

**Police And Prosecutors Have The Incentive  
To Confiscate As Much As Possible**

Not only do police and prosecutors have the power to seize anything you own on the slightest pretext, they also have the incentive. The dirty little secret of the forfeiture racket is that police, prosecutors and judges can benefit *personally* by stealing your property.

Brenda Grantland – America's leading asset forfeiture defense attorney – gives these examples of government greed in her book "Your House Is Under Arrest":

- Suffolk County, New York. District Attorney James M. Catterton drives around in a BMW 735I that was seized from an alleged drug dealer. He spent \$3,412 from the forfeiture fund for mechanical and body work, including \$75 for pin-stripping.
- Warren County, New Jersey. The assistant chief prosecutor drives a confiscated yellow Corvette.
- Little Compton, Rhode Island. The seven member police force received \$3.8 million from the federal forfeiture fund, and spent it on such things as a new 23-foot boat with trailer, and new Pontiac Firebirds.

But that's just the tip of the iceberg. The head of one Los Angeles police forfeiture squad claims his group personally pocketed over \$60 million in seized property.

Why do our courts tolerate these outrageous legalized thefts? Because they get their cut. It's completely legal for confiscated property to be used by police, prosecutors and judges, so long as it's for *official business*. In 1996, a federal district court even ruled that police can personally receive 25% of the value of any confiscated home, car, or business.

**Some Police Will Kill You For Your Property**

In Malibu, California, park police tried repeatedly to buy the home and land of 61-year-old, retired rancher Don Scott, which was next to national park land. Scott refused. On the morning of October 2, 1992, a task force of 26 LA county sheriffs, DEA agents and other cops broke into Scott's living room unannounced. When he heard his wife, Frances, scream, he came out of his upstairs bedroom with a gun over his head. Police yelled at him to lower his gun. He did, and they shot him dead.

Police claimed to be searching for marijuana which they never found. Ventura County DA Michael Bradbury concluded that the raid was "motivated at least in part, by a desire to seize and forfeit the ranch for the government . . . [The] search

warrant became Donald Scott's death warrant."

**We Must Stop Asset Forfeiture Now**

As police confiscations become more and more outrageous, opposition has been mounting. California and several other states defeated draconian forfeiture laws a few years ago, and the Supreme Court rendered several hopeful decisions. But improvement was short-lived.

Federal, state and local governments are again expanding confiscation with little concern for justice. The latest targets: doctors who resist government-controlled medicine . . . Businesses that employ illegal aliens (who sew most clothing and harvest many crops) . . . and gun owners.

Anything you own now can be seized at any time. Every week over 5000 innocent Americans like you now lose their cars, bank accounts, homes or businesses, without ever being charged with a crime.

What can you do to protect yourself? Read books like Brenda Grantland's "Your House Is Under Arrest" (available from ISIL). Demand of your representatives why they're voting for these outrageous laws. Speak out on talk radio, through letters, newspaper editorials, and Internet forums. Contribute to groups that are fighting police confiscation, like ISIL and FEAR.

The fight against civil asset forfeiture is a battle for your freedom and property. If confiscation isn't stopped, liberty and justice will soon be fading memories. Help stop the looting of America now, before it's too late.

\*\*\*\*\*

**Forfeiture Endangers American Rights (FEAR)**  
P. O. Box 33985  
Washington, DC 20033-3985 USA  
tel.: (888) FEAR-001 (332-7001)  
e-mail: [swftl@aol.com](mailto:swftl@aol.com) / website: [www.fear.org](http://www.fear.org)

This pamphlet was originally published in 1993 and revised in May 1997 and again in January 1998. It is part of [ISIL's](http://www.isil.org) educational pamphlet series.

**LIBERTARIAN PARTY OF BROWARD COUNTY**

P.O. BOX 936354  
MARGATE, FLA. 33093  
954.968.4593  
[www.lpbroward.org](http://www.lpbroward.org)



LIBERTARIAN PARTY  
OF BROWARD COUNTY

# THE LOOTING OF AMERICA



## How over 200 Civil Asset Forfeiture Laws Enable Police to Confiscate Your Home, Bank Accounts & Business Without Trial

by Jarret B. Wollstein

Jarret B. Wollstein is a member of ISIL's Board of Directors and a founder of the original Society for Individual Liberty.

**"A police dog scratched at your luggage, so we're confiscating your life savings and you'll never get it back."**

Police stopped 49-year-old Ethel Hylton at Houston's Hobby Airport and told her she was under arrest because a drug dog had scratched at her luggage. Agents searched her bags and strip-searched her, but they found no drugs. They did find \$39,110 in cash, money she had received from an insurance settlement and her life savings; accumulated through over 20 years of work as a hotel housekeeper and hospital janitor. Ethel Hylton completely documented where she got the money and was never charged with a crime. But the police kept her money anyway. Nearly four years later, she is still trying to get her money back.

Ethel Hylton is just one of a large and growing list of Americans – now numbering in the *hundreds of thousands* – who have been victimized by *civil asset forfeiture*. Under civil asset forfeiture, everything you own can be legally taken away even if you are never convicted of a crime.

Suspicion of offenses which, if proven in court, might result in a \$200 fine or probation, are being used to justify seizure of tens or even hundreds of thousands of dollars worth of property. Totally innocent Americans are losing their cars, homes and businesses, based on the claims of anonymous informants that illegal transactions took place on their property. Once property is seized, it is virtually impossible to get it back.

Property is now being seized in every state and from every social group. Seizures include pocket money confiscated from public-housing residents in Florida; cars taken away from men suspected of soliciting prostitutes in Oregon; and homes taken away from ordinary, middle class Americans whose teenage children are accused of selling a few joints of marijuana. *No person and no property is immune from seizure*. You could be the next victim. Here are some examples:

- In Washington, DC, police stop black men on the streets in poor areas of the city, and "routinely confiscate small amounts of cash and jewelry." Most confiscated property is not even recorded by police departments. "Resident Ben Davis calls it 'robbery with a badge.'" [*USA Today*, 5/18/92.]
- In Iowa, "a woman accused of shoplifting a \$25 sweater had her \$18,000 car – specially equipped for her handicapped daughter - seized as the 'getaway vehicle.'" [*USA Today*, 5/18/92.]

- Detroit drug police raided a grocery store, but failed to find any drugs. After drug dogs reacted to three \$1.00 bills in the cash register, the police seized \$4,384 from cash registers and the store safe. According to the *Pittsburgh Press*, **over 92% of all cash in circulation in the US now shows some drug residue**.
- In Monmouth, New Jersey, Dr. David Disbrow was accused of practicing psychiatry without a license. His crime was providing counseling services from a spare bedroom in his mother's house. Counseling does not require a license in New Jersey. That didn't stop police from seizing virtually everything of value from his mother's home, totaling over \$60,000. The forfeiture squad confiscated furniture, carpets, paintings, and even personal photographs.
- Kathy and Mark Schrama were arrested just before Christmas 1990 at their home in New Jersey. Kathy was charged with taking \$500 worth of UPS packages from neighbors' porches. Mark was charged with receiving stolen goods. If found guilty, they might have paid a small fine and received probation. The day after their arrest, their house, cars and furniture were seized. Based upon mere accusation, \$150,000 in property was confiscated, without trial or indictment. Police even took their clothing, eyeglasses, and Christmas presents for their 10-year-old son.

The incentive for government agencies to expand forfeiture is enormous. Agencies can easily seize property and they usually keep what they take. According to the *Pittsburgh Press*, 80% of seizure victims are never even charged with a crime. Law enforcement agencies often keep the best seized cars, watches and TVs for their "departments", and sell the rest.

How extensive are seizures in America today? *The Washington Post* has reported that the US Marshals Service alone had an inventory of over \$1.4 billion in seized assets, including over 30,000 cars, boats, homes and businesses. Federal and state agencies seizing property now include the FBI, the DEA, the US Marshals Service, the Coast Guard, the IRS, local police, state highway patrols, the Department of Housing and Urban Development, FDA, and the Bureau of Land Management. Asset forfeiture is a growth industry. Seizures have increased from \$27 million in 1986, to over \$644 million in 1991 to over \$2 billion today.

Civil asset forfeiture defines a new standard of justice in America; or more precisely, a new standard of injustice. Under civil seizure, property, *not an individual* is charged with an offense. Even if you are a totally innocent owner, the government can still confiscate your "guilty" property.

If government agents seize your property under civil asset forfeiture, you can forget about being innocent until proven guilty, due process of law, the right to an attorney, or even the right to trial. All of those rights only exist if you are charged with a *criminal* offense; that is, with an offense which could result in your imprisonment. If you (or your property) are accused of a *civil* offense (offenses which could not result in your imprisonment), the Supreme Court has ruled that you have no presumption of innocence, no right to an attorney, and no protection from double jeopardy.

Seizure occurs when government takes away your property. *Forfeiture* is when legal title is permanently transferred to the state. To get seized property returned, you have to fight the full resources of your state or federal government; sometimes both! You have to prove your property's "innocence" by documenting how you earned every cent used to pay for it. You have to prove that neither you nor any of your family members ever committed an illegal act involving the property.

To get a trial, you have to post a non-refundable "bond" of 10% of the value of your property. You have to pay attorney fees – ranging from \$5,000 to over \$100,000 – out of your own pocket. Money you pay your attorney is also subject to seizure (either before or after the trial) if the government alleges that those funds were "tainted." And you may be forced to go through trial after trial, because under civil seizure the Constitutional protection against "double jeopardy" doesn't apply. Once your property is seized, expect to spend years fighting government agencies and expect to be impoverished by legal fees – with no guarantee of winning – while the government keeps your car, home and bank account.

In fact, in a recent Supreme Court decision (*Bennis v. Michigan*), the Court said explicitly that innocent owners can be deprived of their property if it's used to facilitate a crime, even without the owner's knowledge or consent. That means you can now lose your home or business because of the action of employees, relatives, or guests, over whom you have absolutely no control.