



Phone: 202.783.3870
Fax: 202.942.7649

www.freedomworks.org

May 24, 2016

400 North Capitol Street, NW
Suite 765
Washington, DC 20001

Support the Due Process Act, H.R. 5283

As one of over 5.7 million FreedomWorks activists nationwide, I urge you to contact your representatives to encourage them to support H.R. 5283, the Detering Undue Enforcement by Protecting Rights of Citizens from Excessive Searches and Seizures Act, or Due Process Act.

Introduced by Rep. Jim Sensenbrenner (R-Wis.), the Due Process Act brings necessary and long overdue reforms to federal civil asset forfeiture laws to protect innocent property owners from this form of government overreach. The last significant effort to reform federal forfeiture laws came in 2000, through the Civil Asset Forfeiture Reform Act, or CAFRA. As we have seen through numerous documented abuses of federal forfeiture laws, the previous effort fell far short of its goal. The Due Process Act will address many of these issues and offer protections in federal forfeiture laws that restore guaranteed rights under the Fifth Amendment.

Under current federal forfeiture laws, an individual does not need to be arrested, charged, or even convicted of a crime for the government to permanently seize items believed to be connected to criminal activity. Worse yet, the evidentiary standard needed to subject property to forfeiture is incredibly low – a preponderance of the evidence, or a 51 percent likelihood that the information presented is true – and the presumption of innocence is thrown out of the window, as the burden of proof falls on the property owner not the federal government.

The Due Process Act would require the federal government to produce clear and convincing evidence, the highest standard in civil court, to subject property to forfeiture and place the burden of proof on the federal government. In addition to these protections for innocent property owners, the bill would make much-needed procedural reforms, such as providing legal counsel to indigent claimants and allowing for easier recovery of legal fees when the property owner prevails in court.

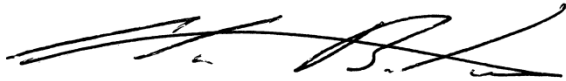
The bill also codifies the Department of Justice's March 2015 administrative changes related to the Internal Revenue Service's egregious abuse of federal forfeiture and structuring laws. This provision ensures that no future administration will be able to reverse the policy and that innocent business owners will not see their bank accounts seized and subjected to forfeiture.

While FreedomWorks supports H.R. 5283 and applauds this effort to reform federal forfeiture laws, noticeably absent is any language addressing the Department of Justice's

Equitable Sharing Program. This program allows state and local law enforcement to circumvent protective state statutes and pursue permanent seizure of property through federal forfeiture law. We believe that failing to significantly reform or entirely eliminate the Equitable Sharing Program is a missed opportunity. We hope that it will not take another 16 years for Congress to revisit the issue.

Even with this omission, the Due Process Act is a step in the right direction. I hope that you will contact your representatives and ask them to support this effort to restore the Fifth Amendment and protect the property rights of innocent Americans.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Brandon', with a stylized flourish at the end.

Adam Brandon
CEO, FreedomWorks