

Professor Thompson was quoted in an article on the Houston Chronicle's website concerning civil forfeitures, including the recent move by federal prosecutors to seize alleged Iran-linked property in Houston.

**The following article was posted on the Houston Chronicle's website on Friday, November 13, 2009:**

**Forfeiture action in U.S. not unusual**

**Prosecutors use tool, including bid to seize alleged Iran-linked site in Houston**

By MARY FLOOD

Prosecutors don't usually try to take a house of worship out from under the worshippers, but our government's habit of seeking forfeiture of property is as old as Colonials seizing pirate ships.

In a civil lawsuit filed in New York on Thursday, federal prosecutors are alleging the Alavi Foundation, which owns the building housing a Houston school and mosque, in an illegal front for the Iranian government and thus should forfeit bank accounts, a skyscraper in Manhattan and some buildings it owns around the country.

Prosecutors have made clear there are no allegations of wrongdoing against those who work, worship or attend school at the Islamic Education Center building at 2313 S. Voss or those who occupy or rent the other Alavi properties. Still the government may take the building if it proves its case some months or years down the road.

"An awful lot of innocent people get caught up in forfeitures," said University of Houston Law Center professor Sandra Guerra Thompson, who has written about forfeiture laws.

Thompson said civil forfeitures have been used in this country since Colonial times. They became in vogue again during Prohibition, when again the means of transport was forfeited, this time the vehicles.

**Innocent third parties**

"The idea is the legal fiction that the property itself commits a crime or that the property represents the proceeds of a crime," she said.

Forfeitures have also been used liberally in the war on drugs, seizing fancy cars and jewelry and sometimes a family home. The law has been used in vice cases such as gambling and prostitution too.

In 1998 the Red Carpet Inn in southwest Houston was forfeited. Though motel workers called the police about drug dealing there, federal authorities found the owners didn't do enough to stop crime on the property and seized the business.

White collar cases are another area prosecutors use forfeiture laws. In the Enron case, prosecutors filed a lawsuit against the late Ken Lay's high rise apartment, among other things, in an attempt to get \$13 million from his estate. Lay's widow recently put the home up for sale, no doubt with the government's blessing though dealings have been sealed in that case.

Once a forfeiture is filed against a piece of property, the property is usually frozen and can't be sold without court permission.

There need not be a criminal conviction for the government to go after condos, cars and cash.

Thompson said in forfeiture cases the government need only prove a crime was probably committed because the standard of proof is a preponderance of evidence, not the stricter reasonable doubt required in a criminal case.

John Floyd, attorney for the Islamic Education Center, said he is not yet sure what the terms of the lease with Alavi Foundation are and what it will mean if the government wins this civil suit.

Todd Foster, a Florida lawyer and former federal prosecutor who has represented innocent third parties in forfeiture cases, agreed. He said the education center could conceivably rent from the government depending on the form and conditions under which it currently leases the building.