



Written by [Warren Mass](#) on October 24, 2017

Sessions Sees Civil-asset Forfeiture as “Key Tool” for Law Enforcement

During an address to the International Association of Chiefs of Police in Philadelphia on October 23, Attorney General Jeff Sessions (shown) said he has designated the brutal MS-13 gang as a priority for the Justice Department’s Organized Crime Drug Enforcement Task Forces. While conservatives will applaud that effort, a second proposal included in Sessions’ speech will infuriate constitutionalists.



Sessions observed that our state and local partners in law enforcement are our strongest allies, our greatest resources, and that they deserve his department’s support.

If he had ended there, there would have been few problems, but he went on to say:

That’s why, in July, we reinstated our adoptive sharing program, ensuring that criminals will not be permitted to profit from their crimes. As President Trump knows well, civil asset forfeiture is a key tool that helps law enforcement defund organized crime, take back ill-gotten gains, and prevent new crimes from being committed, and it weakens the criminals and the cartels. In departments across this country, funds that were once used to take lives are now being used to save lives.

Sessions explained that the Justice Department is establishing a department to oversee civil-asset forfeiture in order to “maintain public confidence.” (This sounds more like a public-relations program to diffuse the inevitable objections to civil-asset forfeiture that are likely to arise from people across the political spectrum, from libertarians to constitutionalists to classical liberals.) Sessions stated, “I directed Deputy Attorney General Rosenstein to appoint a Director of Asset Forfeiture Accountability to oversee the Department’s asset forfeiture program and ensure no errors or overreach.”

The New American has published two articles this year that included sound arguments that civil-asset forfeiture is in violation of constitutional principles. “[Is Tide Turning Against Civil Asset Forfeiture?](#)”(June 2017) cited a highly-respected constitutionalist:

One person particularly aghast at the injustices associated with civil asset forfeiture is U.S. Supreme Court Associate Justice Clarence Thomas, who began questioning the legality of civil asset forfeiture in 1993, only two years after he had taken his place on the High Court, in the case of *U.S. v. James Daniel Good Real Property*. Five years after Good had completed a prison sentence for drug possession, federal marshals seized his home in Hawaii, without any notice or legal proceedings. Thomas opined that he was “disturbed by the breadth of new civil-forfeiture statues,” and he and other justices ruled in favor of Good.

The second [article, posted in September](#), personally addressed the source of today’s discussion on CAF — Attorney General Sessions.

The article started off by observing that In July, Sessions told the National District Attorneys



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Association in Minneapolis that he was not only opposed to the national effort to rein in civil asset forfeiture (CAF), but that he was issuing a new directive to *increase* the number of police seizures of cash and property from individuals not convicted of any crime.

Sessions' action was not accepted without strong objections, however. The article noted that he "was dealt a strong rebuke from the U.S. House of Representatives. In a voice vote, indicating overwhelming support, the House approved an amendment to the Make America Secure and Prosperous Appropriations Act by Representative Justin Amash (R-Mich.) that will, if likewise passed by the Senate, nix Sessions' plan.

Amash's amendment received bipartisan support.

The article included a strong constitutional argument against CAF:

The late Congressman Henry Hyde contended that CAF also violated the Eighth Amendment, which prohibits "excessive fines." He wrote, "There is no proportionality between the crimes alleged and the punishments imposed" in most cases, citing examples of entire hotels being seized simply because a single room was used, without the knowledge of the owners, for a drug transaction.

Sessions' October 23 speech to the police chiefs gets a mixed review from constitutionalists, therefore. For his proposals to stop the notorious MS-13, he gets an "A" for effort. But his plan to increase the use of civil-asset forfeiture earns him a big "F." The authors of our Bill of Rights would be appalled at this assault on due process and property rights.

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