

65% of cash seized by SC police comes from black men. Experts blame racism.

[Nathaniel Cary and Mike Ellis](#), The Greenville News



Restored plantation slave cabins in Charleston, S.C. (Photo: Mary Ann Chastain, AP)

Black residents have their money and property taken by police in South Carolina nearly three times more often than whites, for deep and unfair systemic reasons that go beyond the design of a civil forfeiture law, experts say.

This is a state where black people have faced racist constraints on their ownership of property for most of the decades between the end of slavery and

now, whether by Jim Crow laws, redlining, the War on Drugs or unequal access to bank loans.

It's not surprising, to police or lawyers or activists or even residents, that black people here are disproportionately punished by civil forfeiture, as The Greenville News TAKEN investigation uncovered.

But just how wide that disparity is can be surprising.

Seven out of 10 people who have property taken are black, and 65 percent of all money police seize is from black males.

“Shut up!” said state Rep. Todd Rutherford, a Columbia defense attorney, when told of the main findings from TAKEN.

“The fact that they are being stopped is no surprise, but now, the unmitigated fact that they are having their assets seized and taken by the government is appalling,” he said.

Legacy of economic punishment

There's a clear line from slavery to the Civil War and [to civil rights to civil forfeiture](#), said Jake Erwin, a Greenville defense attorney. Systemic racial injustices extended in new ways in the South through Jim Crow and linger in the present.

One of the first post-Civil War property crimes against black people involved land.

After Union General William Tecumseh Sherman marched through the South to Savannah, he promised freed slaves would receive 40 acres of tillable ground from 400,000 acres of confiscated Confederate land. Many also were given leftover Army mules to give them a head start in a new agrarian future.

But after Abraham Lincoln's assassination, President Andrew Johnson returned the land to its previous owners. That left freed slaves to tend the land that had been ripped from them as sharecroppers, often working for their former owners.

They signed usurious formal contracts but had no power to contest the power imbalance, no way to question why landowners took the majority of profits or added costs on top of the agreements, said Heather Ann Thompson, a Pulitzer prize-winning author at the University of Michigan who researches race and the criminal justice system.

"There's this long relationship of exploiting black farmers in South Carolina," Thompson said.

TARGETING CASH: Justin Deon Long faced no criminal arrest. He was given just a \$25 fine for a seatbelt violation. But police seized the cash in Long's pocket anyway. Read more about Long here. Or tell us [your story](#).

Decades later, communities used covenants to create whites-only neighborhoods, which prevented black people from buying homes in appreciating neighborhoods. And banks used redlining of areas considered poor investments to reject loans to some black residents.

Then, black people were discriminated against through bus systems that wouldn't route through their neighborhoods to take them to better-paying jobs.

Banks wouldn't lend them money, and as a result, fewer black people have bank accounts and even fewer actively use them, Thompson said.

South Carolina's civil forfeiture program disproportionately affects black people — black men especially

(2014-2016)

Percentage of S.C. population who are black



Percentage of S.C. population who are black *men*



Percentage of the people facing forfeiture of property who are black



Percentage of the people facing forfeiture of property who are black *men*



Black people are more likely to work jobs that pay in cash — housecleaning, yard work, food service — and white people are more likely to be the ones paying out that cash, she said.

To that end, black people carry cash more often, are more often stopped by police and lose their money to forfeiture more often than their white counterparts, our investigation found.

That makes civil forfeiture a biased way to police people, said Vernon Burton,

a Clemson professor who has testified to Congress on race issues.

Regressive policies, from taxes to voting rights to civil forfeiture, hurt black people more because they broadly have less to begin with, Burton said.

Put another way: Civil forfeiture favors people who were born ahead of the game, he said.

No money? No luck

Most forfeiture cases in South Carolina are not contested. People would have to secure a lawyer to fight for their property or else navigate the civil court system on their own.

But the amount of money at stake in civil forfeiture is often too little for most lawyers to bother with, said Elizabeth Franklin-Best, a South Carolina appellate attorney who has handled civil forfeiture cases. She said unless someone knows an attorney or has other business with the attorney, it's unlikely the attorney will risk it. That robs people of the chance for proper civil court representation.

It locks in their losses, said Ngozi Ndulue, recently a national NAACP senior director, now working at the Death Penalty Information Center.

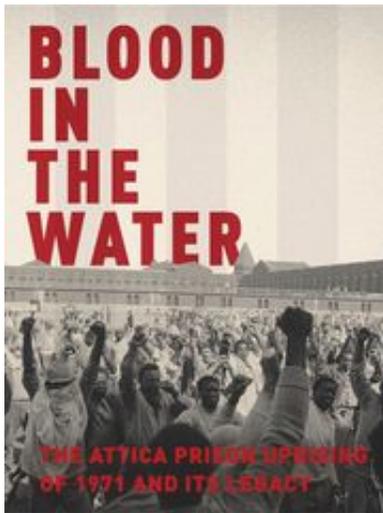
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The reasons black people, especially men, are more likely to have money seized go beyond just the matter of how often they get pulled over, said Ndulue, though the rates of traffic stops are also disproportionately weighted toward black people in South Carolina.

Crime and arrest rates alone can't explain why police are taking more money from black people, Ndulue said.

Racial differences in policing are deeply rooted in the state's history, a history that's generally considered regressive on race issues, Burton said.

South Carolina didn't fully integrate its schools until 17 years after the U.S. Supreme Court ruled against segregated schools in *Brown v. Board of Education* in 1954. Its colleges were the last in the nation to integrate when Harvey Gantt became the first African-American admitted to Clemson University in January 1963.



Heather Ann Thompson, a Pulitzer prize-winning author of "Blood in the Water," spoke to the TAKEN team about racism faced by South Carolinians. *(Photo: AP)*