October 25, 2017

The Honorable Bob Goodlatte  
Chairman  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

The Honorable John Conyers Jr.  
Ranking Member  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Jeb Hensarling  
Chairman  
Committee on Financial Services  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Maxine Waters  
Ranking Member  
Committee on Financial Services  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Greg Walden  
Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Frank Pallone Jr.  
Ranking Member  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

Re: Support for H.R. 1795 - Deterring Undue Enforcement by Protecting Rights of Citizens from Excessive Searches and Seizures Act of 2017

Dear Representative:

On behalf of the American Bar Association, with over 400,000 members from across the nation, I write to express our support for H.R. 1795, the Deterring Undue Enforcement by Protecting Rights of Citizens from Excessive Searches and Seizures (DUE PROCESS) Act of 2017, and to urge the members of your committees to approve the bipartisan bill without weakening amendments and report it to the full House of Representatives for prompt action.

The ABA commends Representative Sensenbrenner for leading a bipartisan effort to address due process concerns in civil asset forfeiture cases. This bill takes several important steps to improve current procedures including specific notice requirements, representation rights, and burden-of-proof standards.

While the ABA recognizes forfeiture has a punitive role in deterring crime, we adopted a Statement of Principles calling for improvements to federal forfeiture laws reflecting a consensus of prosecutors and defense attorneys. One of these principles is that the government bears the burden of proof regarding whether property can be forfeited and that the standard for the burden needs to be more rigorous. Another principle adopted by the Association is that current time limits for property owners to contest forfeiture actions should be extended and there should be a
uniform innocent owner defense. The DUE PROCESS Act of 2017 includes these principles, and
the ABA strongly supports these advancements.

We urge the members of your committee to support H.R. 1795 so that it can soon be considered
by the full House of Representatives and enacted into law. If the ABA can provide any assistance
in this process, please contact Holly Cook in the ABA’s Governmental Affairs Office at 202-
662-1860 or holly.cook@americanbar.org.

Sincerely,

Thomas M. Susman

cc: Members of the House Judiciary Committee, House Financial Services Committee, and
House Energy and Commerce Committee