

## Constitution-Free Zones?

November 3, 2021

Depending on the constitutional provision we're talking about, probably every state is (or is at risk of becoming) a "Constitution-free zone."

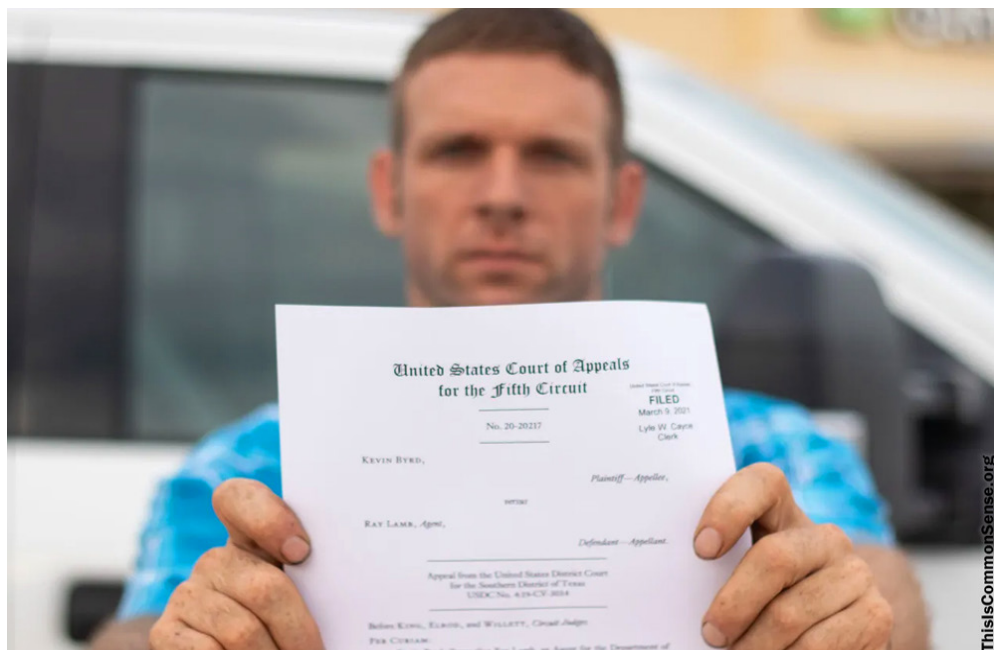
The present case: a court ruling that a dissident judge says is turning Texas, Louisiana, and Mississippi into Constitution-free zones with respect to the crimes of federal officers.

On February 2, 2019, Texas mechanic Kevin Byrd was almost shot at by Ray Lamb, a Homeland Security agent. Lamb was not

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acting in self-defense. Byrd had been asking questions about a car accident in which the mother of his child was injured. A drunk driver was involved: Lamb's son.

Called in by Byrd, the police initially detained Byrd, not Lamb. Fortunately, the assault had been videotaped, and Lamb was soon



arrested instead. Unfortunately, the police let the matter drop.

Byrd sued in federal court. But he was stymied by the 5th U.S. Circuit Court of Appeals, which ruled that federal officials like Lamb have *absolute* immunity, not merely qualified immunity, from prosecution for things like shooting at innocent people.

The Institute for Justice is now representing Kevin Byrd in the litigation. The hope is to get the U.S. Supreme Court to accept the case for review and then determine that, no, federal officers are not entitled to terrorize at will and without legal consequences just because they're feds.

Fingers crossed.

The Supreme Court hasn't exactly covered itself in glory lately when it comes to holding police and other officials accountable for wrongdoing.

This is Common Sense. I'm Paul Jacob.