

Georgia: Illegal gambling case goes nowhere, may prompt discrimination suit

by [Ray Paulick](#) | 11.29.2012 | 12:18pm

Remember that “massive illegal gambling operation” on horse racing that a rural county sheriff in Georgia busted last year? Well, despite the initial arrest of 16 individuals and confiscation of at least \$50,000 in cash, horses, trailers, cars and trucks, no indictments have been announced, and in a court ruling earlier this week, authorities were told to return everything they took from the individuals involved. The raid also may lead to a federal lawsuit alleging discrimination, using a post-Civil War law passed to combat racial violence.

The case dates back to Nov. 27, 2011, when an undercover operation by the Meriwether County sheriff's department rounded up 38 racehorses and dozens of people allegedly taking part in illegal gambling on horse races on private property in the northeast part of the county. The bust was widely reported in regional and national news outlets.



Gambling on horse racing is illegal in Georgia, something that could change if a Study Committee on Horse Racing created recently by the state Senate leads to action.

But Jason Smith, an attorney for 23 individuals whose property was seized, said Sheriff Steve Whitlock was motivated by a crackdown on illegal immigrants and an upcoming election.

Earlier this week, Smith's clients won a summary judgment from Superior Court Judge A. Quillian Baldwin to have all of their seized property returned immediately. At least two dozen others balked at taking legal action against the sheriff's department, Smith said, out of fear of reprisals.

“I believe this occurred because Sheriff Whitlock was running for re-election and the hot button issue was illegal immigration,” said Smith. “I believe the sole purpose they pursued this horse racing facility was in order to gain political points on the issue of illegal immigration.

The races were a regular occurrence, and the operators were told by local officials that no permits were required, according to Smith. “They were legal races,” he said.

"They rounded up about 50 Mexicans and held them for six or seven hours while they cleaned out their pockets and confiscated their property," Smith said, adding that a makeshift craps table was also found on the property and that "non-Hispanics" were found gambling. They were not charged, he said.

While Smith admitted some of the participants may be undocumented immigrants, he said "the law protects them even if they are here illegally. The state does not have the right or authority to take someone's property without just cause."

No evidence has been presented to a grand jury and no indictments have been filed against those originally charged and detained. A spokesman for the Meriwether County district attorney's office would only say the case "is still pending."

Smith, meanwhile, said he is pursuing a "section 1983" lawsuit on behalf of some of the individuals detained. "The charges were disproportionately against the Hispanic community," he said.

Section 1983 of Title 42 of the U.S. Code is part of the Civil Rights Act of 1871. Part of what was known as the Ku Klux Klan Act, the law was passed to combat racial violence in the post-Civil War era. Section 1983 provides a vehicle for individuals who believe their constitutional rights have been violated by individuals acting under state law.

"We are going to file a suit against the Meriwether County Sheriff's Department, specifically against certain individuals within law enforcement who were the impetus behind the investigation and raid," said Smith

Whitlock lost his bid for re-election in July and will be replaced as sheriff on Jan. 1, 2013.

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