

# United States Senate

WASHINGTON, DC 20510

March 29, 2005

Hon. Alberto Gonzales  
United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Attorney General Gonzales:

I write to express my concern that men and women on active military duty are being taken advantage of by unscrupulous creditors who are blithely violating the provisions of the Servicemembers Civil Relief Act, which President Bush signed into law in the last Congress.

As reported recently, notwithstanding the Act's protections of military families against foreclosures, evictions and other dire financial consequences on account of their military commitments, a number of soldiers, national guardsmen, and their families have been victimized. Among other things, military servicemembers have suffered unlawful repossession of their vehicles, illegal default judgments, and wrongful attempts at foreclosure on their homes.

The Servicemembers Civil Relief Act was intended by Congress and the President to provide for and strengthen the national defense by protecting those who protect us, namely, the hundreds of thousands of American men and women risking their lives on active duty. Clearly, at a time of war, our nation's soldiers should not be doing battle with greedy creditors.

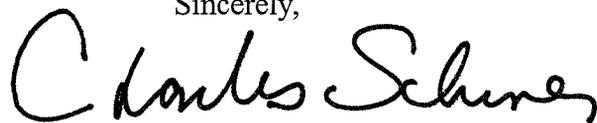
To deter such unseemly actions by banks, credit card companies, and other creditors, the Act called for criminal penalties for knowing violations of certain of the Act's provisions. For example, knowingly attempting to foreclose on an active-duty soldier's property is a criminal misdemeanor punishable by up to one year in prison.

In light of the disturbing reports in the media about abusive and unlawful behavior on the part of creditors targeting men and women in uniform, I urge you to conduct a review of the use of these criminal statutes enacted to deter unlawful behavior by banks, credit card companies, and other creditors. My office is not aware of any prosecutions that have taken place under this statute.

Accordingly, I ask that you provide a report of the number of pending and concluded investigations within the Department of Justice under the Servicemembers Civil Relief Act, the number of successful prosecutions brought under the Act, the sentences imposed (if any), and any recommendations for improved enforcement of this vital legal protection for active-duty military personnel, including stiffer penalties for violators.

I hope that you can help us to better protect our armed forces from abuse by creditors. I look forward to your prompt response to these questions.

Sincerely,

A handwritten signature in black ink that reads "Charles Schumer". The signature is written in a cursive style with a large, prominent initial "C".

Charles E. Schumer  
United States Senator