



Written by [Joe Wolverton, II, J.D.](#) on July 24, 2015

## Oklahoma DA Used Asset Forfeiture Money to Pay His Student Loan

There are state government officials in Oklahoma paying off personal debts and partying with funds seized through the civil asset forfeiture process.

The examples of such deplorable and despotic behavior are shocking to the conscience of friends of liberty. *Reason* reports a couple of the abuses:

An assistant district attorney in the state of Oklahoma lived rent-free in a house confiscated by local law enforcement under the practice of asset forfeiture. His office paid the utility bills. He remained there for five years, despite a court order to sell the house at auction.

Another district attorney used \$5,000 worth of confiscated funds to pay back his student loans.

Believe it or not, those are but a tiny sample of the reports of gross misconduct described in a recent hearing held in the Sooner State legislature looking to get to the bottom of this behavior.

*Oklahoma Watch* published a fuller exposé of the various violations of the law perpetrated by local law enforcement officials.

In several counties throughout Oklahoma, agents of state and local law enforcement — including lawyers working in the district attorney's offices in the state — would confiscate property and then fail to report it or record it. Then, even worse, they would use the appropriated property to pay off personal debts.

One state lawmaker is fed up with the practice and wants to cut it off immediately.

"The more I learn about it, the more upset and outraged I get that we've allowed this process to get to where it's at," said State Senator Kyle Loveless, the sponsor of a bill that would clamp down on asset forfeiture. "Your property is considered guilty until proven innocent. It is up to the individual to petition the government after they've seized it to prove that it is innocent. To me, that, on its face, is un-American."

He's right.

Civil asset forfeiture is an assault on several of the most fundamental individual liberties.

The practice, as described by *Oklahoma Watch*: "Forfeiture involves law enforcement agencies seizing private property and money believed to have been used in drug trafficking or other crimes. After the assets are forfeited in court, authorities can keep the money or property even when the suspect is never convicted or charged."





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In an earlier statement, Loveless criticized this despicable miscarriage of justice. "Reform of civil asset forfeiture is not a partisan issue," he explained. "It is a constitutional issue. Justice should be dealt out in a courtroom, not on the shoulder of a highway," he said.

Civil forfeiture procedures are based on the premise that a person's property can be complicit in the commission of a crime. This is laughable and legally unreasonable. The Constitution was specifically written to protect citizens from this and all other forms of unreasonable searches and seizures (Fourth Amendment), as well as to place due process protections between the governors and the governed (Fifth Amendment).

As is the frequent habit of those who participate in such practices, several law-enforcement officials and representatives of the district attorney's general offices are criticizing Loveless and touting the necessity of asset forfeiture in the fight against crime.

*Oklahoma Watch* reports on the opposition:

Law enforcement officials counter that forfeiture is necessary to combat drug trafficking and say that abuses are rare. They say Loveless is hyping the issue and using scare tactics to push his bill.

"I'm very concerned that's the line he's taking in that," said District Attorney Greg Mashburn, who represents Cleveland, Garvin and McClain counties and sits on the commission overseeing the Oklahoma State Bureau of Narcotics and Dangerous Drugs. At the commission meeting Tuesday, he referred to statements that Loveless made Monday about forfeiture misuses during a Garvin County Republican meeting.

"That may be something we need to address at our next quarterly (commission) meeting, just to stay on top of it, because it's going to be an issue that we need to address and educate people on. They're telling scary stories on the other side, and it's just not accurate," Mashburn said.

Yes, let's kick the can down the road and discuss this at some future meeting. Meanwhile, money and property is illegally seized and spent by agents of the state government.

Some advocates of the current forfeiture culture weren't quite as quibbling as Washburn.

As *The New American* [reported in May](#), "Canadian County (Okla.) Sheriff Randall Edwards was especially vocal against the legislation introduced by Loveless, calling it the 'most asinine and devastating bill I have ever seen for this state and local law enforcement.'"

Should Loveless's bill become law, money and property seized would be forfeited only if the owner were found guilty of the crime of which he was accused.

It is telling that such a requirement should have to be specifically spelled out in the law and that a county sheriff would describe such a prohibition on property seizure as "asinine."

What is perhaps the most revolting facet of the forfeiture tale is the unsurprising participation in the practice by the federal government.

As the *Washington Post* reports:

Since 2008, thousands of local and state police agencies have made more than 55,000 seizures of cash and property worth \$3 billion under a civil asset forfeiture program at the Justice Department called Equitable Sharing.

The program has enabled local and state police to make seizures and then have them "adopted" by



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federal agencies, which share in the proceeds. It allowed police departments and drug task forces to keep up to 80 percent of the proceeds of adopted seizures, with the rest going to federal agencies.

With this kind of money up for grabs, it is little wonder that the plague of asset forfeiture has spread across the 50 states.

Paul-Martin Foss, president and executive director of the Carl Menger Center for the Study of Money and Banking, an Arlington, Virginia-based think tank dedicated to educating the American people on the importance of sound money and sound banking, wrote: "Hardly a week goes by without a mention of some innocent person who is arrested and/or imprisoned for violating an unconstitutional law, an arcane regulation, or simply being in the wrong place at the wrong time. For completely innocuous conduct, they find themselves at the mercy of an uncaring, unfeeling bureaucratic apparatus that chews them up and spits them out."

As with so many of the other ongoing assaults on the vestigial liberty enjoyed by Americans, civil asset forfeiture is justified by its perpetrators as a means of keeping the people safe.

Senator Loveless told *Oklahoma Watch* that his bill should come up for an "interim study" sometime in September.

In the meantime, money and property will be subject to seizure. And, although the suspected "criminal" will be "free to go," his money will have to stay behind.



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