

Supremes Deliver Smackdown on Civil Asset Forfeiture

The Supreme Court on Wednesday [unanimously ruled](#) that state and local governments are subject to constitutional prohibitions on “excessive fines” on citizens.

This decision will provide Americans robust constitutional protection against exorbitant fines imposed by local governments.

“For good reason, the protection against excessive fines has been a constant shield throughout Anglo-American history: Exorbitant tolls undermine other constitutional liberties,” Justice Ruth Bader Ginsburg wrote. “Excessive fines can be used, for example, to retaliate against or chill the speech of political enemies. . . . Even absent a political motive, fines may be employed in a measure out of accord with the penal goals of retribution and deterrence.”

[#NEW](#) [#scotus](#) Justice Ruth Bader Ginsburg [#RBG](#) returns to the bench today, after being absent from oral arguments while recovering from lung cancer surgery.

The 85-year-old justice will preside with her eight colleagues at the one-hour oral argument at 10am ET

– Kevin Corke (@kevincorke) [February 19, 2019](#)

Re *Timbs v Indiana* [#SCOTUS](#) ruling: 1. It's gratifying that the Supreme Court unanimously agreed that the Excessive Fines Clause applies to the states, meaning that states can't fine

you in a way that's wholly disproportionate to the offense you commit. [#CatoSCOTUS](#) [#CatoCJ](#)

– Ilya Shapiro (@ishapiro) [February 20, 2019](#)

The ruling is a big win for property rights. Civil asset forfeiture is a widespread and unjust practice that often affects the most vulnerable people in American society.

The Supreme Court's ruling won't end the practice, but it will limit the abuse. The rest of the work will be left up to states and local governments.

As I recently [noted](#), 11 states—California, Connecticut, Iowa, Minnesota, Missouri, Montana, Nevada, New Hampshire, Ohio, Oregon, and Vermont—have laws that prevent law enforcement from seizing property from people who have not been convicted of a crime. Three states—North Carolina, New Mexico, and Nebraska—have abolished civil forfeiture entirely.

You can read more about the practice here:

- [Asset Forfeiture Isn't about Crime. It's about the Money. This Is How We Can Tell](#)
- [I Called Police for Help and They Stole My Car: My Brush with Civil Asset Forfeiture](#)
- [We'd Return Your Seized Property, Except We Already Sold It](#)

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