

Marks of Tyranny

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It pays to contest petty (as well as major) civil and criminal charges that your local and state governments lay against you. Sometimes you get off.

People have used some pretty “out there” arguments in their own defense. Example? Risk homeostasis in a speeding case. That was a stretch.

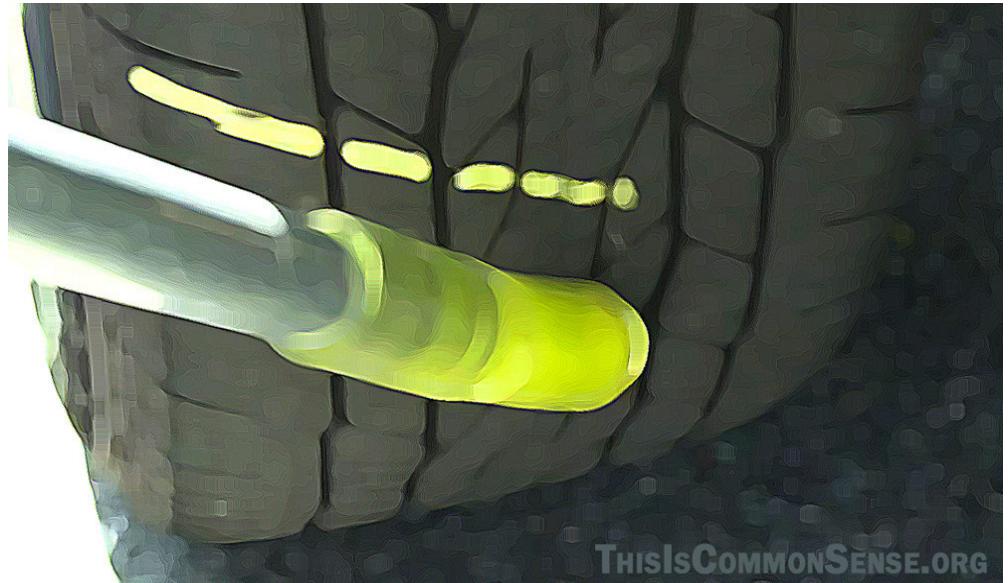
But this Michigan case, though it may seem odd, is as American as Apple pie.

Alison Taylor sued the city of Saginaw over her parking violation citations. Her argument? The Fourth Amendment.

Cities would object, of course, but their best case against such a practice would be the car owners' case: defacement of private property.

You see, the municipality's parking officer had used chalk to mark her (and others') tires. If on a second round the officer sees a car with the mark at the right spot, showing that it had not moved in the allowed period — write up a ticket!

Ms. Taylor had accumulated 14.



So she and her lawyer argued that “using the chalk to mark her tires constituted an unreasonable search without a warrant.”

The U.S. Sixth Circuit Court of Appeals agreed. This traditional method of enforcing parking rules was recognized as an infringement of the right of the people “to be secure in their persons, houses, papers, and effects.”

Trivial? The consequences may not be, as my source for this case, Greg Rasa of Autoblog, points out.

Dubious? Imagine a non-legal way to fight the chalk-mark method — non-officers chalking car tires with multiple marks indistinguishable from the officers'. Cities would object, of course, but their best case against such a practice would be the car owners' case: defacement of private property.

Yes, if the saboteurs' marks are defacement, so are the city's.

Justifying the appellate court's ruling.

Chalk one up for constitutionally guaranteed rights?

This is Common Sense. It's Friday! I'm Paul Jacob.