



Dem Senator Says Due Process 'Killing Us'

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The Fifth Amendment to the U.S. Constitution reads, "No person shall ... be deprived of life, liberty, or property, without due process of law...." Senator Joe Manchin isn't sure the belief that one is innocent until proven guilty is always such a good idea. On Thursday, The West Virginia Democrat said the principle of due process is "killing us."

"The problem we have—and really, the firewall we have right now, is due process. It's all due process. So we can all say, 'yeah, we want the same thing,' but how do we get there. If a person is on a terrorist watch list like the gentleman—the shooter—in Orlando, he was, twice by the FBI, we were briefed yesterday about what happened. But that man was brought in twice. They did everything they could. The FBI did everything they were supposed to do. But there was no way for them to keep him on the nix list or keep him off the gun buy list. There was no way to do that. So can't we say that if a person is under suspicion, there should be a five year period of time that we have to see if good behavior, if this person continues the same traits? Maybe we can come to that type of an agreement. But due process is what's killing us right now."

Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute, took issue with Manchin's statements in an interview with THE WEEKLY STANDARD. "Government can't deny us our life, liberty, or property without due process of law," Shapiro said. Here's more:

With all due respect, due process is the essential basis of America. The Constitution was established to "secure the blessings of liberty"—that's the whole purpose of our government—and that government can't deny us our life, liberty, or property without due process of law. If the government wants to deny someone's liberty, it better have an awfully good reason and it better be ready to defend itself in court immediately—akin to what happens when someone is arrested or involuntarily committed. Otherwise, we'd live in a world where perhaps there's less crime, but also life isn't worth living. Senator Manchin may want to live in a police state, but few of us would want to join him there.

Radio host Rich Zeoli eloquently [addresses](#) the subject on CBS Philadelphia.

There is a fundamental concept enshrined in our justice system that one is innocent until proven guilty. The Due Process clause of the Constitution provides that the government can't

just arbitrarily take away your rights. In the wake of the Orlando terror attack, Democrats are once again showing their true authoritarian stripes as they want to take away the Constitutional rights of millions of Americans, many of whom are Muslim, without a judge or jury.

If you're wondering what happens when due process is set aside, civil asset forfeiture provides a dark lesson. In Forbes, George Leef explains that civil asset forfeiture is a [practice](#) by which government seizes "property from someone on suspicion that it was in some way connected with a crime."

"The individual need not ever be convicted or even charged, but won't get the property back without going through legal procedures which place the burden of proving innocence on him."

Just as Manchin claims suspending due process will enable authorities to prevent events like the Orlando shooting, Leef notes that, "Officials say that civil asset forfeitures help them fight crime and the drug war in particular. Whether or not that is true is beside the point when innocent people are deprived of property without due process of law. Those who enforce the law must be constrained by the rule of law."

Civil asset forfeiture is often abused. In one [instance](#), a routine traffic stop in Oklahoma turned into the police seizing tens of thousands of dollars from the manager of a Christian band. In another instance, government used the practice to [seize](#) more than \$446,000 from a family business on Long Island. In neither of these instances were the people ever charged with a crime.

While it is unclear whether or not suspending due process could have prevented the tragedy in Orlando, it is clear that government abuse follows the suspension of due process.