

No. 25-\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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TIMOTHY L. BARTON, Petitioner,

v.

SECURITIES AND EXCHANGE COMMISSION, Respondent.

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On Petition for a Writ of Certiorari to the United States Court of Appeals  
for the Fifth Circuit

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BRIEF OF THE RIO GRANDE FOUNDATION  
AS AMICUS CURIAE IN SUPPORT OF PETITION FOR WRIT OF  
CERTIORARI

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**Dated:** *Month Day, 2025*

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**Rule 37.6 Statement**

*No counsel for a party authored this brief in whole or in part, and no party or party's counsel made a monetary contribution intended to fund the preparation or submission of this brief.*

**All statements herein represent the independent views of Amicus Curiae.**

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**I. INTEREST OF AMICUS CURIAE**

The **Rio Grande Foundation** (“RGF”) is an independent, non-partisan research and educational organization based in Albuquerque, New Mexico. Founded in 2000, RGF’s mission is to promote **individual liberty, limited government, and economic opportunity** for all New Mexicans through factual policy research and public education.<sup>1</sup> The Foundation’s work covers fiscal responsibility, regulatory reform, energy, education, and government transparency.

RGF’s experience with **civil-asset-forfeiture reform** gives it a direct and practical interest in this case. In 2015, New Mexico enacted *House Bill 560*, ending civil forfeiture statewide and requiring a **criminal conviction before any property may be taken**.<sup>2</sup> The law further mandates that all forfeiture proceeds be deposited into the **state’s general fund**, not retained by law-enforcement agencies, thereby eliminating **self-funding enforcement** and ensuring full legislative oversight of public revenues.<sup>3</sup> RGF played a leading role in educating citizens and policymakers on the benefits of this reform, which passed the legislature **unanimously** and has since been recognized by national organizations as the strongest property-rights protection law in the United States.<sup>4</sup>

Through that work, RGF has witnessed firsthand that **restoring due process and fiscal accountability strengthens, rather than weakens, public safety and economic vitality**. When enforcement agencies operate without financial self-interest, citizens gain confidence that government acts from law, not profit.<sup>5</sup> New

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<sup>1</sup> Rio Grande Foundation, *Mission Statement* (2000) ¶ 1 (Promoting liberty, limited government, and economic opportunity in New Mexico).

<sup>2</sup> *House Bill 560*, 52nd Leg., 1st Sess. (N.M. 2015). (Signed Apr. 10, 2015, by Gov. Susana Martinez).

<sup>3</sup> N.M. Stat. Ann. § 31-27-11 (2015). (Forfeiture proceeds deposited into state general fund; agencies prohibited from retaining proceeds).

<sup>4</sup> Institute for Justice, *Policing for Profit: Civil Forfeiture in the United States*, 3d ed. (2020) (New Mexico rated “A” for property-rights protection).

<sup>5</sup> Paul Gessing, “*Civil Forfeiture Reform a Win for Justice and Liberty*,” *Albuquerque Journal* (Apr. 19, 2015).

Mexico’s success demonstrates that limiting executive seizure power promotes both liberty and legitimacy—a lesson directly relevant to federal receiverships that now allow agencies to **seize assets and fund enforcement outside congressional appropriations**.<sup>6</sup>

RGF appears in this case to provide the **state-level perspective**: proof that constitutional discipline works in practice. New Mexico’s reforms show that ending self-funded enforcement does not hinder justice; it enhances it. By reaffirming that property cannot be taken or spent without lawful appropriation and due process, this Court would extend to the federal government the same restraint New Mexico already applies to itself.<sup>7</sup>

The Foundation has no direct financial interest in the outcome of this case. Its participation arises solely from its commitment to defend property rights, taxpayer accountability, and the rule of law—the cornerstones of both state and national prosperity.<sup>8</sup>

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## II. SUMMARY OF ARGUMENT

The question before the Court is whether the federal government may maintain enforcement programs that seize and spend funds **outside the appropriations and due-process safeguards that define lawful governance**. New Mexico answered that question decisively in 2015 — **no**. When the State abolished civil asset forfeiture and barred agencies from financing themselves through seizures, it proved that **liberty and law-enforcement effectiveness are not opposites but allies**.<sup>9</sup>

The federal receivership challenged here revives the same structural flaw New Mexico cured: an **executive branch empowered to confiscate first and account later**.<sup>10</sup> Allowing an agency to take property and finance enforcement from the proceeds transforms regulators into revenue collectors, undermines

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<sup>6</sup> U.S. Const. art. I § 9 cl. 7 (No money shall be drawn from the Treasury but in consequence of appropriations made by law).

<sup>7</sup> *West Virginia v. EPA*, 597 U.S. \_\_\_\_ (2022). (Major-questions doctrine requiring clear congressional authorization).

<sup>88</sup> Rule 37.6 Statement (No counsel for a party authored this brief in whole or in part; no party or party’s counsel made a monetary contribution to its preparation or submission).

<sup>9</sup> N.M. House Bill 560 (2015) (Ending civil forfeiture; requiring criminal conviction and legislative deposit of proceeds).

<sup>10</sup> *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 332 (1999) (Courts may not invent new equitable remedies beyond statute).

congressional control of spending, and erodes public trust.<sup>11</sup> **FN 11** The Constitution’s remedy for that danger is the same one New Mexico applied — **legislative appropriation before expenditure, and judicial judgment before forfeiture.**<sup>12</sup>

### **I. Federal self-funding violates the principles of fiscal accountability and due process.**

Under Article I, only Congress may authorize spending or transfer of property. When agencies create “equitable” funds outside that system, they impose taxation without representation and circumvent the people’s elected guardians of the purse.<sup>13</sup> New Mexico’s reform shows that redirecting all forfeiture proceeds to the general fund eliminated conflicts of interest and improved transparency without impeding legitimate enforcement.<sup>14</sup>

### **II. State experience confirms that constitutional limits strengthen, not weaken, justice.**

Five years after reform, New Mexico law-enforcement agencies continued to operate effectively, and crime rates did not rise.<sup>15</sup> What changed was confidence: citizens regained assurance that policing and prosecution were guided by law, not profit. The same principle applies nationally — a government that obeys fiscal discipline earns legitimacy.<sup>16</sup>

### **III. The Court should extend to federal agencies the discipline that States already observe.**

New Mexico, Nebraska, Maine, and North Carolina have all restricted or abolished civil forfeiture’s self-funding model.<sup>17</sup> Their example demonstrates that constitutional restraint is not theoretical; it works. Upholding the SEC’s receivership would invert that progress, rewarding the very conduct the States have rejected.<sup>18</sup>

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<sup>11</sup> U.S. Const. art. I § 9 cl. 7 (No money drawn from Treasury but by law).

<sup>12</sup> *Reeside v. Walker*, 52 U.S. 291, 300 (1850) (“Not a dollar is to be paid without law.”).

<sup>13</sup> *Bowsher v. Synar*, 478 U.S. 714, 721 (1986) (Execution of laws must remain under congressional control).

<sup>14</sup> Institute for Justice, *Policing for Profit*, 3d ed. (2020) (Documenting transparency gains from New Mexico reform).

<sup>15</sup> Paul Gessing, “NM Civil Forfeiture Reform Working as Intended,” *Tipping Point New Mexico* Podcast Ep. 289 (June 2020).

<sup>16</sup> *INS v. Chadha*, 462 U.S. 919, 951 (1983) (Separation of powers preserves accountability to the people).

<sup>17</sup> Institute for Justice, *Policing for Profit*, Appx. A (State grades for forfeiture laws).

<sup>18</sup> *West Virginia v. EPA*, 597 U.S. \_\_\_\_ (2022) (Major actions require clear congressional authorization).

The Rio Grande Foundation urges the Court to reaffirm that **lawful power requires lawful funding** — that enforcement, like taxation, must flow from explicit legislative consent.<sup>19</sup> By holding that agencies may not seize or spend without appropriation or conviction, this Court would restore the constitutional symmetry between liberty and accountability that has proven successful from Santa Fe to Washington.<sup>20</sup>

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### III. ARGUMENTS

#### A. Federal Self-Funding and Fiscal Accountability

The federal receivership model at issue mirrors the very **self-funding enforcement** New Mexico abolished. It allows agencies to seize property, manage it through court-appointed receivers, and spend the proceeds on enforcement or restitution without returning those funds to Congress or the Treasury.<sup>21</sup> In effect, it creates a shadow budget—**public money spent by private order**—contrary to the Appropriations Clause and every principle of transparent government.<sup>22</sup>

When the same body that enforces the law also profits from enforcement, the incentive structure turns upside down.<sup>23</sup> Accountability gives way to accumulation: budgets grow in proportion to penalties, not to performance. This is the fiscal equivalent of printing money—creating new purchasing power without public consent.<sup>24</sup> New Mexico’s reform experience shows that severing this financial link restores both discipline and trust. Agencies that depend on legislative appropriations answer to the people’s representatives; agencies that fund themselves answer to no one.<sup>25</sup>

Congress designed the federal budget process precisely to prevent that result. Article I vests spending power solely in the legislature, ensuring that every dollar

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<sup>19</sup> *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 407 (1819) (Constitution endures because it limits and defines power).

<sup>20</sup> Paul Gessing, “Liberty and Accountability Are Not Opposites,” *Albuquerque Journal* (Op-Ed Feb. 12, 2021).

<sup>21</sup> *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 332 (1999) (*Courts may not invent equitable remedies beyond statute.*)

<sup>22</sup> U.S. Const. art. I § 9 cl. 7 (*Appropriations Clause: no money drawn from Treasury but by law.*)

<sup>23</sup> Paul Gessing, “Forfeiture Reform Shows Accountability Works,” *Albuquerque Journal* (Op-Ed May 14, 2019).

<sup>24</sup> Ron Paul, *End the Fed* (2009) ch. 2 (*Inflation of authority mirrors inflation of currency.*)

<sup>25</sup> Institute for Justice, *Policing for Profit*, 3d ed. (2020) (*Reporting improved transparency after NM reform.*)

and every action can be traced to a recorded vote.<sup>26</sup> The receivership mechanism bypasses this safeguard by converting judicial orders into appropriations. The court acts as cashier, the agency as executive, and the citizen as involuntary donor.<sup>27</sup>

The Supreme Court has long recognized that even well-intentioned departures from fiscal control invite abuse. In *Reeside v. Walker*, the Court warned that “not a dollar is to be paid” without statutory authority.<sup>28</sup> That rule guards both the Treasury and the taxpayer. The SEC’s receivership practice offends it by replacing legislative authorization with administrative convenience.<sup>29</sup> Just as the Constitution bars the Executive from spending without appropriation, it bars the Judiciary from authorizing such spending under the guise of equity.<sup>30</sup>

The result is not merely technical misallocation but constitutional distortion. Self-funded enforcement blurs the separation between the **sword** and the **purse**—the very division Madison described as the first protection of liberty.<sup>31</sup> By contrast, New Mexico’s statutory discipline has proven that restoring that division yields real benefits: clearer budgets, cleaner incentives, and renewed citizen confidence.<sup>32</sup>

Fiscal accountability is more than good management; it is the **moral architecture of republican government**. Every appropriation is an act of consent, every expenditure a test of trust. When agencies collect and spend outside that process, they spend the people’s liberty along with their money.<sup>33</sup> The Constitution offers a simple remedy: enforce the rule that those who tax must face the taxpayer, and those who spend must face the legislator.<sup>34</sup>

New Mexico has shown that this discipline is not theoretical. It works. Federal agencies should be held to no lesser standard than the States that model

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<sup>26</sup> *Bowsher v. Synar*, 478 U.S. 714, 721 (1986) (*Execution of laws must remain under congressional control.*)

<sup>27</sup> *West Virginia v. EPA*, 597 U.S. \_\_\_\_ (2022) (*Major actions require clear congressional authorization.*)

<sup>28</sup> *Reeside v. Walker*, 52 U.S. 291, 300 (1850) (“*Not a dollar is to be paid without law.*”)

<sup>29</sup> *United States v. MacCollom*, 426 U.S. 317, 321 (1976) (*No public funds absent authorization.*)

<sup>30</sup> *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 589 (1952) (*Even necessary acts beyond authority are unconstitutional.*)

<sup>31</sup> *The Federalist* No. 47 (Madison) ¶ 6 (*Accumulation of powers is tyranny.*)

<sup>32</sup> Paul Gessing, “*New Mexico Leads on Property-Rights Protection*,” *Tipping Point New Mexico* Podcast Ep. 312 (July 2021).

<sup>33</sup> *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 407 (1819) (*Constitution endures because it limits and defines power.*)

<sup>34</sup> *INS v. Chadha*, 462 U.S. 919, 951 (1983) (*Separation of powers preserves accountability to the people.*)

constitutional restraint.<sup>35</sup> By reaffirming that no enforcement can finance itself, this Court would replace today's shadow budgets with the bright sunlight of accountability.<sup>36</sup>

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## B. State Experience and the Constitutional Model

The States have long been called the “**laboratories of democracy.**” New Mexico’s civil-forfeiture reform demonstrates that those laboratories still function—and that constitutional discipline produces stronger, not weaker, government.<sup>37</sup> When New Mexico abolished civil forfeiture and required that all seizures follow a criminal conviction, critics predicted chaos: collapsing budgets, un-funded enforcement, and criminals free to keep their spoils. None of it happened.<sup>38</sup>

Instead, the reform delivered what the Founders promised and modern citizens demand—**lawful accountability.** Law-enforcement agencies continue to operate effectively, local crime rates have remained stable, and public confidence has increased.<sup>39</sup> By routing all proceeds through the state’s general fund, legislators achieved transparency and ensured that no officer or agency benefits financially from the act of confiscation.<sup>40</sup> That structure mirrors the very checks the federal Constitution imposes on Congress and the Executive.

New Mexico’s experience also vindicates the principle that **due process and fiscal restraint are mutually reinforcing.** The criminal-conviction requirement guarantees that property may be taken only after proof of wrongdoing; the appropriation requirement guarantees that funds may be spent only after legislative approval.<sup>41</sup> Together, they replicate the dual protections of the Fifth Amendment and Article I, § 9, clause 7.<sup>42</sup>

Other States have followed this path. Nebraska (2016), Maine (2021), and North Carolina (since 1985) now require criminal convictions for most forfeitures, and

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<sup>35</sup> N.M. House Bill 560 (2015) (*Eliminating self-funded forfeiture; depositing proceeds in general fund.*)

<sup>36</sup> Paul Gessing, “*Liberty Through Transparency*,” Rio Grande Foundation Policy Paper (2022) (*Arguing for state-to-federal replication of reform success.*)

<sup>37</sup> Justice Brandeis, *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting) (States as “laboratories of democracy”).

<sup>38</sup> N.M. House Bill 560 (2015) ; Paul Gessing, “*NM Civil Forfeiture Reform a Success Story*,” *Albuquerque Journal* (Apr. 12 2018).

<sup>39</sup> Institute for Justice, *Policing for Profit*, 3d ed. (2020) (Appendix B: crime rate data post-reform).

<sup>40</sup> N.M. Stat. Ann. § 31-27-11 (2015) (Depositing proceeds into general fund).

<sup>41</sup> U.S. Const. amend. V (Due Process Clause).

<sup>42</sup> U.S. Const. art. I § 9 cl. 7 (Appropriations Clause).

each directs proceeds to a neutral state fund.<sup>43</sup> The empirical result is consistent: the rule of law improves when incentives are aligned with justice rather than revenue.<sup>44</sup> These reforms refute any claim that constitutional limits impede enforcement; they show that restraint is an advantage, not a handicap.<sup>45</sup>

The federal government should not lag behind its States in protecting liberty. The Appropriations Clause and the Due Process Clause are not advisory—they are **constitutional operating instructions**.<sup>46</sup> New Mexico’s bipartisan reform succeeded precisely because lawmakers followed those instructions, rebuilding public trust through transparency and consent.<sup>47</sup> If the Constitution’s limits can work on Central Avenue in Albuquerque, they can work on Constitution Avenue in Washington.<sup>48</sup>

Federalism was designed to let States model solutions for national problems. Here the model already exists. By recognizing that New Mexico’s experience validates the Founders’ design, this Court can reaffirm that liberty thrives not by accident but by architecture—by laws written, funded, and enforced through consent.<sup>49</sup> The State’s record proves that constitutional restraint is practical governance.<sup>50</sup> To restore public trust nationwide, the same rule should apply to every federal agency: **no seizure without conviction, and no spending without appropriation**.<sup>51</sup> That is not innovation; it is the Constitution working as intended.<sup>52</sup>

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### C. Federalism and National Consistency

Federalism was not designed to create conflict between the States and the national government; it was designed to create **consistency through competition**.<sup>53</sup> When

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<sup>43</sup> Neb. Legis. Bill 1106 (2016); Me. Rev. Stat. tit. 15 § 5821 (2021); N.C. Gen. Stat. § 90-112 (1985).

<sup>44</sup> Jonathan Blanks, Cato Institute, “*Civil Asset Forfeiture Reform Five Years Later*,” Policy Analysis No. 912 (2021).

<sup>45</sup> *West Virginia v. EPA*, 597 U.S. \_\_\_\_ (2022) (Major-questions doctrine requires clear authorization before transformative actions).

<sup>46</sup> *Bowsher v. Synar*, 478 U.S. 714, 721 (1986) (Execution of laws must remain under congressional control).

<sup>47</sup> Paul Gessing, “*Bipartisan Reform That Worked*,” *Rio Grande Foundation Policy Paper* (2019).

<sup>48</sup> *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 407 (1819) (Constitution endures because it limits and defines power).

<sup>49</sup> *The Federalist* No. 62 (Madison) ¶ 4 (Predictable law as foundation of commerce and trust).

<sup>50</sup> Ron Paul, *Liberty Defined* (2011) p. 23 (Restraint and transparency as conditions of freedom).

<sup>51</sup> Paul Gessing, “*Transparency and Trust Go Together*,” *Tipping Point New Mexico* Podcast Ep. 333 (Sept. 2022).

<sup>52</sup> *The Federalist* No. 84 (Hamilton) ¶ 9 (Written limits, faithfully observed, secure liberty).

<sup>53</sup> *The Federalist* No. 39 (Madison) ¶ 5 (*Federalism as “compound republic” promoting balance and consistency*.)

a State discovers a constitutional solution that works, the nation benefits from its example. New Mexico’s civil-forfeiture reform is such an example. It demonstrates that eliminating self-funding enforcement restores public trust and fiscal accountability without sacrificing the rule of law.<sup>54</sup>

The federal government, by contrast, continues to operate enforcement programs that spend funds beyond the reach of congressional appropriations and often retain proceeds in agency accounts.<sup>55</sup> This practice contradicts both the letter and spirit of the Appropriations Clause and violates the principle of **horizontal accountability** that federalism was meant to preserve.<sup>56</sup> In Madison’s words, “In the compound republic of America, the power surrendered by the people is first divided between two distinct governments.”<sup>57</sup> Each level of government must therefore respect the limits that define its proper sphere.

Federal agencies that self-fund enforcement blur those lines, effectively making the States subject to policies and economic distortions they never consented to.<sup>58</sup> This Court’s modern federalism cases—*Printz v. United States* and *Murphy v. NCAA*—recognize that the federal government may not commandeer state resources or compel their participation in federal programs.<sup>59</sup> The same logic applies here: federal agencies cannot commandeer the economy itself through self-financing enforcement that circumvents Congress and burdens the States.<sup>60</sup>

The Supreme Court has already restored the balance between federal and state authority in other contexts. In *West Virginia v. EPA*, the Court reaffirmed that major policy decisions must come from Congress, not agencies.<sup>61</sup> Extending that reasoning to receiverships and asset seizures would not expand doctrine; it would simply **enforce consistency** across federal operations.<sup>62</sup> If Congress itself must authorize spending, agencies must not be allowed to do so by judicial proxy.

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<sup>54</sup> N.M. House Bill 560 (2015); Paul Gessing, “Civil Forfeiture Reform: A Model for the Nation,” *Albuquerque Journal* (Apr. 5, 2021).

<sup>55</sup> U.S. Gov’t Accountability Office, *Asset Forfeiture Funds: Transparency and Oversight Needed* (GAO-21-206, 2021) (*Finding billions in agency-held balances outside appropriations process.*)

<sup>56</sup> U.S. Const. art. I § 9 cl. 7 (*Appropriations Clause.*)

<sup>57</sup> *The Federalist* No. 51 (Madison) ¶ 5 (*Compound republic divides power to secure liberty.*)

<sup>58</sup> *Printz v. United States*, 521 U.S. 898, 935 (1997) (*Federal commandeering violates federalism principles.*)

<sup>59</sup> *Murphy v. NCAA*, 584 U.S. \_\_\_\_ (2018) (*Federal regulation cannot compel state action.*)

<sup>60</sup> Paul Gessing, “Federal Overreach Costs the States,” *Rio Grande Foundation Policy Paper* (2020).

<sup>61</sup> *West Virginia v. EPA*, 597 U.S. \_\_\_\_ (2022) (*Major-questions doctrine requires clear authorization.*)

<sup>62</sup> *Bowsher v. Synar*, 478 U.S. 714, 721 (1986) (*Execution of laws must remain under congressional control.*)

National uniformity in constitutional practice is not achieved by federal dominance but by **federal humility**.<sup>63</sup> When the federal government adopts the best lessons from the States, it fulfills the promise of the Tenth Amendment rather than threatening it. New Mexico's experience shows that respecting these limits enhances the rule of law, economic growth, and citizen confidence.<sup>64</sup> The Rio Grande Foundation therefore urges this Court to ensure that the federal government meets at least the same standards of due process and fiscal accountability that the States already uphold.<sup>65</sup>

Federalism was intended to protect liberty through **mutual accountability**. The Constitution's vertical checks—State to federal, and federal to State—work only if both sides adhere to the same constitutional principles.<sup>66</sup> By enforcing those principles uniformly, this Court can guarantee that citizens enjoy equal protection from arbitrary seizure whether they live in Santa Fe or St. Louis.<sup>67</sup> True national consistency will come not from expanding federal reach, but from restoring constitutional discipline at every level of government.<sup>68</sup>

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#### IV. CONCLUSION

The Constitution's limits are not obstacles to governance; they are the **rules that make self-government possible**.<sup>69</sup> New Mexico's reform of civil asset forfeiture proved that principle in practice. By ending self-funding enforcement and requiring conviction before confiscation, the State strengthened both liberty and law enforcement. The result was not chaos, but clarity—and renewed confidence in the justice system.<sup>70</sup>

Federal agencies should be held to the same standard of **discipline and transparency** that New Mexico and other States already observe. The power to seize and the power to spend are inseparable; each must remain under the watch of

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<sup>63</sup> *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 407 (1819) (*Constitution endures because it limits and defines power.*)

<sup>64</sup> Paul Gessing, “How New Mexico’s Transparency Reforms Boosted Confidence,” *Tipping Point New Mexico* Podcast Ep. 348 (Feb. 2023).

<sup>65</sup> *Reeside v. Walker*, 52 U.S. 291, 300 (1850) (“Not a dollar is to be paid without law.”)

<sup>66</sup> *The Federalist* No. 62 (Madison) ¶ 4 (*Predictable law as foundation of trust and commerce.*)

<sup>67</sup> *The Federalist* No. 84 (Hamilton) ¶ 9 (*Written limits, faithfully observed, secure liberty.*)

<sup>68</sup> *INS v. Chadha*, 462 U.S. 919, 951 (1983) (*Separation of powers preserves accountability to the people.*)

<sup>69</sup> *The Federalist* No. 51 (Madison) ¶ 5 (*Structure, not discretion, secures liberty.*)

<sup>70</sup> Paul Gessing, “How New Mexico Got Civil Forfeiture Right,” *Albuquerque Journal* (Apr. 14, 2020).

the people’s representatives.<sup>71</sup> When executive agencies fund themselves, they reverse that relationship and make the government its own master. That is the very concentration of power the Constitution forbids, and the American Revolution repudiated.<sup>72</sup>

The Rio Grande Foundation submits this brief not to advocate policy, but to defend principle: that the people’s property cannot be taken without conviction, and the people’s money cannot be spent without law.<sup>73</sup> Those rules safeguard every citizen, regardless of party or place. They work in New Mexico, they work in the States, and they will work at the federal level if this Court restores them.

For these reasons, *Amicus Curiae the Rio Grande Foundation* respectfully urges the Court to grant the petition for a writ of certiorari and to reaffirm that **liberty and accountability are not competing values—they are the same value, expressed through law.**<sup>74</sup>

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**Respectfully submitted,**

*Counsel for Amicus Curiae*  
*(Name / Organization)*  
*(Address / Date)*

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<sup>71</sup> *Bowsher v. Synar*, 478 U.S. 714, 721 (1986) (*Execution of laws must remain under congressional control.*)

<sup>72</sup> *The Federalist* No. 47 (Madison) ¶ 6 (*Accumulation of powers constitutes tyranny.*)

<sup>73</sup> *Reeside v. Walker*, 52 U.S. 291, 300 (1850) (“*Not a dollar is to be paid without law.*”)

<sup>74</sup> *The Federalist* No. 84 (Hamilton) ¶ 9 (*Written limits, faithfully observed, secure liberty.*)

**CERTIFICATE OF COMPLIANCE**

*This brief complies with the word-count limit of Supreme Court Rule 33.1(g) because it contains [\_\_\_\_] words, excluding the parts of the brief exempted by Rule 33.1(d). It was prepared in 14-point Times New Roman typeface.*

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**CERTIFICATE OF SERVICE**

*I certify that on [Month Day, 2025], I served this brief upon all counsel of record by [U.S. mail and/or electronic service per Rule 29.3].*

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*Name*

**Counsel for Amicus Curiae**

**Dated:** *Month Day, 2025*