

**Urgent Need for Prompt Judiciary Committee Hearing on the
“No More Tulias:
Drug Law Enforcement Evidentiary Standards Improvement Act of 2005”**

May 25, 2005

The Honorable James Sensenbrenner, Jr.
Chair, Committee on the Judiciary
United States House of Representatives

The Honorable John Conyers, Jr.
Ranking Member, Committee on the Judiciary
United States House of Representatives

The Honorable Howard Coble
Chair, Subcommittee on Crime
United States House of Representatives

The Honorable Robert Scott
Ranking Member, Subcommittee on Crime
United States House of Representatives

Dear Chairman Sensenbrenner:

We, the undersigned, represent over 50 organizations who write in support of the “No More Tulias: Drug Law Enforcement Evidentiary Standards Improvement Act of 2005,” introduced on May 25, 2005 by Representative Sheila Jackson Lee. This bill will provide needed oversight and accountability of the millions of federal dollars distributed to state and local law enforcement agencies to fight the drug war. This legislation will help to minimize scandals and injustices by increasing the evidentiary standard required to convict a person for a drug offense and requiring screening of law enforcement officers or others acting under color of law participating in drug task forces.

One of the better known federally-funded drug task force scandals occurred in Tulia, Texas several years ago, when dozens of African American residents were arrested, prosecuted and sentenced to decades in prison based on the uncorroborated testimony of a federally-funded undercover officer who has since been convicted of perjury. The Tulia residents who were wrongly convicted based on the officer’s false testimony have since been pardoned, but evidence reveals that what occurred in Tulia was not an isolated incident but the tip of the iceberg—all because of unfettered federal funding of narcotics task forces nationwide.

A 2002 report by the ACLU of Texas identified seventeen scandals involving Byrne-funded anti-drug task forces in Texas, including cases of falsifying government records, witness tampering, fabricating evidence, stealing drugs from evidence lockers, selling drugs to children, large-scale racial profiling, sexual harassment, and other abuses of official capacity. Byrne-related scandals have grown so prolific that the traditionally conservative Texas legislature recently passed several reforms in response to them, including outlawing racial profiling and changing Texas law to prohibit people from being convicted of drug offenses based solely on the word of an undercover informant.

Texas is not the only state suffering from Byrne-funded law enforcement scandals. Recent scandals in other states include the misuse of millions of dollars in federal grant money in Kentucky and

Massachusetts, false convictions based on police perjury in Missouri, and making deals with drug offenders to drop or lower their charges in exchange for money or vehicles in Alabama, Arkansas, Georgia, Massachusetts, New York, Ohio, and Wisconsin. A 2001 study by the Government Accountability Office found that the federal government fails to adequately monitor the grant program and hold grantees accountable.

Two years ago, you pledged to hold a formal Judiciary Committee hearing on the causes of the abuses in Tulia. Your spokesperson at the time pledged that you would initiate “active and aggressive oversight of the federal task force” responsible for hiring the rogue cop in Tulia. The introduction of this bill represents the perfect opportunity for the expeditious scheduling of the promised Judiciary Committee hearing.

Many regional anti-drug task forces receive up to 75 percent of their funding from the federal Byrne grant program. The lack of meaningful federal oversight over these grants results in the proliferation of corruption and abuse. As expressed in the bill’s findings,

“Byrne grants should be prohibited for States that do not exercise effective control over these task forces. At a bare minimum no State that fails to prohibit criminal convictions based solely on the testimony of a law enforcement officer or informant should receive a Byrne grant. Corroborative evidence ... should always be required for such convictions to be ordered.”

We urge you to follow-up on your commitment two years ago to scrutinize this issue by expeditiously scheduling a full Judiciary Committee hearing on the “No More Tulias” bill. Thank you for your attention to this matter and we look forward to your response.

Sincerely,

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