

## Attainder and Forfeiture

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Article 1, Section 9 of the Constitution of the United States contains this sentence: “No Bill of Attainder or ex post facto Law shall be passed.” When I read that, I thought, “*What the heck is a Bill of Attainder?*” The ex post facto part is easy. That means that if you do something, and then Congress makes it illegal later on, then you can’t be prosecuted. Whatever you did was legal when you did it and this part protects you.

A Bill of Attainder turns out to be a piece of legislation that finds a person guilty of a serious crime without going through the normal process of having a trial. There are subsets too. A Bill of Pains and Penalties applies to lesser crimes, but it’s still prohibited by this sentence.

So far so good.

The next tidbit I ran across was something called “Civil Asset Forfeiture.” Again, I wasn’t sure what that was, so I did the homework. It turns out that Civil Asset Forfeiture is a process adopted by law whereby law enforcement agencies can seize your money, car, house, bank accounts, and other possessions and all they need in order to justify that seizure is the suspicion that you were doing something wrong. If exonerated, there is even the possibility that you may never get your possessions back.

And so, therein lies the contradiction.

How can it be against the Constitution to find a person guilty without a trial, and yet be perfectly legal to take all your stuff without a trial?