

The mailing label on this Alert includes information about your legislative districts. Be sure and call your own members of the legislature and ask them to support the Tulia Justice Bills listed inside. For more information about your own members, go to www.capitol.state.tx.us/fyi/fyi.htm and type in your zip code.

Senate Jurisprudence Members

Royce West (also on Senate Criminal Justice) (Dallas- District 23) Phone 512-463-0123, Email royce.west@senate.state.tx.us
David Bernsen (Beaumont) District 4: Phone 512-463-0104, Email david.bernsen@senate.state.tx.us
Buster Brown (Lake Jackson- District 17) Phone 512-463-0117, Email at www.senate.state.tx.us.
Robert Duncan (Lubbock- District 28) Phone 512-463-0128, Email robert.duncan@senate.state.tx.us
Rodney Ellis (Houston- District 13) Phone 512-463-0113, Email rodney.ellis@senate.state.tx.us
Mike Jackson (Pasadena- District 11) Phone 512-463-0111, Email mike.jackson@senate.state.tx.us
Wentworth (San Antonio- District 25) Phone 512-463-0125, Email jeff.wentworth@senate.state.tx.us

House Criminal Jurisprudence Members

Juan Hinojosa (McAllen-District 40) Phone 512-463-0636, Email juan.hinojosa@house.state.tx.us
Jim Dunnam (Waco-District 57) Phone 512-463-0508, No email.
Domingo Garcia (Dallas-District 104) Phone 512-463-0654, Email domingo.garcia@house.state.tx.us
Rick Green (Dripping Springs-District 46) Phone 512-463-0498, Email rick.green@house.state.tx.us
Terry Keel (Austin-District 47) Phone 512-463-0652, Email terry.keel@house.state.tx.us
Ann Kitchen (Austin-District 48) Phone 512-463-0700, Email ann.kitchen@house.state.tx.us
Trey Martinez Fischer (San Antonio-District 116) Phone 512-463-0616, Email patsy.clapper@house.state.tx.us
John Shields (San Antonio-District 122) Phone 512-463-0658, Email john.shields@house.state.tx.us
Robert Talton (Pasadena-District 144) Phone 512-463-0460, Email marcia.manor@house.state.tx.us

Senate Criminal Justice Members

Ken Armbrister (Victoria- District 18) Phone 512-463-0118, Email kenneth.armbrister@senate.state.tx.us
John Whitmire (Houston- District 15) Phone 512-463-0115, Email john.whitmire@senate.state.tx.us
Teal Bivins (Amarillo-District 31) Phone 512-463-0131, Email at www.senate.state.tx.us.
Mike Moncrief (Fort Worth-District 12) Phone 512-463-0112, Email mike.moncrief@senate.state.tx.us
Ogden (College Station- District 5) Phone 512-463-0105, Email tiffany.britton@senate.state.tx.us
Staples (Palestine- District 3) Phone 512-463-0103, Email todd.staples@senate.state.tx.us

Write to your Legislator

The Honorable
(Senator's full name)
Texas Senate
P.O. Box 12068
Austin, Texas 78711

The Honorable
(Representative's full name)
Texas House of
Representatives
P.O. Box 2910
Austin, Texas 78768-
2910

**Ask your legislators to support
SB 1583, 1584, and 1585 and
the House companion legisla-
tion HB 2350, 2352 and 2351.**



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Tulia Justice Legislation to be Heard in both the House and Senate Tell Your Legislators to Support These Bills Now

This session, the Texas Chapter of the ACLU has taken the lead lobbying for proactive reform on a critically important issue. Across Texas, Regional Narcotics Task Forces have arrested dozens of local citizens in small towns, charging them with drug trafficking. Yet, the people arrested are poor, largely black, and leave behind families with small children--and the cases go to trial based solely on the uncorroborated word of a single operative. Many of these people have been proven innocent.

The Tulia Bust

Early in the morning of July 23, 1999 police swept in and arrested 43 suspects on drug charges in Tulia, Texas, a town of only 4,500 people in the Texas Panhandle. As local juries began to give the earliest defendants sentences of 20 to 300 years on charges of selling small amounts of cocaine, others began to plead out. In total, 22 defendants were sent to prison, some for more than 20 years although they had no prior convictions. The arrestees were nearly all black, representing 12 percent of the town's black population.

The sole convicting evidence against these people was the uncorroborated word of a single undercover police officer. The officer testified that he wrote the salient details of each buy on his leg before heading back to Amarillo to file his reports. No video or audio tape was used, nor any other form of evidence gathering. In addition, the agent was essentially unsupervised in the field. His supervising officer visited with him on occasion.

When the Tulia residents were arrested very early in the

morning and their homes searched, police found no additional evidence of drug trafficking, guns or money.

A small number of Tulia residents were able to prove definitively that they were not with the officer at the place and time he claimed they were. One defendant could prove he was at work at the time, with witnesses and time cards. In another case, the undercover officer's report initially described a defendant as a tall black man with "bushy type hair" (the defendant was short and balding), but later changed his report. This defendant spent six months in jail before a judge finally dismissed his case. Despite increasing concerns about the officer's veracity, many of the sentences meted out were high because the officer claimed the buys occurred within 1000 feet of a school or park.

In the Tulia cases that went before a jury, evidence was excluded that would have placed in doubt the uncorroborated testimony of the undercover officer--who had serious problems at a previous law enforcement job. In particular, the letter from his previous employer stating that he should never be allowed to work in law enforcement again was excluded. Although relevant, evidence that might tend to prove a person innocent can still be excluded by a judge. And the letter from the previous employer was not available to many of the defendants because such letters are confidential by law without the express consent of the officer who are the subject of them.

The Bills

ACLU, which has filed a civil suit in the Tulia case, strongly supports three bills that will ensure NO MORE TULIAS, and we need your help to get them voted out of committee and onto the floor as soon as possible.

- **HB 2351 (by Hinojosa) and SB 1585 (by Van de Putte)** Requires other evidence to support the testimony of an undercover officer or agent. That evidence could include corroborating testimony by another officer or informant, a video or audio tape, witness statements, or anything else that tends to connect the defendant with the elements of the crime.
- **HB 2352 (by Hinojosa) and SB 1584 (by Van de Putte)** Limits the authority of a judge to exclude evidence which would tend to prove a person's innocence of the crime for which he or she is being tried. This proposal merely restates in statute a protection already granted by the Constitution--and one we all hope we can take for granted.
- **HB 2350 (by Hinojosa) and SB 1583 (by Van de Putte)** Makes public letters filed by police and sheriff's departments with the Texas Commission on Law Enforcement Standards and Education (TCLESE) about an officer who was fired or quit--if the termination related to sustained allegations of excessive force or sustained allegations of violations of the law.

Four Committees to Hear Bills

March 26 Senate Jurisprudence will consider SB 1585 (corroborating evidence) and SB 1584 (evidence of innocence).

March 27 House Criminal Jurisprudence will consider HB 2351 (corroborating evidence) and HB 2352 (evidence of innocence). This committee will also consider a bill to document and prohibit racial profiling strongly supported by the ACLU, HB 2458.

March 28 Senate Criminal Justice will consider SB 1583 (public release of certain information about problem officers).

[No date set] House Public Safety will consider HB 2350 (public release of certain information about problem officers).

For more information about ACLU's legislative agenda, please visit www.aclutx.org/projects/police/legislation.html. And for more information about the Tulia drug bust, please visit Friends of Justice at www.drugsense.org/foj.