



THE
AMERICAN
CONSERVATIVE
UNION



September 1, 2017

The Honorable Paul Ryan
Speaker
United States House of Representatives
Room H-232, United States Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
Majority Whip
United States House of Representatives
Room H-107, United States Capitol
Washington, D.C. 20515

The Honorable Steve Scalise
Majority Whip
United States House of Representatives
Room H-329, United States Capitol
Washington, D.C. 20515

The Honorable Pete Sessions
Chairman, House Rules Committee
Room H-312
United States Capitol
Washington, D.C. 20515

Re: Civil Asset Forfeiture Amendments to CJS Appropriations

Gentlemen:

Our organizations have long records in support of policies that limit government, expand liberty, and respect the Framers' vision of federalism. We *strongly* believe that the doctrine of civil asset forfeiture has a deleterious effect on each of these facets of what we believe to be good government. As you consider the Commerce-Justice-Science Appropriation, **we urge you to allow one or more amendments that would place meaningful limits on federal civil asset forfeiture.**

Background

Six weeks ago, Attorney-General Sessions announced that he was going to permit the Justice Department to “adopt” civil asset forfeiture cases from state and local law enforcement agencies. Such adoptive forfeitures had been used in the past as a loophole, allowing police to circumvent state laws and evidentiary standards when seeking civil forfeiture. Until the Sessions announcement of July 19th, however, adoptive seizures had been curtailed by the prior Administration.

Almost half of the states have enacted some measure of civil asset forfeiture reform in response to high profile cases of abuse. But by permitting the Justice Department to “adopt” civil forfeiture cases (which under federal law is much more lax), state and local law enforcement agencies can avoid state limitations, and still retain a substantial portion of the proceeds.

Amendments to Limit Asset Forfeiture Submitted

We understand that there are four amendments to the Commerce-State-Justice Appropriation that would limit the use of adoptive seizures:

- Amendment 46 (Walberg)
- Amendment 67 (Raskin)
- Amendment 70 (Amash)
- Amendment 127 (Davidson)

While each of these amendments slightly differs in approach, they all would ensure that state laws are not being circumvented by an aiding and abetting Department of Justice.

The Problem With Civil Forfeiture

Civil asset forfeiture allows law enforcement agencies to confiscate property based on a *mere suspicion* that it’s somehow connected to a crime. No one needs to actually be charged with a crime. Once property is seized, the burden is on the owner to essentially prove his/her innocence to get it back. This is not only unreasonable, it is a perversion of the Constitution’s protections of life, liberty and property.

Justice Clarence Thomas recently explained his own growing concern about the unbridled use of civil asset forfeiture in the United States:

This system—where police can seize property with limited judicial oversight and retain it for their own use— has led to egregious and well-chronicled abuses... These forfeiture operations frequently target the poor and other groups least able to defend their interests in forfeiture proceedings. Perversely, these same groups are often the most burdened by forfeiture.

Like Justice Thomas, we have serious concerns about any program that permits the confiscation of one's property. So do a substantial portion of House members. But regardless of how one views civil asset forfeiture in general, we can all agree that the United States Justice Department has no business undermining state-imposed limitations enacted to protect their citizens from abuse. As such, **we urge you in the strongest of terms to permit the House to consider one or more of these amendments under the rules of debate for the CJS Appropriation.**

Respectfully,



Matt Schlapp
Chairman, American Conservative Union



Adam Brandon
President, FreedomWorks



Grover Norquist
President, Americans for Tax Reform



Marc Levin
Policy Director, Right on Crime



Arthur Rizer
Justice Policy Director, R Street Institute



Tom Giovanetti
President, Institute for Policy Innovation



Tim Head
Executive Director, Faith & Freedom Coalition