

## THE CRUCIFIXION OF KEVIN ELDERS

Written by Cynthia Cotts

Friday, 02 September 1994 00:00

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### COVER

*This past August, the son of Surgeon General Joycelyn Elders was sentenced to ten years for selling two grams of cocaine. Case closed — or was he set up?*

CONTRARY to popular belief, Kevin Elders is not behind bars — the son of the Surgeon General is out on bail, pending appeal. “I’m taking it one day at a time,” Elders says. “I know that I don’t have to put a needle in my arm to solve my problems, and that feels good.” The six-foot 29-year-old lives in Pine Bluff with his brother and drives to Little Rock every day, where he manages rental property owned by his parents. He’s still driving his red Nissan 300 ZX. But he has learned to slow down.

Three nights a week, he disappears into a pine forest to attend sessions at the BridgeWay, a substance abuse clinic where he has been in treatment since July. His first day at the mountaintop clinic, he tested positive for cocaine. “I had to detox for a while,” he says, “But I didn’t go through the withdrawals. I was healthy as a horse when I walked in.”

Elders must take a urine test in the Pulaski County courthouse every two weeks, and, the good news is, he’s been testing clean. “Today is my ninety-first day of sobriety,” he boasted in a rare interview on October 26. The bad news is, the first time he tests positive again, prosecutor Chris Palmer is threatening to revoke his bond and pack him off to the state pen.

It hasn’t been easy for Elders to come clean. On July 18, 1994, this handsome young man wearing glasses and a black suit took the witness stand in Pulaski County Circuit Court, holding on to his innocence for dear life. He had been caught selling a small amount of cocaine in the presence of a narcotics detective and charged with one count of delivery — his first offense and a felony in state court.

Just before trial, the prosecutor offered Elders what he called “a sweet deal,” a plea bargain that could have gotten him out of jail in seven months. But Elders refused to plead guilty, claiming he had been set up, and he refused to give up the name of his dealer. Asked why, he testified, “I would rather not be shot.”

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Under oath, Elders did cop to being an addict and to injecting cocaine for three years. Sure, he had shared drugs with his friend Calvin Walraven. And yes, he had sold him cocaine on July 29, 1993. But he swore he had been entrapped — lured into a criminal act he wouldn't have committed otherwise. Throughout the month of July, Walraven kept pressuring him, saying he was desperate to score some cocaine. "Calvin had called me several, several times and I kept telling him, no," Elders testified. Then he called and said, "Kevin, if you don't do this ... he threatened ... to go to the press about my personal life."

The curious drug deal took place during the summer when Dr. Joycelyn Elders was up for confirmation and under close scrutiny by Congress and the press. Given her prospects, Kevin found the blackmail scheme "frightening" and he decided to get it over with. Afterward, he did not speak to Walraven again, and told no one what had happened.

Walraven also testified — a 24-year-old with dyed hair who had to be coaxed out of a private psychiatric clinic he had checked into the week before. But the prosecutor did a great job of covering up the instability of his star witness, requesting that TV crews be banned from the courtroom and claiming the man had a simple case of stage fright. Walraven was upset, Palmer told me, because "what he wanted to do was to get a friend to stop abusing cocaine. Doing that set into motion a machine, and suddenly this machine was making him appear in front of the national media and testify, which he didn't expect."

Under cross examination, Walraven admitted that he was taking Xanax, a tranquilizer, that his doctor was treating him for "a number of mental conditions," that he had been on Xanax for two years and had seen a psychiatrist since he was eleven. He admitted that during July 1993, he called Elders "once a day at least," asking him to score some cocaine. "I kind of ragged him about it," he said, until July 28, when he called Elders one more time, wanting to know "if he could get me anything."

This testimony contradicted Walraven's earlier statement to police, which claimed that Elders had called *him* on July 29, said he was "back in the business" and "asked me if I wanted to purchase any cocaine." Nobody seems to have noticed, but there was a major discrepancy between Walraven's testimony, describing Elders as a reluctant source, and his police statement, describing Elders as an aggressive salesman. In fact, Walraven had dictated the statement to Little Rock Police Detective Kyle King, who typed it up for Walraven's initials. King had enlisted Walraven as an informant in 1993.

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The case was heard by Judge John Plegge, a motorcycle racer who in 1993 called mandatory sentences for first-time offenders in Arkansas "horrendous." But the judge was unimpressed, and in two hours he found Elders guilty. "The defense has to prove entrapment by a preponderance of the evidence.... I don't think you've done that," Plegge told Elders' attorney, Les Hollingsworth, who said he was "mildly shocked." But Kevin Elders left the room smiling, as if a secret angel were standing by.



*Kevin Elders greets a well-wisher at the Little Rock courthouse on*

No such luck for Walraven. Ten days later, he was found dead in a house in Hot Springs, with a

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bullet through his head and a nine-millimeter pistol by his side. His death was ruled a suicide, and a source identified as &quot;close to the investigation&quot; told the *Arkansas Democrat-Gazette* that Walraven had just tested positive for HIV and had begun frantically calling an AIDS hotline.

Meanwhile, Elders had been fired from his factory job, and was living full-time at the BridgeWay, a kind of monastery for drug abusers. &quot;My doctor knows what a fight I put up, but he was able to get me through it,&quot; Elders says. &quot;I just had to get my mind thinking clearly.&quot; On August 29, after the judge handed down a ten-year sentence, Elders' father cried openly, but the young man kept smiling as he boarded a bus full of prisoners and spent the night in a new county jail. He had to sleep on the floor because, according to a spokesman, &quot;We had no room.&quot;

The next day, the Surgeon General petitioned Judge Plegge to release her son on bail. Asked if she thought he would commit another crime, she answered, &quot;We hope not, but then — you know, I don't feel that — as far as that was a crime, no.&quot; What she meant, according to an acquaintance, was that she doesn't consider her son a cocaine dealer on the basis of one sale to a friend.

Bond was set at \$10,000, and Dr. Elders posted the required \$1,000 fee. She must have felt partly to blame. After all, some people think the police arrested Elders in retaliation for her political views. They point to a peculiar sequence of events: On December 7, 1993, Dr. Elders commented at a press luncheon, &quot;I do feel that we would markedly reduce our crime rate if drugs were legalized.&quot; Eight days later, in the midst of a media frenzy, the Little Rock police issued a warrant for her son's arrest.

The police didn't have a current address for their suspect, so they announced it to the press, triggering a call to Dr. Elders, who was the first to break the news to her son. &quot;It floored me,&quot; says the young man. &quot;I didn't know what was going on. I had forgotten that I had done this. And so here I was thinking, `Oh, Lord, what have they got on me?' I was thinking, 'That's wrong, that's not me, this is the media trying to do something to hurt my family.'&quot;

Palmer denies any political motivation. He points out that police usually do not issue warrants on drug cases until the informant who helped make the case has gone public. And that's what had happened here: In early December, Walraven had appeared in federal court in connection with another case. &quot;I took a long, hard look at it,&quot; Palmer says of the Elders case.

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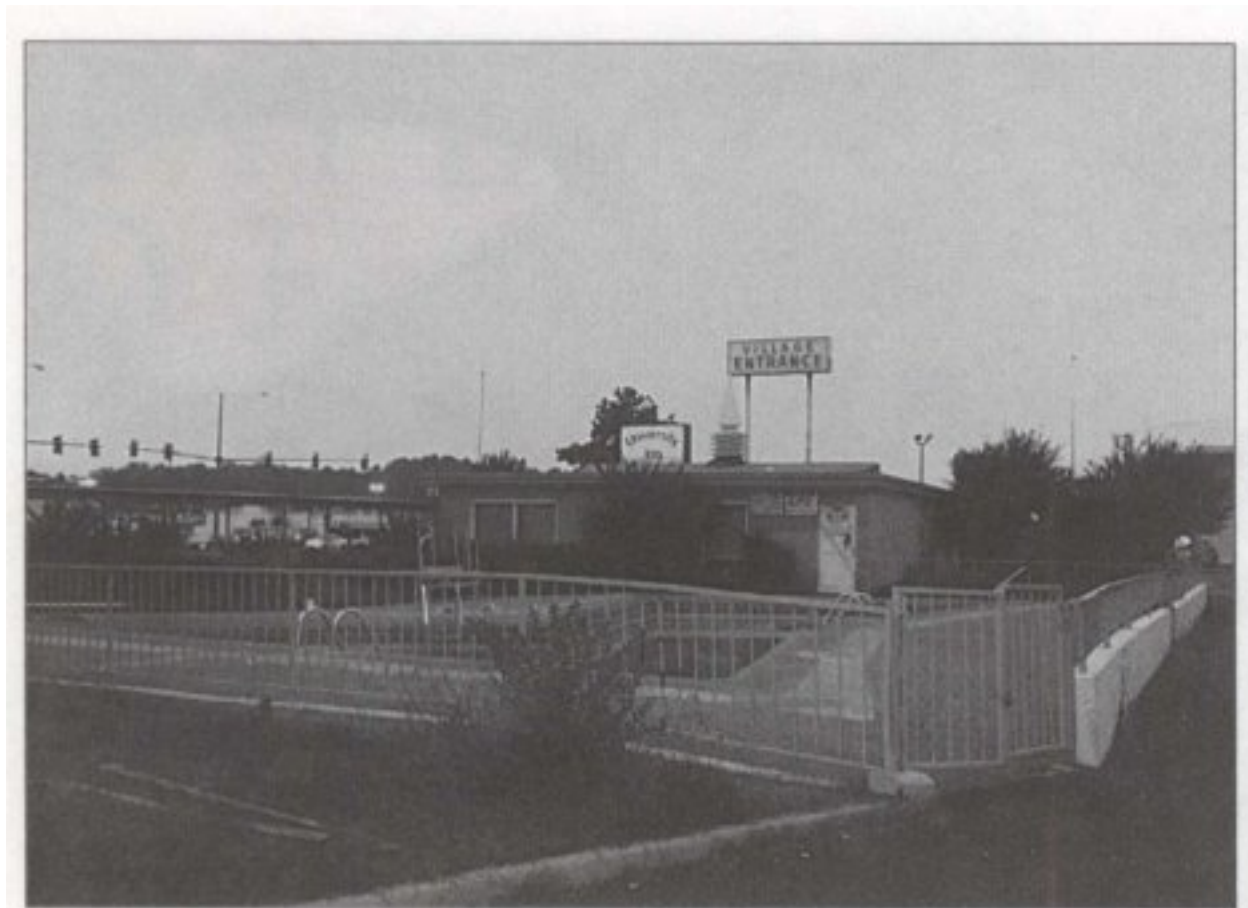
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&quot;I assure you, if I thought there was something political about any of it, I would have stopped it right at the beginning.&quot;

The Elders case surfaced in December 1993, about the same time Walraven's other target, Paul Harvey, was indicted on a marijuana trafficking charge. On December 15, arrest warrants were issued for both Paul Harvey and Kevin Elders. And while Palmer suggests that Walraven's court appearance in connection with the Harvey indictment triggered the decision to arrest Kevin Elders, it might have been the other way around. Harvey's file in the U.S. District Court reveals little of any interest, and Harvey's attorney declined to comment on the case.



*Calvin Walraven was fired from the University Inn in 1993, about the same time he became a paid informant.*

For now, there's no proof the Little Rock narcotics squad launched a vendetta against Joycelyn

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Elders, although she did suggest studying a policy that would put them out of business. But it is possible that after her December 7 comments, someone powerful decided to greenlight the cases against both her son and Paul Harvey.

Conspiracy victim or not, Kevin Elders is definitely a casualty of the drug war. Some of the cruelest elements of the U.S. drug laws are mirrored in the Arkansas statutes, to wit: paid informants are considered reliable witnesses, prosecutors can punish a defendant who refuses to plead guilty, and judges have no power to reduce a mandatory sentence.

These elements all came into play in the Elders case. But the kicker was an Arkansas law that dictated a ten-year mandatory sentence for selling up to an ounce of cocaine. And while Walraven had asked Elders to sell him an eighth of an ounce (3.5 grams), the cocaine entered as evidence only weighed 1.85 grams, which is less than a teaspoon. Believe it or not, Kevin Elders got ten years for two grams.

Another irony: Just two weeks after Elders' conviction, the state law was amended to allow a suspended sentence on a felony such as cocaine delivery. But the judge ruled that the old law applied, and now one more first-time nonviolent offender is headed to the slammer.

On closer inspection, the case against Kevin Elders gets very suspicious. Walraven's testimony is inconsistent on key points, and it appears that the prosecution withheld information to cover up for a less-than-credible witness. If the judge had been told the full story, he might have given more credence to Elders' defense. Instead, another promising young man has been crucified on a drug charge, while the public turns a blind eye.

LITTLE ROCK is almost as segregated as Montgomery, Alabama once was. The public high schools weren't integrated until 1971 — by court order — and, by now, most of the white students have fled to private schools. Most of the golf clubs don't allow black members, and voters did not elect a black judge until 1991. The state had no Civil Rights Act until 1993. Today, twenty percent of Pulaski County is black, of whom a third live below poverty level. On average, black residents earn \$7,000 per year.

A few blacks make the crossover, but very few. Elders' mother was one of the lucky ones: she left the cotton fields on a scholarship at 15, was the only woman to graduate from University of

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---

Arkansas Medical School in 1960, and was named state health director by Governor Bill Clinton in 1987. Her husband, Oliver, is a retired basketball coach; their elder son, Eric, a public school teacher. But baby Kevin was star-crossed, perennially overweight. High school records show he was an average student, except for straight A's in band and choir.

By the time he entered college, Elders' parents had moved to a 15-acre ranch near Pine Bluff, where they gardened, swam and kept horses. After completing an M.B.A, he started working as a factory supervisor in North Little Rock. And he continued to acquire nice things, including the 300 ZX and a bungalow on West Capitol Street. But he was also a devout Methodist. "My parents made it easy for me to have a good heart," Elders says. "I always had everything that I needed, and some of the things that I wanted. I wanted to make sure that everyone else around me was able to prosper by some of the things that I had."

Everyone agrees that Elders was a sweet, trusting young man. But there was one person he trusted too much: Calvin Walraven. Elders remembers meeting him at a Christmas party in 1990. "He seemed like an okay guy, and he and I started talking and we developed a friendship." At the time, Elders was in graduate school and Walraven had a job selling cars. "I might see him once or twice a month when I come up for weekends.... It started off with just having some drinks, going out to a bar to play pool. I don't recall how we started getting into cocaine, and shooting cocaine." But they did.

Some time later, Elders realized that Walraven was "just not a good type of person" and he decided to end their friendship. He blames it partly on drugs. "Me being an abuser — if your mind is clouded, you can't distinguish a good character from a bad character." And part of it fell to Walraven, who Elders describes as "smooth and cunning and baffling, and really able to manipulate people."

Today, looking back on the nightmare that followed, Elders says he can understand why Walraven took his life. "For him to set me up like that.... If I did it like Calvin did, my conscience would be whuppin' my butt, too."

*First they done a lecture on temperance; but they didn't make enough for them both to get drunk on.*

— Huckleberry Finn, describing a typical con job by the Duke of Bridgewater and the King of France.

IN LITTLE ROCK, Walraven's reputation as a con man was legendary, as were his blue eyes. (He wore tinted contacts to enhance them.) "He was a chubby fella with blond hair, fat cheeks," says a Little Rock businessman who lost money to him in a deal. "He passed for a jolly-looking, clean-cut fella, and you couldn't help not to like him."

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But how could you trust him? "He was also a good liar, good con man," says the businessman, who claims that Walraven got fired from jobs twice for allegedly stealing money. This man says, "If the judge knew who Walraven was, he wouldn't have accepted his testimony."

Both the businessman and Elders say that Walraven stole money from a wealthy old woman in Memphis — "upwards of \$50,000," says Elders. He recalls hearing the story from a girl who said her grandmother "needed somebody to talk to, and Calvin just eased his way into that. Her words to me were, 'He robbed my grandmother blind.'"

Kenneth Johnson owned the group house in Hot Springs where Walraven lived until his death. And while the absentee landlord didn't know this renter well, he had his number. "Calvin was cutesy, and he had a lot of personality that he could turn on," says Johnson, "but he was a con, a real smoothie con."

Then there's the woman who met Walraven at the University Inn, a motel near the University of Arkansas where he lived and worked as a maintenance man in 1993. "He had his good points," she says. "He could get along with anybody, but also, he was good at faking like he really cared about you. He was real good at covering stuff up."

Prosecutor Palmer met Walraven for the first time in July 1994, one week before the trial. Palmer likes to say that Walraven was a "volunteer" who helped bust Elders out of the goodness of his heart, to help a friend get off drugs. "That's not the Calvin I knew," says the man who rented to him. "He wasn't an upright, honest kind of guy," says the man who did business with him. And the friend from the motel says, "That is a complete and blatant lie! Calvin is a bullshitter, and he will say anything he can just to help himself out. He has never been one to try to help anybody."

In the spring of 1993, Walraven started working at the University Inn. "He didn't like the manager," says his friend, "and he started slacking up on his work. Eventually, he got involved with some drugs. He would let the hookers come up into his room if they gave him a little piece of crack. And he would sit up there and smoke crack with them all the time, and he got to the point where he had smoked so much that he went out of his mind."



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Before that, she remembers, "He was already snorting cocaine and sniffing rush [amyl nitrite]. And of course he smoked pot." This woman prefers not to be identified, for fear of retaliation by the police. But she feels that Elders was set up, and she was flabbergasted to learn the police had recruited Walraven. "That's what floored me," she said. "How is this man gonna get somebody off drugs if he's a crackhead himself?"

Such details escaped the prosecutor. "I have never heard or received any information that Calvin was abusing at the time he was an informant," says Chris Palmer. "When he was working for the officers, they wouldn't have used him if at any time they thought he was under the influence." Palmer says that's a call he trusts the police to make.

In June of 1993, about the same time Detective King signed him up as an informant, Walraven got fired from the University Inn. The manager gave him 15 days to vacate his room, according to both the businessman and the friend. The businessman says, "He was looking desperately for money, because he had no health insurance. He was broke."

According to Little Rock police spokesman Charles Holladay, there were no charges pending against Walraven when he became an informant — he was in it for "financial gain." In Little Rock, confidential informants are typically paid \$20 to introduce detectives to a "drug area," \$100 if they help make an arrest. But the police refuse to disclose how much they paid Walraven, or any other details — despite the fact that such information is supposed to be a matter of public record. Holladay says the department doesn't want to set a precedent by releasing the information.

Detective Kyle King says he first signed Walraven on June 16, 1993. "I came to work one day," King testified, "and there was a note on my desk that someone wanted to speak to a narcotics detective." He dialed the number and was connected to the University Inn.

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*The pavilion in Boyle Park where the cocaine deal took place.*

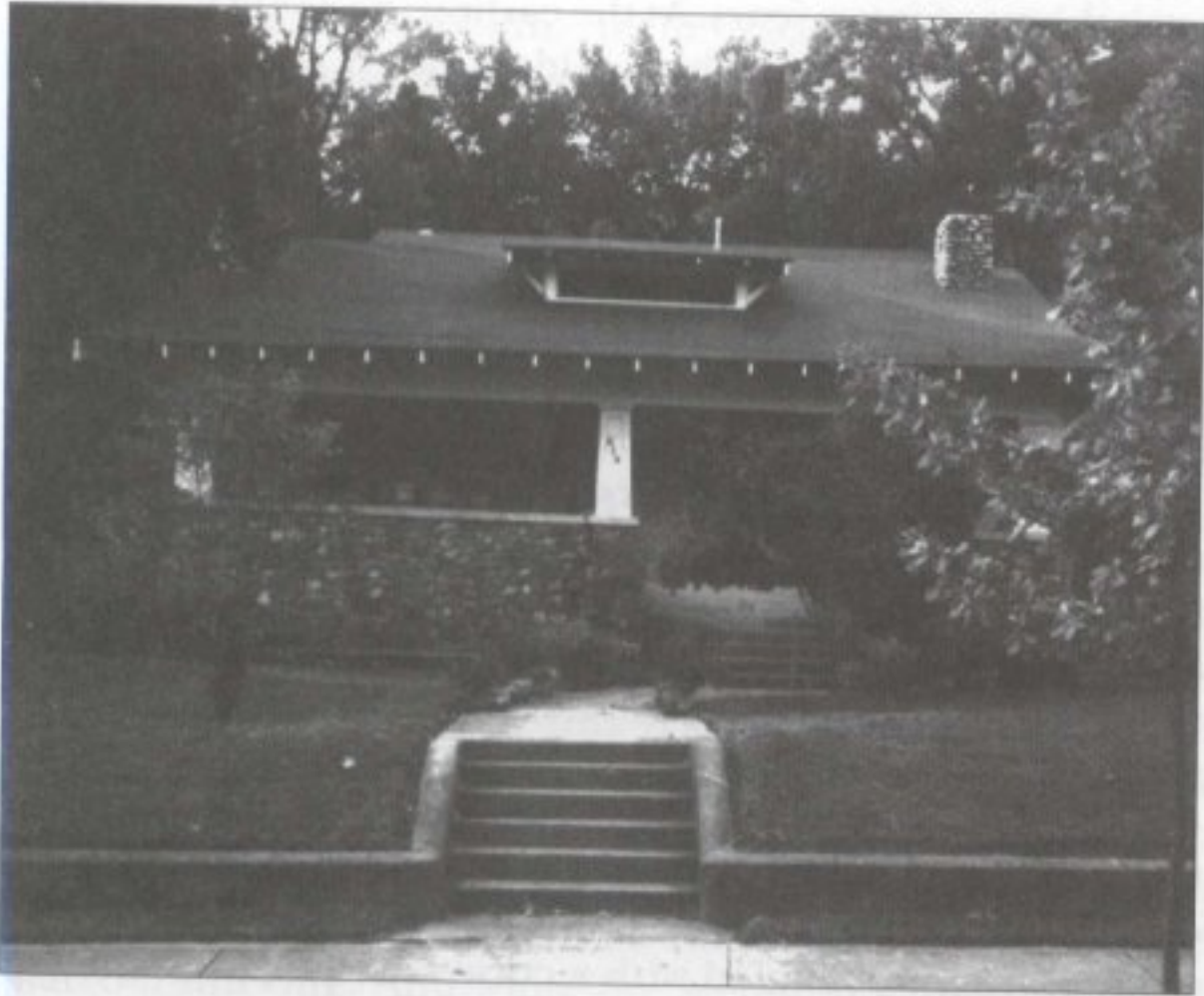
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*The house in Hot Springs where Calvin Walraven committed suicide after testifying against Kevin Elders last July.*