

Larry Gamble: Civil asset forfeiture reform defends constitutional rights

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Americans love proclaiming Constitutional Rights protect their ability to do things and the heart of it is found as “life, liberty, and the pursuit of happiness.” We also enjoy Constitutional rights that ensure we are protected from wrongly getting charged with criminal activities. Yet, the Fourth Amendment protection that we are secure in our “persons, houses, papers, and effects” gets challenged every day in America.

Every day in America, police officers can help themselves to cash, cars, boats, and houses of Americans who never get charged with a crime. People do have their houses, papers, and other stuff taken without personally being charged with a crime. Sadly, you are not entitled to get your stuff back because of our twisted Civil Asset Forfeiture laws.

The way our Civil Asset Forfeiture laws are applied is surreal. Police can set aside our constitutional protections to seize your property simply by claiming they have a hunch that your property might be related to some sort of criminal activity. No proof required. No tangible evidence required. Just a hunch by the police officer. Maybe, it is triggered by an unknown tell by a drug sniffing dog. You may never get charged with any criminal activity, but they use the hunch of it to seize your stuff. Once they take your property, it is up to you to prove the innocence of your property.

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This perverts our concept of presumption of innocence. It means your money, your cars, and even your house can become the government’s property without a judge

or jury finding the you, the owner, guilty of anything. Because, unlike people; your property does not have constitutional rights. Even if you are charged, you could be found not guilty, have the charges dropped, or get acquitted. That is the end of your personal ordeal. Then, the next step begins. It's up to the owner to prove the government should give that property back to you the rightful owner.

Every time the police seize cash or property, it comes with a promise of upgraded equipment, new tools for investigation, or toys for the department to use.

That reassuring slogan that our police forces are to “serve and protect” has been replaced by “stop and collect.”

Fortunately, there is help on the way. A bipartisan supported bill is being introduced to reform Wisconsin's Civil Asset Forfeiture laws to better protect innocent people an their property. It will require police to return property to people not convicted of a crime. It will enhance protections for people who unwittingly loan their car to a friend then find out the police seized it. These are just two of the benefits of this proposed bill, currently known as LRB-1662. This bill needs public support; our legislators need to hear from real people with a real desire to change our civil asset forfeiture laws to truly defend our Constitutional Rights. Who's against defending our Constitutional Rights?

— *Larry Gamble is a retired US Air Force lieutenant colonel and the communications director for the Wisconsin GrandSons of Liberty.*