



Despite President Trump’s Support for Legalized Theft, Congress Presses on With Civil Asset Forfeiture Reform

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“We’ll destroy his career.”

That’s what President Trump said about a Texas lawmaker who wanted to reform civil asset forfeiture, or the ability of cops to confiscate people’s property, often without convicting them of a crime. This raises a question: Will Trump also threaten the careers of federal legislators who speak out against and try to reform this un-American practice? There certainly is no shortage of forfeiture reform proponents. And a good number of them are members of the Republican Party.

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Just this week, Republican and Democratic leadership of the U.S. House Judiciary Committee introduced the DUE PROCESS Act. This is on the heels of a Justice Department inspector general report that finds federal forfeitures “may not advance or relate to criminal investigations.” DUE PROCESS stands for “Deterring Undue Enforcement by Protecting Rights of Citizens from Excessive Searches and Seizures Act.” The bill provides protections, like the right to an attorney, for those facing forfeiture proceedings.

Essentially, the DUE PROCESS bill sponsors — Chairman Bob Goodlatte (R-Va.), Rep. Jim Sensenbrenner (R-Wis.), Ranking Member John Conyers (D-Mich.), and Rep. Sheila Jackson-Lee (D-Texas) — are saying: Don’t take away people’s stuff without due process. While the bill will help property owners navigate a legal process where the deck is stacked against them, it does not yet address forfeiture’s main attraction — the money. Millions of dollars are generated annually through forfeiture, and in many cases, law enforcement get to “eat what they kill.” The bill’s sponsors must consider this piece as the legislation advances. Other members of Congress have.

For instance, earlier this month, Sen. Rand Paul (R-Ky.), Rep. Tim Walberg (R-Mich.), Rep. Keith Ellison (D-Minn.), and Rep. Tony Cardenas (D-Calif.) introduced the Fifth Amendment Integrity Restoration Act or FAIR Act. This bill (S. 642 and H. 1555) not only addresses the procedural hurdles in forfeiture proceedings but the profit incentive driving forfeiture as well. The ACLU supports this bill.

Civil forfeiture reform is a bipartisan issue. And that has long been the case. Whether it's property rights or civil rights — or both — that brings one to the issue, all agree that civil asset forfeiture is not working. According to a recent Cato Institute/YouGov poll, a substantial majority of Americans, 84 percent, oppose civil forfeiture.

Trump's comment about destroying someone's career over forfeiture reform is just another example of his disconnect with the American people — and his own party — as well as his penchant for intimidation. The public has long known that civil asset forfeiture promotes unconstitutional policing, over-policing, biased policing, and militarized policing. And we are glad that members of Congress and state lawmakers — on both sides of the aisle — recognize this, too, and remain undeterred on forfeiture reform.