

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Thomas W. McGee III, Circuit Court Judge

Trial Court Case No. 2023-CP-40-01850
Appellate Case No. 2025-002437

SOUTH CAROLINA PUBLIC INTEREST FOUNDATION, and JOHN SLOAN,
individually and on behalf of all others similarly situated,

Plaintiffs-Appellants,

v.

SOUTH CAROLINA STATE LAW ENFORCEMENT DIVISION, and
MARK KEEL, in his official capacity as Chief of the South Carolina State Law
Enforcement Division,

Defendants-Respondents.

**MOTION OF THE CATO INSTITUTE FOR LEAVE TO FILE BRIEF AS
AMICUS CURIAE IN SUPPORT OF PLAINTIFFS-APPELLANTS**

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Dated: May 28, 2026

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Under Rule 213, SCACR, the Cato Institute respectfully moves for leave to file the attached *amicus curiae* brief supporting Plaintiffs-Appellants South Carolina Public Interest Foundation and John Sloan.

MOTION FOR LEAVE TO FILE *AMICUS* BRIEF¹

The Cato Institute is a nonpartisan, nonprofit public policy research organization founded in 1977 and dedicated to the principles of individual liberty, limited government, free markets, and the rule of law. Cato's Project on Criminal Justice focuses on constitutional limitations on government power, including surveillance authority. Cato regularly participates as *amicus curiae* in cases presenting significant questions of constitutional law, and has a particular interest in cases that implicate the privacy of ordinary citizens and the proper allocation of power among the branches of government.

This case asks whether the South Carolina State Law Enforcement Division (SLED) may operate a centralized ALPR database that captures and stores the movements of millions of law-abiding citizens without legislative authorization. A decision by this Court on whether SLED may construct and operate comprehensive surveillance infrastructure without legislative authorization will affect, directly or indirectly, the privacy and liberty of all residents of the state. Cato submits the

¹ No part of the proposed *amicus* brief was authored by any party's counsel, and no person or entity other than *amicus* funded its preparation or submission.

attached proposed brief to explain why SLED's ALPR database cannot be left free from legislative constraint and why the authority to determine how ALPR records are collected, retained, and accessed belongs to the General Assembly, not to the agency that operates the system.

First, Cato's brief demonstrates that ALPR databases operated without meaningful external oversight are already being misused by law enforcement. Where agencies are left to police themselves, these powerful surveillance tools have been turned to purposes unrelated to public safety. The circuit court's decision leaves that vulnerability intact, and this Court should have a full understanding of the consequences of self-regulated surveillance databases before affirming that result.

Second, Cato's brief addresses the serious privacy concerns that SLED's database poses for all South Carolinians. These systems collect far more information about law-abiding citizens than about criminals, and the data they generate can expose sensitive details about a person's associations, beliefs, and daily life. Some South Carolinians have already raised alarm about these implications. If left to stand, the decision below would vitiate privacy for anyone who ventures onto a public road.

Finally, Cato's brief explains that the circuit court's decision is not limited in its effect to SLED's existing ALPR program. The same reasoning that permitted SLED to build and operate that database without legislative approval would apply equally to other surveillance technologies that law enforcement agencies are already

developing and deploying. A ruling that forecloses meaningful legislative oversight of ALPR databases effectively does the same for the full range of technologies that may follow, with serious consequences for the future of privacy in the state.

For these reasons, elaborated more in our accompanying brief, we write in support of the Plaintiffs-Appellants and request leave to file an *amicus* brief.

Respectfully submitted,

/s/ Matthew P. Cavedon

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