

NAACP LEGAL DEFENSE FUND CONCERNED ABOUT OPERATION METH MERCHANT

FOR IMMEDIATE RELEASE

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The NAACP Legal Defense & Educational Fund, Inc. ("LDF") is concerned about recent law enforcement activities related to "Operation Meth Merchant" in Georgia. LDF expresses solidarity with the Racial Justice Campaign Against "Operation Meth Merchant" and its ongoing effort to support the victims of this troubling sting operation in northwest Georgia.

"Operation Meth Merchant," a sting operation conducted by the U.S. Drug Enforcement Administration, Georgia Bureau of Investigations, and 6 county police departments in northwest Georgia, led to the arrest of 49 individuals for selling legal products that they allegedly knew would be used to create methamphetamines.

The government is pointing to the fact that some Operation Meth Merchant defendants are pleading guilty as a symbol of its success. LDF knows all too well from its long history of representing indigent defendants in criminal proceedings that pleas are not necessarily tantamount to guilt. Recently, LDF represented victims of a racially-discriminatory drug sting in Tulia, Texas. In those cases, over 13% of the small town of Tulia's African American population was arrested on the uncorroborated word of a white, undercover narcotics officer who had a troubled and corrupt past in law enforcement. The vast majority of defendants targeted in the Tulia drug sting pled guilty to crimes they did not commit and for which they were ultimately pardoned by the Governor of Texas. These defendants believed they could not get a fair trial and feared being sent to prison for a longer period of time if they did not plea. While the Tulia prosecutions were taking place, the media and law enforcement lauded the sting as a model for narcotics enforcement. Once the legal battle exposed the Tulia injustice, it became a symbol of problems with current "War on Drugs" enforcement in minority communities.

In the ideal criminal justice system, individuals would only plead guilty to charges for which they were actually guilty. Unfortunately, in the actual system, taking a plea is usually the result of a concerted cost-benefit analysis that a defendant makes. In considering whether or not to go to trial, a defendant weighs the cost of going to trial to establish one's innocence with the grave risks of being sentenced to an extraordinary length of time. In its 2003 Sourcebook on Federal Sentencing Statistics, the United States Sentencing Commission reported that 95% of all federal cases resulted in guilty pleas. In the "Operation Meth Merchant" cases, almost all of the defendants are weighing the possibility of 25 years in prison, forfeiture of their stores, and up to quarter million dollars in fines. Additionally, due to the defendants' immigration status in the "Operation Meth Merchant" cases, almost all of the defendants are not only weighing their plea options against the possibility of harsh sentencing, but also against the additional consequence of deportation to India because of current immigration laws. This means

they could be forced to abandon the lives they have built in Georgia, despite their U.S. citizen children and other ties in this country.

Similar to Tulia, the demographics of those arrested as a result of "Operation Meth Merchant" raise civil rights concerns. Instead of targeting large corporations selling mass quantities of products used to produce methamphetamine or large-scale methamphetamine distributors to solve the meth problem in north Georgia, "Operation Meth Merchant" targeted unsuspecting immigrant convenience store clerks with low English proficiency. 23 of the 24 stores targeted were owned by people of South Asian descent. Of the 49 individuals arrested in the sting operation, 44 are Indian immigrants. These figures are especially disconcerting given the demographics of the region. In northwest Georgia, South Asians constitute an extremely small percentage of the population. For example, in Catoosa County, one of the counties where the operation focused, the 2000 census counted 26 South Asians in a total population of 26,554 people. This operation arrested 12 of the 26, or 46% of the entire South Asian population. Moreover, while 75% of storeowners in the 6-county area are white, it was the South Asian store clerks and owners that face federal charges.

LDF will continue to monitor law enforcement activities related to "Operation Meth Merchant." Georgia needs education, prevention and treatment of methamphetamine drug addiction. LDF expresses hope that Georgia's "war on meth" will focus on effective and proven methods of decreasing methamphetamine availability and addiction rather than on easy arrests in vulnerable communities that do not appear to have a real impact on the state's methamphetamine problem.