy v. City of New York*, Lynette and Richard Ciner inherited a mixed-use building in Manhattan that includes six apartments subject to the city's rent control law. Pet. for Cert. in No. 26-110 at 1. Because the cost of operating the building would far exceed the rent the Ciners would be able to charge, and because the building needs an estimated \$1 million in repairs before the units could be rented, the rent control law undermines the economic value of the building. *Id.* However, because the Ciners did not apply for a hardship exemption from the city, for which they were not eligible and which even if granted would not suffice to cover the costs of repairs and

operation, the New York courts dismissed their claim as unripe. *Id.* at 2.

Some regulations of property use are likely constitutional. Others are certainly not. When government regulations burden the personal use of private property for something as basic as building a home or leasing apartments in an apartment building, the risk is high that regulations cross the constitutional line. For rights so fundamental to the system of ordered liberty, Americans should have the benefit of timely judicial review.

As Russell Kirk explained in his book *The Roots of American Order*, the history of western civilization can be traced through Jerusalem, Athens, Rome, London, and Philadelphia. In the societies these cities represent, thinkers recognized the centrality of property to human dignity, liberty, and prosperity.

It is unsurprising, then, that the Founders, students of those same thinkers, saw the right to private property as a core element of liberty and the protection of that right as central to the purpose of government. Likewise, when the Reconstruction Congress passed, and the states ratified the Fourteenth Amendment, they understood that protecting the property rights of all Americans was essential to liberty.

The Court should grant the petition for certiorari and ensure that courts provide a venue for Americans to vindicate these most fundamental of rights.

ARGUMENT

I. Property Rights Are a Foundational Idea in Western Civilization.

Property rights have been essential to America's order, its "systematic and harmonious arrangement,"⁵ and in the development of Western civilization. In his classic work, *The Roots of American Order*, Russell Kirk surveys "the legacy of order received from" key periods of Western history, which Kirk finds exemplified in "Jerusalem, Athens, Rome, and London."⁶

As John Adams understood, American order and Western civilization at large derive their "essential principle[s] of morality" from Jerusalem: "If I were an atheist, and believed in blind eternal fate, I should still believe that fate had ordained the Jews to be the most essential instrument for civilizing the nations."⁷ From the very first chapter of the Pentateuch, the first five books of the Hebrew Bible, the Creator bestows authority and dominion on man. From his first days, it has been man's role to steward creation well.

The Ten Commandments were intended as "liberating rules that enable a people to diminish the tyranny of sin."⁸ These rules include an explicit prohibition on theft.⁹ The concepts of property,

⁵ Russell Kirk, *The Roots of American Order* 5 (1st ed. 1977).

⁶ *Id.* at 5.

⁷ *Id.* at 17.

⁸ *Id.* at 27.

⁹ "You shall not steal." Exodus 20:15 (New American Standard Bible).

ownership, and stewardship were fundamental to the Hebraic law.

In Athens, the next city on Kirk's tour of Western thought, Aristotle considered stewardship and private property essential to justice, the virtue he spent years of his life trying to define. To Aristotle, people "will be equals and partners in a community" when "people still have their own things."¹⁰ Ownership of property is necessary to exchange. Aristotle goes on to describe justice as, in part, when parties distribute their goods in such a proportion that both parties receive their due. Thus, ownership incentivizes good stewardship because bad stewards derive less benefit from their property. Aristotle writes that social strife arises when goods are distributed according to some measure other than merit because "all agree that what is just in distributions ought to accord with a certain merit."¹¹ This is justice in action. Preventing any from receiving what he is due would be an unfair and unjust restriction.

The great Roman statesman Cicero built upon Aristotle's ideas. As an influential senator, Cicero routinely and vigorously opposed agrarian laws that would redistribute property.¹² Further, in his *Topics*, Cicero held that of the two parts of natural law, the first part was the right of each to his own

¹⁰ Aristotle, *Nicomachean Ethics* 101 (Bartlett and Collins trans., University of Chicago Press, 2011).

¹¹ *Id.* at 95.

¹² Neal Wood, *The Economic Dimension of Cicero's Political Thought: Property and State*, 16 Can. J. of Pol. Sci. 739, 743 (1983).

possessions.¹³ Justice James Wilson would later paraphrase and expand upon Cicero’s definition of a republic, writing, while “at the beginning of... American law, with no precedents accumulated under the Constitution,”¹⁴ that a state is “a complete body of free persons united together for their common benefit, *to enjoy peaceably what is their own*, and to do justice to others.” *Chisholm v. Georgia*, 2 U.S. 419, 455 (1793) (opinion of Wilson, J.) (emphasis added).

Finally, “London represents the culmination of these earlier traditions, refining and institutionalizing them into the English common law and constitutional government that directly shaped America’s own legal and political order.”¹⁵ Through London came John Locke, the Enlightenment thinker who argued that property rights are a product of natural law. In Locke’s famous *Second Treatise on Government*, Locke wrote, “[E]very man has a property in his own person: this no body has any right to but himself.”¹⁶ Locke’s conception of property thus echoes and builds upon Aristotle’s reasoning that justice depends on giving to each his due. Specifically,

¹³ *Id.*

¹⁴ Hadley Arkes, *A Natural Law Manifesto or an Appeal from the Old Jurisprudence to the New*, 1268 Notre Dame L. Rev. 87, 3 (2012).

¹⁵ Mike Pence, Ed Feulner, *Rediscovering Order in an Age of Populism*, National Affairs (2025) available at <https://www.nationalaffairs.com/publications/detail/rediscovering-order-age-populism>.

¹⁶ John Locke, *The Two Treatises of Civil Government* 107 (Liberty Fund, Hollis ed. 2011) (1689) available on https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/222/Locke_0057_EBk_v6.0.pdf.

Locke says that “the labour of [a man’s] body, and the work of [a man’s] hands . . . are properly his.”¹⁷ The farmer has a claim on his crops in part because he has given his time and care to the soil. For the flourishing of society and to bring man into accord with the natural law, man must have the ability to steward private property.

While reflecting on the French Revolution in 1790, Edmund Burke wrote that people “have a right to the fruits of their industry; and to the means of making their industry fruitful.”¹⁸ Further, Burke observed, “whatever each man can separately do without trespassing on others he has a right to do for himself.”¹⁹ Like Aristotle, Burke understood that some will not steward their property well and thus will enjoy fewer benefits.

In 1776, as America’s founders were declaring independence, Adam Smith published his seminal work *An Inquiry into the Nature and Causes of the Wealth of Nations*. Smith’s work permeated America’s founding in Philadelphia not long after being printed. Adam Smith’s explanation of markets in *The Wealth of Nations* shaped the way America’s Framers viewed property and government’s role, or the limits of its role, in regulating property.²⁰

¹⁷ *Id.*

¹⁸ Edmund Burke, *Reflections on the Revolution in France* 88 (Regnery Co. 1955) (1790).

¹⁹ *Id.*

²⁰ See, e.g., Samuel Fleischacker, *Adam Smith’s Reception Among the American Founders* 59 William and Mary Quarterly 897, 906 (2002) (“In addition, in his National Gazette essays of the 1790s,

Smith's "division of labor" is a practical application of the notion of stewardship that was articulated by Aristotle and his intellectual descendants. According to Smith, though any given person could only make twenty pins himself in one day, he can contribute to the making of over forty-eight thousand pins in one day when the pin-making process is divided and given to several people.²¹ When conditions allow people to coordinate and take ownership of their tasks, they flourish and create "the universal opulence which extends itself to the lowest ranks of the people."²² Smith, of course, could not have imagined the "opulence" of American life today, 250 years later, the product of such freedom of property and labor.

Considering themselves heirs of the same tradition as Edmund Burke, the American Framers enshrined in the Constitution the millennia-old view of property, in Philadelphia²³, the fifth city in Kirk's moral

Madison's themes, which dealt with demography, fashion and vanity, and the nature of property, reflected Smith's influence and something of his style. The essay on property echoed Smith in criticizing government measures that favored one type of industry over another and in emphasizing the property in labor over the property in the goods one might earn by laboring.").

²¹ 1 Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 15 (The Liberty Fund 1981) (1776).

²² *Id.* at 22.

²³ Philadelphia, the city associated with the culmination of Western thought for establishing justice, was the inspiration for an enduring community. "[Frank] Meyer allied with libertarian Milton Friedman and traditionalist Stanley Parry, to propose . . . creating an organization that would go beyond pragmatic politics to promote a deeper philosophical understanding, which came to fruition in the creation of the

geography. Defending the Constitution in *The Federalist Papers*, “Publius”²⁴ (James Madison) wrote, “Government is instituted no less for protection of the property, than of the persons of individuals.”²⁵ Further, writing in the *National Gazette* in 1792, James Madison said, “Government is instituted to protect property of every sort . . . that alone is a *just* government, which *impartially* secures to every man, whatever is his *own*.”²⁶ Madison affirmed that in order to be just, the government must provide the people with the freedom to steward their property well:

That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations, which not only constitute their property in the general sense of the word; but are the means of acquiring property strictly so called.²⁷

A government that “*indirectly* violates [individuals’] property, in their actual possessions, in the labor that acquires their daily subsistence, and in

Philadelphia Society in 1964.” Donald J. Devine, *Ronald Reagan’s Enduring Principles: How They Can Promote Political Success Today* 146 (The Fund for American Studies 2023).

²⁴ See Brief of Advancing American Freedom et al., *The Babylon Bee, LLC v. Bonta*, No. 25-6138 (9th Cir. Mar. 18, 2026) (discussing the importance of pseudonymous and anonymous speech in the Western tradition).

²⁵ The Federalist No. 54, at 285 (James Madison) (George Carey & James McClellan eds., The Liberty Fund 2001).

²⁶ 1 *The Founders’ Constitution* at 598 (The Liberty Fund).

²⁷ *Id.*

the hallowed remnant of time which ought to relieve their fatigues and soothe their cares . . . is not a pattern for the United States.”²⁸

Nor did the Framers of the Constitution or those who ratified it, and later those who framed and ratified the Fourteenth Amendment, intend to create such a government.

II. The Right to Property is Essential to American Liberty.

The codification of the private right to property extends back centuries in the Anglo-American tradition, not least to the Coronation Charter of Henry I²⁹ and Magna Carta.³⁰ *See Tyler v. Hennepin Cnty.*, 598 U.S. 631, 639 (2023).

“Traditional legal thinkers in both the Roman law and common law tradition constantly insisted on this key proposition: ‘property is the guardian of every other right.’”³¹ In fact, the word “right” itself originally “referred only to a valid title of ownership, such as the title to real estate.”³²

The centrality of property to ordered liberty was understood by “the key writers who set the intellectual framework of our Constitution—John Locke, David

²⁸ *Id.* at 599.

²⁹ Paul Larkin, *The Original Understanding of “Property” in the Constitution*, 100 Marq. L. Rev. 1, 17 (2016).

³⁰ *See generally* W. McKechnie, *Magna Carta, A Commentary on the Great Charter of King John*, 321-26 (rev. 2d ed. 1914).

³¹ Richard A. Epstein, *Supreme Neglect: How to Revive Constitutional Protection for Private Property* 1 (Oxford Univ. Press 2008).

³² *Larkin, supra* note 29, at 18.

Hume, William Blackstone, Adam Smith, and James Madison” all of whom “treated private property as a bulwark of the individual against the arbitrary power of the state.”³³

Blackstone said of the right to property:

There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property; or that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.³⁴

For, “John Locke, whose work greatly influenced early Americans . . . men created civil society to protect ‘property’ along with the closely related concepts of life and liberty.”³⁵

America’s Founders fought the Revolution “to *preserve* the rule of law and the freedoms enjoyed by the Framers’ generation as Englishmen,” one of which “was the ability to acquire and enjoy the use of private property.”³⁶ “Most Colonists owned property,” and early Americans “saw ‘life, liberty, and property’ as ‘the fundamental trinity of inalienable rights,’ rights that ‘individuals could never renounce.’”³⁷

³³ Epstein, *supra* note 31, at 6.

³⁴ Richard A. Epstein, *Takings* 22 (Harvard University Press 1985).

³⁵ Larkin, *supra* note 29.

³⁶ *Id.*

³⁷ *Id.* at 31 (quoting Jack N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* 290 (1996)).

According to Hamilton, “the security of Property” was “one of the ‘great obj[ects] of Gov[ernment].” *Kelo*, 545 U.S. at 496 (O’Connor, J., dissenting).

For James Madison, property “include[d] even one’s opinions and beliefs.”³⁸ According to Madison, “personal rights including property are an ‘essential object of the laws’³⁹ necessary to the promotion of free government.”⁴⁰ Accordingly, Madison argued that a government is not just if “the property which a man has in his personal safety and personal liberty, is violated by arbitrary seizures of one class of [persons] for the service of the rest.”⁴¹ Madison, further:

[C]riticized a government that used
“arbitrary restrictions, exemptions, and
monopolies” to “deny to part of its

³⁸ David Schultz, *Political Theory and Legal History: Conflicting Depictions of Property in the American Political Founding*, 37 Am. J. Legal Hist. 464, 476 (1993). The Anti-Federalists, too, though early opponents of the Constitution, had a high regard for one’s opinions and liberty of the press: “It is the opinion of some great writers... that if the liberty of the press... could be rendered sacred...that despotism would fly before it.” Herbert J. Storing, *What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution* 64 (Chicago Univ. Press 1981).

³⁹ “In civilized communities, property as well as personal rights is an essential object of the laws, which encourage industry by securing the enjoyment of its fruits: that industry from which property results, & that enjoyment which consists not merely in its immediate use, but in its posthumous destination to objects of choice and of kindred affection.” James Madison, *Note to His Speech on the Right of Suffrage* (1821) in 1 *The Founders’ Constitution* 601 (The Liberty Fund).

⁴⁰ Shultz, *supra* note 38.

⁴¹ Larkin, *supra* note 29, at 34 (internal quotation marks omitted).

citizens that free use of their faculties, and free choice of their occupations, which not only constitute their property in the general sense of the word; but are the means of acquiring property strictly so called.”⁴²

Thomas Jefferson believed the “true foundation of republican government is the equal right of every citizen, in his person and property, and in their management.”⁴³ John Adams explained that, “[t]he moment the idea is admitted into society, that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.”⁴⁴

George Mason, in the Virginia Declaration of Rights, wrote that “all men are born equally free and independent, and have certain inherent natural rights . . . among which are, the enjoyment of life and liberty, with the means of acquiring and possessing

⁴² *Id.*

⁴³ Letter of Thomas Jefferson to Samuel Kercheval July 12, 1816 available at https://constitution.org/1-History/Founders/tj/ltr/1816/ltr_18160712_kercheval.html. “[I]f a nation expects to be ignorant & free, in a state of civilisation, it expects what never was & never will be. the functionaries of every government have propensities to command at will the liberty & property of their constituents. there is no safe deposit for these but with the people themselves; nor can they be safe with them without information. where the press is free and every man able to read, all is safe.” Letter from Thomas Jefferson to Charles Yancey, in George Nash and Timothy Nash, *Books and the Founding Fathers: And Their Influence on America Today* 74 (Northwood Univ. Press 2026).

⁴⁴ 1 *The Founders’ Constitution* 591 (The Liberty Fund).

property.”⁴⁵ This formulation became “canonical,” being “replicated in four state constitutions.”⁴⁶

The Founders clearly thought the right to property was essential to the garden of ordered liberty they were cultivating.

The right to property was also critical in the argument against slavery in the antebellum period. Abolitionist Senator Charles Sumner, for example, argued that slavery was “a local municipal institution which derives its support exclusively from local municipal laws” and that slaves were “persons,” not property.⁴⁷ Thus, the alleged property right of the slaveholder was distinct from “that property which is admitted to be such by the universal law of nature, written by God’s own finger on the heart of man.”⁴⁸

The right to property was also a core tenet of Reconstruction era efforts to protect the rights of freed former slaves. Congress passed the Civil Rights Act of 1866 as an exercise of its enforcement power under the Thirteenth Amendment to ensure that all citizens enjoyed equal rights under state law, among other

⁴⁵ The Virginia Declaration of Rights § 1.

⁴⁶ Randy E. Barnett, *Three Keys to the Original Meaning of the Privileges or Immunities Clause* 43 Harv. J. of Law and Pub. Pol’y 1, 3 (2020).

⁴⁷ Senator Charles Sumner, *The Landmark of freedom. Speech of Hon. Charles Sumner, against the repeal of the Missouri prohibition of slavery north of 36° 30’.* In the Senate, February 21, 1854 available at <https://tile.loc.gov/storage-services/service/rbc/rbaapc/28500/28500.pdf>.

⁴⁸ *Id.*

things, “to inherit, purchase, lease, sell, hold, and convey real and personal property.”⁴⁹

Concerned both that the Act would be repealed once southern Democrats returned to office and that it might be scrutinized in court on constitutional grounds, “many in Congress supported a parallel effort to adopt a constitutional amendment to make the freedmen United States citizens and to protect the fundamental rights of all United States citizens from being abridged by state governments.”⁵⁰ Which rights? “At least the rights listed in the Civil Rights Act, including the rights ‘to make and enforce contracts, . . . to inherit, purchase, lease, sell, hold, and convey real and personal property.’”⁵¹

For those drafting and adopting the Reconstruction Amendments, the ability of freed slaves to exercise their liberty, including the right to own property, was essential. These Republicans believed that “every person own[s] him or herself,” and has “the inherent right to enter into contacts by which they c[an] acquire property in return.”⁵²

When Senator Jacob Howard defended the Fourteenth Amendment on the Senate floor, he sought to explicate the scope of “privileges and immunities” by, in part, quoting from Justice Bushrod Washington’s opinion in *Corfield v. Coryell*, 6 F. Cas. 546, 551-52 (C.C.E.D. Pa. 1823) (No. 3,230), itself a

⁴⁹ Barnett, *supra* note 46, at 4.

⁵⁰ *Id.* at 5-6.

⁵¹ *Id.* at 6.

⁵² Randy E. Barnett, *Does the Original Meaning of the Fourteenth Amendment Protect Economic Liberty?* 94 Miss. L. J. 1225, 1226 (2025).

restatement of Mason’s canonical enumeration.⁵³ Senator Howard recognized the rights to “the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject nevertheless to such restraints as the government may justly prescribe for the general good of the whole.”⁵⁴

Responding to a hypothetical objection, Senator Howard distinguished between these rights, including the right to property, and suffrage. He notes that “[t]he right of suffrage is not, in law, one of the privileges and immunities thus secured by the Constitution,” because “[i]t is merely a creature of law.”⁵⁵ That is distinct from the privileges and immunities of citizenship which, rather than arising from “local positive law,” are “fundamental rights lying at the basis of all society and without which a people cannot exist except as slaves, subject to a despotism.”⁵⁶ In short, without adequate protection for the “fundamental right” “to acquire and possess property,” the people are slaves.

This Court has repeatedly recognized the centrality of one’s hearth and home, a source of comfort and safety for one’s family, to American liberty. In the context of the Fourth Amendment, the Court recognizes “the constitutional interest at stake: the sanctity of a person’s living space.” *Lange v.*

⁵³ Barnett, *supra* note 46 at 3, 6-7. Associate Justice Washington inherited Mount Vernon from his uncle, George Washington.

⁵⁴ CONG. GLOBE, 39th Cong., 1st Sess. 2765 (1866) (statement of Sen. Howard).

⁵⁵ *Id.* at 2766.

⁵⁶ *Id.*

California, 594 U.S. 295, 303 (2021). Constitutionally, the “home is the first among equals,” and the Fourth Amendment’s “very core” is “the right of a man to retreat to his own home and there be free from unreasonable government intrusion.” *Id.* (internal quotation marks omitted) (quoting *Florida v. Jardines*, 569 U.S. 1, 6 (2013); *Collins v. Virginia*, 584 U.S. 586, 592 (2018)). It is a “centuries-old principle’ that the ‘home is entitled to special protection.” *Id.* (quoting *Georgia v. Randolph*, 547 U.S. 103, 109, 115 (2006)).

The right to one’s property is a foundational idea in Western Civilization. Those who played a part in developing that idea contributed to a process that culminated in the American recognition that each person, whatever his social status or personal background, is entitled to the lawful use and enjoyment of his own property. Courts play an essential role in ensuring that people can exercise those rights themselves free from undue regulatory burdens.

This Court should grant certiorari and rule for Petitioners, clarifying that lower courts must hear cases over which they have constitutional jurisdiction without requiring plaintiffs to clear useless administrative hurdles before they are entitled to relief.

CONCLUSION

For the foregoing reasons, the Court should grant the petition for certiorari.

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