



March 30, 2017

## **Support the DUE PROCESS Act, H.R. 1795**

On behalf of FreedomWorks' activist community, I urge you to contact your representative and strongly encourage him or her to cosponsor the Deterring Undue Enforcement by Protecting Rights of Citizens from Excessive Searches and Seizures (DUE PROCESS) Act, H.R. 1795, introduced by Rep. Jim Sensenbrenner (R-Wis.). The DUE PROCESS Act includes changes to federal forfeiture laws that fail to protect innocent Americans.

Currently, civil asset forfeiture laws put to question traditional American ideals surrounding property and due process rights. By merely arguing a loose connection to criminal activity, the government has the power to permanently seize Americans' property. Neither an arrest, charge, nor criminal conviction is necessary for the government to permanently acquire property in question.

The DUE PROCESS Act would raise the standard of proof required to deprive citizens' property from a *preponderance of the evidence* -- a low standard that merely requires a 51 percent likelihood that the facts presented are true -- to the highest standard in a civil court, *clear and convincing*. Additionally, the bill places the burden of proof on the federal government, strengthens protections for claimants by requiring a right to counsel in civil asset forfeiture cases, makes it easier for the recovery of legal fees when the property owner prevails in court, and increases accountability and transparency by requiring a yearly audit by the Inspector General.

In addition to these changes, the DUE PROCESS Act has included a new provision for the 115th Congress version, addressing situations where animals are seized in federal animal fighting cases by the government. This update would help expedite the disposition and rehabilitation process of these abused animals. Furthermore, it would place the burden of cost on the parties causing actual harm instead of animal shelters and the taxpayers.

While the DUE PROCESS Act does not go so far as to eliminate the Department of Justice's Equitable Sharing Program as provided in Sen. Rand Paul (R-Ky.) and Rep. Tim Walberg's (R-Mich.) FAIR Act, we believe the DUE PROCESS Act is a significant step in the right direction.

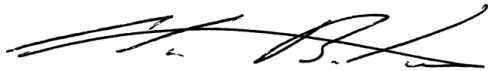
FreedomWorks is actively engaged on this issue and believes that momentum in support is not only gaining traction but beginning to find more public and vocal support. From Justice Clarence Thomas's remarks to revisit "whether this [Supreme] Court's treatment of broad modern forfeiture practice can be justified by the narrow historical one" because it is "certainly worthy of consideration in greater detail," to the Inspector General's 2017 report, *Review of the*

*Department's Oversight of Cash Seizure and Forfeiture Activities*, noting that the DEA could only account to 44 percent of sampled cases actually advancing investigations or leading to arrests or prosecutions, the potential dangers to Americans' due process and private property rights posed by civil asset forfeiture practices are starting to receive a greater level of attention.

Certainly, asset forfeiture can be a useful law enforcement tool when used in a limited, specific, and responsible manner, but the practice in its current state is in need of major reform. American citizens shouldn't be treated like criminals and have personal property stolen when there is no proof of a crime.

For these reasons, it is vital to push forward necessary reforms and protect citizens' basic rights. I urge you to contact your representative and strongly encourage him or her to cosponsor the DUE PROCESS Act, H.R. 1795.

Sincerely,

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

Adam Brandon  
President, FreedomWorks