



Drugs bust: a scene from *American Violet*, first screened in the UK by Release in December 2008

TEXAS HOLD 'EM

An African American mother's stand against years of trumped-up, racially motivated drug convictions in her Texas hometown has been turned into a Hollywood film. **Diane Taylor** speaks to Regina Kelly about how a routine drug squad round-up changed her life.

When a dedicated team of police officers from the Narcotics Task Force swooped on the African American inhabitants of Hearne, a small town in Texas, in November 2000 the residents were terrified – but not surprised.

These raids, involving helicopters and SWAT teams running around with all guns blazing, were an annual event, a fishing expedition designed to net as many arrests as possible to justify continued funding for the force in the next financial year. Almost 15 per cent of Hearne's young, black, male population was arrested in the November raid and 27 were charged with felony-level cocaine sales.

Hearne, which lies between Waco and Houston in east Texas, has a population of around 5,000, almost half of them African American. Like many other American towns the

neighbourhoods are polarized along ethnic lines. The Confederate flag flies outside one of the town's restaurants.

Regina Kelly, a young, single African American mother of four young children, was no more alarmed than she had been in previous years when the raid on the housing project she lived in began. "These raids happened every year, around holiday times – October, November or December," says Regina, now 31.

It's always African Americans who get picked up, hundreds of them over time. One thing you learn when you live in Hearne is to stay out of the way of the police."

Regina wasn't too worried for herself when the raids began because she knew that her worst offence was traffic tickets but she was horrified when police arrived at the mall 25 miles away where

she had a good job in a restaurant, and arrested her.

"It was a Thursday evening and the restaurant was very busy. It was so humiliating being dragged away by the cops. They wouldn't tell me anything, just that I wasn't being arrested for traffic tickets."

She was held in a police cell in Robertson County Jail for three and a half weeks. "The cell was designed for two but five of us were in there, three of us sleeping on the floor on a blanket. I was charged with delivery of a controlled substance in a school zone. I was locked up in jail for something I honestly know I didn't do."

The police 'intelligence' which led to the 27 arrests came from mentally ill crack cocaine-using, criminal-turned-informant Derrick Megress.

Regina wanted to fight the case because the only evidence put forward was two men talking in a muffled way on a tape – the conversation was not even about drugs. Her court-appointed lawyer, who she was less than impressed with, urged her to plead guilty and serve a short sentence. He said if she fought the case and was found guilty she would be looking at a 25-stretch in jail. Regina refused. “The reason why I got caught up in this drugs bust was because of my kids’ dad. He was dating the informant’s aunt,” she explained.

“I couldn’t plead guilty,” said Regina. “I’d been in a violent relationship for the past five years which I’d got out of, I’d had no self-esteem but I finally got to the point where I was doing good and I was planning to go to college. I was determined to fight this charge because I didn’t do it. Getting a criminal record would have ruined my life.”

When the trial began Megress admitted that under pressure from police he fabricated evidence and lied during his testimony. District Attorney John Paschall was forced to dismiss the charges against those who had not already pleaded guilty, including Regina.

The American Civil Liberties Union moved in when the criminal case collapsed to bring a civil action against the police on the grounds that they were guilty of racial profiling, discrimination and abuse of power. Regina agreed to be the lead plaintiff in the case.

“I was all for the civil suit because I didn’t want things like this to keep happening,” she said. The case took five years, but eventually, to the jubilation of the lawyers and the plaintiffs, it was won and compensation was paid out to those who had been falsely accused. “I felt so good about the decision. It was like an enormous weight had been lifted from my shoulders,” said Regina.

ACLU Texas made a video about the case. The police informant Derrick Megress is filmed admitting that he said things when he testified which he knew were not the truth. When DA Paschall is questioned about his use of the word ‘nigger’, he replied: “There’s very few white people in Robertson County who have not been heard using that term.”

Despite his on-camera admission, Paschall was re-elected to serve another term in office. But the civil case led to the dismantling of the discredited Narcotics Task Force and a change in Texas law which states there can no longer be a conviction on the word of a single informant. The ACLU has

AMERICAN VIOLET: THE FILM REVIEWED

American Violet is an unusual beast – a film with Hollywood values which tells a true story of racism and injustice in American society. It’s a sort of Erin Brokovich, swapping the story of an environmental scandal for one about the entrenched racism in US drugs policy. Nicole Beharie, who plays Dee Roberts, the character based on Regina Kelly, delivers a powerful (and very glamorous) performance as the young, single mum who boldly takes on the might of law enforcement officials in Hearne, Texas.

From the opening scenes where Dee is at home to the various legal battles she becomes embroiled in the audience is on her side, willing her to win her David v Goliath fight. The film is not perfect and has been criticised by some critics for delivering its message about injustice with a sledgehammer. However, it is a watchable film, capturing the lives of African Americans in a small town in Texas well. It burns with indignation about the blatant discrimination and corruption involved in the white District Attorney bringing an innocent group of African Americans to court on trumped up charges.

It is well documented that the raid in November 2000 in Hearne is far from an isolated one. America’s war on drugs has many casualties, and the more times we can be reminded of that through the wide-reaching medium of Hollywood films, the better. *Diane Taylor*

produced some chilling statistics about the racist nature of drugs arrests. In the US, African Americans are twice as likely than white people to be arrested for drugs offences. In Texas they are three times more likely and in Hearne they’re a staggering 16 times more likely to be arrested for drugs offences.

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The decision to spearhead the civil suit has led to enormous personal consequences for Regina, rendering her virtually unemployable because she is still associated with the case and is viewed by employers as a potential troublemaker. But despite the high price she has paid she has no regrets about her principled stance.

“I did what I did to give my town courage and to let people know we don’t have to live like this. I look at the world in a different way now and know that what happened to us is not only happening in Hearne but is happening all over. I do a lot of community organising and speaking engagements. I feel that in order for anything to change round here we have to stand up and fight.”

Wouldn’t it be easier for Regina and her children to leave Hearne and make a new start somewhere else? “People tell

me that’s what I should do but I don’t want the DA to feel that I’m running away from him. Everyone is scared of him and no one ever stands against him when he runs for office. If he was out of office I would leave.”

Regina’s story has been turned into a Hollywood film directed by Tim Disney, great-nephew of the famous Walt, starring Nicole Beharie who plays Dee Roberts, a character based on Regina. The film, *American Violet*, had its first UK airing in London last month at a screening, organised by Release, to coincide with the 60th anniversary of the UN Declaration of Human Rights.

Release said the film highlighted the “disproportionate consequences” of the criminal justice approach to drug policy and the over-representation of black people in the criminal justice system in both the US and the UK. According to Release, in England and Wales black people are six times more likely to be imprisoned for drugs offences than white people and 11 times more likely to be imprisoned despite the fact that there is no evidence of higher rates of drug use among black people.

Is Regina hopeful Obama’s presidency will change things for people like her? “Locally we have no help and no resources, but I’m hoping that Obama will bring real change. If we start at the bottom and work our way up to the top, maybe we’ll achieve something.”

■ **Diane Taylor** is a freelance journalist