

Wyoming Tribune Eagle, Feb 21, 2016: “Drug program run amok ” Casper Star Tribune of Feb 20: “How to nix Asset Forfeiture Law?”

As a Wyoming snowbird wintering in Texas with dog Abby, periodically I pick up my granddaughter after school to take her to a math learning center. On the way we pass through Hearne, population 5,000. The town seems ordinary enough with its fast-food joints, tire sales, and railroad crossings. There’s nothing ordinary, however, about the town’s tortured race relations. Over the decades, the town’s war on drugs served as screen for Jim Crow tactics and attitudes, until it drew national attention. Recently, Hearne garnered outrage again, when the same white police officer first shot dead a twenty-eight-year-old unarmed black male; then, eighteen months later, shot and killed a 93-year-old black woman.

In November 2000, SWAT teams from the federally-funded South Central Texas Narcotics Task Force “rolled into Hearne . . . to wage another series of coordinated raids,” writes Radley Balko in “Rise of the Warrior Cop.”

The raids “netted twenty-eight arrests—twenty-seven of the suspects were black.” One alleged offender, Regina Kelly, was waiting tables at a local diner when her house was raided. Just as happened the year before in a raid in Tulia, Texas, where ten percent of Tulia’s black population found itself in handcuffs, the task force failed to recover any actual drugs, and “it wasn’t for lack of looking. The cops had all but destroyed the interiors of the homes they raided.”

As for Regina Kelly, “The police marched her off the job in handcuffs and tossed her in a jail cell.” Kelly, a single mother, was frantic. Nevertheless, unlike the Tulia defendants, who pled guilty and received long sentences, Ms. Kelly fought back. Although her court-appointed attorney urged her to accept a plea bargain, “I wasn’t going to plead guilty for something I didn’t do,” she told the author in 2007. She demanded that her attorney ask for the evidence against her. He obtained the tape the district attorney claimed confirmed her drug sales.

“The tape recording was a conversation between two men. There were no female voices, and Kelly’s name was never mentioned.” Subsequently her bail was reduced from \$70,000 to \$10,000. Her parents posted bond.

Partly because of Kelly’s courageous refusal, writes Mr. Balko, eventually the DA was forced to admit that “all twenty-eight indictments were based on the word of a single confidential informant.” The informant eventually testified that the DA had given him a list of twenty black men, promising leniency for his burglary charges if he would help convict them. “The informant also testified he was promised \$100 for every suspect he helped convict beyond that list of twenty.”

The author notes: “Similar mass round-up raids had been going on in Hearne for fifteen years.” He quotes Ms. Kelly: “They come in helicopters, military-style, SWAT style . . . a lot of children outside playing . . . they throw the kids on the ground, put guns to their heads.”

The drug war was once again be fought as a culture war, comments the author. He cites the Tulia Sentinel’s pronouncement days after the arrests of the 46 blacks:

“We do not like these scumbags doing business in our town . . . it’s time to give them a major dose of chemotherapy behind bars.” Yet by 2004, “nearly all of the forty-six suspects were either cleared or pardoned by Texas Governor Rick Perry.”

It turned out, the drug bust had been based on the fabrications of one Tom Coleman, who was nonetheless named “Texas Lawman of the Year.”

The task forces constitute “roving squads of drug cops, loaded with SWAT gear.” Oversight is minimal to nonexistent. The drug cops receive more funding when they “conduct more raids,

make more arrests, seize more property, and they are virtually immune to accountability if they get out of line.”

In my one-time home state California, Texas-style drug raids were conducted at the same time as the Hearne invasion. “The DEA, the FBI, and a Stanislaus County, California, narcotics task force conducted raids on fourteen homes,” including that of the Sepulveda family. “When local police asked if there were any children in the Sepulveda home, the feds answered, ‘Not aware of any’.”

The family had three children, two boys and a girl. No drugs or guns in the Sepulveda home, but after the police forcibly entered, parents and children were forced to lie face down. One officer’s gun went off, instantly killing eleven-year-old Alberto as he lay motionless, arms outstretched, on the floor.

Mr. Balko documents numerous more instances. Subsequently the Washington Post published a series of articles about the abuses spawned by asset forfeiture. The series includes discussions with John Yoder and Brad Cates, who were instrumental in the Justice Department’s 1980s initiative. Notwithstanding mixed metaphors, this is the paper’s quote: “We find it particularly painful to watch as the heavy hand of government goes amok. The program began with good intentions but now, having failed in both purpose and execution, it should be abolished.”

How to nix the law? Ah, there’s the rub.