

Are Civil Forfeiture Laws Basically Legalized Robbery?

A few years ago, *The New Yorker* published an article ([“Taken”](#)) detailing civil asset forfeiture abuses in America.

Sarah Stillman, a staff writer at the magazine and a visiting scholar at NYU, chronicled several examples of citizens stripped of cash, cars, and even homes even though they had not been charged with a crime.

The abuses were so egregious I found them difficult to believe.

Take the case of Jennifer Boatright, a waitress at a bar in Houston bar-and-grill. She, her boyfriend, and her two children were driving down U.S. 59 near the Texas-Louisiana border when they were pulled over for driving in the left lane for a short while without passing. Authorities asked to search the vehicle. Permission was granted. No drugs were found, but some cash was, as was “a marbled-glass pipe that Boatright said was a gift for her sister-in-law.” They were given a choice: 1) face felony charges of money laundering and child endangerment, “in which case they would go to jail and their children would be handed over to foster care,” or sign over the cash.

Which would you choose?

And there is the case of James Morrow, a factory worker who sliced chicken for a living. [Via](#) the New Yorker:

In August, 2007, [Tenaha, Texas] police pulled Morrow over for ‘driving too close to the white line,’ and took thirty-nine hundred dollars from him. Morrow told Guillory that he was on his way to get dental work done at a Houston mall. (The arresting officers said that his “stories of travel” were

inconsistent, as was his account of how much money he had; they also said they detected the “odor of burned marijuana,” although no contraband was found in the car.) Morrow, who is black, was taken to jail, where he pleaded with authorities to call his bank to see proof of his recent cash withdrawal. They declined.

Could law enforcement authorities really be taking the property of citizens who are not even charged with a crime let alone convicted of one? And could it be happening a grand scale?

The answer to both of those questions is yes.

First, it’s important to note that civil forfeiture laws are hardly uniform. In some states, the practice is hardly used at all. In others, it is used widely absent anything that could be called proper oversight.

The laws can be traced to 1984, when Congress passed [the Comprehensive Crime Control Act](#), which allowed states to divvy up with the Department of Justice assets seized during suspected crimes. The program proved to be a cash cow.

The DOJ took in \$27 million in 1985. In 1993 the figure was \$553 million. By 2012, the year prior to Stillman’s article, the figure had reached \$4.2 billion.

Where does the money come from? David Guillory, a Texas-based attorney interviewed by Stillman who represents clients who’ve had their assets seized, said targets are overwhelmingly minority (black or Latino). Usually they are pulled over for a small traffic infraction. Officers oftentimes claim to smell “the odor of marijuana” in a suspect’s vehicle. (Whether or not marijuana is actually found doesn’t seem to matter, one can see from the examples cited above.)

But it’s not just state and local governments who use it. The U.S. government has used it to go after big fish, such as [Kim](#)

[Dotcom](#)'s Megaupload.com. The Cato Institute last year [reported](#) on the fed's move "to seize the defendants' considerable assets in a civil forfeiture action, claiming that the assets are probably connected to the alleged criminal activity."

I highly recommend [reading Stillman's article](#) in its entirety. It's a long piece, but wonderfully written and extensively reported. Each example of civil asset forfeiture cited is a bit more shocking and ridiculous than the last.

And it seems to have made an impact.

Several states—New Mexico, Montana, and Maryland, among them—have passed sweeping legislation to curtail the practice since 2015. Audits or court hearings are being conducted in several other states—including Pennsylvania, where there is [a history of abuse](#), and Hawaii.

Earlier this year [the Supreme Court ruled](#) that authorities do not have the right to freeze the assets that could be used for criminal defense if those assets are not linked to a crime.

Perhaps most importantly, John Oliver ran a scathing piece on the practice. Check it out:

—
Dear Readers,

Big Tech is suppressing our reach, refusing to let us advertise and squelching our ability to serve up a steady diet of truth and ideas. Help us fight back by [becoming a member](#) for just \$5 a month and then join the discussion on Parler [@CharlemagneInstitute](#) and Gab [@CharlemagneInstitute](#)!

Image Credit:
Quietmike.org