

# After false arrests, Blacks in tiny town seek justice

B. Andre Coe

Special to Sentinel-Voice

AUSTIN, Texas (NNPA) — It makes her mad just to think about it.

Even five years after the fact, tears well up in her eyes, her voice begins to tremble and anger lines form across her ebony-colored face as she speaks about what took place in 2000.

Then, as a waitress living in the small town of Hearne, Texas, drug task force agents came all the way to Regina Kelly's job at the Chelsea Street Pub Bar & Grill and arrested her on the spot.

Hearne, a small town of about 4,500 people nearly 30 miles northwest of College Station and approximately 90 miles northeast of Austin, had a drug problem, according to the current Robertson County District Attorney John Paschall.

Paschall is also the former commander of the now defunct South Central Texas Regional Narcotics Task Force that arrested Kelly and 27 other Hearne residents. Of the 28 Hearne residents caught up in Paschall's drug sweep, 27 were African-American.

Some of the residents arrested have since filed a class-action lawsuit alleging discrimination. The American Civil Liberties Union argues that the 27 African-Americans arrested represent 15 percent of the town's population.

Standing on the steps of the State Capitol, Kelly, a 28-year-old mother and Girl Scout Troop leader, shared her story with the men, women and children from across Texas who have, in some way, been affected by the Texas Criminal Justice System. Kelly told these men and women that she has never done drugs a day in her

## Garcia

(Continued from Page 1)

Garcia was a bad choice because the school district that he came from [Fresno, Calif.] was a little too small and that he hadn't faced the challenges there we were facing here in Clark County during the time he was hired. So, I don't see this as a bad thing that he's leaving. He may have learned some things while he was here, but it was to the detriment of our students, and we need to get someone else in here who will do some positive things for our students."

Any candidate selected by the school board to be superintendent will be faced with a number of challenging conditions: population growth in Clark County with student enrollment increasing at 5 percent annually; relative low pay for teachers; rising housing costs in Clark County; poor academic performance of many students enrolled in the CCSD; increased suspensions and expulsions

life and that she did not know what she had been arrested for until two days later when a judge set her bond at \$70,000.

"I think I am in the wrong court room," Kelly said, recalling what she said to a Robertson County deputy who escorted her to court.

"Be quiet," she said the deputy said to her. "And sit down."

The more she speaks, the more people realize that her voice trembles not from fear, but from anger. These 28 Hearne residents were arrested at their jobs, homes and on the streets and then taken to jail.

Kelly wants justice now. She was arrested for a crime she didn't commit, she contends. If proven right, Kelly and the other Hearne residents stand to win millions. She is the lead plaintiff in the case of Kelly v. Paschall, slated to begin May 9 in Waco federal court.

Graham Boyd, director of the Drug Law Enforcement Project for the American Civil Liberties Union in Los Angeles, fears that what happened in Hearne is an eerie reminder of what took place in Tulia, Texas, six years ago. Boyd will represent Kelly and eight other Hearne residents in the case.

According to a press release from Joyce Ann Brown of Mothers (Fathers) for the Advancement of Social Systems (MASS, Inc.), Magistrate Judge Jeffrey C. Manske of the U.S. District for the Western District of Texas issued a recommendation that the plaintiff's case go to trial because there is "...convincing enough case that Paschall and Robertson County had targeted African-Americans and fabricated evidence against them."

When contacted by The

Dallas Examiner, Boyd said the task force consisted of only three people — officer Thomas Hendricks, Ron Garney and Paschall. Boyd said Hendricks later tested positive for cocaine and is no longer an officer in Robertson County, Paschall used county money to buy his mistress a diamond ring and take a vacation, among other abuses of power and Garney was known to be a heavy drinker during the time of the task force's undercover operations and was going through a divorce at the time.

Boyd added that the drug task force's informant, Derrick Megress, was mentally incompetent and would even hear voices at times. Boyd said Paschall knew this because he made arrests on Megress before.

Megress is currently in prison on parole violation, Boyd said.

"We've been trying to undo it ever since," he added.

The Hearne plaintiffs face a tough battle. When contacted by The Dallas Examiner, Paschall became irate.

"We're going to kick their a—, and then send their liberal a—, back to California," Paschall said, referring to the ACLU of Los Angeles. He contends that his task force agents were right to make their drug busts.

"Who said they are not guilty?" he asked. "That hasn't been found out yet."

Paschall hung up shortly after making that statement, among others. When contacted a second time, he said: "The case is pending in federal court and we'll talk about it then."

Paschall is no longer commander of the South Central Texas Regional Narcotics Task Force and the task force now exists under a different name — the Agriplex Drug

Task Force, however, because he is in an elected position, Paschall is still the Robertson County District Attorney.

Hearne residents who were in Austin last month said they do not want him in that position anymore.

Boyd added that none of the three men who were on Paschall's force had experience in drug law enforcement. He said the ACLU is interested in trying to change laws surrounding drug task forces. The lawsuit began November 2002, he said.

"Nonetheless, they spent time in jail and had their reputations damaged," said Boyd. "It's been a huge fight."

Some of the Hearne residents spent as many as five months in a Robertson County jail before they were released. According to a PBS "Frontline" documentary, some Hearne residents accepted guilty pleas to their drug charges simply because they wanted to go home. Kelly refused to accept a plea bargain, which according to the PBS story, attorneys pushed the Hearne residents to accept.

Last month, The Dallas Examiner reported that State Rep. Terri Hodge (D-Dallas) has since authored House Bill 1239, a bill that supporters say will eliminate unfair drug task forces in Texas and instead use that money to fund drug treatment centers.

Hodge's bill must first make it out of the Criminal Jurisprudence Committee, a nine-member committee made up of Reps. Terry Keel, Elvira Reyna, Juan Escobar, Richard Raymond, Paul Moreno, Mary Denny, Debbie Riddle and Hodge.

Keel (R-Austin) once authored House Bill 801, a bill which would have forbidden the governor's office from granting money to drug task forces like the ones in Tulia and, depending on the trial outcome, the one in Hearne.

Keel's bill failed to make it out of committee by one vote, his office said. Keel and Riddle are the Criminal Jurisprudence Committee chair and vice-chair, respectively.

With the support of the ACLU, Kelly and other Hearne residents have already lobbied key members of the Texas legislature who sit on committees where bills like HB 1239 must make it out of before being considered for Texas law.

Among the legislators they have spoken to are Rep. Reyna (R-Mesquite), and Rep. Sylvester Turner (D-Houston). After hearing Kelly's story, both representatives said they are sure the committees will "do something" about it.

Turner is a member of the Appropriations Committee, a committee of 29 state representatives that decides where money is spent in Texas and is the main budget-writing arm for the House of Representatives.

Kelly was released a few days before Thanksgiving that year (2000). She remembers her two daughters did not want to visit her then.

She remembers watching people who were friends, neighbors and former class-

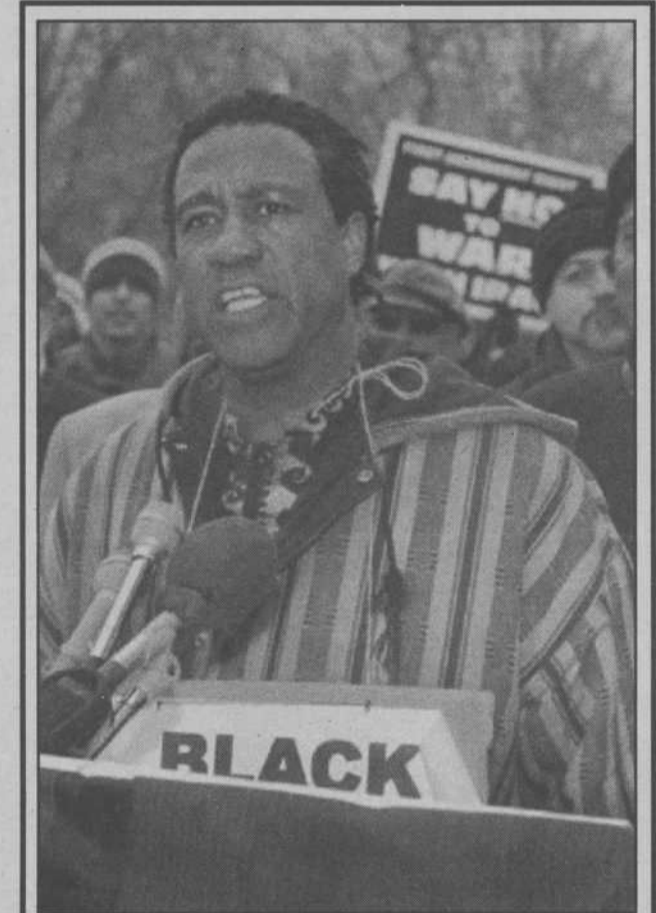
mates stand up in court, and she remembers hearing what they were being charged with.

She believes that by sharing her story she will be able to prevent the same thing from happening to others. She refuses to take the rap that she has been charged with, and she wants to clear her name, along with the other men and women who have been caught up in this drug sweep.

Once the day is over though, she'll return to her job as a waitress in Hearne, Texas. The rumors surrounding her at her old job were too much for her.

She said, "They ruined my life forever."

B. Andre Coe writes for the Dallas Examiner.



Damu Smith's record of activism runs long and deep.

## Activist

(Continued from Page 4)

pharmaceutical medications. Christian praise music plays in the background as he awaits a food delivery from a friend. After delaying surgery for more than a week until he could receive opinions from other medical experts, Smith underwent surgery last week. And it will be weeks, if not months, before he can return to full battle.

Nearly everything about the determined Smith denotes war — even his name.

Born Leroy Wesley Smith, he changed his name to Damu Amiri Imara Smith during his years at St. John's University in Collegeville, Minn. He explained during a 2003 interview with the NNPA News Service that in Swahili, Damu means blood. He explained, "The blood that I am willing to shed for the liberation of my people." Amiri, he said, means leadership: "The leadership I must provide in the service of my people." And Imara means strength: "The strength and stamina I have to maintain in the struggle."

He has relied on that stamina to focus on his future. "I did not stay in a moment of, 'Oh, poor Damu. Oh, I might die soon,'" he says. "I'm going to fight. I have to."