

Arizona highway patrol seizes cash because ... it was there

By **Civil Liberties Examiner**, J.D. Tuccille
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Some of the money seized from two cars stopped along I-10 on October 21 and 22, 2009 in Arizona.

The Arizona Department of Public Safety, which includes the Highway Patrol, is making much fuss about two roadside stops last week that resulted in the [seizure of over \\$150,000 in cash](#) that was being transported in the vehicles. The money was taken on suspicion that it was the proceeds of criminal activity,

and the two drivers have been booked on money laundering charges related to the as yet unidentified crimes.

That's right: *unidentified* crimes. Oh yes, it's a fair bet that the money -- \$49,000 in a hidden compartment and \$104,000 in a shoe box -- came from some underground trade, with drugs as the safest guess. But there was no way for police to know that for sure when they pulled the vehicles over for "speeding and a lane change violation" in one case and for "a following distance traffic violation." The police claim vague "indicators of criminal activity" as excuses for the subsequent searches of the vehicles that revealed the money, but the charges on money laundering alone suggest that the indicators didn't actually constitute evidence.

So the drivers are being charged with laundering money gained from criminal activities to be named at a later date, and their cash was taken on suspicion of being connected to those same mysterious activities.

Again, it will be no surprise to anybody if the cash does turn out to be drug money, but it should also be no surprise if it turns out to be perfectly legitimate cash. Police claim that their spidey senses are nearly infallible in such matters, but more than a few people over the years have had their money stolen by law-enforcement authorities who just wouldn't or

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couldn't believe that anybody would want to possess large sums of cash.

As long ago as 1995, then-Rep. Henry Hyde made a personal cause of exposing the [confiscation of cash by police from innocent people](#). He emphasized the case of Willie Jones, a Nashville landscaper, who found it easier to do business in cash when purchasing supplies for his business -- and lost nearly \$10,000 for his troubles. Unfortunately, Jones was only one victim among many of asset forfeiture laws -- weird vestiges of medieval legal theory that allow the authorities to seize and prosecute *things* under legal standards much less stringent than those required to prove cases against people.

Despite the attention of Hyde, the [Cato Institute](#) and the [ACLU](#), and subsequent congressional hearings into asset forfeiture abuses, the situation hasn't really improved. Some communities -- such as [Tehana](#) and [Jim Wells County](#), both of Texas, and Lamar County, Georgia, have become notorious for stopping passers-through and grabbing anything of value. Those who object are threatened with -- you guessed it -- money laundering charges. As of last year, The Jim Wells County Sheriffs's Department was generating one-third of its budget from roadside muggings.

Often, police will point to positive results from

drug-sniffing dogs as indicators that seized cash is the proceeds of illegal activity (canine hits could well be the "indicators of criminal activity" cited by the DPS, since the arrests were made by a canine officer), but that's like tossing darts at an elephant considering that a whopping [90% of all U.S. cash has cocaine traces](#). One forensic scientist who has commented on the matter warns that the traces are high enough to cause false drug test results on people who handle large amounts of cash.

Asking dogs to sniff a bundle of the green stuff itself is like shooting fish in a barrel.

Odds are that the Arizona Department of Public Safety is right and the cash officers seized last week comes from drug transactions (and leave aside, for the moment, the strong argument that the government has no business criminalizing voluntary transactions among adults of any sort). But the DPS doesn't actually *know* that, it's just guessing. If the Arizona Highway Patrol didn't actually rob innocent drivers last week, it, like so many other law enforcement agencies around the country, certainly has in the past -- and it will likely do so again in the future.

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