



# AMERICANS *for* TAX REFORM

Honorable Rand Paul  
United States Senate  
Washington DC

Honorable Timothy Walberg  
United States House of Representatives  
Washington DC

April 14, 2015

Dear Senator Paul and Congressman Walberg,

I would like to extend my strong support for Senate Bill 255, the Fifth Amendment Integrity Restoration Act (FAIR Act). This proposal would be a monumental leap in the effort to reform the nation's broken civil asset forfeiture system.

The current asset forfeiture system is broken. Since its expansion in 1984 there has been an explosive growth in the size of the Federal Asset forfeiture Fund. Between 2000 and 2013 alone, the fund grew from over \$500 million to over \$2 billion; funds that can be used at the discretion of the authorities who seized the property.

Most law enforcement officials are honest individuals who frequently put their own lives at risk to protect their communities. Nevertheless, innocent Americans should not be placed in a situation where their property can be confiscated without hope for due process. The FAIR Act manages to both restore constitutional guarantees to the American public and renovate public trust in the nation's law enforcement.

The FAIR Act would first address federal budgetary incentives for authorities to seize property. The proposal eliminates the process of Equitable Sharing, which allows local and state law enforcement officials to use federal rules to seize assets. Additionally, the act transfers confiscated funds from the Federal Asset Forfeiture Fund into the general treasury, increasing oversight of the assets by Congress.

Authorities would also be required to prove guilt in order to keep the funds. This change would be coupled with an increase in the burden of proof required from the government to prove guilt. This fundamental change to the status quo would bolster public faith in the rule of law and assure Americans that criminals, not law-abiding civilians, pay the price for broken laws.

Furthermore, the Internal Revenue Service would be limited in their use of structuring laws when seizing money from people's bank accounts. Structuring allows the IRS to take funds from a bank account when authorities suspect that deposits to the account are made in a way designed to avoid reporting laws. The FAIR Act would only allow forfeiture if the owner of the funds knowingly made the deposits in a way to avoid federal laws.

This new regime takes into account the need to punish law-breakers and the rights of citizens. Simply put, criminals should not enjoy the fruits of their bad behavior, and by requiring proof of wrongdoing we ensure that those who break the law pay up.

Moreover, the proposed reforms serve to bolster the credibility of law enforcement with their local communities. If law-abiding civilians are assured that there is no danger of their property being confiscated, confidence in the rule of law will be strengthened and officers will find it easier to gain the cooperation of their communities. I implore your colleagues to extend their own support for this important legislation. For more information, please contact Jorge Marin in my office at [jmarin@atr.org](mailto:jmarin@atr.org).

Onward,

Grover G. Norquist  
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