

**Kizzie White received a sentence of 25 years, leaving behind two young children.**

Narcotics Task Force through the Swisher County Sheriff's Department. Although officially he was suspended from law enforcement due to the Cochran County charges, he was allowed to make alleged drug buys in Tulia. This is one result of the lack of state and/or federal oversight of federally-funded drug task forces.

Further, there is now clear evidence that Coleman both misidentified defendants and fabricated evidence. Recent findings of inconsistencies and impossible scenarios in Coleman's incident reports also mark his investigation and his reliability as highly suspect. For example:

On April 9, 2002, the district attorney dismissed the charge against Tulia "sting" arrestee Tonya White after her defense counsel presented him with a bank record showing Ms. White to have made a transaction from a bank in Oklahoma at the time Coleman alleged she was selling him cocaine in Tulia, more than 300 miles away.

Another defendant, Billy Don Wafer, had employee time sheets to establish that he was at work at the time that he allegedly sold Coleman drugs.

Additionally, the district attorney dismissed the case of Yul Bryant after it was discovered that Coleman had described Bryant as being "a tall black man with bushy type hair." Bryant is actually 5'6" and has been bald for years.

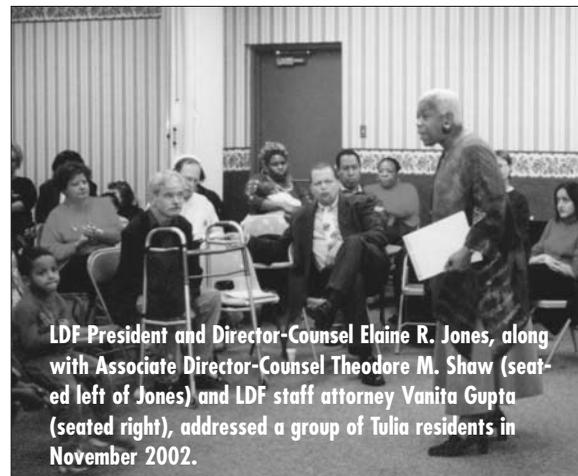
### **LDF Investigates**

LDF reviewed the circumstances of the cases that had gone to trial. We found that the district attorney's suppression of information about Coleman's background, coupled with the ineffective representa-

tion received by many of the arrestees, resulted in little to no cross-examination of Coleman. In a few cases, the presiding judge sealed Coleman's employment records and refused to allow information about his background to be presented at trial.

LDF is leading the effort to overturn all of the convictions and pleas on the grounds that they were obtained unconstitutionally. We also are representing, with local counsel from the Tulia Legal Defense Project, some of the Tulia defendants who are currently serving long sentences. Further, we are communicating with many of the other victims of the "sting," and are tracking their appeals and post-conviction deadlines.

LDF identified law firms to represent Tulia defendants and we are coordinating their efforts. We have facilitated the involvement of several high-profile law firms, including Hogan & Hartson and Wilmer, Cutler & Pickering.



**LDF President and Director-Counsel Elaine R. Jones, along with Associate Director-Counsel Theodore M. Shaw (seated left of Jones) and LDF staff attorney Vanita Gupta (seated right), addressed a group of Tulia residents in November 2002.**

Along with local counsel and the aforementioned law firms, LDF is investigating the possibility of civil lawsuits against entities involved in the "sting." Also, we are conceptualizing a long-term plan to push for reform in federal financing of such actions and the lack of federal oversight.

### **The Need for Reform**

What happened in Tulia represents a serious civil rights problem because it is a stark example of law enforcement misconduct and unconstitutional practices that can be, and too often are, sanctioned by the "War on Drugs." It also displays the difficulty that many small-town "sting" defendants, most of whom are poor and of color, can have in receiving a fair trial.

The Tulia "sting" is representative of the failed "War on Drugs," which disproportionately targets minorities, and also often includes racially-biased police practices and secures convictions only after prosecutorial misconduct.

The United States punishes drug offenders more severely than any other nation in the Western World. Most of that punishment is directed toward minorities. While African Americans represent only 13 percent of monthly drug users, a number consistent with their proportion of the population, according to The Sentencing Project they account for "35 percent of those arrested for drug possession, 55 percent of drug possession convictions, and 74 percent of those sentenced to prison for drug possession."

Nearly one in ten black males aged 25-29 was in prison in 1997, as was one in 34 Hispanic males and about one in 100 white males in the same age group. Though African Americans comprise only 12 percent of the national population, as of 1999 they

made up 49 percent of the prison population.

U.S. Department of Justice statistics indicate that African-American males have a 29 percent chance of serving time in prison at some point in their lives; Hispanic males have a 16 percent chance; and white males have a four percent chance. These excessive incarceration rates often include sentences greatly disproportionate to the conduct.

A disturbing aspect of the incarceration rates propelled by the "War on Drugs" is that sometimes entire minority communities, such as Tulia, have suffered extensive collateral consequences. For example, Mattie White, whose three children and one son-in-law were all arrested in the Tulia "sting," must now care for all of her grandchildren while contending with medical difficulties of her own.

The lack of federal oversight of federally-funded drug task forces and the inadequate training of many officers assures that the abuses witnessed in Tulia will be repeated again and again. The only recourse is significant reform of the practices used in the "War on Drugs." Hopefully, the injustices committed in Tulia will become a substantial impetus toward that reform.



**Jason Williams, 19 years old when arrested, is serving a 45-year sentence.**

The NAACP Legal Defense and Educational Fund, Inc. (LDF) was founded in 1940 under the leadership of Thurgood Marshall, the first African-American U.S. Supreme Court Justice. Although initially affiliated with the National Association for the Advancement of Colored People, LDF has been an entirely separate organization since 1957.

LDF is America's oldest civil rights law organization, and was considered the legal arm of the civil rights movement. Its fundamental mission is to transform the promise of equality into reality for African Americans, other people of color, women, the poor and ultimately all individuals in the areas of education, political participation, economic justice and criminal justice.

Although LDF works primarily through the courts, its strategies include advocacy, educational outreach, monitoring of activity in the executive and legislative branches, coalition building and policy research.

Among its current priorities, LDF is challenging initiatives to ban affirmative action in admissions to public colleges and universities; protecting minority voting rights; pressing for improvement of bus service for minorities and the poor in Los Angeles; and seeking to bring justice to the African-American community in Tulia, Texas which has been targeted unfairly by the War on Drugs.

Additionally, through its scholarship and fellowship programs, LDF has helped over 4,000 exceptional African-American students to graduate from many of the nation's best colleges, universities and law schools.

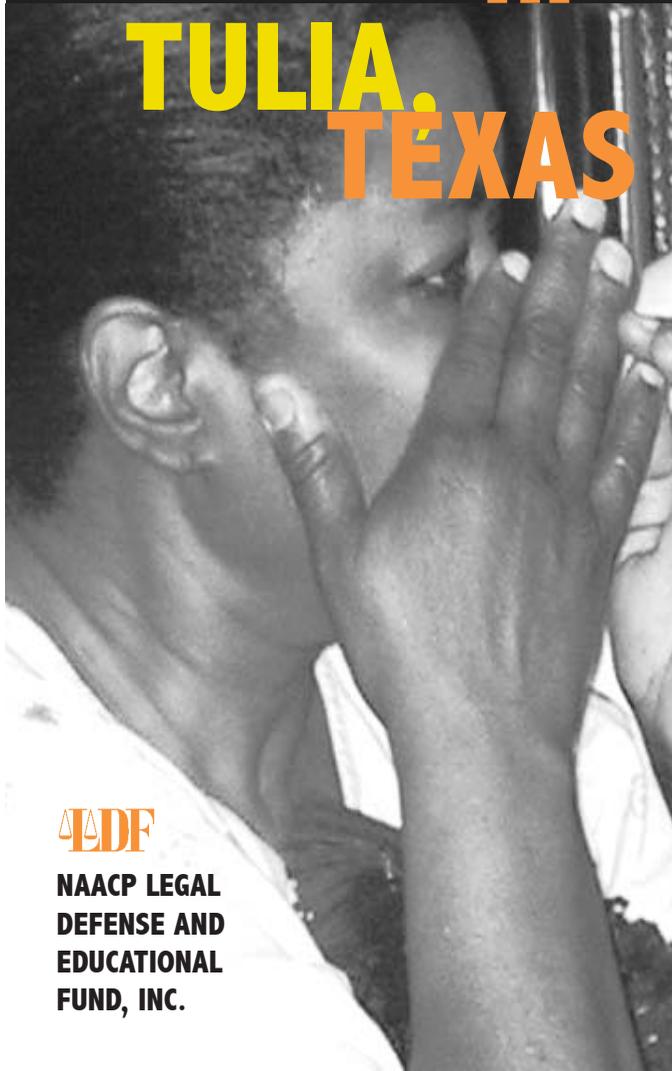
## AN AFRICAN-AMERICAN COMMUNITY IN TEXAS IS VICTIMIZED BY THE "WAR ON DRUGS"

bad times in

TULIA, TEXAS



**NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.**



bad times in

tulia, texas

Just outside Tulia, Texas, population 5,117, is a sign that reads: "The Richest Land and The Finest People." Today, that welcoming sentiment would be lost on the town's African-American residents.

On July 23, 1999, more than ten percent of Tulia's African-American population was arrested as a result of a drug "sting" conducted by a lone police officer with a troubled history in law enforcement. Swisher County deputy sheriff Tom Coleman alleged that 46 Tulia residents sold him drugs. Forty of those arrested are African-American. Three others are Mexican. The remaining three are white, but had biracial children, or close ties to the African-American community.

All but one of the indictments alleged sales of small amounts of cocaine--between one and four grams. The "bust" resulted in the conviction and incarceration of most of the arrestees, either after trials or guilty pleas.

Initially, those arrested, all of whom are poor, were inclined to go to trial to prove their innocence. However, the guilty verdicts piled up. Sentences ranged from 20 to 341 years. Joe Moore, a 60-year-old hog farmer who was accused of one count of

The family of Freddie Brookins, Jr. has worked for his release from prison, where he is serving a 20-year sentence.

selling cocaine to Coleman, was described as the ring-leader and drew a 90-year sentence. More

and more of the arrestees then decided to take pleas. Their sentences range from one year of probation to 18 years in prison.

### Questionable Circumstances

Coleman spent eighteen months allegedly making drug buys in Tulia. However, there were no audio or video recordings of his activities. No second officer was present. There was only one witness: Coleman. During early trials, Coleman claimed to have recorded pertinent facts by writing on his leg. No drugs, money or weapons were seized in any of the cases. Indeed, in most of the cases there was only one bit of evidence: Coleman's testimony.



Coleman's word, at best, was highly questionable. Tulia was his first assignment as an undercover agent. Evidence later revealed that he had a "checkered past" as a law enforcement officer in other Texas counties. While working undercover in Tulia, he was charged with theft and abuse of official capacity for misconduct committed in his previous law enforcement position in Cochran County. In fact, the Cochran Sheriff went so far as to file a letter with the Texas Commission on Law Enforcement Officer Standards and Education declaring that "Mr.

Coleman should not be in law enforcement if he's going to do people the way he did this town."

At the time of the Tulia raids, Coleman was working with the federally-funded Panhandle Regional