

Context

Attached is an essay I submitted as a high school senior to the Indiana University equivalent of the Morehead-Cain. The prompt for that year was to both *formulate* a question that “thoughtful” people disagree about, *and then to answer it*, so I decided to convert a side interest that I had already been taking re: the “Timbs v. Indiana” Supreme Court case and the incorporation of the excessive fines clause into a fellowship submission. Please excuse the strange formatting I used to list my references; I had to submit my response in plaintext, under a character limit. The original prompt is below.

Please formulate a question about an issue of significance about which thoughtful people disagree. Then in an original essay of approximately 600 to 800 words, present your analysis of the issue and your response to the question, noting the strongest competing arguments.

Please pick a topic that tells us more about yourself and your interests. We recommend that you stay away from topics that everyone has an opinion about and that have no relation to your nomination.

Our faculty committee will place special emphasis on:

- The significance and clear focus of the question you pose
- Your account of competing arguments
- The quality of the evidence, thinking, and writing shown in your analysis and response

I won the Wells and was told that I could attend any school within IU - no questions asked, no application necessary, no tuition or expenses charged. My finalist interview had been with Tim Lemper, a Truman Scholar from Indiana. The Wells Scholars director later said that Lemper described me as the most impressive interviewee he had in ‘years.’

Interestingly enough, I met Indiana Supreme Court Justice Steven David a semester later during an upperclassman judicial politics class I took at Indiana University. He was the last person I ever shook hands with before the COVID-19 pandemic!

The Question I Posed

Provisions of the Bill of Rights have been applied to the states over the years through a constitutional process known as incorporation. In 2019, the Eighth Amendment's clause against excessive fines was finally incorporated through the Supreme Court ruling "Timbs v. Indiana", spurring renewed conversation over civil forfeiture policies and property protections in the United States.

Legal scholars are divided over the impact of the "Timbs" ruling. For example, some argue that "Timbs" strengthens property rights, while others argue that the case doesn't establish clear legal guidelines surrounding the excessive fines clause. So, is the "Timbs v. Indiana" ruling of any significance to American jurisprudence? Why or why not?

Why I Am Interested

"Here we are in 2018, still litigating the incorporation of the Bill of Rights. Really? Come on, General." I became interested in *Timbs v. Indiana* after seeing newspaper articles mention that Supreme Court Justice Neil Gorsuch had uttered this phrase to my home state's Solicitor General [during oral arguments](#).



The Response I Developed

In early 2013, a Hoosier from Marion, Indiana named Tyson Timbs followed the advice of a police informant and began selling drugs to fund his opioid addiction; his only two sales were to undercover officers that later arrested him on heroin distribution charges worth less than \$400 [A]. The vehicle Timbs used to sell the contraband became state property following his arrest through a process called civil forfeiture, which allows law enforcement to take assets they believe have been used in a crime [B]. However, because the maximum fine for Timbs' transgression under Indiana law was only \$10,000 (well below the cost of his \$42,000 Land Rover), Timbs sued the State of Indiana claiming a violation of his Eighth Amendment right against excessive fines. The Indiana government disputed Timbs' claim in a case that eventually reached our nation's highest court [B].

In the spring of 2019, the Supreme Court ruling "Timbs. v. Indiana" found that the Eighth Amendment's clause against excessive fines was in fact an incorporated protection applicable to the fifty states. [C] Although there is some scholarly debate over the significance of the case on American jurisprudence, this essay asserts that the "Timbs" ruling is significant because it introduces many notable reforms derived from the Constitution's excessive fines clause to the states. After all, many political commentators,

including Vox contributor German Lopez, have noted that the “Timbs” case deters state or local governments from improperly using fines as a means of revenue. [D] Furthermore, the “Timbs” ruling makes it increasingly difficult for states to levy fines in order to “retaliate or chill the speech of political enemies”, in the words of Justice Ruth Bader Ginsburg. [C]

These two reforms resulting from “Timbs v. Indiana” are important. However, the ruling’s blow against unjustified civil forfeiture is probably the most momentous reformation introduced by “Timbs”. After all, there are many documented cases of unlawful abuse of forfeiture in the United States. A 2014 Washington Post investigation [E] found that since 2001, state and local authorities have kept more than \$1.7 billion from people who were not charged with a crime and without a warrant being issued; furthermore, a 2018 article by the Augusta Chronicle found that a local eight-year-old girl had her piggy bank with \$420 worth of birthday money seized after her father was arrested on drug charges [F]. Following the “Timbs” ruling, similar clear abuses of civil forfeiture policy by the states can expect to face court challenges as excessive fines violations, an assertion reiterated by Indiana University McKinney School of Law professor Gerard Magliocca [G]. This is a clear civil rights win for Americans concerned with property rights and government overreach.

Of course, this essay’s assertion on the importance of the “Timbs” ruling is challenged by various counter-arguments. One of these minor counter-arguments is authored by Lisa Soronen, the executive director of the State and Local Legal Center, who wrote in an April 2019 article [H] that with all 50 states already including excessive fines clauses in their constitutions, new federal requirements are redundant. However, Soronen’s argument doesn’t account for the fact that some of these state-level interpretations may differ or even contradict federal interpretations of the excessive fines clause. Therefore, the “Timbs” ruling serves another beneficial purpose in that state constitutions are now required to align with Supreme Court doctrine surrounding the excessive fines clause. A stronger, more relevant counter-argument against the significance of the Timbs ruling claims that the case doesn’t go far enough to establish guidelines around civil forfeiture jurisprudence. After all, the Supreme Court didn’t rule on whether the seizure of Timb’s Land Rover was considered an “excessive fine”; instead, the justices chose to remand the case back to lower Indiana courts. [H] In fact, a news article by Forbes noted that the Supreme Court “grasped” with the definition of what constituted an excessive fine during argument; at one point, Chief Justice Roberts questioned if “it makes a difference” if a property owner was a “multimillionaire” or “impoverished.” [J] Despite the lack of established guidelines, however, these various critics [H] [K] still concede that Timbs v. Indiana “certainly appears to be part of a larger and rising groundswell of change aimed at limiting the reach of asset forfeiture.” [K] Clearly, if critics disbelieve the importance of the “Timbs” ruling, then it is only because they view the case as part of an even larger upcoming movement against prosecutorial abuse in America.



I met Indiana Supreme Court Justice Steven David in the spring of 2020 during an upperclassman judicial politics class offered by Indiana University. He was the last person I ever shook hands with before the COVID-19 pandemic!

References

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