

# Texas town uses law to target motorists

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SAN ANTONIO -- A state law that allows authorities to seize property is being used by some to grab cash, jewelry, vehicles and other valuables without so much as a criminal charge, never mind a conviction.

Law enforcement in Tenaha, a chicken farming town of 1,000 people near the Louisiana line, took property from at least 140 motorists between 2006 and 2008 -- filing criminal charges against fewer than half, according to court documents reviewed by the San Antonio Express-News.

In some cases, affidavits filed by officers relied on the presence of seemingly innocuous property as the only evidence that a crime had occurred, but motorists were told to waive their rights to the property or face jail and criminal charges, said attorney David Guillory, who represents a group of motorists who have filed suit against officials in the town and Shelby County.

All ten of Guillory's clients are black and were driving rental cars or vehicles with out-of-state plates.

He calls the stops "highway piracy."

One of his clients, Linda Dorman, a great-grandmother from

Akron, Ohio, had \$4,000 in cash taken from her when she was stopped on her way home from Houston in April 2007. Court records list nothing illegal found in her van. The money, she said, was her life savings.

Under Texas' civil forfeiture law, authorities must only show by a preponderance of evidence that the money was the proceeds of or purchased with the proceeds of certain crimes, like drug crimes.

The burden is much lower than in a criminal case, and it allows police and prosecutors to divvy up what they seize—something critics say works as an incentive for unscrupulous, cash-strapped police agencies to strip motorists of their property.

Supporters, however, say that when used right, the law allows local departments to go after criminals using their own money.

Tenaha Mayor George Bowers defended the seizures in his town, saying they allowed the city to add a second police car and helped fund a new police station.

"It's always helpful to have any kind of income to expand your police force," said Bowers, 80.

He said local police must take aggressive action against the drug trade flowing north and south along U.S. 59 through town.

"No doubt about it. (U.S. 59) is a thoroughfare that a lot of no-good people travel on. They take the drugs and sell it and take the money and go right back into Mexico," said Bowers, Tenaha's mayor for 54 years.

He deferred questions about whether innocent people were being stripped of their property to Shelby County District Attorney Lynda Russell. Russell's attorney declined to comment.

The chairman of the state Senate Criminal Justice Committee, Sen. John Whitmire, said enough jurisdictions across the state have abused the law over the last two decades that it's due for an overhaul. The Houston Democrat wants to rewrite major sections of the law this legislative session.

Tenaha is located 306 miles northeast of San Antonio