

Offshore Asset Protection BLOG - Bob Bauman

That's The Way It Looks From Here

May 12, 2010

Policing for Profit: the Scandal of Civil Forfeiture

"Much of what you may have learned in school or college about your rights and liberties no longer applies. Increased government and police powers, rising criminal activity and violence, popular anxiety about drug use--all have become justifications for curtailing the application of the Bill of Rights and the individual security it once guaranteed."



With those words my late House of Representatives colleague and good friend, **U.S. Rep. Henry Hyde** of Illinois, (left) opened the 1995 book which I helped him author, *Forfeiting Our Property Rights*, published by the Cato Institute.

Billions Grabbed

Between 1985 and 1993, the U.S. Department of Justice alone seized assets worth \$3.2 billion. State and local police had grabbed billions more. So bad was this police plunder by 1995 that our Cato book helped spur major civil forfeiture legislative reforms sponsored by Rep. Hyde.



By then abuses of forfeiture had become a national scandal, not least because law enforcement agencies got to keep the property and cash they seized, a major conflict of Interest. (They still do).

So appalling were the abuses that Rep. Hyde, then chairman of the House Judiciary Committee, led a reform effort resulting in the passage of the Civil Asset Forfeiture Reform Act of 2000 (CAFRA).

Unfortunately two years later, in the political panic after the 9-11 terrorist attacks, the PATRIOT Act, drafted in secret and adopted by Congress without being read, weakened some of those Hyde CAFRA reforms.

Police Slush Fund

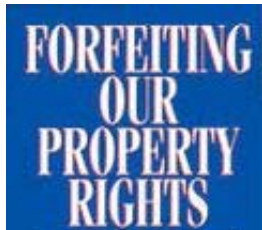


In 200, for the first time, the U.S. Dept. of Justice's Assets Forfeiture Fund held more than \$1 billion in net assets -- that is, money forfeited from property owners and available as a slush fund for federal law enforcement activities. A similar fund at the U.S. Treasury held more than \$400 million in net assets in 2008. By contrast, in 1986, the year after the AFF was created, it took in just \$93.7 million in deposits.

The looting goes on. U.S. law enforcement seized over one billion dollars more during 2009.

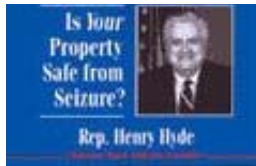
Your Money & Your Life

To this day most Americans don't realize the U.S. government can take people's homes, land, cars, and money without charging them with a crime -- and the burden of recovery is on the property owners! State and local governments also seize property in this way.



The legal doctrine underlying forfeiture holds that property implicated in crime can be seized even if its owner is never charged or tried. In 80% of such cases in America, the property owner is never charged.

That is because the civil forfeiture law lets government and police take property that is merely *suspected of* having been used in or *related to* a crime. Unlike *criminal* asset



forfeiture, however, with *civil* forfeiture, a property owner need not be found guilty of a crime, or even charged, to permanently lose your cash, car, home or other property

Forfeiture Endangers American Rights

I and others involved in civil forfeiture reform, such as the leading reform organization, **Forfeiture Endangers American Rights (FEAR)**, are well aware that the Obama administration is continuing this unfair policy of looting the property of innocent Americans.

In this era of Obama's multi-year, trillion dollar deficits and a \$13 trillion plus nation debt, it appears that the government has again turned to civil forfeiture as a major cash cow -- along with deficit spending and higher taxes.

New Facts: Old Abuses



According to a new report from the **Institute for Justice**, government civil asset forfeiture remains as one of the worst abuses of property rights in our nation today. The Institute's new national study on civil forfeiture abuse, entitled *Policing for Profit: The Abuse of Civil Asset Forfeiture* is available on the net for download.

You should know that the U.S. government has been trying to export its forfeiture techniques worldwide, encouraging police in other countries to join the American property confiscation frenzy.

If you are planning to take advantage of offshore asset protection, check to see how safe your money is in a particular country under local forfeiture laws or mutual legal assistance treaties (MLATs) with the U.S. Under a few treaties the U.S. government has broad powers to seize and forfeit property located in other countries.

Be Prepared



Brenda Grantland, probably the leading U.S. anti-forfeiture defense attorney, heads FEAR, and our own **Mark Nestmann** is a board member, (as I used to be). I recommend them highly as a source of information and advice.

[Click here for information](#) about how forfeiture could impact you and your property, and for ways and means to protect against seizure.

Bob Bauman

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* Learn about "going offshore," offshore bank accounts and legitimate and legal offshore financial centers -- in my new 4th edition of ***Where to Stash Your Cash Legally: Offshore Financial Centers of the World***. [Find out how here](#).

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"Much of what you may have learned in school or college about your rights and liberties no longer applies."

Part of the problem is that this is no longer taught in many, if not most schools.

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Posted by: J | May 13, 2010 at 09:55 AM

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