

A critical Supreme Court victory for property rights

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With each of President Trump's appointments to the judiciary, and especially to the Supreme Court, the activist Left has tried to scare Americans into believing that they are creating judges and courts with no common sense or fairness.

Nothing could be farther from the truth. And clear, non-partisan evidence of this comes through every so often with a ruling that is both revolutionary in nature and broadly agreed to by jurists from widely divergent political backgrounds.

Last week, a unanimous Supreme Court ruled that law enforcement can no longer make grossly disproportionate seizures of property, even from people who owe money after being convicted of crimes.



Tyson Timbs, having pleaded guilty to a drug-related crime, was given a year of home detention and put into a treatment program. But he owed \$1,203 to the State of Indiana. The Hoosier State chose to recoup, through a civil forfeiture action, his obligation by seizing his \$42,000 Land Rover, which he had purchased recently with money that came from the life insurance policy of his deceased father.

Although Justices Neil Gorsuch and Clarence Thomas offered slightly different rationales for reaching the same conclusion, all nine justices agreed that the state cannot simply take seize mountains where molehills are due. This ruling does not deal with the many broader issues of civil asset forfeiture, nor with all the specific abuses of civil asset forfeiture that we have previously written about. But it does at least set a clear limit at one end of the field for seizures that are ridiculously large in response to offenses that are modest. It will have the practical value of limiting the worst abuses.

Writing for the court, Justice Ruth Bader Ginsberg cited the Eighth Amendment's clear language: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." This language, the justices agreed, is binding on not only the federal but also state governments, and it is also applicable to cases like this one.

Despite the seemingly plain dictates of the Bill of Rights, police take property through the practice of civil forfeiture, even from people who have not been convicted and often not even accused of a crime. Those thus expropriated are often forced to fight in court for their own money or goods, often at great expense in time and money. It's unfair, and it flies in the face of this nation's tradition of property rights.

Hopefully, the Supreme Court will have further opportunities to rule in this matter, putting even tighter limits on the practice of civil forfeiture. But for the time being, Americans can breathe easier. State and local law enforcement will be loath to let another case like this one reach the justices, because they know they are likely to lose again by a wide margin.