



## Texas Man Arrested for Warning of Speed Traps

Here's how it started. Though Mitchell and other Texas drivers used to give and receive flashing headlight warnings of speed traps "up ahead," he says that because not many people do that anymore, he decided to start his website. The site quickly gained popularity and was soon hosting discussions about a myriad of traffic issues, including whether state law requires a driver to produce his license if he is detained.

Mitchell's efforts were more than welcome in Lakeway — a city known for its unforgiving speed traps.



City Manager Steve Jones contends that the community doesn't deserve the reputation. "I think we're diligent in traffic enforcement. And it sends a message."

But Mitchell decided to send a message of his own, beginning with his idea of promoting his website by displaying a sign warning drivers of upcoming speed traps. So in early 2008, after procuring a sign, he began staging "speeding motorist interventions."

He explained to the *Statesman*:

I discovered [that] while it was illegal to warn people of an enforcement action, that didn't apply to the traffic code. So I thought, Great! Now I can hold a sign!

(A researcher at the Texas District and County Attorneys Association confirmed his reading of state law.)

One post on his website signified public support: "I just saw you with your sign on Lohman's Crossing. Way to go! I commend you on your gallantry!"

Mitchell also posted his own occasional acts of civil disruption. In March 2008 he wrote,

I saw a cop pull up in the parking lot of the old Lake Travis Elementary. About 1,000 feet up the road, there was a perfect spot for me to set up. So, there I stood, holding my 2 x 2 hand held sign, waving my other hand and pointing at the sign.

...Any time, any place I see a cop blasting out radar, I'll be not too far away, blasting out my message.

People slow down when they see me. They pay attention.

Mitchell added that since no speeding tickets are issued (where he warns drivers), "It saves money on tickets, insurance rates go down, people drive safer. And isn't that the whole purpose of the police being there?"

Or is it? Traffic tickets are often considered as simply a revenue generator. However, excessive citations have caused the State of Texas to pass a law capping speeding ticket revenue at 30 percent of total budgets. The state government also benefits by requiring municipalities to turn over a portion of



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every court fine collected.

But about Mitchell and the sign he used to carry — the law was about to catch up with him. In April of 2008, Lakeway officer James Debrow confronted and fined him "for violating a state law prohibiting the display of a sign that drivers might mistake for an official traffic-control device." So that's when Mitchell decided that instead of carrying a sign, he'd just wear it. "Now," he said, "when I see a speed trap, I go back up the road a bit, and stand on the sidewalk, wearing my SpeedTrapAhead.org T-shirt."

But Lakeway is serious about signs: no neon, no scrolling or moving signs, no tower signs, and no illumination.

So on April 22, 2009, Mitchell's website readers were startled to see this posting: "Just saw you being handcuffed and arrested in Lakeway. I'd like to know what you are being charged with."

Mitchell had spotted a Lakeway police cruiser set up inside a school zone with a radar gun. So he set up his warning station up the road, pointing at his T-shirt when drivers passed. His nearby parked truck also sported his website decal.

According to Mitchell's video account of the event, another cruiser arrived, and Mitchell asked if he was being detained.

"We're doing an investigation here," Officer James Debrow said. "We'll let you know." A few minutes later the group approached and an officer asked for his ID. Mitchell proffered a card with his name, address and birth date, but Debrow demanded his driver's license.

As Mitchell began to explain that his license could not be legally required as he wasn't driving, Debrow abruptly ordered him handcuffed and placed under arrest.

Mitchell eventually was informed he was being charged with violating Lakeway's sign ordinance by displaying a sign on his shirt and a decal on his truck.

City officials said they were unaware if police had handcuffed or arrested anyone else for sign violations. But Lakeway police even tacked on additional charges against Mitchell: engaging in construction operations — that produced noise disturbances. These charges baffled even the prosecution, and were dismissed before his June 2009 trial.

In testimony during the trial, Officer Hector Almaguer, who wrote the tickets, insisted he was simply following orders from Debrow, who'd instructed him to call if he ever saw Mitchell exposing a speed trap, and that Debrow told him the local judge had issued a standing order to have Mitchell arrested.

"I about jumped three inches out of my chair when I heard that," municipal judge Kevin Madison recalled. "That is absolutely not true."

At the trial the officer summoned to the scene testified he'd been instructed by Debrow to come up with violations against Mitchell because "this is getting personal."

Judge Madison found Mitchell not guilty on all counts. Afterwards, the judge explained:

I don't think the intent of the city is to outlaw the wearing of a T-shirt. If we outlaw T-shirts, what happens next? If you have a tattoo on your body, does that become a sign?

Debrow left the department and Mitchell reached a settlement with the city. He plans to get back to warning drivers to slow down.

Though Austin certainly has no dearth of ready residents when it comes to civil disobedience,



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many are concerned about police overreach with incidences such as this.

Grassroots action such as Mitchell's is seen by some as important, and its repression is a violation of the First Amendment.



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