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**COMMUNITY FORUM  
HELD BY  
THE WEST VIRGINIA HUMAN RIGHTS COMMISSION TO  
THE U.S. COMMISSION ON CIVIL RIGHTS**

**9:30 A.M. TO 4:20 P.M.  
POLICE-COMMUNITY RELATIONS IN LOGAN COUNTY  
EQUAL EMPLOYMENT OPPORTUNITY IN UMWA  
RACIAL TENSIONS IN SCHOOLS**

Hearing held at the National Guard Armory Auditorium, Armory Road, Monaville, West Virginia on Wednesday May 5, 1993.

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APPEARANCE PAGE

**COMMISSIONERS:**  
**KI-TAEK CHUN, Ph.D.**  
DEPUTY DIRECTOR EASTERN REGIONAL OFFICE  
624 NINTH STREET, N.W. SUITE 500  
WASHINGTON, D.C. 20425

**DONALD L. PITTS**  
P.O. DRAWER SS  
SHADY SPRINGS, WEST VIRGINIA 25918

**ROBERT A. BRUNNER**  
849 WHISPERING WAY  
SOUTH CHARLESTON, WEST VIRGINIA 25302

**JOAN T. HAIRSTON**  
P.O. BOX 500  
OMAR, WEST VIRGINIA 25638

**SAMUEL N. KUSIC**  
12 VISTA AVENUE  
WHEELING, WEST VIRGINIA 26003

**ELOCADIO R. URIAS**  
2031 MILL GAP DRIVE  
MARTINSBURG, WEST VIRGINIA 25401

**HUMAN RIGHTS, ATTORNEY GENERAL & AFSC**  
RICK WILSON  
VINDEN SEYBOLD  
MARY CATHERINE BUCHMELTER  
JOANNE FARMER  
ROBERT WEISNER, MODERATOR

**POLICE-COMMUNINTY RELATIONS IN LOGAN COUNTY**  
TRAVIS GRIMMETT, LOGAN COUNTY SHERIFF  
COL. THOMAS KIRK, STATE POLICE  
REV. DAVID BELL, MT. OLIVE BAPTIST CHURCH  
REV. JEFF FRANCIS  
DAVID CHATMAN  
QUEWANNOCII STEVENS

APPEARANCES CONTINUED

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**EQUAL EMPLOYMENT OPPORTUNITY IN UMWA**

Norman Lindell, WV Human Rights Commission  
Bethel Purkey, President UMWA Local Union  
Willie Anderson  
James Major

**RACIAL TENSIONS IN SCHOOLS**

Glynda Gooden, WV Human Rights Commission  
Cora Hairston  
Bob Lonker, Principal Logan High School  
Moss Burgess, Logan County Federation of Teachers  
John Myers, Superintendent Logan County Schools  
Jean Turner

I - N - D - E - X

|    | STATEMENT                                  | PAGE # |
|----|--|--------|
| 1  |  |        |
| 2  |  |        |
| 3  |  |        |
| 4  | Police-Community Relations in Logan County |        |
| 5  | Ms. Hairston . . . . .                     | 6      |
| 6  | Mr. Chatman . . . . .                      | 9      |
| 7  | Mr. Francis . . . . .                      | 12     |
| 8  | Mr. Bell . . . . .                         | 16     |
| 9  | Mr. Kirk . . . . .                         | 15     |
| 10 | Mr. Grimmatt . . . . .                     | 18     |
| 11 | Mr. Stephens . . . . .                     | 22     |
| 12 | Mr. Major . . . . .                        | 27     |
| 13 | Mr. Kirk . . . . .                         | 30     |
| 14 | Clarence Renkin . . . . .                  | 37     |
| 15 | Mr. Stephens . . . . .                     | 40     |
| 16 | Mr. Kirk . . . . .                         | 46     |
| 17 | Mr. Grimmatt . . . . .                     | 53     |
| 18 | Mr. Kirk . . . . .                         | 55     |
| 19 | Ms. Hairston . . . . .                     | 58     |
| 20 | Mr. Kirk . . . . .                         | 60     |
| 21 | Mr. Stephens . . . . .                     | 63     |
| 22 | Mr. Pitts . . . . .                        | 65     |
| 23 | Mr. Stephens . . . . .                     | 67     |
| 24 | Mr. Bell . . . . .                         | 71     |
|    | Alena Hairston . . . . .                   | 73     |
|    | Mr. Stephens . . . . .                     | 75     |
|    | Carolyn Johnson . . . . .                  | 78     |
|    | Mr. Frances . . . . .                      | 87     |
|    | Mr. Bell . . . . .                         | 90     |
|    | Ms. Buchmelter . . . . .                   | 92     |
|    | Sergeant Ables . . . . .                   | 96     |
|    | Mr. Chatman . . . . .                      | 97     |
| 19 | Equal Employment Opportunity in UMWA       |        |
| 20 | Mr. Lindell . . . . .                      | 100    |
| 21 | Mr. Anderson . . . . .                     | 106    |
| 22 | Mr. Major . . . . .                        | 111    |
| 23 | Mr. Purkey . . . . .                       | 115    |
| 24 | Steve Hairston . . . . .                   | 119    |
|    | Mr. Pitts . . . . .                        | 122    |
|    | Steve Hairston . . . . .                   | 124    |
|    | Mr. Anderson . . . . .                     | 128    |
|    | Mr. Purkey . . . . .                       | 131    |
|    | Steve Hairston . . . . .                   | 133    |

| 1  | INDEX CONTINUED             |      |
|----|-----------------------------|------|
| 2  | STATEMENT                   | PAGE |
| 3  | Mr. Purkey . . . . .        | 135  |
|    | Mr. Major . . . . .         | 137  |
| 4  | Mr. Anderson . . . . .      | 138  |
|    | Mr. Major . . . . .         | 142  |
| 5  | Mary Clemons . . . . .      | 144  |
|    | Mr. Purkey . . . . .        | 147  |
| 6  | Mr. Lindell . . . . .       | 149  |
| 7  | Racial Tensions in Schools  |      |
| 8  | Ms. Gooden . . . . .        | 152  |
|    | Cora Hairston . . . . .     | 157  |
| 9  | Ms. Turner . . . . .        | 160  |
|    | Mr. Hagood . . . . .        | 161  |
| 10 | Mr. Myers . . . . .         | 165  |
|    | Mr. Lonker . . . . .        | 169  |
| 11 | Mr. Burgess . . . . .       | 177  |
|    | Julia French . . . . .      | 185  |
| 12 | Alena Hairston . . . . .    | 186  |
|    | Ms. Buchmelter . . . . .    | 193  |
| 13 | Mr. Wilson . . . . .        | 196  |
|    | Ms. Hairston . . . . .      | 197  |
| 14 | Mr. Lonker . . . . .        | 201  |
|    | Mr. Myers . . . . .         | 202  |
| 15 | Ms. Farmer . . . . .        | 209  |
|    | Mr. Stephens . . . . .      | 210  |
| 16 | Cora Hairston . . . . .     | 215  |
|    | Mr. Burgess . . . . .       | 217  |
| 17 | Alena Hairston . . . . .    | 222  |
|    | Mr. Lonker . . . . .        | 223  |
| 18 | Mr. Myers . . . . .         | 226  |
|    | Mr. Pitts . . . . .         | 230  |
| 19 | Mr. Kusic . . . . .         | 232  |
|    | Mr. Myers . . . . .         | 233  |
| 20 | Ms. Hairston . . . . .      | 236  |
|    | Mr. Lonker . . . . .        | 237. |
| 21 | Mr. Myers . . . . .         | 238  |
|    | Ms. Buchmelter . . . . .    | 245  |
| 22 | Cora Hairston . . . . .     | 246  |
|    | Alex Nelms . . . . .        | 248  |
| 23 | Joanne Nelms . . . . .      | 250  |
|    | Rosemary Bradsher . . . . . | 251  |
| 24 | Certificate Page . . . . .  | 253  |

1 MS. HAIRSTON: I'm Joan Hairston. I'm  
 2 the director for NEW. I'm also a West Virginia Human  
 3 Rights Commissioner, and I'm from the southern part of  
 4 the state.

5 We have some guidelines we are going to go by  
 6 today, and the purpose of this forum today is a fact-  
 7 finding mission. We are not here to point fingers. We  
 8 are here to see how we can better work together as a  
 9 community with different agencies so we all can have  
 10 a better place to live and feel safe in.

11 I have to apologize on behalf of the Commission  
 12 for having this in the middle of the week. We had no  
 13 choice in this thing. We wanted to have it over the  
 14 weekend. I have had about 50 people call me and blast  
 15 me for doing this and not doing it on the weekend, but  
 16 this is all we can do for the first time. Next time we  
 17 will hold it on the weekend.

18 I'm going to read the statement by the Advisory  
 19 Committee why we are and what we do and advise: The  
 20 Committee to the United States Commission on Civil Rights  
 21 has been established in each of the 50 states and in the  
 22 District of Columbia.

23 Pursuant to Section 105C of the Civil Rights Act  
 24 of 1957 and Section 6C of the United States Commission

1 on Civil Rights Act of 1983, the advisory committees are  
2 made up of responsible persons who serve without  
3 compensation.

4 Their functions under mandate from the Commission  
5 are to: Advise the Commission of all relevant  
6 information concerning their perspective states on  
7 matters within the jurisdiction of the Commission; advise  
8 the Commission on matters of neutral concern in the  
9 preparation of the reports of the Commission to the  
10 President and the Congress; receive reports, suggestions  
11 and recommendations from individuals, public and private  
12 organizations, and public officials upon matters  
13 pertinent to inquiries conducted by the State Advisory  
14 Commission; initiate and afford advice and  
15 recommendations to the Committees upon matters in which  
16 the Commission should request the assistance of the State  
17 Advisory Committee and obtain and observe any open  
18 hearings or conversations that the Commission may hold  
19 within the state.

20 This is the purpose of the West Virginia Human  
21 Rights Commission. Today we are -- our first session  
22 will deal with police, racism, sexism, police and  
23 community relation.

24 Our panelists for the police are to my left.

1 Immediately behind me is the West Virginia Human Rights  
2 Commission. We have panelists over here from the AFSC,  
3 Attorney General's office and whenever the Human Rights  
4 Commission gets here, they will be sitting over here  
5 also.

6 There is a sign-up sheet for anyone from the  
7 audience who wants to address issues pertaining to the  
8 community and police relations. Anybody who wants to  
9 speak from the audience please sign the sign-up sheet,  
10 because we will call your name off.

11 Keep your statements relevant to the issues, and  
12 it will help us get through in a speedy way. I'm sorry,  
13 when we speak, everyone is going to have to speak up  
14 because the PA systems aren't here.

15 The stenographer wants you when you speak up  
16 to give your name so that he can have it in the record.

17 Our moderator for today would be Bob Weisner. He  
18 has graciously agreed to moderate this, and we will begin  
19 with the panelists making your statements. You have five  
20 to seven minutes to make their statement.

21 If you would rather not make a statement, that's  
22 fine. If you would rather wait until the question and  
23 answer session, that is fine.

24 But I would like for the statements to start with



1 Mr. Chatman, the Rev. Francis and Rev. Bell and then  
2 go that way.

3 MR. PITTS: Let me just hold you for about  
4 two minutes. I need to talk to the reporter.

5 (Off-the-record discussion held.)

6 MR. PITTS: Back on the record.

7 MR. WEISNER: I'm basically here as a  
8 moderator. Hopefully I won't have too much to say and  
9 let the panel for the most part take part in the  
10 discussions, and then we will proceed into the questions  
11 from the audience.

12 At this time we will go to our panel. To my  
13 left you have -- I don't know. Did you say you want to  
14 have them seven or eight minutes for opening statements?

15 MR. PITTS: Yes. If you would, before you  
16 give your statements just identify yourself so that  
17 everyone here knows who you are.

18 MR. CHATMAN: My name is David Chatman,  
19 and I am not the president but the co-chairman of the  
20 Community of Law Enforcement Partnership in Logan.

21 Police-community race relations in Logan County  
22 are not very good. We have had several incidents that  
23 support this. A young African-American woman was thrown  
24 to the ground by a deputy. The woman suffered a broken

1 hip and was hospitalized for many days. This was during  
2 a drug raid by the sheriff's department.

3 An African-American family living in the Holden  
4 area received many threats. They finally moved to  
5 Shamrock because of those threats. An inter-racial  
6 couple living in the Chapmanville area had their trailer  
7 burned by two white men.

8 In the fall of 1992 racial conflicts at Logan  
9 High School erupted into a near riot situation, and  
10 this was not the first time. In November 1992 a Logan  
11 County African-American man was a victim of a terrifying  
12 assault while driving down a lonely stretch of road.

13 Two drunken white men rammed and turned over his  
14 vehicle with their truck and attempted to set it a fire  
15 while he was still trapped inside. He narrowly escaped  
16 and was treated for knife wounds.

17 An African-American man was stopped by a  
18 deputy -- incidently the same deputy that threw the woman  
19 on the ground. The driver was not speeding, and he was  
20 not violating any traffic laws. The deputy said that he  
21 was looking for drugs on that stop.

22 The most tragic incident occurred January 3rd,  
23 1993, when an 81-year-old African-American man was killed  
24 by state police at his home in Logan after his daughter

1 asked police to check on him.

2 After hearing what sounded like a shot, the city  
3 police asked for a backup to obtain -- and obtained a  
4 mental hygiene warrant. Police claimed when they tried  
5 to serve the warrant, they were fired upon. A standoff  
6 ensued during which the house was barraged with tear gas.

7 State police claimed that he was shot when he  
8 threatened to shoot them. There are many more incidents  
9 of this kind that I will not attempt to mention here.

10 Now, in an effort to stop these incidents we have  
11 organized a committee called the Community Law  
12 Enforcement Partnership, and we call it CLEP. Our goal  
13 is to assist the law enforcement in carrying out an  
14 appropriate and effective and professional policing  
15 services to all constituents in Logan County.

16 Our first objective is to increase knowledge of  
17 the total community, that is all of it's parts, by the  
18 sheriff's department and increase knowledge of the  
19 sheriff's department by Logan County residents.

20 We hope that this will be a start to get better  
21 relationships between the community and the sheriff's  
22 department. We are starting out with the sheriff's  
23 department, and we plan to enlarge it by going to the  
24 city police and also the state police.

1 MR. WEISNER: Thank you, Mr. Chatman. We  
2 have the list of those speakers that plan to be here.  
3 Some of them have not arrived as yet. We are going to  
4 just proceed as we have them listed here.

5 We will go to Rev. Jeffry Francis, First  
6 Presbyterian Church of Logan.

7 MR. FRANCIS: I'm here primarily to  
8 listen. I think it's something that we all must do. To  
9 participate in a discussion and to help discern issues;  
10 issues that exist and potentially to help in designing a  
11 vehicle to facilitate on-going and future discussions.

12 And I'm here because I'm a member of this  
13 community, of this county. But I'm also here because of  
14 perception. Mr. Chatman made some observations, some  
15 factual observations. I'm not so much concerned about  
16 factual observations as I am about perceptions.

17 It seems as if we have a perception problem. A  
18 perception on both sides. Both in the community and on  
19 the law enforcement side. Some may argue that we  
20 shouldn't necessarily focus on perception; that we should  
21 focus on the reality of the situation.

22 I would argue that the perception of reality is  
23 probably the most important component that we can focus  
24 on for it is perception of reality that is responsible

1 for emotional expression and behavior.

2 There is a strain, and it does exist between  
3 folks within various Logan County communities and law  
4 enforcement agencies, and I do believe it arises out of  
5 a perception.

6 A perception of not being treated fairly, a  
7 perception of prejudicial, and it seems to run along  
8 those racial and gender lines. It's a perception -- I'm  
9 talking about perception -- a perception that law  
10 enforcement response times will vary along racial and  
11 gender lines, community lines; perception that law  
12 enforcement officials may treat offenders differently  
13 based upon race, age, economic status and gender.

14 Whether or not there are any factual bases for  
15 these perceptions, I think the factual part is secondary;  
16 may even be tertiary. It is not a primary issue. The  
17 primary issue is perception.

18 I think it seems that it's our task today to try  
19 to address these perceptions that we must all, on all  
20 sides, community sides and in law enforcement side, we  
21 must all be sensitive to perceptions.

22 We must attempt to understand what may drive  
23 those perceptions, but we must first begin with the  
24 perceptions and assert for potential change; how we can

1 potentially change behavior. That might help us reshape  
2 our perceptions.

3 So I hope that we can address perceptions today,  
4 and that we can be sensitive to each other -- to each  
5 other's perception.

6 MR. WEISNER: Next we will call upon Rev.  
7 David Bell, Mt. Olive Baptist Church.

8 MR. BELL: Thank you. I'm, too, like  
9 Brother Francis, here primarily to listen, and so far  
10 I have listened to what Brother Chatman and Brother  
11 Francis have said. To a point I agree with Mr. Francis,  
12 with the point that perception may not be the total  
13 problem.

14 There are also realities that we have to face.  
15 The facts do speak for themselves. A famous man once  
16 said that all it takes for evil to win out is for a good  
17 man to do nothing. We have some good, law-abiding  
18 citizens in our community, but they have felt and have  
19 realized that they have not got the cooperation from the  
20 law enforcement agencies that they should.

21 Just recently in the community where I pasture we  
22 have had incidents where it took the law enforcement  
23 agencies more than 12 to 18 hours to respond to a call.  
24 That just cannot -- that is not a perception; that is

1 reality. That happened. That causes people to react in  
2 a negative way.

3 We must address the facts along with the  
4 perception. We must come up with a plan because all of  
5 us wants the same thing. We want our community safe for  
6 our children. We want our community safe for our aging  
7 adults, but we can't achieve that or accomplish that if  
8 we don't work together.

9 Perception, yes. Facts, yes. Reality, that is  
10 not what it should be. And if we don't attack those  
11 things together and if we don't come up with a conclusion  
12 that if we don't work together, it's never going to  
13 happen. Then the situation is not going to get better.  
14 It's going to get worse.

15 One thing I hope that we can accomplish at a  
16 forum like this is that we can sit down, see what the  
17 needs are, see what the problems are, and like men and  
18 women come together. As I say in Isaiah, Come let us  
19 reason on together. It has to be a reason process for us  
20 to move forward in Logan County. I hope that begins  
21 today. Thank you.

22 MR. WEISNER: We are very pleased to have  
23 with us today Colonel Tom Kirk, Superintendent of Public  
24 Safety for the State of West Virginia.

1 MR. KIRK: Thank you. I don't have a  
2 prepared statement. What we are here for is to sit and  
3 listen, answer what questions we can.

4 Realizing that there have been a number of  
5 lawsuits filed over the past couple of years. There are  
6 things that I can answer and cannot answer. I will  
7 answer any question that I have knowledge of. I also  
8 have parts of my senior staff, members of the state  
9 police community down here that control this area.

10 If I can't answers questions, I will refer to  
11 them. Hopefully they can answer whatever questions that  
12 come about.

13 One statement I would like to make before we go  
14 on, leaving as much time as we can for questions and for  
15 panel discussion, is that we consider the state police  
16 a part of this community.

17 I have been a state police member for 19 years.  
18 I have only been superintendent for three months, but I  
19 have been with the state police for 19 years. One of the  
20 reasons why I'm a West Virginia State Trooper is because  
21 of the mesh between the state police and the community.

22 There is no way that we can do the job that we  
23 can do all over the state without the support and  
24 cooperation of the community. We pride upon it.



1           When I first came in the state police my first  
2 station was in Company D, which Logan is part of Company  
3 D. I have since then been stationed in every other part  
4 of the state, and I have never seen cooperation between  
5 the people and state police like I have seen in this  
6 area.

7           We hope that that continues, and again there is  
8 no way that we can survive -- the state police  
9 organization without that continued support, without  
10 that continued cooperation with the citizens not only  
11 in this area but throughout the southern part of the  
12 state.

13           We hope that not only continues, but we are also  
14 here to help improve that however we can upon Mr. Chatman  
15 being president of, CLEP Community Law Enforcement  
16 Partnership. I believe also that at times there are  
17 questions that are unanswered and because of that there  
18 is a wrong perception that comes up.

19           I applaud his efforts and look forward to working  
20 with him in any way that if there is a complaint, we can  
21 possibly tell him about our budget problems as far as  
22 response time goes or communication problems; and  
23 hopefully work with the community to help solve some of  
24 the problems so the community doesn't look upon any lack

1 of activities as far as the state police goes.

2 As anything other than us trying to regain some  
3 of the bugetary -- I guess maybe the correct word  
4 is things that we have enjoyed over the past 10 to 20  
5 years.

6 West Virginia is in a budgetary crisis and no one  
7 that I know of in state government feels that as much  
8 as what the state police do. I don't really want to get  
9 into exactly what I'm talking about or bore you with the  
10 condition that our cruisers are in, the communication,  
11 but at the same time, again, if those are parts of the  
12 problem, then again I look forward to working with Mr.  
13 Chatman and explaining some of these situations to him so  
14 that if there is a perception that causes mistrust that  
15 we can work that out any way that we can. Thank you.

16 MR. WEISNER: Next we have Mr. Travis  
17 Grimmatt, the Sheriff of Logan County.

18 MR. GRIMMETT: As you were told, I'm  
19 Travis Grimmatt, Sheriff of Logan County.

20 Community relation. Police agencies try to  
21 establish public relations or community relation units  
22 to form a means of recapturing or establishing rapport  
23 with certain segments of the community.

24 Programs are aimed at target populations who

1 either are prone to have violent confrontations with or  
2 have questions about police activities: Youths, minority  
3 groups, citizens working and living in a defined  
4 section of the city or county.

5           Communications gap. At earlier times police  
6 patrol officers had an intimate knowledge of neighbor-  
7 hoods they patrol. They were on foot; citizens saw the  
8 officers.

9           Two, police work was done by car placing glass  
10 and steel barriers between officers and the public.  
11 Neighborhood barriers, neighborhood precinct houses which  
12 were community centers of information and problem  
13 solving eventually were closed down and centralized into  
14 a centralized police station, thereby becoming assessable  
15 for the general public.

16           Citizens have difficulty in identifying community  
17 police since the officers there are often too few to  
18 service the population effectively.

19           Community relations should be the responsibility  
20 of each police officer. Community police officers are  
21 the only variable that increases or decreases tensions  
22 within the community. Individuals and community groups  
23 provide relations to talk to the police on a departmental  
24 basis.

1           It provides the department with the mechanism to  
2 undo or address perceived wrongs committed by officers in  
3 the course of their duties. Community relations are just  
4 not the responsibility of the sheriff.

5           They must also become the personal responsibility  
6 of each and every professional police officer. Each  
7 officer represents the image of policing and his or her  
8 police department to the citizens of the county. How  
9 each officer deals with the citizens in his or her daily  
10 work reflects on the department as a whole.

11           All police officers should consider themselves  
12 as a community relation unit. Community relations should  
13 function in two major areas, crime prevention and public  
14 relations.

15           Many agencies have developed programs to help  
16 reduce crime. Community and special interest groups  
17 were educated in how they could help in the fight against  
18 crime and at the same time reduce the likelihood that  
19 they would be crime victims.

20           Neighborhood Watch programs was devised by the  
21 National Sheriff's Association. Each person in an area  
22 is responsible for watching out for suspicious persons  
23 and incidents such as burglaries, breaking and entering  
24 and theft.

1           The rules for this program is to foster the need  
2 for collective security in the neighborhood and instruct  
3 citizens under what circumstances to call for the police.

4           When available, citizens are issued decals that  
5 are posted in windows and doors indicating that the  
6 resident participates in the neighborhood program,  
7 thereby attempting to foster some sort of deterrent.

8           In closing, let me assure you that most crime  
9 prevention programs have been only half-hearted attempts  
10 to improve police-community relations. Sometimes a  
11 program is conceived and makes the publicity in the media  
12 is generated and after a few months the program dies.

13           The truth is that some of the equipment for  
14 programs such as Neighborhood Watch, Operation I.D. and  
15 with similar ventures eventually does nothing but collect  
16 dust at police property areas. This must not be allowed  
17 in our county.

18           As your sheriff it is my job to evaluate the  
19 terms of the programs' permanent value to the citizens  
20 and the sheriff's department. I pledge my full  
21 cooperation to evaluate any program that we now have to  
22 maximize the full value to the citizens and the  
23 department.

24           As your sheriff I pledge to fully cooperate

1 with all communities in the Neighborhood Watch. Thank  
2 you.

3 MR. WEISNER: We have two more guests that  
4 have arrived. We will give them a few minutes to settle  
5 in, and then we will move on to questions from our head  
6 table.

7 (Off-the-record discussion held.)

8 MR. WEISNER: We have with us Mr. Que  
9 Stephens, Executive Director of the West Virginia Human  
10 Rights.

11 MR. STEPHENS: Good morning. I must  
12 apologize for the change of events this morning. I have  
13 been down in this area quite a bit to do a number of  
14 things. I think what happens in my arena, because I  
15 have to answer the mail, the citizens tend to call me to  
16 talk to me about issues that they feel empowered to do.

17 There is a lack of, I would say, lack of trust,  
18 when it comes to dealing with law enforcers. Whether  
19 it's on both sides, I'm not sure, but it's just -- a lack  
20 of trust is there.

21 I have had an opportunity to do some training at  
22 the academy on all levels. I think there are a number of  
23 problems that we can probably fix in this state, and I  
24 don't know how they are going to be fixed. One centers

1 around the matter of education.

2 When I personally look at law enforcement  
3 persons, I see three different type jurisdictions.  
4 I see the city police. I see the sheriffs, and I see  
5 the state police. Because of my background, when I look  
6 at the state police, I look at what one may determine as  
7 the elite because of the number of hours they must obtain  
8 at the academy for training.

9 Those troopers also receive an Associate of law  
10 degree at the time that they are there. When I look at  
11 the next level of sheriffs their jurisdictions have been  
12 different because you are talking about a county arenas  
13 where the areas are much larger, and their work has been  
14 different than the state police.

15 Then when I look at the city police the  
16 requirements to be a city policeman are a bit different  
17 than any state trooper. And what happens a lot of times  
18 that I have found when I have taught at the academy is  
19 that some of the police come from the local community.

20 They live there all their lives and never  
21 interacted with the populations of different races or  
22 sexes. They are basically told what to do by a  
23 nucleus of things which may be the family, the community  
24 they may live in, and they have never transferred

1 themselves from any other place other than their local  
2 community.

3           They go from there, which may be a small  
4 community of maybe 1,000, 2,000 people, to the academy.  
5 In a nurtured environment they are trained, and they go  
6 back to the same community. So they have not really  
7 changed a certain thing called behavior. That tends to  
8 be a problem.

9           When I look at the Logan area I have to  
10 personally hear complaints from citizens who talk about  
11 treatment, a lack of respect for them as citizens; the  
12 inability for them to hear what they are saying; the  
13 assumption they may make about a population, and that  
14 population may be a young black youth or even an older  
15 citizen.

16           And those are the things I hear which has caused  
17 me to come to the community on a number of occasions on  
18 allegations of abuse, lack of trust, lack of respect;  
19 inability for persons to hear what they are saying.

20           And because that person may be black, male or  
21 female, the lack of trust exhibits itself quite a bit.  
22 There have been a number of things that have occurred in  
23 the Logan proper that would appall me as a person who  
24 has been around the world and seemingly nothing is done.



1           As a director of a Commission that deals with  
2 human rights and civil rights all the time, it tends to  
3 bother me that at times things are not done. Because of  
4 that, the citizens tend to not accept or respect the  
5 local law enforcement persons for whatever reasons, and I  
6 know by nature, the nature of the beast, that people are  
7 people, and there are bad eggs in every bushel; and there  
8 are good policemen out there, and there are bad policemen  
9 out there; and it only takes one.

10           We cannot compare the Rodney King incident to  
11 things that have occurred in our community or this  
12 community, but I think what happens a lot of times is  
13 that people tend to think of those situations. They  
14 think of what may have occurred a few months ago in the  
15 Waco incident.

16           There are things that I am not empowered to do.  
17 I can simply listen. I can write documents if I do have  
18 jurisdiction to investigate and bring power to bear on  
19 those persons who inflict harm to someone else by the use  
20 of a weapon of our badge. I may do that.

21           I think what has happened here is there is a lack  
22 of trust. The mother/father tells the child, Don't trust  
23 that policeman because he is a bad guy or he will shoot  
24 you. That is not a thing I would like to hear, because

1 some parents do that because that has happened in that  
2 family or it has happened in the past.

3 So that lack of trust has been here. It hovers  
4 over this community, and I hear it all the time. I hear  
5 the law enforcement side because I'm around them as  
6 well either on a professional basis, or they call me to  
7 talk about issues that affect them as well.

8 So I hate the stigma. I hate the idea that if  
9 I were to say "Logan" in any community that this stigma  
10 comes out that this is a bad place to live. The police  
11 officers do not listen on any level, and that bothers me  
12 because as I see -- I see law enforcement persons  
13 differently, as I said earlier.

14 I see the local police differently than I see  
15 the deputy sheriffs, and I see them differently than I  
16 see the state troopers. I know that by my interacting  
17 with state troopers they have been very professional,  
18 but what is transformed here is that because of the lack  
19 of trust and the lack of respect, the local people,  
20 especially minorities, do not respect any level of the  
21 law enforcement persons.

22 That does not mean that those people are not  
23 professionals, just a stigma that hangs out there. As  
24 police may look at a black community the assumption may

1 be that all the black youths do drugs or all the black  
2 youths are only into sports. That stigma hangs out  
3 there as well and affects anything that they may do.

4 So if this community spent more time, I would  
5 think, on things like community policing, as is happening  
6 in the Charleston area, I think the trust will come  
7 back, but it's going to take some time. That is about  
8 all I have.

9 MR. WEISNER: We have four people from the  
10 audience that have signed the sheet and have indicated  
11 a desire to speak here today.

12 The first speaker that we have is Mary Reynolds,  
13 and we would ask that -- you don't plan on speaking --  
14 if you would like to speak, we would ask that you keep  
15 your questions or comments to a five-minute time frame.

16 Andrew Reynolds? James Major?

17 MR. MAJOR: My name is James Major, and I  
18 live here in Logan County and have been here a few years.  
19 I am also on the program with Mr. Chatman at CLEP;  
20 community involvement with police work. I was the first  
21 black deputy sheriff in Logan County some years ago.

22 There is a problem that I would like to ask some  
23 questions concerning about times. Last week -- a few  
24 days ago I called the sheriff's department, and I called

1 the state police here in Logan; and there was a time  
2 involvement that sort of bothers me.

3 The state police said there would be nobody on  
4 duty until 9:00 in the morning. The county person on the  
5 phone said there wouldn't be any deputies available until  
6 8:00.

7 I would like to know if there is a cutoff period,  
8 say 12:00 at night until 8:00 in the morning or 12:00 at  
9 night until 9:00, there is nobody available. And  
10 sometimes there is some problems that need addressing  
11 early in the morning, and I think that I just have to  
12 make this observation.

13 I would like to suggest that -- it's hard for you  
14 as police, either side, to determine whether it is, I  
15 suppose, a real problem that needs immediate assistance,  
16 but I think that if anybody would call that early in the  
17 morning for certain things, that it probably does need  
18 assistance; and I think there should be some  
19 encouragement given.

20 I will say that a little bit after 8:00 or near  
21 8:00 -- because I called about 7:30 -- that I did get  
22 some recognition from the deputy sheriff, and I called  
23 all the way into Charleston and some calls placed around;  
24 and I got a call back from Charleston concerning the

1 state police, and later in the day I found out that the  
2 state police did make it towards the area.

3 To me time is important. We know it, and if I  
4 call or somebody called in the neighborhood, especially  
5 we feel in the black neighborhoods, that the police  
6 won't come immediately, but we wonder if they will go to  
7 Middleburg or Justice Addition more promptly than  
8 they do in our communities.

9 Is there a reason for the 9:00 or the 8:00? Can  
10 you, as sheriff, tell me?

11 MR. GRIMMETT: Let me try to answer that  
12 question. What the public doesn't realize that sometimes  
13 during the evening, especially in the evening, we have  
14 like three and four deputies on hand. At the same time  
15 these three or four deputies, two or three of them may be  
16 transporting mental hygiene patients to different  
17 hospitals and youths to different places; therefore, you  
18 may only have one deputy right in the county at that  
19 time.

20 At the time of a call being placed, that deputy  
21 may be like down in Chapmanville, and we may get a call  
22 up in Buffalo Creek; and there is time lapses in that.  
23 We are working real hard on that right now to try to get  
24 a response time a lot quicker.

1           But there were times that they're tied up, and  
2 it's impossible to make a run like that unless it's a  
3 dire emergency.

4           MR. MAJOR: From the state police?

5           MR. KIRK: First of all, you said you  
6 were deputy sheriff at one time, a few years ago, I  
7 believe you said.

8           MR. MAJOR: '67.

9           MR. KIRK: How many hours a week did you  
10 work?

11           MR. MAJOR: Eight except on Sundays and  
12 certain nights I took care of the jail. Friday nights  
13 I took care of the jail when the state police, city  
14 police brought in persons to be jailed.

15           MR. KIRK: When I first came to the  
16 state police my normal workday began at 8:00 in the  
17 morning. It ended whatever time it ended. It might  
18 end at 6:00 the next morning, and I was still required to  
19 be on station at 8:00 that morning.

20           We work to at least 5:00 and sometimes 6:00  
21 and even sometimes seven days out of the week. At that  
22 time we were paid a salary, and that salary covered  
23 us working all the time.

24           Since then the federal courts have stepped in and

1 ordered us that we can no longer do that. I'm now  
2 saddled with paying my troopers for a 40-hour work week.  
3 At the end of 40 hours I have to let them go home unless  
4 I can pay them overtime.

5 If I don't have money to pay for overtime, I  
6 can't send them out. I might have to order them home.  
7 This year in the Legislature I probably get passed  
8 instead of a 40-hour work week, 160 hours for a four-week  
9 period so that calls could be answered during the night  
10 so we could better schedule people.

11 I had more support out of doing that from  
12 troopers in Logan County than anywhere else in the state  
13 I have been. I have troopers from Logan County on a  
14 constant basis calling the legislatures telling them to  
15 let me do my job. Give me the hours to do my job. I  
16 commend them for that.

17 Bottom line is it didn't pass. I still have  
18 to -- at the end of 40 hours I have to send them home. I  
19 have also been mandated by the federal courts, not only  
20 do I have to send them home after 40 hours, but I have to  
21 insure if they work more than 40 hour a week, whether  
22 they want to or not, I have to discipline them for  
23 working.

24 We are one of the few agencies in the world I

1 know where if you give your company more hours than what  
2 they pay you for, you can get disciplined for it, but,  
3 in fact, that is exactly what happens.

4 Now as a result of that and with the cut backs  
5 and the laws in the Legislature, what we have had to do  
6 are reschedule our people and the try to put them out  
7 at the peak time.

8 I still have people available for night calls,  
9 but usually when we do that it's only one person in the  
10 county that is available for night calls. We are working  
11 on a program right now that maybe where we can combine  
12 some counties so that we still have three or four people  
13 on a 24-hour basis in maybe a three- or four-county area.

14 I welcome any suggestions that you have and how  
15 we can better do that with the money I have allotted.

16 In your specific situation, I know I was  
17 contacted, and I think you received a call from Captain  
18 Blizzard. We are checking into exactly what happened in  
19 that situation, but again, I can almost tell you that  
20 it's just a shortage of me telling Sergeant Ables, You  
21 only have so may people; you only have so many hours.  
22 Schedule them wherever you think you need them at that  
23 time.

24 As far as your comment about by responding to one



1 community over another. I would be extremely  
2 disappointed in any state police officer that would  
3 respond to one community any quicker or any slower than  
4 any other part of the region. If that would happen, I  
5 need to be made away of that.

6 But again, the community, state police reaction  
7 that we get from Logan, as well most of the southern  
8 part the state, I would be more than disappointed if that  
9 was, in fact, the case.

10 MR. MAJOR: I have also heard that.

11 MR. WEISNER: Mr. Major, if you would, I  
12 have been told that the comments should be directed first  
13 to the Commission and then the Commission in turn will  
14 question our panelists.

15 So your comments are well intended, but if you  
16 would direct them toward the Commission.

17 MR. MAJOR: My other question was and  
18 perhaps with -- I have heard or it has been said that if  
19 deputy sheriffs come or our state police come, they won't  
20 get out because they will look and go about their  
21 business.

22 I think that maybe personal contact with the  
23 people, somebody in the community would be a good  
24 solution to end the fear thoughts or whatever, whichever

1 side it's on.

2 Personal contact with somebody or some persons in  
3 the neighborhood, not just ride in the cruiser, turn  
4 around and go back out, the state police or deputy  
5 sheriffs, whichever one. I'll leave that to you.

6 MR. PITTS: I would like to ask Mr. Major  
7 a question just for clarification. Mr. Major, you are  
8 saying that when the law enforcement people are called to  
9 the black community they will not investigate the crime  
10 or the alleged crime? Is that what you are saying?

11 MR. MAJOR: (Witness nods head  
12 affirmatively.)

13 MR. PITTS: And that this call that went  
14 to the sheriff's department and to the state police that  
15 you were told that nobody would be able to talk to you or  
16 come out and investigate the crime until the next  
17 morning, 8:00 or 9:00?

18 MR. MAJOR: It was morning when I called,  
19 around 7:15, and work time according to the them was  
20 8:00 or 9:00, either one of the groups.

21 MR. PITTS: Did you understand that to  
22 mean that there was no one working at that time either in  
23 the sheriff's department in law enforcement or in the  
24 state police department? Is that your understanding?

1 MR. MAJOR: Yes.

2 MR. PITTS: Do you remember who you talked  
3 with?

4 MR. MAJOR: Dingess is the lady at the  
5 state police or the -- it's a lady who answered the  
6 phone, both of the those places.

7 MR. PITTS: Was it the dispatcher, or do  
8 you know?

9 MR. MAJOR: Dispatcher. It would be a  
10 Dingess at the state police.

11 MR. PITTS: We will find out.

12 MR. MAJOR: I don't remember who was at  
13 the sheriff's department.

14 MR. PITTS: Now, one other thing, are  
15 there any people here who came to give us information?  
16 You have the protection of the U.S. Commission on Civil  
17 Rights that if you have any information to give us, you  
18 can feel free to give us that information without any  
19 harm.

20 Certainly if something should happen to you  
21 after you have given us information, through the  
22 Commission, we will bring the full force of the  
23 government against it. I understand oftentimes when  
24 people are face to face with law enforcement that there

1 is some fear. Of course, that has always been the  
2 problem in our community because of how we have been  
3 treated.

4 You may release your fears today, and we will  
5 take down your statements regardless of who is present,  
6 and we will be mindful and watchful of the situation here  
7 in this county.

8 Make no mistake about it. We're here to do  
9 business. Sometimes there is a cost, but we are here to  
10 do business; and we don't want you to have fear to speak  
11 out and to bring us this information.

12 MR. CHUN: If I may just comment on that.  
13 I was a little puzzled, if I heard you right, there was a  
14 few people who signed up to request an opportunity to  
15 make comments or ask questions.

16 And when you called upon those names, some, I  
17 think, people shook their hands indicating they did  
18 not wish to make a comment or ask a question.

19 What does that mean?

20 MR. WEISNER: I think, I'm just guessing  
21 on my part, that some of the people that signed this --  
22 for example, some of panelists signed the list, and I  
23 think some of the others that may have signed were  
24 looking upon it as just a roster of who is in attendance.

1 MR. CHUN: Let's ask, if I may. I  
2 remember the name Mary Reynolds.

3 MR. PITTS: And Andrew Reynolds, both of  
4 them.

5 MR. CHUN: Is Mr. Andrew Reynolds here?  
6 How about Mary Reynolds?

7 MARY REYNOLDS: I am here.

8 MR. CHUN: Did you, ma'am, sign up  
9 intending to ask questions or make questions -- or ask  
10 questions or was it merely for you to indicate your  
11 presence here?

12 MARY REYNOLDS: I thought it was for  
13 attendance for being here.

14 MR. CHUN: Thank you, ma'am.

15 MR. WEISNER: Any other questions for the  
16 Commission of our panelists?

17 MR. CHUN: Yes, I do.

18 MR. PITTS: Yes, a statement.

19 CLARENCE RANKIN: I have got some  
20 questions.

21 MR. PITTS: What is your name?

22 CLARENCE RANKIN: Clarence Rankin.

23 MR. PITTS: Spell you last name.

24 CLARENCE RANKIN: R-A-N-K-I-N:

1 MR. WEISNER: Mr. Rankin, address your  
2 comments to the Commission, please.

3 CLARENCE RANKIN: What?

4 MR. WEISNER: Address your question or  
5 comment to the Commission.

6 CLARENCE RANKIN: Up in my community  
7 there's a fellow up there who has been trouble up  
8 there, and he runs his sewer right into the creek. And I  
9 have reported it and went to Charleston and the guy said,  
10 We don't live there, and I go call down there; and he  
11 hangs up; won't even talk to me.

12 I can't get nothing done. I would like to see if  
13 you all can get something done about it.

14 MR. PITTS: Mr. Rankin, we are sorry, but  
15 we cannot do anything about that. We are a fact-finding  
16 body for the U.S. Commission on Civil Rights. There  
17 should be proper health authorities in your county --  
18 there should be proper authorities in your county that --

19 CLARENCE RANKIN: I can't get nothing  
20 done up there. I complained to them for three years, and  
21 I still can't get nothing from them.

22 MR. CHUN: Perhaps if I can talk to you  
23 afterwards and give me some facts, and perhaps we can  
24 write a letter for request or suggestion to proper

1 authorities to follow-up.

2 MR. WEISNER: We have --

3 MR. KUSIC: This question goes to Mr.

4 Rankin: Do you feel that the reasons that you aren't  
5 receiving cooperation from the local health authorities  
6 or the people in Charleston is based on race, color?

7 CLARENCE RANKIN: That is exactly what I  
8 believe it is. If there's another way around it, may be  
9 you can do it. Those politicians in Logan know each  
10 other and won't do nothing to them.

11 I have been after them for three years and can't  
12 get nothing done about it.

13 MR. KUSIC: Thank you. I just wanted to  
14 find out what your feelings were about that. Could you  
15 give us a telephone number? Mr. Rankin, could you give  
16 us a telephone number?

17 MR. MAJOR: 752-2000.

18 MR. KUSIC: No, your telephone number.

19 MR. RANKIN: 239-3364.

20 MR. KUSIC: 239-

21 MR. RANKIN: 239-3364.

22 MR. PITTS: Will you see Dr. Chun  
23 immediately after this session, and we will see whether  
24 or not there is something that we can do about that

1 situation? Will you stay around to see him?

2 MR. RANKIN: Yeah.

3 MR. CHUN: If I may -- Mr. Stephens, did  
4 you have a questions?

5 MR. STEPHENS: A point about responses to  
6 that. I think what he is driving at is things I hear;  
7 things that come to me. It's a matter of response.

8 A citizen may call, and they know where that  
9 citizen lives, if it's in a poor or a black community,  
10 predominantly black community, what they're saying is  
11 that police law enforcers will not respond to them as  
12 they would respond somewhere else, and the citizens know  
13 that; and you cannot hide that.

14 So what they are saying is: Why does it take so  
15 long to respond to an incident? Or if they're  
16 established times by either the state police or the  
17 sheriff's department or the police department, then'  
18 establish those times so the citizens will know where to  
19 go when the bullets start firing, and that is what  
20 happens.

21 If there are weapons out there and people have  
22 weapons, they are shooting people, people are shooting at  
23 them; they are a bedroom community whether it's a white  
24 or black community, then tell them what it is.



1 I think, again, it's a matter of education. Tell  
2 a citizen where they can go for a response for help.  
3 Tell them that. But don't allow them to call, either  
4 call Kirk's people or the sheriff's department and get  
5 some dispatcher who might, in fact, be sensitive to the  
6 person on the other end knowing where they live and do  
7 nothing.

8 You cannot give the excuse the deputy sheriff  
9 is in another county or in another part of the community.  
10 And if that deputy is in another part of the community,  
11 then give it to another law enforcer so someone can get  
12 out there, and you do not have someone being killed.  
13 That is the case. That is his point.

14 That is what I hear: That they do not respond  
15 when they should respond, and that is the allegation.

16 MR. PITTS: Mr. Director, is this a  
17 reasonable law enforcement response to an emergency call  
18 from a citizen that there is nobody on duty? Do you feel  
19 in your experience --

20 MR. STEPHENS: I don't think there is  
21 any reason for that. I think there should be some  
22 recourse for any citizen calling. Again, I think it's a  
23 matter of jurisdiction.

24 Our citizens should know what -- who has

1 jurisdiction in a certain environment rather than saying,  
2 Well, there is no one at work, or they're on another  
3 side of the community.

4 I know they all do, but that is me. That is  
5 because I am faced with them a lot. I know where the  
6 border lines, so to speak is; what they should be doing  
7 and should not be doing.

8 If a citizen asks me if I am the law enforcer,  
9 they ask me, Can you come out; someone is shooting. Then  
10 if I have no police officers in that area, the deputy  
11 sheriff or whatever, then I would make sure something  
12 happens.

13 If I am either a dispatcher or law enforcement  
14 person, I make certain something happens so that citizens  
15 can feel comfortable about the next door neighbor  
16 shooting at another neighbor.

17 MR. PITTS: So then in your opinion, and  
18 you have dealt with a number of these situations in  
19 calls, and you have some experience in dealing with this  
20 kind of issue; is that correct?

21 MR. STEPHENS: Yes.

22 MR. PITTS: In your experience do you  
23 feel that this is a lack of sensitivity to the black  
24 community in terms of both the sheriff's department and

1 the state police?

2 MR. STEPHENS: I think it's a lack of  
3 trust placed by the black community on the law  
4 enforcement persons, and they could not even be true. It  
5 could be, as the sheriff has indicated, that the deputy  
6 sheriff that may be on duty could be on the other side of  
7 the county.

8 But I don't think that is the response you should  
9 always give. It might be reality. A response may be,  
10 Yes, I have a deputy on the other side of the county, but  
11 the state trooper is somewhere, because I know they  
12 intermatch when it comes to the communicational system.

13 I think that's -- I think that would be more  
14 workable than anything else. I know that all these  
15 enforcers, law enforcement persons, communicate. I know  
16 they communicate almost on a daily base, some way or  
17 another whether it's to -- whatever.

18 They talk a lot. It's a small community. Unlike  
19 some other communities where the state troopers may be in  
20 another county, in this community it's a bit different.  
21 They are all here. So there is no reason that one of  
22 those three law enforcement persons cannot interact  
23 especially when the weapon is out there.

24 And we have more weapons -- in fact, they have

1 bigger guns out there than they have. So if I were a  
2 citizen paying taxes or even being concerned about  
3 someone else in the bedroom community, then I would  
4 feel comfortable if I had at least one chain of command,  
5 one of those three law enforcement persons can correspond  
6 and get out of the car. That's true.

7           They don't have contact. A lot of times they  
8 will come by the cruiser and not get out of the car.  
9 Again, you have a matter of a lack of trust. We get that  
10 in community policing, and this is not really a good  
11 place to do it because it is a rural community, but there  
12 is still ways in the community you can do a number of  
13 things.

14           And if you're visible, people tend to respond  
15 differently if you're visible. Just as one would be  
16 on the highway, if a trooper was out there, that is  
17 there; we tend to slow down. If there is a deputy  
18 sheriff out there, people tend not to do things. As  
19 would be in the inner city, the inner city police people  
20 tend to do things differently.

21           MR. PITTS: In your experience have you  
22 found that dispatchers make the kinds of decisions that  
23 we heard here today to deploy or not to deploy a  
24 policeman or law enforcement personnel to an emergency

1 calling?

2 MR. STEPHENS: This is a bit different.  
3 This is -- I have not been to all the counties, so I  
4 don't know who they all are, but this is the only time I  
5 have received calls where that type of situation has  
6 occurred.

7 It's the Logan area where I don't know what power  
8 the dispatcher has. I do know that many of the  
9 dispatchers are civilians, and it's a matter of caring,  
10 being sensitive to the needs of whatever, and not saying,  
11 Well, no one is at work, or they will get in at 8:00.  
12 I don't like that answer. It just does not go well.

13 But I have not received calls from citizens from  
14 other communities where a dispatcher has done that and  
15 failed to dispatch someone out to the community on an  
16 incident, but we are in a different state.

17 We are a rural state where things are a little  
18 different, and we can only talk about, say, Charleston,  
19 Logan, Martinsburg, those types of things in comparison.

20 MR. PITTS: Superintendent Kirk?

21 MR. KIRK: Yes, sir.

22 MR. PITTS: Is that a reasonable response  
23 that a citizen should expect from a dispatcher who is  
24 in some way associated with your department?

1 MR. KIRK: Again, I don't know all the  
2 facts. I would hate to answer that question based on  
3 this situation, if you are talking about, because I  
4 don't know all the facts of that situation.

5 Reasonably what a dispatcher does -- let me  
6 back up a little bit and try to qualify my answer here.

7 We have not -- normally what would happen is the  
8 dispatcher would call the on-duty sergeant and tell the  
9 sergeant the situation. At that point the sergeant makes  
10 a decision. If it's a situation where there has been  
11 minor property damage done, he will weigh whether to wait  
12 to send somebody out right then or the next morning.

13 Obviously if a life is being threatened, the  
14 normal course of action would be to dispatch somebody at  
15 that time. That is normally done by the sergeant on  
16 duty.

17 We have not had a sergeant's test in the state  
18 police because we haven't been able to afford it for the  
19 past four years. We are in the process this week of  
20 testing 240 some officers for a sergeant's position,  
21 sergeants' positions throughout the state. That is one  
22 way that we are trying to maybe keep the situation like  
23 this from happening.

24 Another point that I would like to address is

1 getting out and talking to the public. I am totally 100  
2 percent for that. There is no way that you can have  
3 personal relationships with the community unless you have  
4 personal contact with them.

5 At the same time I have to look at the other side  
6 of that. We are one of the few state police agencies in  
7 the nation that does not have communications once we  
8 leave our police cruiser. To show that this doesn't  
9 happen all the time, we had a trooper three weeks ago  
10 get out of his car to go up and find out, in a domestic  
11 disturbance, to see if he could help and find out what  
12 the situation is.

13 That trooper is dead today because he got out  
14 of his car and went up there with absolutely no  
15 communication whatsoever. A couple years ago another  
16 good friend of mine up north did the same thing: Got  
17 out of his car in a domestic situation to find out what  
18 was going on. He today is dead. Another trooper was  
19 critically wounded in that situation.

20 As trying to solve both those situations, we are  
21 trying right now to get communications so that once a  
22 trooper leaves his or her vehicle, they can get out in  
23 the community. If a situation arises where they need  
24 communication, either to transmit information or receive

1 information, they can do that once they leave their  
2 automobile.

3 So there is some hesitancy at times to get out of  
4 your vehicle to get away from communications especially  
5 in threatening situations, not to say the troopers don't  
6 do that, because they do. I just cited two instances  
7 where it had fatal results.

8 Again it's not that -- we are trying to address as  
9 many of these problems with a limited budget that we  
10 have. Hopefully the two things that I have established  
11 in the past three months are going to at least address  
12 both of these situations that we are talking about right  
13 now.

14 MR. PITTS: Let me ask you, if I may. I  
15 want to get back to this specific incident, and I know we  
16 can deal with perceptions, and we can deal with reality.  
17 I want to deal with the reality.

18 If we have citizens in the community who cannot  
19 get to the sergeant in charge, and a dispatcher is  
20 circumventing the person getting to the sergeant, I  
21 mean, you have to tell me whether or not that is a  
22 realistic expectation of the citizens.

23 I mean, if you were in an emergency situation  
24 and you called a dispatcher; she didn't know who you



1 were, and she told you that no one would be available  
2 until 8:00 or 9:00, I want to know -- what would you  
3 do?

4           What would you say to that person? What is the  
5 procedure? How do they get to the sergeant? We don't  
6 know how to get the sergeant yet. How do we get --  
7 bypass this person or do something that gets us to the  
8 sergeant?

9           MR. KIRK: That is a very good question.  
10 Our dispatchers, up until this year, have not had  
11 formalized training to tell them exactly what is expected  
12 of them, exactly what their procedure is. That usually  
13 comes down by training by another dispatcher in front  
14 of them, the dispatcher that has been there for years.

15           Normal procedure is that when a dispatcher  
16 receives a telephone call and a trooper is not on station  
17 at that time, the dispatcher asks at that time of the  
18 citizen that calls in of the degree of the emergency.

19           Again if someone says that their license plate  
20 was stolen, then information is taken, and what would be  
21 normal procedure would be for that dispatcher to ask that  
22 citizen, Would you like for someone -- I don't have  
23 anyone available right now, but would you like for  
24 someone to come out?

1           In cases of urgency, usually it's done  
2 immediately without asking that. But if there is a  
3 situation where it may or may not be an emergency, the  
4 dispatcher -- the normal procedure is to ask that person  
5 at that time, Would you like someone to come out at this  
6 time?

7           If they are told, no, 8:00 would be fine; 9:00  
8 would be fine, and the normal procedure at that time is  
9 as soon as the person comes out that next morning is to  
10 refer him or her to that situation.

11           If that citizen says, I have an emergency down  
12 here, then again, normal procedure at that time point is  
13 for the dispatcher to record the information, find out  
14 where the call is coming from, put that person on hold  
15 and at that time call the sergeant or call whoever is  
16 available at that time to dispatch someone out there.

17           MR. PITTS: So you don't have a dispatcher  
18 that is just connected to the West Virginia State Police  
19 Department? I mean, in the county, it's one person, as I  
20 understand, that receives the call for whether it's city  
21 or county or state?

22           MR. KIRK: We have a state police  
23 dispatcher. In fact, I have a meeting today with the  
24 Logan County 911 System. Because we do not have that in

1 Logan County and many areas of the state, we do not have  
2 cross communications.

3 We have taken equipment and tried to make the  
4 equipment work so that there is a cross dispatch, but  
5 it's not normally done. Up until recently we haven't  
6 really had the equipment to do that. We don't really  
7 have the equipment at this time, but what we are trying  
8 to do is get involved in the 911 system.

9 Again, today at noon we have a meeting with the  
10 Logan County 911 system so that if somebody calls into  
11 911 and the sheriff's office isn't available, then at  
12 least maybe there is a trooper available; at least  
13 there is a police officer available.

14 It might not be -- one agency might not have  
15 anybody out, but hopefully we can get things coordinated  
16 enough so that there is at least a deputy sheriff or a  
17 state trooper on duty and available at any time.

18 MR. CHUN: Can I say that --

19 MR. PITTS: I don't want to relinquish the  
20 floor, but I will.

21 MR. CHUN: I have a great deal of sympathy  
22 for your office and your state troopers being under  
23 staffed. I'm not glad to admit it, please trust me,  
24 because we are in the same situation, too.

1           Nevertheless, though, it is very clear from  
2 a comment that that particular response given by this  
3 unknown dispatcher was inappropriate. The proper thing  
4 for that dispatcher should have said is: No sergeant is  
5 available until 9:00, as you said, I would like somebody  
6 to come out at 9:00, whatever.

7           Now, given that an inappropriate response was  
8 given, do you plan to, then, either train your  
9 dispatchers or issue a new guideline as to what should be  
10 the proper response to citizen complaints and citizens  
11 requesting assistance, and the same questions to the  
12 Sheriff, if I may.

13           What would have been a proper response by your  
14 office when a citizen calls in with a request like that  
15 and the parallel question, what would have been a proper  
16 response, and if your office staff person has given an  
17 improper response, do you plan to issue a new guideline  
18 or train them, please?

19           MR. KIRK: Like I just said, we have set  
20 up a training program so that our dispatchers, before  
21 they are able to be by themselves at a communication  
22 center, that they will have to go through not only  
23 testing and training but a certain time period of which  
24 it will be like an apprenticeship.

1           We haven't had that in the past. That is in the  
2 process of happening right now. We already have the  
3 training schedule set up for it to happen.

4           If, in fact, when -- this case is being  
5 investigated right now, this particular situation. As  
6 soon as Mr. Major called, we began to find out exactly  
7 what the situation is, and I still don't know what the  
8 specific information is on that.

9           But if there was an improper response, we will  
10 take action not only on that response, but we will insure  
11 in the interim that between now and the time training is  
12 completed that this is the normal course of action; this  
13 is the way that we will respond to situations like that.

14           MR. CHUN: Sheriff?

15           MR. GRIMMETT: We have the same --  
16 basically the same set up with our dispatchers. Our  
17 dispatchers are certified. As a matter of fact, we just  
18 had three more certified.

19           Depending upon the seriousness of the case, in  
20 other words, it's like Mr. Kirk said, that if someone  
21 calls in and there is a license plate missing or  
22 something like that, that is not considered an emergency  
23 situation.

24           If we have got a life-threatening situation, then

1 the first thing that our dispatchers do is to get ahold  
2 of one of the units. If the unit is too far out, the  
3 next thing they will do is get ahold of the state police  
4 at EPS, and we work real well with the Logan detachment  
5 of the state police. They are helping us in every way  
6 that they possibly can and same goes for the sheriff's  
7 department on their end.

8 Now, getting to the question of if we had a  
9 dispatcher that gave out the wrong information or did not  
10 dispatch according to the way they should, until we know  
11 what that dispatcher has done and the situation, you  
12 cannot respond to something like that.

13 You have to have a problem. The problem has to  
14 be addressed to me before I can correct the situation.

15 MR. PITTS: What you're saying is there  
16 has been no complaint made to you about that action?

17 MR. GRIMMETT: That's right, sir.

18 MR. CHUN: Now we have one --

19 MR. GRIMMETT: I'm not even aware of the  
20 question.

21 MR. CHUN: Could I ask one factual  
22 question. This is a factual question because Rev.  
23 Francis and Rev. Bell remind us that we have to deal  
24 with not only the perception of the reality but also

1 facts themselves in some coordinate fashion.

2 I think those are very sound reminders and  
3 constructive ones. In view of that I am compelled to ask  
4 this question:

5 Do you or does the state troopers or sheriff's  
6 office have a record of when request calls for assistance  
7 comes in and when the dispatcher is -- the assistance is  
8 dispatched? Do you have a record? What kind of record  
9 do you have?

10 MR. KIRK: We have what we call a duty  
11 log. Any call that comes into a dispatcher is the time  
12 the call comes in and the call is paraphrased; usually a  
13 one or two sentence description of what the call was  
14 about and then the response to that also.

15 If it's something of an urgent nature or a  
16 drastic situation, then usually more space is allowed for  
17 that, and the time and any kind of response. If the  
18 situation is such that somebody would call in and say  
19 that somebody is trying to break into their house, the  
20 dispatcher wants -- once they call the sergeant, once  
21 they get the information out on the air, out on the  
22 telephone, we will type in the time the call came  
23 in, this person at this address said that someone was  
24 trying to break into their house; come down the line

1 and on the duty log type in the time once again, and that  
2 this trooper was contacted and was dispatched to the  
3 scene.

4 MR. CHUN: I follow you. That being the  
5 case, it is possible if one wants to, it is possible to  
6 analyze your records --

7 MR. KIRK: Yes, sir.

8 MR. CHUN: -- to see the average response  
9 time given to, say, affluence, white communities as  
10 opposed to nonaffluent, say, black communities, as a way  
11 of dispelling this alleged perception of differential  
12 response times. So it is possible, isn't it?

13 MR. KIRK: Yes.

14 MR. CHUN: Then given the repeated  
15 allegations that minority communities do not receive  
16 fair response; that there is this perception of a  
17 differential response, would you concede to perhaps  
18 doing a manageable, very reasonable sample analysis  
19 of records once and for all and show the public so that  
20 you can dispel at least this one perception of a  
21 differential response?

22 Would you consider that?

23 MR. KIRK: Yes, sir.

24 MR. CHUN: I would like to see that.



1                   MR. PITTS: Is that question also directed  
2 to the Sheriff?

3                   MR. CHUN: Absolutely.

4                   MR. GRIMMETT: Yes, sir.

5                   MR. CHUN: I think we ought to really  
6 commend and ought to be appreciative of a citizen if  
7 something like that is being done, because across the  
8 country not many jurisdictions do that, and if you can  
9 do that, I think you will be a pioneer in improving  
10 the police-community relations and in dispelling this  
11 nationwide allegation and distrust in the law enforcement  
12 system that if you call, the minority community you just  
13 don't get a fair shake.

14                   MR. KIRK: One caveat to that -- one  
15 warning to that I might bring up: In one of the  
16 communities that I used to patrol, that was used at  
17 one time.

18                   The response time was used by the chief of police  
19 at that time to get his patrolmen a rate, and the state  
20 police and sheriff's office response time was pitted up  
21 against his response time.

22                   MR. CHUN: I see.

23                   MR. KIRK: Response time in a city is  
24 slightly different. There is probably an average of five

1 to six minutes, where in a community we're not only, as  
2 you probably found out, not only are four-lane highways  
3 at a minimum, but the two-lane highways are a little  
4 drastic. Response time is going to be on a average a lot  
5 more. So that is the only warning I would throw out at  
6 this time.

7 MR. CHUN: Here we are concerned about the  
8 differential response time within a community.

9 MR. KIRK: Yes, I realize that.

10 MR. CHUN: Thank you very much.

11 MS. HAIRSTON: I'm very concerned of the  
12 seven people who had complaints didn't show up today,  
13 which shows to me the fear of face-to-face confrontation  
14 with the police department. That is a concern I have.

15 I also have a concern about police department in  
16 the end whenever they arrest somebody black. I'm  
17 concerned because I am the mother of a son, and most of  
18 us black mothers have true concerns when it comes to  
19 police officer and our sons.

20 What is your response? Do you have disciplinary  
21 actions for people using this word. Is this word  
22 appropriate within the sheriff's office, the state police  
23 department when arresting somebody or even when just  
24 pulling somebody over?

1           Because we have repeatedly have had that done  
2 here, and I'm just sorry the people aren't here to say it  
3 themselves.

4           MR. PITTS: What word are you talking  
5 about?

6           MS. HAIRSTON: Nigger. When a officer  
7 approaches a black youth and calls him a nigger, when  
8 they don't even know if a crime has been committed, or  
9 even if a crime has been committed, where is it  
10 appropriate to use this terminology?

11           MR. GRIMMETT: Let me. That has never  
12 happened since I have been sheriff, which I have only  
13 been sheriff for four months.

14           If that would happen, and it would get back to  
15 me, then that officer would be disciplined.

16           MR. CHUN: Do you think the citizens  
17 in this community know that; that the sheriff is willing  
18 to be alerted to such misuse, and that you're prepared to  
19 take actions?

20           Has that -- your residents, has it been shared  
21 with the community at-large?

22           MR. GRIMMETT: Do I think the citizens  
23 think that?

24           MR. CHUN: Yes.

1 MR. GRIMMETT: I don't know how to answer  
2 that, only that I'm ready, and if a complaint comes in, I  
3 will be glad to take it.

4 MR. CHUN: It may be worthwhile to share  
5 that, and it's an admirable position that you are  
6 taking. Perhaps it should be shared, maybe through the  
7 newspapers and maybe the sheriff's office should issue a  
8 public statement as to the expected standards of conduct  
9 among your deputies as to what you expect and what you  
10 would not condone.

11 And I think that would be a big step forward in  
12 improving the police-community relations if you were to  
13 make that kind of positive, forward-looking steps.

14 MR. PITTS: Let me ask the law enforcement  
15 people here if you, in fact, believe that the use of  
16 the term by a white officer towards a black person of the  
17 word "nigger" is offensive and inflammatory?

18 Do you believe that it is offensive and  
19 inflammatory?

20 MR. KIRK: Yes, sir. It's offensive for  
21 me to even sit hear and listen to that. We have -- in  
22 the situation as what was discussed by you, what we would  
23 do, any citizen that complained -- we have an internal  
24 affairs department that is housed out of Charleston.

1 I send them to any department anywhere in the  
2 state where we receive a complaint on an officer. We  
3 don't have to receive the complaint that is signed.

4 I know some departments out of state would check  
5 with, and some departments require a citizen to come in  
6 and sign a complaint and be polygraphed before they even  
7 begin an investigation.

8 We do not do that. Any time that we receive a  
9 complaint on a police officer out of Charleston we begin  
10 an investigation on it. Obviously we have to prove the  
11 validity of the complaint before we take any kind of  
12 disciplinary action, but we do take disciplinary action  
13 in that case.

14 I think your question was, when do I think that  
15 is appropriate. Hopefully that is never appropriate.  
16 I cannot think of any situation where that would ever be  
17 appropriate whether it was said jokingly or not.

18 So I guess to answer your question, not only  
19 would that never be appropriate, but I would encourage  
20 any citizen that would receive verbage like that to  
21 respond immediately to my office.

22 MR. PITTS: Are officers trained in either  
23 the sheriff's department or the state police -- first let  
24 me preface it with this statement.

1 I don't believe that white people really  
2 understand what it means when a white person calls me a  
3 nigger. And you don't know what feelings that brings up,  
4 and my question then goes to the fact, is there any  
5 training that officers receive that sensitizes them to  
6 the use of these terms as "boy" and "nigger" and other  
7 little things that they say that we pick up whether it's  
8 a perception, Reverend, or a reality that we pick up as a  
9 reality.

10 And if your department is not being sensitized to  
11 it, would you be committed to somehow bring about some  
12 programs through training or otherwise in terms of their  
13 relationship to the black community?

14 Because as I heard Director Stephens indicating  
15 is that they go to the academy whether they are from the  
16 police, the sheriff, the city, the sheriff or your  
17 department, but their attitudes are not changed towards  
18 some of those perceptions, and I think -- my question is:

19 Can you be committed as the top person, as the  
20 superintendent of state police, to begin to sensitize  
21 your recruits to this feeling that is enamored by these  
22 terms?

23 MR. KIRK: Yesterday Mr. Stephens has, as  
24 he has stated, come to our academy a number of times. I

1 talked to Tonya Woods yesterday and advised her that the  
2 only time that we can bring all of our troopers together  
3 at one time is during our annual in-service training.

4 And yesterday I sat down and talked to her and  
5 asked her to develop some kind of plan to where during  
6 our in-service training we have some kind of cultural  
7 person classes.

8 We have had those in the past, but again, because  
9 of budget restraints, it's like this year, our in-service  
10 was supposed to have lasted five days per trooper this  
11 year. We had to cut that down to one day, again, because  
12 of budgetary restraints. It was either that or send  
13 troopers home more than what I'm doing now.

14 I sat down yesterday with our personnel director  
15 and advised him in our planning research that next year  
16 we will have five days of training like we are  
17 supposed to, even if I have to start sending troopers home  
18 earlier. There are things, changes in the law, things  
19 like that that we have to cover.

20 And one of those things, again, that I talked to  
21 Ms. Woods with yesterday was setting up some kind of  
22 program for me within cultural person.

23 MR. PITTS: Who is Tonya Woods?

24 MR. STEPHENS: She is with affirmative

1 action, state affirmative action. I would like to point  
2 out that a young trooper receives a two-hour block in  
3 minority relations and inter-relations, other relations,  
4 two-hour block on community policing, but that is the  
5 young trooper; that is the young person that, again, from  
6 those communities who may go out and do their thing.

7 But still you have the older troopers and maybe  
8 only one or it may be a network of a number of people,  
9 because we are talking about an attitude that we need to  
10 get rid of. It may be one person who is a bad egg, so to  
11 speak, that is out there that are doing these types of  
12 things.

13 So he may even come into the force as a good  
14 person but get with the bad egg and tend to say things  
15 that are inappropriate for, one, the workplace and, two,  
16 for interacting with people.

17 I do know that -- I don't know if the Colonel  
18 is going to do this, but Colonel Buckle had mandated  
19 a class that will teach the troopers how to talk to  
20 people. There is no class within the curriculum how to  
21 talk to people, so to speak, whether it's black, white,  
22 female, et cetera.

23 They tend to get into procedural things, which is  
24 okay, but still there was no class on how to talk to



1 people. I guess I'm saying all of this to say there  
2 is, in fact, on the curriculum a class of minority  
3 relations with the community relations for the young  
4 trooper.

5 Before they had one trooper class in the last X  
6 number of years, 77 troopers and the older troopers  
7 would not have had that unless it's an in-service  
8 requirement. So here we have a lack of an opportunity  
9 for the troopers who are already out there to talk about  
10 this issue. This is not a popular issue. That is the  
11 point.

12 It's not like an oozy or a new nine millimeter.  
13 It's an issue that tends to deal with socios, and a lot  
14 of people don't like to deal with it. That is reality  
15 and the nature of the beast.

16 MR. PITTS: I do have several more  
17 questions that I think I need to ask.

18 How many dispatchers work in this county either  
19 through 911, the state police or the sheriff's  
20 department?

21 MR. GRIMMETT: The sheriff's department  
22 has four.

23 MR. PITTS: Are any of those black?

24 MR. GRIMMETT: No.

1 MR. PITTS: That may be one of the  
2 problems that you may have to deal with. As I ask the  
3 question, Mr. Kirk --

4 MR. GRIMMETT: We had a black dispatcher,  
5 but she left. She left the county.

6 MR. KIRK: We have five dispatchers in  
7 Logan County, of which none are black.

8 MR. PITTS: Let me ask you if either one  
9 of you would be committed to hiring -- I mean,  
10 affirmatively seeking out, recruiting and hiring black  
11 dispatchers? Is that something that your office can do?

12 MR. GRIMMETT: Let me say this: Our  
13 dispatchers are correctional officers. They do the  
14 dispatching, and the civil service board has to send us a  
15 list of who is going to be hired.

16 The sheriff has very little say so in who is  
17 hired; who gets a civil service test. But, yes, I would  
18 have no problem with that, of hiring a black.

19 MR. PITTS: Do you have any black deputy  
20 sheriffs in this county?

21 MR. GRIMMETT: No, sir.

22 MR. PITTS: Again, that is going to the  
23 civil service roster?

24 MR. GRIMMETT: Yes.

1 MR. PITTS: I believe in our last hearing  
2 one of the things that we did in central West Virginia in  
3 terms of community-police relationship was to see if law  
4 enforcement people were willing to be proactive in terms  
5 of recruitment of minorities and women to their  
6 departments.

7 In other words, to go out and work with possible  
8 recruits and work with them in some affirmative way in  
9 order to help them and prepare them for the civil service  
10 exam. I know you don't do that in the white community,  
11 but it's basically a word-of-mouth thing in the white  
12 community anyway.

13 But is there some affirmative action that you  
14 would be willing to take in order to recruit and retain  
15 minority officers and female officers?

16 MR. GRIMMETT: Is that question directed  
17 to me?

18 MR. PITTS: I'm looking at both you and  
19 Mr. Kirk, but Colonel Kirk, if you don't mind, Sheriff.

20 MR. GRIMMETT: I will let Mr. Kirk have  
21 this one.

22 MR. STEPHENS: I can talk to the last  
23 class. We have only had one class of state troopers.  
24 In the last year 70 state troopers of that population,

1 and I think 67 made it, out of the recruiting numbers  
2 of 1,800 people.

3 When it comes to the state trooper, you are  
4 talking multi-bucks. You are talking about a class that  
5 I think -- putting the class on, I think, is one million  
6 dollars. We have not had a class of state troopers in a  
7 very long time.

8 I can honestly say that the last class of people  
9 that they recruited for the state troopers was done  
10 fairly. State troopers are different, because it's quite  
11 costly to put a trooper through a class. It takes  
12 longer, and that is mandated by the Legislature.

13 So you can't come up and help the state troopers  
14 increase its population with the females and minorities  
15 unless you come up with some dollars, and right now we  
16 are into this cutback, cutback.

17 Deputy sheriffs, city police are a bit different.  
18 They are still mandated by dollars, but still it's a bit  
19 different in that what they could possibly do; they can't  
20 too because he is mandated by dollars. It's no recourse.

21 But I can say in the last class of state troopers  
22 that they put out into the field, they did have one black  
23 female. She did not make it. They did end up with three  
24 black males and four woman of the population of the

1 67.

2 So based on the numbers of recruits they had in  
3 there, the number of students they had on station, they  
4 did quite well based on the population.

5 MR. PITTS: One last question to the law  
6 enforcement people. One of the recommendations that came  
7 out of our central West Virginia investigatory hearing  
8 was a recommendation that a state legislated body be  
9 created to investigate police misconduct made up by  
10 citizens from across the state.

11 Would either of you support such a piece of  
12 legislation?

13 MR. GRIMMETT: Yes. Any time that there  
14 is accusations being made and everything, it ought to be  
15 brought to the front and ought to be brought out in  
16 the open.

17 If a person is being accused of something, if he  
18 doesn't have anything hide, it shouldn't be any problem  
19 with anyone whether it be a police officer or anyone  
20 else.

21 MR. PITTS: I think what we're talking  
22 about is trying to get rid of that perception of the  
23 police policing the police or policing themselves and  
24 that many citizens feel that if the police are policing

1 themselves, then they are never going to be found that  
2 they did anything wrong.

3           So what we are suggesting and recommending to the  
4 Commission and our recommendation goes to Congress and to  
5 the President, so we are recommending in states where  
6 they do not exist, some type of citizen body to  
7 investigate police misconduct against citizens be  
8 established.

9           And my question, Superintendent Kirk, is whether  
10 or not you would support such legislation?

11           MR. KIRK: I would have to take a look at  
12 the wording of the legislation. The reason why I say  
13 that is because any time that we get a citizen complaint,  
14 and again, we start out with our internal affairs  
15 investigator.

16           We realize that is within our department. It  
17 goes from that organization within ours directly to  
18 me. It goes from me to -- if it needs investigated  
19 further -- to the county of which the allegation is  
20 made.

21           It also goes to the FBI and any other federal  
22 agencies that might have an interest into that  
23 investigation. There are already a number of people that  
24 investigate that.

1           If you are asking if I would go for a totally  
2 civilian investigation into a strictly police matter, I  
3 would probably resist that only from the fact that I  
4 would not try to go into Union Carbide and try to second-  
5 guess everything that they do.

6           At the same time if you are asking if we would  
7 welcome input into a situation like that, absolutely.

8           MR. PITTS: I will relinquish the  
9 floor to Rev. Bell, then you may proceed from that point.

10           MR. BELL: Thank you. I want to interject  
11 something that we were talking about a little while ago.  
12 I think it's kind of a core of the problem that we have  
13 here in Logan County. It's starts to talk about the  
14 word used to black youths.

15           It has happened on more than one occasion, but  
16 one occasion I know of specifically that no violation has  
17 been done, no wrong had been done, and it seemed like  
18 this term was used to intimidate or try to initiate  
19 a response from the youth; and that scares me.

20           I have a teenage son, and I would hate to think  
21 that the people he is supposed to be trusting in -- I  
22 have always raised my children that if you get in any  
23 trouble or ran, there's police to go to. If that is the  
24 people that you are supposed to be trusting in, but if

1 they are going to try initiate something, then who else  
2 is he going to turn to?

3 That is the gist of the trouble that we have  
4 here, and it seems like we talk about being sensitive.  
5 If I know if calling you names is going to make you do  
6 something so I can knock you in the head, that's the kind  
7 of mentality that we see or we perceive, the perception.

8 The reality is things are happening like that.  
9 That is the core of the problem of the way the black  
10 community is getting the message from the law  
11 enforcement, and we need to address those issues.

12 I'm like the gentleman to the right of me. If  
13 somebody called you that, you are going to react whether  
14 it's a police officer or whoever, and if you have the  
15 advantage, you are going to get the billy club or the gun  
16 or whatever; you are going to knock me in the head or  
17 whatever, call it resisting arrest or whatever, but it  
18 will initiate a response.

19 It's those kind of things that we think the  
20 law enforcement agency needs to be aware of and more  
21 sensitive to that we feel that way in the black  
22 community.

23 MR. WEISNER: We do have one more person  
24 who signed up that wished to speak here this afternoon



1 and that is Carolyn Johnson.

2 ALENA HAIRSTON: My name is Alena  
3 Hairston. I just want to ask the question speaking to  
4 the sensitivity and the training. I don't know who to  
5 address this to.

6 MS. HAIRSTON: Address it to us.

7 ALENA HAIRSTON: You all were talking about  
8 the budget, and you are having problems with the budget  
9 as far as getting sensitivity training for the different  
10 officers or whatever. But I'm wondering what is the  
11 priority of that?

12 As far as the things that you have to obtain,  
13 is this a top priority as far as sensitivity goes,  
14 because it is a problem; and if it is not a top priority,  
15 how do you feel about it becoming a top priority?

16 MR. KIRK: First of all, I do consider it  
17 as a priority. Depending on what type of training you  
18 are talking about, if you ask me tomorrow morning, and we  
19 are getting ready to partition money now for cultural or  
20 sensitivity training, and I get a call that we have the  
21 Silver Bridge collapse, at that point I have to make that  
22 decision.

23 I have to make priorities at that time. Are you  
24 asking me is that a top priority? Yes, it is. Like I

1 say, I have already put that on our agenda for our  
2 up-coming, in-service training, so that is a priority.  
3 So hopefully that takes care of that.

4 The second part of your question, would I make  
5 it a priority? I have already done that.

6 ALENA HAIRSTON: Is it a top priority for  
7 you as well?

8 MR. GRIMMETT: Well, we are set up just a  
9 little bit different. Our officers have been in training  
10 at the academy. I would have to give it more thought as  
11 far as top priority. There are some many things that fall  
12 under top priority.

13 As far as the -- if you lay the issues, a lot  
14 of issues on the floor and everything, then you take a  
15 look at it and make a decision on the top priorities.  
16 I would have to study that just a little bit more.

17 MR. KUSIC: I have a question, Mr.  
18 Stephens.

19 MR. STEPHENS: Yes.

20 MR. KUSIC: Let's just say we have a  
21 problem in Logan County, assuming we have a problem in  
22 Logan County, with the sensitivity issue --

23 ALENA HAIRSTON: It isn't an assumption.  
24 It is true.

1 MR. KUSIC: No, no, don't get me -- I'm a  
2 lawyer. It's a reality. It's a reality in Logan County.

3 Is there a possibility that something like Tanya  
4 Woods could talk to you, could talk to Colonel Kirk  
5 and just say, I don't know how long -- I don't know how  
6 many officers there are in, let's say, Logan County,  
7 could we just have like a pilot project?

8 If there's a problem in Logan County, let's  
9 address that problem before we try to address it  
10 statewide; just come to Logan County one afternoon and  
11 talk to the officers.

12 Maybe it's too simplistic a solution, but  
13 couldn't something like that be worked out?

14 MR. STEPHENS: I would personally think  
15 it could be worked out, but he is the Colonel over the  
16 state troopers. He mandates what is to happen.

17 MR. KUSIC: I think he wants to do what  
18 is right.

19 MR. STEPHENS: I understand.

20 MR. KUSIC: We want to do what is right.

21 MR. STEPHENS: Lets take one issue that we  
22 felt was a priority, sexual harassment. As a corrective  
23 agency I decided to go out and train. The state troopers  
24 agreed to that. Back before Colonel Kirk came, Colonel

1 Barkley has mandated that all managers/supervisors would  
2 receive sexual harassment training, because he and I had  
3 a discussion. We talked about it.

4 So we went to all the companies except the  
5 turnpike company regarding -- and we are going to hit the  
6 headquarters here in a week or so on that issue. That  
7 was an issue we felt was important at the time, because,  
8 one, you have now an influx of female troopers coming  
9 about.

10 You have the idea that if a state trooper stops a  
11 lady on the highway, she may, in fact, charge him with  
12 sexual harassment. So we mandated that to happen.

13 The questions you are asking I think can be  
14 facilitated through the same process, and we have done  
15 things like that. We pretty much burnout on training,  
16 but I don't really care as long as we feel it's a  
17 proactive measure.

18 We are doing something to help an agency, in  
19 fact, this state agency, and in the long run if I can  
20 save us, the citizens, some money or the state money by  
21 training a citizen on an issue, then the state does  
22 not lose money because they don't get sued; the state  
23 doesn't have to pay the bill.

24 Yes, we can do that type of thing, but again, you

1 have -- I don't know how many troopers he has here, but  
2 it's still a matter of five, six -- you still have to do  
3 it at a time that facilitates meeting all of them.  
4 It might be split. It might be an hour that is between  
5 the split of the schedule, those type of things.

6 MR. KUSIC: Just ride around in the car?  
7 I don't know.

8 MR. STEPHENS: There are ways of doing  
9 this. Colonel Kirk is a new Colonel, and he has a lot  
10 on his plate right now. I was concerned that he is even  
11 here with the strike possibly coming up, all of these  
12 things. I really applaud him for being here.

13 But the bottom line is there are things that we  
14 can do, and the Human Rights Commission can do; we do  
15 already. We do more of it. We are offering -- because  
16 I consider sensitivity an issue that is very important.

17 If I feel as a person I cannot trust him  
18 because he's a law enforcement person, then I'm going to  
19 transcend that down to my three-year-old and might have  
20 already transcended it to my 24-year-old.

21 So you have three generations there that have  
22 been told not to trust him because he will hurt you; he  
23 will shoot you; he has a badge. It might not be true,  
24 but there may be one of those members that may do that

1 because of their behavior; and we will not look at the  
2 obvious sensitivity training as a push. They will look  
3 at an ozzy as being important and a lot of other facets  
4 of in-service training.

5 I guess my point is by saying all of this is, we  
6 are offering our services to mandate this through his  
7 system, to do it anytime, and all we ask is that the  
8 troopers come with an open mind, because we have talked  
9 before a captive audience and hear their problems from  
10 the captive audience.

11 When they are mandated to be there, it's not  
12 always receptive, so we have to find out through the  
13 course of actually training.

14 MR. WEISNER: If we can now go to Carolyn  
15 Johnson.

16 CAROLYN JOHNSON: My name is Carolyn  
17 Johnson, and I'm the daughter of Mr. Williams who was  
18 shot and killed by the West Virginia State Police in  
19 January of 1993, and I am the mother of an 18-year-old  
20 who was, I felt like, very badly mistreated on behalf of  
21 the sheriff's department in 1992 in the summer.

22 He had took me to work on a morning, a weekday  
23 morning, and my son was mistaken for a drug dealer by  
24 one of the sheriff department's men. He was followed

1 from, I think, along the state police headquarters  
2 to the Omar area, Route 44, 119, connecting to that route  
3 somewhere.

4 And he was pulled over and so the officers  
5 proceeded to approach the vehicle after he had  
6 unholstered his gun, and the kid is thinking -- you have  
7 got a 17-year-old youngster here. I mean, the kid is  
8 scared out of his wits. The officer approaches my car,  
9 and he tells my son, Throw your hands out the window.  
10 Don't move. I mean, pistol in hand.

11 All right. Now, my son where he had gone to was  
12 to a friend's house. So after he pulled off the road to  
13 go to his friend's house, and the officer that was behind  
14 him pursued him, or whatever, and approached his car, and  
15 he wasn't allowed to get out of the car.

16 It just so happened his friend was there waiting  
17 for him to pick him up, so he witnesses the whole thing.  
18 So the officer asks my son, he said, Let me see your  
19 credentials. Leave one hand out the window or whatever  
20 way they do it, just very slowly.

21 So my son showed him his credentials and  
22 everything was in order. At that point he still wasn't  
23 dismissed. The young officer proceeded to ask my son  
24 if he knew of a certain young man that maybe at one time

1 lived in the Logan area who happened to be a drug dealer.

2 And my son responded, I know of him.

3 Do you know where he is?

4 No, he told the officers, I have no idea where  
5 he is.

6 Do you know of anyone who lives out of state  
7 in the State of Ohio who drives a vehicle like this?

8 My son says, No.

9 He was inquisitioned by this officer. Now, after  
10 the officer found out who my son was, he should have left  
11 him alone. He evidently was not the person that the  
12 officer thought he was, but he did.

13 And you take a 17-year-old -- the kid was scared  
14 out of his wits. He said, Mom, I was so scared I was  
15 shaking. He said, I felt like if I had moved or if I  
16 had just got out of the car or made one move, I just felt  
17 like he would have shot me.

18 I don't know. I just feel like communication  
19 between the sheriff's department and Logan County area  
20 certainly needs to be worked on, because you have young  
21 men out there working.

22 I don't know what they feel or what is going  
23 through their head, but I felt like if he followed my car  
24 for about 13 to 14 miles, he could have run a check on my



1 license and found out who that car belongs to.

2 And every black person don't look alike. My son  
3 does not look like this man who he was mistaken for.  
4 Even though he was tall like the man, he don't look like  
5 him, and my son is 17, a high school student, a  
6 good athlete, a good student.

7 He didn't appreciate that, and I didn't either.  
8 As his mother I was very upset when he told me about  
9 this. When the officer reported he left him, he never  
10 apologized to him. I think it would have made the kid  
11 feel a whole lot better if he would have just said, Well,  
12 look Curtis, I'm sorry. I just mistook you for somebody  
13 else. I'm sorry for the inconvenience like this.

14 And I just feel it's very poor on your sheriff's  
15 department. As a matter of fact, Mr. Grimmertt, you may  
16 not remember me. I have known you for a number years.  
17 I grew up in that area. I tried to call you after that  
18 several times to tell you about that, and I was not able  
19 to get through to you.

20 MR. GRIMMETT: How long ago did that  
21 happen?

22 CAROLYN JOHNSON: This happened last  
23 year.

24 MR. GRIMMETT: I wasn't sheriff last

1 year.

2 CAROLYN JOHNSON: Whoever. I'm sorry.  
3 Whoever it was --

4 MR. GRIMMETT: I have only been sheriff  
5 since January. It must have been the other, my  
6 predecessor.

7 CAROLYN JOHNSON: But anyway, I feel like  
8 there is some type of a communication that should be  
9 worked out on a better -- and the young kids are afraid.  
10 Curtis was like, Well, Mama, how can he mistake me for --  
11 which this guy that he asked him about, my son knew  
12 him.

13 He was like, Do I look like him, and I wonder  
14 if they will stop me again? Because this young man is  
15 wanted in Logan at this time. And because he was wanted,  
16 and he was an escaped drug dealer or whatever it was and  
17 he was wanted by the Logan County Sheriff's Department,  
18 it doesn't give you good feeling as a young boy to be  
19 mistaken for a drug dealer and simply going about a day's  
20 business, picking up a high school friend, and scared out  
21 of his wits by a sheriff officer and the gun is present.

22 I asked him, Did he point the gun at him, but he  
23 said, No. But it wasn't like he couldn't because he had  
24 it unholstered in his hand. It's just scary.

1           You feel like you can't communicate with these  
2 people enough. I just feel like if the officer had done  
3 his homework a little more closely, he probably would  
4 have found out that this young man wasn't the young man  
5 he was mistaken for. I was very, very upset as his  
6 mother, and the kid was more upset than I was.

7           Of course, concerning the death of my father, my  
8 siblings and I are very upset. That's what I am not here  
9 to discuss today, but we are unhappy with that situation,  
10 very unhappy, and I have said about that.

11           But that is just a concern that I wanted to  
12 voice here today as a citizen of Logan County. I  
13 encourage my son to get his education and definitely not  
14 come back to Logan County. I don't feel that this -- I'm  
15 here because I have a senior that is getting ready to  
16 graduate, but I hope that if everything goes well, and in  
17 a couple of years I will be out of this county.

18           I don't like Logan very well anyway, and it's  
19 not because of the people. It's because a lot of the  
20 communication with officers and the police department.  
21 You're let down lots of times and everything, and it  
22 doesn't make you feel very good.

23           I certainly don't feel at this point in my life,  
24 considering everything that happened, that I can

1 certainly call an officer of Logan County, and they would  
2 assist me. It's not a good feeling to have.

3           There was something that happened within my life  
4 only about three weeks ago, but I'm at a point where I  
5 don't feel like I could have called the Logan County  
6 Sheriff's Department or the West Virginia State Police  
7 Department, and they probably would have assisted me,  
8 because of situations and everything you just don't feel  
9 like they'll help you.

10           And the young people are scared that -- just like  
11 Mrs. Hairston said, you have got a young, black male, so  
12 what? He was driving a Cadillac, but that doesn't mean  
13 he was a drug dealer.

14           It's not like the Cadillac is costing us like to  
15 even have. So he is young and he was black and he was  
16 driving a Cadillac, but that doesn't mean he was a drug  
17 dealer.

18           And I really think that the sheriff's department  
19 owes my son an apology. I could never get in touch  
20 with whoever sheriff -- I can't remember even who he was  
21 at that time.

22                           MR. KIRK: Adams.

23                           CAROLYN JOHNSON: This young officer  
24 had been in some type of mishap before concerning the

1 people in the community of Logan. I thought that was  
2 very, very -- and it did something to Curtis. It made  
3 him feel like, Mom, they just -- how can they be treating  
4 me like this?

5 He didn't even say, Well, I'm sorry. He said, If  
6 the officer would have said, Ma'am, I'm sorry for  
7 inconveniencing your son, and then go on about his way  
8 and not inquisition him about drug dealers or where he  
9 may think one is, or where he lives. I mean, you know?

10 And I wanted to voice that to the Commission  
11 because these are concerns in this county.

12 MR. KUSIC: I would just like to -- I  
13 think it's a sad day when an individual does not have the  
14 trust in either his government or the law enforcement  
15 officials.

16 I may not fully understand, but I can be very  
17 sensitive to it, because I know through personal  
18 situations up north where we personally felt that the  
19 another state's police department was in cahoots with  
20 someone.

21 You just feel you couldn't go to them. I, as a  
22 lawyer, representing clients who had been arrested, was  
23 told by the chief of police to get out.

24 I say, but the I'm the lawyer.

1           And the guy with the gun said, I don't care who  
2 you are. There's the door unless you want to join your  
3 client. I left. So I do understand somewhat what you  
4 mean.

5           MR. PITTS: Mrs. Johnson, your report has  
6 been recorded, and it will be a part of our official  
7 report. If you desire to make a written or a later  
8 interview concerning any other matters in your life, you  
9 may talk with Dr. Chun after this particular hearing; and  
10 we will also make that a part of our official report, if  
11 you don't care to do it here and you have a desire to  
12 do that.

13           We thank you.

14           MR. CHUN: If I may, I would like to  
15 come back to a couple of panelists, per Rev. Francis  
16 in particular. I think you started out with something  
17 that many of us, and I think in the constructive fashion;  
18 here we have a complicated situation, very complex, and  
19 as you pointed out, perception/reality is one of the key  
20 factors of area that was in this complex situation.

21           I wonder if you would mind sharing with us your  
22 thoughts as to what, say, religious communities, a church  
23 in your position, could do, should do, or is doing in  
24 connection with redressing or rebalancing this perception

1 problem and perhaps hoping to improve the police-  
2 community relations here in Logan County as well in  
3 others.

4 Perhaps -- it looks like, apparently, you have  
5 given considerable thought, and I will be interested in  
6 hearing your opinion or personal thoughts.

7 MR. FRANCIS: I guess I have to start out  
8 by saying one of the most segregated institutions that  
9 still remains in the United States today is the church,  
10 which is a sad commentary on the church.

11 The church is still segregated along racial  
12 bounds or boundaries, and it has been my concern for  
13 years that that occurs. One of things that -- I mean,  
14 there are several folks here who are members of the  
15 congregation of First Presbyterian or the friends of the  
16 congregation, and they know that that is the perception;  
17 how we are perceived; how we perceive others; how others  
18 perceive us. That is something that I talk about a lot.

19 First Presbyterian Church is a white church for  
20 the most part. We have few minorities represented.  
21 That's a concern. Because if you look at -- for me, if  
22 you look at the biblical imperative or the gospel  
23 imperative that should not occur. This should never  
24 exist.

1           Most folks hear that each Sunday, if they listen,  
2 and most folks hear that when they visit with me. That's  
3 one of my primary concerns. I think the only way that  
4 we will ever change the perceptions here is by constant  
5 talking and what Ms. Johnson said.

6           It would have been nice had the officer in this  
7 situation as she described it, had the officer said, I'm  
8 sorry. That is a step. I mean, just to acknowledge that  
9 another human being has feelings, was frightened, for law  
10 enforcement officials to understand the fear and the  
11 power of the uniform, of the badge, and to realize that a  
12 mistake has occurred, to say I'm sorry. That's just a  
13 start.

14           Somehow we need to begin to communicate with each  
15 other and understand feelings. Logan County is one of  
16 the smallest areas I have ever lived -- in which I have  
17 ever lived. I grew up in Tulsa, Oklahoma. I lived in  
18 Chicago. I live in St. Louis. Coming here has been a  
19 real culture shock because of the overt racial problems.

20           Now, we can write them off and say this  
21 happens in every community. It's true. My high school  
22 in Tulsa where I went to school just had a huge racial  
23 incident where guns and knives appeared and all of this  
24 stuff.



1           But here it's indigenous to this culture, and  
2           somehow that has to be changed. It nauseates me,  
3           nauseates me to see children, small children make the  
4           comment that I won't even make about an individual of  
5           color, of black color.

6           And I have seen them walking down the street in  
7           my neighborhood, and I have heard them. It nauseates me  
8           to the point where I call them down.

9           Here I go. I'm sorry. I'm going on a sermon. I  
10          guess it's a part of you. It's also disturbing. My  
11          perception is at times and as I sat here and listened  
12          to your comment earlier about not knowing what you feel  
13          when that is said to you.

14          I may not know exactly what feelings may go on  
15          inside you, but I know for darn sure it nauseates me, and  
16          it has nauseated me for years. Somehow all other folks  
17          need to be nauseated by the same things before they  
18          change.

19          You would hear that from me on a Sunday. That's  
20          my -- the gospel message is about loving people of all  
21          colors, of all genders, of everything. I mean,  
22          acceptance, reconciliation.

23                       MR. CHUN: Thank you.

24                       MR. PITTS: I suppose it's time to bring

1 this to a close even though I think we could go on.

2 Are there any other comments from --

3 MR. BELL: I would like to add to what  
4 Rev. Francis said. Church ought to be leaders. We  
5 have sat back for so long, and we have stayed in our own  
6 little corners and let the community go on.

7 It's time for us both in the black community and  
8 the white community to become the leaders of the  
9 community that we once were and to recognize what is  
10 happening around us.

11 I can't preach somebody into heaven if they're  
12 hungry or if they're frightened or if they have no  
13 shoes. I have to address the problem, and what I have  
14 heard in the last two weeks is all the people say they  
15 are afraid to come out on their porch.

16 I have heard persons say they're afraid to let  
17 children out of their sight because they feel it's  
18 totally up to their community, and they feel like nobody  
19 is going to hear them. That is what I have been hearing  
20 these last few weeks.

21 We as the church community have to step forward.  
22 We have to stand up, and I appreciate this past week that  
23 we had an interdemoninational prayer meeting, cabinet  
24 meeting in our community outside.

1           There was Baptist and Methodists and Penticostal,  
2 and we all got together to pray together that the  
3 situation in their community would change. We are  
4 going to have to be leaders in that. Maybe we have  
5 been negligent in that for a long time, but we have  
6 to change that.

7           And I for one am willing, and we begin to get  
8 that feeling out of the community that our church has  
9 come together, and if the people see us together, you  
10 know.

11           This is still the bible belt. The majority of  
12 the people are still church-going people, and if we can  
13 get the churches to get together, it will have an impact  
14 on the community.

15           MR. PITTS: Let me ask if you and Rev.  
16 Francis would be willing to sit down together and come up  
17 with some ideas and concepts of dealing with race  
18 relations through your churches as a start to bring  
19 harmony to this community?

20           MR. FRANCIS: Definitely.

21           MR. BELL: Definitely. That's a  
22 beginning.

23           MR. PITTS: I will relinquish the  
24 floor to Mrs. -- I have trouble pronouncing your last

1 name.

2 MS. BUCHMELTER: I'm Mary Buchmelter, and  
3 I'm the Deputy Attorney General for Civil Rights in West  
4 Virginia. As such, I'm chief counsel for the Human  
5 Rights Commission and deal personally with Colonel  
6 Stevens on a weekly basis on Commission business.

7 As Colonel Stephens was saying earlier, the  
8 Commission has been taking under his watch as executive  
9 director a proactive role, and rather than having the  
10 Commission be just the repository for many complaints on  
11 allegations of violation of the Civil Rights Act or  
12 Human Rights Act in West Virginia, a protective role  
13 in education is part of their statutory -- their mandate  
14 is to educate on the issues of civil rights.

15 As he was saying earlier about some of the  
16 education that he had entered into with Colonel  
17 Buckley, also Colonel Stephens was part of the task  
18 force, a committee, and Mr. Kusic brought up about  
19 sensitivity training.

20 This committee has been doing some work in  
21 multicultural training with Kanawha -- with the  
22 Charleston police force in the last couple of weeks.  
23 It's an on-going kind of pilot project on educating in  
24 Charleston their police force on multicultural issues.

1           Perhaps if you -- earlier Rev. Francis had talked  
2 about maybe this meeting becoming ultimately a vehicle to  
3 design or facilitate some kind of on-going project.  
4 That might be something that could come out of this.

5           One meeting here to discuss what appears to be  
6 some kind of intrinsic problem in the community isn't  
7 going to be enough. Everybody here will leave and the  
8 people in Logan County will still be here to deal with  
9 whatever, and I will continue with the theme of  
10 perception or reality, or reality of the perception of a  
11 miscommunication and at very least miscommunications.

12           So it seems to me in listening to this that along  
13 with the Commission's statutory mandate to education,  
14 they also have within their act a right to call on other  
15 state agencies and work out -- we are all -- that is  
16 a poor state.

17           Everybody has budget problems. The Commission  
18 knows better than anyone what budget problems are. The  
19 Legislature says, Go out and do this, this and this and  
20 then doesn't fund them. This staff, Colonel Stephens and  
21 Mr. Kirk has been a team going around the state trying to  
22 put out fires, and they have been effective in their  
23 educational project; but maybe out of this somehow would  
24 come with the force of you all who are this Advisory

1 Commission to the United States Commission on Civil  
2 Rights. That is quite a title and should carry some  
3 weight maybe for Logan County.

4 I think it was Mr. Kusic who said something about  
5 a pilot project or whatever. If it has been identified,  
6 then this community does have concerns, and I'm sure that  
7 the law enforcement would have concerns also about it  
8 that maybe some kind of an education will come out of  
9 this.

10 MR. CHUN: Just to respond to this. I  
11 think that is a brilliant extrapolation of some of the  
12 ideas that got mentioned this morning.

13 Would the Attorney General's office be interested  
14 in or willing to render some sort of formal support  
15 in such a citizen coalition including religious  
16 organizations and other community organizations, or  
17 hopefully perhaps law enforcement agencies might  
18 participate?

19 Would there be such willingness and readiness  
20 to participate in this type of -- to be from the citizen  
21 coalition so that we can open up an avenue of dialogue?

22 Would the sheriff's office and state trooper's  
23 office be interested in that as a possible solution  
24 to the problem?

1 I see Colonel Kirk nodding, and I see the Sheriff  
2 nodding. I think that is a splendid idea. Maybe we can  
3 kick this around and --

4 MS. BUCHMELTER: I would be happy to take  
5 back to the Attorney General, who, in our Attorney  
6 General, has kindly expressed commitment.

7 MR. CHUN: I think the Governor's  
8 office -- we don't have a representative from the  
9 Governor's office this morning, unfortunately they were  
10 going to be, but I'm sure they will be very supportive of  
11 such an idea; and I think that is something worth trying.

12 And if the religious leaders can participate,  
13 perhaps they could make a considerable amount of  
14 difference, I think.

15 MR. PITTS: Dr. Chun, I would like to add  
16 that I believe it was Mr. Chatman who indicated that CLEP  
17 was already organized which should also be included --

18 MR. CHUN: Absolutely.

19 MR. PITTS: -- in any discussions to  
20 organize for race harmony. I just want to make that --

21 MR. CHUN: Thank you.

22 MR. PITTS: -- clear for the record.

23 MR. CHUN: I didn't mean to overlook that  
24 at all. I just took it for granted.

1 MR. PITTS: Are there any other responses  
2 from the panel?

3 Are there any other questions on this  
4 particular subject of police and community relations?  
5 Sergeant Ables?

6 SERGEANT ABLES: It's not so much a  
7 question but a statement. Everything that is said here  
8 today is good, and it's got to work. We have got to  
9 make it work.

10 One thing this lady over here said: These folks  
11 are going to leave today. I'm going to be here, and  
12 Sergeant Blizzard will be here. Don't forget us. If  
13 you have a problem, call us.

14 I'm the one person in this detachment that is not  
15 paid hourly. You own me 24 hours a day. My children go  
16 to school with your children. My wife works with some of  
17 you. My name is in the book. You own me. You can't find  
18 a sergeant; you can't find a dispatcher; nobody is home,  
19 I will give you an answer.

20 Don't forget. We are the ones here that have to  
21 help you today, have to help you 30 minutes from now.  
22 Don't forget about us. These folks solve major problems,  
23 but we still got to serve you; and you still got to  
24 count on us. You have got to count on me, because I



1 won't let you down.

2 No matter what the situation, you call us and  
3 someone will come. And if you can't get someone, call  
4 me at the house. Bottom line, call me. Is that okay?

5 MR. CHATMAN: Sheriff, what do you say  
6 next?

7 MR. GRIMMETT: Call me. Call him first,  
8 though.

9 MR. CHATMAN: After all of this, there  
10 are particular communities that are frightened and  
11 afraid. They know what has happened to them and maybe  
12 all of them are relevant, but they are afraid to go and  
13 get a warrant.

14 Should there be some system if it has been  
15 investigated by the state police, sheriff's department  
16 that a warning somehow could be given without that person  
17 having to come to the --

18 MR. GRIMMETT: As of April 1st people  
19 don't have to go to magistrates to get warrants. They  
20 bring their problem to the sheriff's department, the  
21 state police, and once it's investigated by the sheriff's  
22 department or the state police, then it's up to the  
23 sheriff's department or the state police to take the  
24 warrants. That is going to take care of that problem

1 there. They don't have to get the warrants themselves  
2 now.

3 MR. PITTS: That is a legislative mandate,  
4 so the sheriff's department or state police doesn't have  
5 anything to do with how that's done now. That's mandated  
6 by the Legislature which requires that method.

7 At this time we would thank this panel and for  
8 your very honest and forthright responses, and your  
9 responses will be made a part of the record, and Sergeant  
10 Ables response and statement will be part of the official  
11 record; and we will make recommendations on what has gone  
12 on here today.

13 You will also be able to receive the final report  
14 and the recommendations that come out of this hearing  
15 today. We certainly thank you for your time. We  
16 certainly know that you all are very busy people, and it  
17 will be a tremendous help.

18 We have not attempted to offend but to get to the  
19 issues and to strip it of every pretense in order that we  
20 may give a forthright report.

21 We also have a report that is being released  
22 today from our 1991 hearings in Huntington for central  
23 West Virginia, police-community relations forum, and it's  
24 on the table over here. We hope that you will pick

1 that up and look at it and see some of our  
2 recommendations.

3 Members of the Advisory Committee will be  
4 available during the lunch hour for comments or for you  
5 to talk to us. We certainly appreciate the community's  
6 response also, which would be made a part of the official  
7 record.

8 Mr. Weisner, I don't know where we are in terms  
9 of our time, but we went far beyond the time allotted for  
10 this panel, but I think the results will be very good.

11 We certainly appreciate everybody, and I don't  
12 know what we are going to do right now, but we need to  
13 take about five --

14 MR. WEISNER: We will just recess this  
15 hearing at this point.

16 (Recess was taken at 11:45)

17 MR. WEISNER: We are ready to resume  
18 session two of today's hearing. This deals with equal  
19 opportunity in the UMWA.

20 We have four speakers that are on the panel.  
21 Each one will give an opening statement, and then we will  
22 take questions from the audience. Those that have signed  
23 up, and those questions and comments will be directed  
24 to the Commission and may, in turn, can direct those

1 comments towards the members of our panel.

2 First of all we have Mr. Norman Lindell of the  
3 West Virginia Human Rights Commission.

4 MR. LINDELL: Thank you. Good afternoon.  
5 My name is Norman Lindell. I'm the Deputy Director of  
6 the West Virginia Human Rights Commission, and the  
7 purpose of this forum, as I understand it, is to discuss  
8 racism in relation to labor unions.

9 The Human Rights Commission is a state agency  
10 empowered to receive, investigate, communicate complaints  
11 of discrimination in employment which include labor  
12 organizations.

13 In general terms I would like to share with  
14 you the types of complaints we have and that we deal  
15 with dealing with labor organizations, and in a little  
16 bit about kinds of complaints we have dealing with  
17 employers in general.

18 Unions, as everybody here well knows, are charged  
19 with different kinds of violations of our statute. The  
20 two main kinds that we get generally are: Failure to  
21 process a grievance and failure to represent a member  
22 during the grievance process. Those are the two general  
23 kinds of complaints we have dealing with unions. We get  
24 other types, but those two are the broadest kinds that we

1 get.

2 In investigating these kind of complaints it's  
3 often difficult. In the first scenario we have failure  
4 to process a grievance. A couple of major questions  
5 arise, and the first one usually is, is the grievance  
6 that person wants to file a legal grievance under the  
7 collective bargaining agreement in question.

8 And second, has that grievance already been  
9 judged by an arbitrator that has set some kind of a  
10 precedent that has forced the union and the company into  
11 acting in a certain way regarding this particular issue.

12 As you know with arbitration, generally binding  
13 arbitration often set precedents in having a particular  
14 kind of a grievance under a specific section of a  
15 contract, and so a lot of times, like law, they look  
16 to those arbitrary decisions to determine whether this  
17 issue has already been judged or arbitrated. Those are  
18 a couple of questions that arise when we deal with those  
19 types of complaints.

20 In a failure to represent complaints, it's a  
21 union's obligation to serve the interest of all the  
22 bargaining members without hostility or discrimination  
23 toward any specific group or any individual race or sex  
24 or color or the other things we cover within our statute.

1           The union is obligated to exercise its discretion  
2 in good faith and with honesty. The union breaches that  
3 discretion and that duty to represent only when it  
4 conducts -- only when its conduct toward a member is  
5 arbitrary or discriminatory or in bad faith.

6           Obviously, the Human Rights Commission can only  
7 deal with discriminatory aspects. We don't cover labor  
8 practices per se. We don't have any authority to do  
9 that.

10           Now, the courts have dealt with all types of  
11 labor issues regarding the grievance process. They have  
12 given the unions a great deal of flexibility in  
13 determining the unions' duty to process a grievance  
14 beyond the first or second step in any kind of grievance  
15 process.

16           The courts have concluded that barring obvious  
17 evidence of discrimination or arbitrary decisions, the  
18 decision whether or not to take a case all the way  
19 through a grievance process to arbitration rests with the  
20 union, whoever the union officials are at the local or  
21 higher level to determine what cases go to arbitration.  
22 Generally an individual member cannot make a union go to  
23 arbitration on a specific question.

24           Now, let me say a little bit about what happens

1 to unions that we are able to do with other questions.  
2 If a union is found in violation of the West Virginia  
3 Human Rights Act, the Commission is empowered to order  
4 them to make the appropriate relief.

5 In doing that -- in general the Commission had  
6 two class action cases involving a union -- it wasn't the  
7 UMWA -- over the last few years, and the issue involved  
8 around seniority lists. It just so happened that  
9 this particular union and the company had seniority lists  
10 that were segregated for blacks and whites and within a  
11 certain craft.

12 That case went through litigation, and the union  
13 lost because they didn't settle, and they were forced  
14 to pay attorneys' fees; they were forced to pay back  
15 wages to the union members who lost job opportunities  
16 because the way the seniority list was set up, and they  
17 were ordered to clean up the seniority list and make it  
18 right.

19 . Several years later we had the same union  
20 basically doing the same kind of a thing. It came up  
21 again. They settled this time and didn't have to go  
22 through the litigation, and they corrected the situation.

23 When the Commission investigates a case, the  
24 objective of the investigation is to show whether or not

1 this is probable cause, which means that the allegations  
2 tend to be supported by evidence, or no probable cause  
3 because for whatever reason the allegations could not be  
4 substantiated.

5 A probable cause finding after an investigation  
6 does not mean they are guilty of anything. It would  
7 be similar to a grand jury indictment. Then the next  
8 step would be, if the case wasn't settled, then we go to  
9 the litigation phase, which I will talk about in a  
10 minute.

11 Regarding employers, the Commission gets all  
12 kinds of complaints about employers whether it be failure  
13 to hire or failure to promote, equal pay issues, just any  
14 gamut or any facet of employment that we generally cover.

15 So after the Commission investigates the case,  
16 and we are determine whether there is cause or no cause,  
17 if we issue a probable cause decision and we cannot  
18 settle the case, then we are obligated to take that case  
19 to what we call an administrative hearing, which is a  
20 trial before an administrative law judge.

21 If the complaining party prevails in that  
22 situation and the Commission tries to make their  
23 complaint that -- which means they would be entitled to  
24 relief had there been no discrimination.



1           An example would be, let's say, somebody was  
2 discharged from a job. We would order that employer to  
3 instate that person, pay them their back pay, some  
4 interest, some small amount of damages -- we are limited  
5 to 2950 at the moment, \$2,950 -- out-of-pocket expenses,  
6 put them back in the seniority, if that is an issue,  
7 and the benefits that go with all those jobs. If they  
8 have private counsel, award reasonable attorney fees.

9           That is generally what we do. In just the brief  
10 discussion we are having here, we do not cover labor  
11 management issues. So if this was a labor management  
12 issue where people think of union labor/management  
13 issues, there are other agencies that deal with that,  
14 like the National Labor Relations Board, on the federal  
15 level deal with those kind of questions.

16           We don't deal with those kinds of questions per  
17 se. We just deal strictly with discrimination of civil  
18 rights issues.

19           So, in concluding my remarks I would just like to  
20 quote from the West Virginia Supreme Court of Appeals,  
21 and they said in a court decision involving the  
22 Commission "that the concept of equality is so basic to  
23 our system of government that the Legislature has  
24 declared denial of these rights to properly qualified

1 persons by reason of race, religion, color, national  
2 origin, ancestry, sex or disability is contrary to the  
3 principles of freedom and equality of opportunity and is  
4 destructive to a free and democratic society."

5 "Therefore, every act of unlawful discrimination  
6 in employment is akin to treason undermining the very  
7 foundation of our democracy."

8 So our court here takes it very serious, civil  
9 rights in our state. When we start talking about  
10 something that can be akin to treason, I don't think you  
11 can get much higher on the flagpole than that. So that  
12 is how I will leave my remarks.

13 MR. WEISNER: Next we will hear from  
14 Willie Anderson.

15 MR. ANDERSON: My name is Willie Anderson.  
16 I'm a resident of Holden, West Virginia. I'm a retired  
17 and disabled miner. I have used the last 20 or so years,  
18 after I came out of the mines and after I stopped my mine  
19 work, lobbying for legislation for the United Mine  
20 Workers of America, most prominently the black lung law.  
21 95 percent of the legislation that came from miners  
22 itself came from me over the last 25 years.

23 Having only eight minutes, I have to try to get  
24 through the basis part of this, what I said, but before I

1 start I want to reflect on something Mr. Lindell just  
2 said, and he made the best example I could find of it.

3 How age discrimination as the Civil Rights  
4 Commission is able to help the mine workers. It's mostly  
5 totally ineffective, and I will tell you clearly why. We  
6 have in the United Mine Workers -- we have a contract as  
7 he explained. We have in it what we call a 52 percent  
8 penalty clause.

9 What that clause means is if a miner -- normal  
10 retirement in the United Mine Workers is 20 years, but we  
11 have what we call a 1954 contract, a 1974 contract. I  
12 am retired under the '50 contract. Most of the miners  
13 you see in the street out here today are under that  
14 contract.

15 Now what this 52 percent clause means, it's  
16 actually age discrimination, but it has to be prosecuted  
17 under another type. The Civil Rights Commission cannot  
18 help us in this, and the reason they can't help us in  
19 this is that anything that is tied to a wage agreement  
20 in our union cannot be handled under normal civil rights  
21 laws.

22 And this we have any number now. We have some  
23 miners out here now that have 40 years in the mines and  
24 don't get as much as some men with 20 because of that

1 discrimination clause.

2 Let me say this and say this very quickly.  
3 United Mine Workers of America is clearly at a crisis  
4 situation, where the crisis on health care -- and I know  
5 there is nobody in here that don't know that just very  
6 recently the Rockefeller Bill is supposed to have saved  
7 us in equalized pension plan.

8 I personally don't believe it, and I have read it  
9 50 times. Few people out here have ever seen it. The  
10 reason they haven't seen it is the administration won't  
11 let you see it. The United Mine Workers won't let you  
12 see it. Your favorite congressman won't let you see  
13 it. All what's in these laws most people don't know.

14 Right now, today, we are in a new set of  
15 negotiations with the United Mine Workers of America, and  
16 as bad as I hate to say it, we may -- this may be the  
17 beginning of the end for the United Mine Workers of  
18 America because of this health care thing that we are  
19 involved in now.

20 These coal companies do not like to reach back  
21 provisions in this legislation. I don't care what nobody  
22 tells you. This is what the strike is all about, and  
23 it's going to take hell to win this.

24 Now it's a give away. The coal companies ought

1 to be glad to sign it, because actually it's costing them  
2 very little. Now, what this legislation says is we have  
3 two funds. Any miner, anybody that is a retired miner,  
4 he is under the 1950 pension fund which has the 1950  
5 trust. One takes care of his check; the other one takes  
6 care of his pension. Okay.

7 Now, as of this piece of legislation, the  
8 Rockefeller Bill, which is what this strike is all about,  
9 is all about that one piece of legislation. Now what  
10 they are going to do, the coal operators now -- now  
11 anybody that is under the '50 fund is under a protective  
12 status because it's a paid-up trust.

13 They got more money than they will ever pay to the  
14 '50 miners, more money than they'll ever need. So what  
15 they done in this piece of legislation was to borrow from  
16 it. I'm certain and I'm hopeful that they don't bankrupt  
17 it, and it's fully funded for people drawing a check to  
18 take care of themselves, to take care of their health  
19 care.

20 I'm certain this is what's going to happen,  
21 because I think one of the things we are going to see,  
22 and you can look at the tape and see after this, is all  
23 over if I'm wrong, companies are going to fight this.

24 A lot of them are going to get out of the BCOA

1 structure because of this piece of health legislation. I  
2 believe they will. I hope they don't because if they do,  
3 I will be one of the first people that go down the drain.

4 When we talk about civil rights and human rights,  
5 to me, they go together. They are one in the same, and  
6 there is separate. And this is what their strike  
7 is about. They're not striking out of the black mine.  
8 They have eliminated him from the mine.

9 When I was a boy the coal fields from here to  
10 Bluefield, the whole southern coal fields was 75 percent  
11 black. Anybody here in and around my age knows that.  
12 What has happened over the period of time, over a period  
13 of time what has happened? Black miners have been become  
14 extinct.

15 Go from here to Bluefield and see how many you  
16 can find? Most of the sons they don't let back into  
17 the industry because they seem to have, more than  
18 anything else, a revolutionary history of fighting and  
19 sticking up for their rights and won't roll over for  
20 everything the coal operators want. That is a cold, hard  
21 fact. That isn't rhetoric. This is the basis of it.

22 I think my eight minutes is gone and maybe during  
23 the questions I hope you fellows could just pour on the  
24 questions.

1                   MR. WEISNER: The next we have James  
2 Major.

3                   MR. MAJOR: My name is James Major. I  
4 began work in the coal mines at an early age, but I  
5 was raised in the coal fields. And like Mr. Anderson  
6 said, there was years ago about 75 percent of the people  
7 who worked in the coal mines were black.

8                   I sort of figured it up to be about 73 percent  
9 and 13 percent were foreigners who lived in boarding  
10 houses; three percent were Mexicans, and 27 percent were  
11 the white individuals.

12                   And most of those came from counties outside of  
13 the coal areas like Lincoln County and other counties  
14 where timbering and wood cutting was the economy of  
15 the county. But soon they began to bring those into the  
16 counties where coal mining was and taught them how to do  
17 labor, and it was a little bit too hard for them; and  
18 eventually they did learn how do it and as the process  
19 went on through, then the whites took over and the blacks  
20 were moved out.

21                   Twenty-nine years I spent in the coal mine, in  
22 and around the coal mines. I worked on both sides. I  
23 worked for the State Department of Mines as a safety  
24 instructor for seven years. I worked for Pittston Coal

1 Company as a safety department employee for seven years,  
2 and I worked in the coal mines as a union man for about  
3 17 years. So I got a chance to see both sides.

4 In my last 14 years that I worked, because I  
5 retired in '84, I worked for a coal company, and as I was  
6 in the training department and safety department I was  
7 able to encourage or request that the company hire some  
8 black young men. They did hire some few black young  
9 men.

10 And they put them at the different mines, but I  
11 think we have a total of about 1,300 men working at this  
12 coal company, and I think it was about 15 blacks. When I  
13 was working for the State Department of Mines I was going  
14 through five different counties where I was to teach  
15 safety and to train the miners on safety.

16 Two of those areas I went into, coal companies  
17 over in Boone County, Westmoreland, I guess I am  
18 permitted to say it, and Walton, which is Eastern  
19 Associated, had no blacks.

20 When the state mining inspector wanted me to go  
21 with him in January 1st, 1970, he said, When you get to  
22 these mines, they are going to look at you funny because  
23 you are black. And I replied, I will look at them funny  
24 because I know what I have come over here to do.



1           After working at these two particular areas and  
2 finding out and knowing that one of them, when it was  
3 organized and the company started up, they brought some  
4 men from here in Logan County to take care of the union,  
5 as the union president, and safety man, and their point  
6 was not to hire any blacks.

7           Now, this was union people back in the 1960's.  
8 Unions were determined not to let blacks work in the coal  
9 mines, and it wasn't the coal companies as bad it was the  
10 unions itself. I know that the coal companies were bad,  
11 and they did a lot of things; but I know and feel within  
12 my heart, and you could see it and anybody can tell  
13 you that the big part of the discrimination comes from  
14 the union within.

15           I have seen people who come to the coal mines  
16 that have no mining knowledge, and because they were  
17 white, they were given training jobs and were later hired  
18 to take the specific job.

19           When blacks came, there was, No, and it is still  
20 happening. There is no jobs available. I have heard it  
21 over and over said that if a black goes to coal mines  
22 and he gets a job, that the white union brothers will  
23 say, If you hire him, we won't work.

24           So then the operator himself cannot hire the

1 black because the other men will not work. When I worked  
2 in the coal mines at an early age, hey, we believed  
3 in going and see how much work we could do.

4 If the day shift said, We load up 125 cars; we  
5 would say, We will get 135. Who the hell would come  
6 and say, We will get 145 five? Now the young man wants  
7 the job and the pay and no work, but there is not blacks  
8 doing it.

9 There is no blacks being hired for all this big,  
10 high wage that is being paid to coal miners, but they are  
11 all white and it comes, and I still say and will say it  
12 comes from the union.

13 I will say that the companies have done a lot of  
14 things. Perhaps you read in the last year about the  
15 mess to determine how much dust a coal miner was taking  
16 and found out the operators were somehow behind it and  
17 focused -- it was theirs to minimize the dust that was  
18 being -- but I saw coal miners who would not put up check  
19 curtains and dust to keep from getting the dust into the  
20 sections where they were working.

21 They refused to do the work to protect their  
22 ownselves, and I saw coal miners who would take a dust  
23 pump in the coal mines to examine the dust, and come back  
24 out and say, It fell off my hip into a mud puddle, so

1 you don't get an accurate read.

2 I have had to go into the mines and spend a whole  
3 week on one section to make the men put up curtains to  
4 protect themselves from getting black lung, but there is  
5 maybe one black in 50 whites at this one mine.

6 Things have changed, and we need to ask the  
7 union. I saw Jesse Jackson two years ago running all  
8 over the country with the Pittston coal miners trying to  
9 get a contract. Jesse Jackson was helping Eastern and  
10 all these people get contracts.

11 But they were not hiring and are still not hiring  
12 any blacks, but the black man was out in front helping  
13 them to get their contract. Thank you.

14 MR. WEISNER: The fourth speaker on this  
15 panel is Bethel Purkey.

16 MR. PURKEY: I would like to comment on  
17 what James just said. Really both of them has told you  
18 the truth. I have been in the mines for the last 22  
19 years myself.

20 I worked with companies that has got  
21 approximately 500, 600 people, and all the time I have  
22 worked with them I think we have had four black people  
23 that worked with us, and all those is dead now; and they  
24 have all been my friends.

1           It seems like there is a trend to that. We are  
2 talking about equal employment here, and to me equal  
3 employment in the United Mine Workers, I can't agree with  
4 that. Up until probably two months ago you thought  
5 everything was pretty equal. Talking about seniority  
6 rights, seniority is what kept you working in the mines.

7           Pittston just recently signed a contract, but  
8 anyway they just signed a contract that has done away  
9 with our panel rights for about 500, 600 people. They  
10 have got a right to pick and choose who they want to  
11 hire, and that's regardless of age, color.

12           It's a bad situation because that really gives  
13 them a right to discriminate against anybody they want  
14 to. The first two people they are going to hire at  
15 this job, and what they are going to hire is we will  
16 hire the youngest man on the panel and the oldest.

17           But to me that don't get it. Job security in the  
18 coal industry has always been the seniority rights.  
19 Seniority today is a qualification for a job is what kept  
20 you working. Today we don't have that.

21           I presently work under a contract that I have had  
22 to negotiate a deal with the company to help some of my  
23 people to go to church on Sunday. I work seven days a  
24 week. I work Saturdays, Sundays, straight time.

1 I have got a preacher, I just recently got his  
2 job back; he had been off two years. The company  
3 bypassed him on the panel, and I say it was because it  
4 was of his religion, religious beliefs.

5 In fact, the last year he worked in, he had  
6 several funerals, and he was missing work. Because of  
7 his religious beliefs, they overlooked him. It took an  
8 act of Congress just about to get that man back to work.  
9 He is working today.

10 What I'm seeing in the United Mine Workers right  
11 now I don't like. When we get the right to pick and  
12 choose over one man because of color, age, it's a  
13 terrible thing.

14 I think I'm like seven or eight months maybe to  
15 retirement or having 20 years in. This contract that  
16 they have got, there is no way that I can get that.  
17 People that has been hurt on compensation stuff, these  
18 people are going to be overlooked for jobs.

19 It's just facing the facts, if we give these  
20 companies the right, they will control us. I don't agree  
21 with it. I think we have been bought and sold, and it's  
22 always been that way for a long time. I think James will  
23 have to agree with me.

24 What we are going to do to change this is -- I

1 don't know what it's going to take, but I know there  
2 is several of us out there trying to make a difference,  
3 and I would like to see us all live together and work  
4 together.

5 Logan County right now we stand to lose between  
6 500 to 600 people out of Logan County because they are  
7 not going to have no jobs. My job is supposed to go  
8 to the 23rd of June. As to what operation they put in,  
9 they can pick and choose; told me I don't have the right  
10 to a contract, and I'm president of this local.

11 I have asked the international people for a  
12 contract and asked for a contract. Nobody will give  
13 me a contract. This man here even sat here and explained  
14 a while ago on his grievance procedure. I have got three  
15 grievances filed. I don't have a contract to know what  
16 I'm arguing. I'm sitting talking to these companies.  
17 They are telling me, You have got to believe us what is  
18 in there.

19 So how do I represent the people when I don't  
20 have what they're working under? To me we have got  
21 to have a lot of changes, and that is all I have right  
22 now.

23 MR. WEISNER: We have had one speaker to  
24 sign the roster wanting to address this panel, and,

1 Stephen Hairston, you may address the Commission with  
2 your question or comment, and they, in turn, can direct  
3 your concerns to the panel.

4           STEVE HAIRSTON: Good evening. My name  
5 is Stephen Hairston. I'm the President of Kazin Coal,  
6 Incorporated, which is 100 percent minority owned  
7 business, a coal mining business.

8           I was hoping that representatives of the UMWA  
9 that I'm used to dealing with were here so I could direct  
10 these questions to them: Mr. Green, Bailey or Ojeda  
11 Jackie Barker, these guys.

12           I understand your questions of retirees and  
13 things like that, because the underlying question that  
14 everybody keeps coming back to that needs to be  
15 addressed, and I am very willing to hire minorities. But  
16 I can't being a UMWA -- signatory UMWA contract miner  
17 because of panels.

18           Panels, I feel -- I have done a lot of research  
19 and study to back up what allegations the gentleman made.  
20 Blacks have been systematically eliminated from panels,  
21 systematically eliminated.

22           I have four blacks working for my company now,  
23 and I got them in there -- I honestly got them in hook or  
24 crook. I have tried to approach the UMWA with an

1 affirmative action program so that I can hire some  
2 minorities. No way. No way.

3 As far as I can understand the United States  
4 government will not make the UMWA have an affirmative  
5 action program.

6 I'm here to say I am a minority operator. I want  
7 to hire minorities, blacks. I want to see more blacks in  
8 this county, Logan County, working. But to me being a  
9 UMWA signatory company, if there is not anybody on the  
10 panel like that, I'm just in trouble, and 99 percent of  
11 the places you go the panels are lilly white.

12 Like I say, I was hoping the other gentlemen  
13 would be here who I deal with all the time. I don't  
14 deal with them very much. I deal with other gentlemen  
15 on the contract talks and issues and things.

16 Why can't I, as a 100 percent minority-owned  
17 company, hire some minorities legally? That is my  
18 question to the Commission.

19 MR. PITTS: Would give us the names, Mr.  
20 Hairston --

21 STEVE HAIRSTON: Sir?

22 MR. PITTS: Would you give us the name of  
23 those persons that you listed earlier, the names  
24 you called out.



1 MR. CHUN: Mr. Green and what other names?

2 STEVE HAIRSTON: Mr. Green, Faylin, Bob  
3 Faylin, Ojeda, O-J-E-D-A. Jackie Barker is the president  
4 of the local union that is up in Man, West Virginia.

5 MR. PITTS: Jackie?

6 STEVE HAIRSTON: Barker, B-A-R-K-E-R.

7 MR. ANDERSON: 8217 is the number of  
8 the local you are looking for.

9 STEVE HAIRSTON: Caldwell, I thought  
10 Caldwell would be here today. I had another company  
11 called Blacknight Energy on Kelly Mountain, and the  
12 reason why I went nonunion at that time, because I tried  
13 to do affirmative action to hire minorities. They said  
14 no. I'm going to hire them anyway. So I went nonunion,  
15 and that company got destroyed literally.

16 Folks run around from the UMWA looking for that  
17 nigger company up on Kelly Mountain. I just recently  
18 changed my name to Kazin Coal Company, because I heard  
19 recently I might not be in Rock House much longer.

20 Some union members say they are going to run me  
21 out of there if you're not gone from Rock House. And one  
22 of the officials of the UMWA told me they have heard a  
23 lot about the nigger-owned company up here. I tell them,  
24 Here I am; run me out.

1 I will continue to hire minorities, blacks. Like  
2 I said, well, if you want some documentations on  
3 grievances being filed, National Labor Relation Board  
4 charges being filed, I can get all you want.

5 MR. PITTS: Let me make an observation.  
6 I think that the union can develop some type of program  
7 under affirmative action simply because as a matter of  
8 fact we know that the history of the UMWA has never been  
9 supportive of black miners.

10 A part of that grows out of the fact that at  
11 the turn of the century when the white miners organized  
12 against the companies, they brought the black people in  
13 from South Carolina and the southern states to operate  
14 the mines.

15 That's why when Mr. Major speaks of the fact that  
16 when he went into the mine, and Mr. Anderson, that there  
17 were a great number of blacks. And a part of the  
18 organization or organizing of the UMW was specifically on  
19 John L. Lewis to keep blacks out.

20 We don't recognize that. We don't talk about it,  
21 but that was a part of why the white miners organized the  
22 union. Then they refused to allow us to become a part  
23 of the union.

24 I think that that history, that philosophy, is

1 preeminent today in the UMWA and certainly in southern  
2 West Virginia. But I think that if we look at the  
3 history of the AFL-CIO in terms of what they did in the  
4 area of civil rights, they were supporters of the early  
5 civil rights movement of the sixties, and they did  
6 develop certain programs.

7 So when the union comes and says, the UMW says  
8 that they can't do that, we have already in place a  
9 history in order to develop those types of programs.

10 As I take it today, the real persons are not here  
11 to address the issue of the whole pattern of  
12 discrimination that has taken place with the unions and  
13 the companies.

14 Perhaps what I would like to do at this time is  
15 ask the Commission through Dr. Chun to allow us to call  
16 another hearing wherein we will bring in the union  
17 officials, both locally and nationally, and the companies  
18 in order that we may address these issues.

19 I don't know how other members of the advisory  
20 committee feel about that, but I think we cannot get to  
21 the meat of the issue without those persons being present  
22 and making some answers.

23 MR. CHUN: I think that issue certainly  
24 has to be addressed. There is no question about that.

1 In response to the question that you raised, we did  
2 contact Mr. Green.

3 He couldn't make it today because of local  
4 elections being sort of at high gear, but in his place  
5 Mr. Caldwell has agreed to come, and I don't think he is  
6 here yet. So that's the reason why the union is not  
7 represented.

8 But if you can be a little more specific as to  
9 the questions we should pursue, I think our committee  
10 would be more than happy to do what we can. As a way  
11 of warming up or giving a specific, perhaps you may  
12 like to cite a little bit more, for my education more  
13 than any of the members.

14 You said that you can't hire minorities even  
15 though you want to because you are a union signature  
16 company, and more importantly, crucially you can't  
17 because of this panel system.

18 Would you mind telling us a little more how that  
19 works? In what way is the panel system stacked against  
20 hiring minorities?

21 STEVE HAIRSTON: Yes, sir. Where I am  
22 at, I'm at Rock House, West Virginia. That is up in Man,  
23 West Virginia, behind Man High School. I'm a contractor  
24 to M&H Coal Company. We were Paliton (phonetic) Coal

1 Company. They bought Paliton Coal Company out.

2 Before I came into the hollow -- I'm going to say  
3 this, but I'm not 100 percent sure -- I don't think there  
4 was ever a black in the hollow, ever. The ways that,  
5 I guess God, made available, I have come to own it, a  
6 coal company up there.

7 I, in turn, had some friends who -- they're my  
8 friends. They live in the community, built three  
9 different companies; we moved around together -- four  
10 different companies. There is the four.

11 Three of those companies were nonunion. That is  
12 the only way to hire them. The fourth company, this one  
13 is union. I'm signature, so on one end fairly legal,  
14 other three I have hooked and crooked a little bit.  
15 Okay. But I got them in.

16 And I'm getting ready to -- one mine is down  
17 there, and I'm going to open another one very shortly.  
18 What the panel system is the gentleman who are laid  
19 off from the parent company, M&H from Paliton, they are  
20 supposed to have first preference on the jobs up there.

21 That is why there's a systematic elimination  
22 of blacks. There are none there. There is none at  
23 Bellville, none at Chafin. There is few in Pittston,  
24 Alum Creek is a dinosaur now. It's gone.

1           So what I'm saying now is -- I'm a minority-owned  
2 company, 100 percent minority-owned company. I would  
3 rather hire minorities. I want to see some minorities  
4 back in work. There are a lot of able-body guys around  
5 here that can work and that want to work.

6           But me being an UMW signatory company, I can't  
7 hire them legally and on the panel. They have to be on  
8 the panel.

9           I did a lot of research, not this year but a  
10 couple years ago, on affirmative action. I called  
11 Washington D.C. I called a lot of places and talked to a  
12 lot of people. I said I am 100 percent minority owned.  
13 At the time that I was going to be.

14           I would like to initiate an affirmative action  
15 program, a percentage, just a percentage. I have 62  
16 employees. I have four black. I have got three of  
17 those in sideways, but I got them right now.

18           Does it make it a little bit clearer what I'm  
19 saying now?

20           MR. CHUN: Yes.

21           STEVE HAIRSTON: You have to be on the  
22 panel before -- if you're a signatory union, signatory  
23 company, you have to be on the panel. There is a lot  
24 of laid off UMWA miners in the area, a lot, and most of

1     them are lilly white panels.  So they won't allow me to  
2     hire minorities.

3             I think there should be a percentage myself.  
4     This is my personal opinion.  That there should be a  
5     percentage that -- especially of me being 100 percent  
6     minority-owned company.  I would like to hire a few  
7     minorities.  I think it ought to be everywhere.

8             The UMWA is like what it started to be for the  
9     brothers for unity of people, the advancement of people  
10    like the NAACP supposedly is.  People go together and  
11    form a union.

12            Then why can't they have percentages if all these  
13    panels would just get a few minorities back to work?  
14    But that don't matter with those panels.

15            MR. CHUN:  Who decides as to who gets on  
16    the panel?

17            STEVE HAIRSTON:  The way they are laid  
18    off in the union as to where they are laid off.  I don't  
19    have anything to do with that.  You have panels for  
20    custodians and people like that.  They tell me -- they  
21    give me a sheet of paper and this is the way you have got  
22    to hire these people.

23            You have got to hire them like that, and like I  
24    said, the minorities I hire, I have got grievances and

1 things right now where they want to get them out, try to  
2 get some of them out to get the men who were on the  
3 panel back.

4 MR. PITTS: Let me ask the question.

5 MR. CHUN: Mr. Anderson, I understand you  
6 have a --

7 MR. ANDERSON: Yes. Let me address what  
8 he is saying. The buzz word now is you pick up your  
9 paper and when you look at 6:00 o'clock news, and the  
10 first thing they say when they say UMWA is job security.

11 When he is talking about the panel, that's the  
12 UMWA's interpretation of what job security is. What it  
13 means is when there is a layoff at a place, based on the  
14 numbers of years that you have there and so forth, you go  
15 on a list of a number by seniority. That means the  
16 longer you have been there, the higher you are on that  
17 list.

18 But that's a dog and pony show because we have a  
19 man -- this man sitting here next to me right now  
20 recently laid off, 22 years in the mines, and he is a  
21 brand new man as a result of a panel.

22 It's a lot of ways -- it's the way they do it.  
23 It's the way you manipulate a system just like he is  
24 saying, and it takes quite a going over. You can't



1 just explain right here. There are 1,000 ways to  
2 manipulate a panel, and this is what they do.

3 Now, the reason that you keep talking about the  
4 UMWA people aren't here, your leadership, they wouldn't  
5 come in here for five minutes. They are going to pass  
6 by here by the very first virtue of what we are talking  
7 about in discussion.

8 They ain't coming in here. They're not going  
9 to sit down and look people in the face and tell them  
10 this. Right now this whole strike we are in now is  
11 about job security. It's supposed to be about job  
12 security. Okay.

13 Now, whether you are black anymore really or  
14 whether you are white, they can use a panel and  
15 manipulate it and discriminate against anybody white just  
16 as easily they can anybody black. There are ways to  
17 bypass a panel.

18 Let me tell you the number one way they do it, is  
19 to say, Well, okay, qualification. Right now the number  
20 one problem that you people have read about in the paper  
21 and in the Gazette or in the Logan Banner Sunday  
22 about this mine up at Lorado, which this man sitting next  
23 to me is president of Local Union 1971.

24 Here is how you manipulate panels: The oldest

1 man can become the youngest man. The youngest man can  
2 become the oldest man by a process of manipulation.  
3 One of the ways they do it is job qualification walks  
4 hand-in-hand with your seniority.

5 Now in his mine, the mine that he is president  
6 of, 1971, what they done there is: Here we have a mine  
7 that has traditionally been a deep mine. It has always  
8 been a deep mine. Deep mines are being phased out all  
9 over the coal industry right now. Deep mines are  
10 becoming extinct in this industry.

11 So what they do, you sign the panel. Now we  
12 will take you if you are able to be qualified using the  
13 qualification given. You have to now get off of that  
14 part of that coal tipple you work on and go on this  
15 mountain and be able to step in and operate the most  
16 sophisticated piece of equipment that they have, or you  
17 are not qualified.

18 So that's the gimmick they use, and that's the  
19 reason this man with 22 years becomes a brand new man.  
20 He has no history of doing that.

21 In the years to come if you read -- if any of you  
22 ever get a chance to read the Pittston agreement, this is  
23 what it's structured on. Pittston Coal Company is going  
24 to do away with deep miners. They are doing away with

1 them every day.

2 The only thing that they are going to run and  
3 they're going to operate is the most sophisticated long  
4 wall mines. That is a deep mine. They will be very few  
5 of them, and then the rest of it will be all stripping.  
6 It will be these big outside jobs. Only the biggest,  
7 the largest of the large.

8 MR. CHUN: If I may, who determines --  
9 we have two laid off workers. Who decides as to where  
10 these two laid off workers are to be placed on this  
11 panel? Is it union officials or by what rules and who  
12 determines that?

13 MR. ANDERSON: You go on the panel.  
14 If that company that you work for decides to go into  
15 another operation they are required by law to use that  
16 panel. Anything that decides --

17 MR. CHUN: No, sir. My question is: If  
18 he and his colleagues, they are both laid off, who has  
19 decided that he, Mr. Purkey, is lower on the panel and  
20 another young person is higher than he? Who decides  
21 that?

22 MR. PURKEY: To start with, just take me,  
23 for instance. Say I was hired on June the 3rd and he  
24 was hired on June the 4th and we both had the same

1 qualifications, the company will call -- we have what we  
2 call a panel custodian in the local.

3 MR. CHUN: Panel custodian?

4 MR. PURKEY: Yeah. The company will call  
5 the oldest man, like where you started June the 3rd  
6 and I started the 4th, they called you if you were  
7 qualified. If you are not qualified for that job that  
8 they're hiring for, you go down that panel until you find  
9 somebody that is.

10 In other words, you have got a list of 100 names,  
11 and say the number one guy on top, he is not qualified,  
12 they can go to the last man on the panel and hire him  
13 if he has got that on his panel form.

14 What you do on the panel form is you put down  
15 what you are qualified to run. That's the only thing  
16 they will call you for. They won't call you -- if you  
17 don't put down, let's say, general labor, somebody just  
18 shoveling, clean the garbage or something, if you don't  
19 put general labor on your panel form and there's a  
20 general job that comes open, they won't call you for it.

21 MR. PITTS: So actually it does away with  
22 the old bump system. Is that what I'm understanding?

23 MR. PURKEY: It's not really a bump  
24 system, because any people that is working at this mine,

1 because I will get laid off at one of them, I can't bump  
2 those people.

3 The only way I can go is if they have an opening  
4 and I'm the man on the panel, the man to go.

5 MR. PITTS: That's what I said. It does  
6 away with where you used to be able to bump the lower  
7 guy?

8 MR. ANDERSON: Like the railroad does.

9 MR. PITTS: Sam, if I may. I think we  
10 have really missed the issue that was raised by Mr.  
11 Hairston. I need some clarification so make sure I am  
12 right, Mr. Hairston, if you will help me.

13 The union and the company maintains a list that  
14 is called a panel?

15 STEVE HAIRSTON: Yes.

16 MR. PITTS: That list is based on your  
17 time with that particular company. Now you are a  
18 subcontractor with Paliton, is that what you said?

19 STEVE HAIRSTON: M&H.

20 MR. PITTS: You are then required to pull  
21 from the M&H list only or the panel only? Is that what  
22 I'm understanding you to say?

23 STEVE HAIRSTON: Right.

24 MR. PITTS: If no one is found on this

1 panel that you want, it's going to be pretty impossible  
2 to do, isn't it, then you can go to some other list of  
3 some company or some local union?

4 STEVE HAIRSTON: From the street.

5 MR. PITTS: You can go from the street?

6 STEVE HAIRSTON: I can go to the street.

7 MR. PITTS: The problem is is that in the  
8 past hiring and union membership we have a small  
9 insignificant number of black miners that qualify for  
10 anything. Is that basically what you find?

11 STEVE HAIRSTON: Yes, and those that do, a  
12 lot of them do qualify are not on any panels that I can  
13 get to. Like I say about Pittston, Pittston has  
14 eliminated the deep mines so who are you going to get  
15 today to run the machine which is computerized.  
16 Everything on the -- so my basic question is, doing the  
17 hooking and crooking or whatever we need to do, there is  
18 no blacks to do it with.

19 MR. PITTS: What you are willing to do --  
20 Sam, just a few more. What I understand you are willing  
21 to do is to work with the union and any governmental  
22 agency that will allow you to set up on-the-job training  
23 for minority minors?

24 STEVE HAIRSTON: A percentage, yes. I

1 don't want to blatantly overrun your panel, but just give  
2 me a percent. Let me hire 10 percent, 20 percent  
3 minority just to get some minority people legally to  
4 work. That is all I'm asking; affirmative action.

5 MR. PITTS: Mr. Purkey, let me ask you if  
6 your local would be willing to support such an effort  
7 coming from this minority owned company to --

8 MR. PURKEY: I have no problem with it at  
9 all. They have got to equal -- somehow we got to  
10 equalize this out. I agree with him. I know what the  
11 international director will tell you, no, flat out no. I  
12 can tell you that.

13 MR. PITTS: We can deal with that.

14 MR. PURKEY: My understanding is you  
15 want to start a new mine?

16 STEVE HAIRSTON: Yes. I have a few men --  
17 at this time one mine is down right now. We should be  
18 opening it. I have another face up that I was going in  
19 in a month.

20 Now, I would like -- my three men, I'm going  
21 to get them back to work, three minorities, but for the  
22 new mine I have got to go from the top of M&H Mountain --  
23 I have got some men I can move over. From that point I  
24 have got from the top of M&H Mountain and start down.

1 MR. PURKEY: What you're contracting off  
2 of them and what you're going to do is go back -- if he  
3 had opened that property, he could take his people and  
4 the new mines he can staff it any way you want to under  
5 our contract. He could do that.

6 But where he is on that company's property and  
7 that subcontractor has to be on that panel.

8 MR. PITTS: I understand that.

9 STEVE HAIRSTON: That is where we want  
10 to go.

11 MR. PURKEY: The coal aspect of it, that  
12 is going on somebody else.

13 MR. PITTS: This thing against hiring  
14 blacks to work in this area, I mean, is this the  
15 sentiment of the communities? Is this the way that these  
16 communities live?

17 I mean, I'm not an outsider. I was born, raised  
18 and bred in West Virginia. These are some questions  
19 that we have to face. Apparently we can't face them  
20 today.

21 Is this from childhood to the grave that white  
22 people feel that we can't work with them, and that we  
23 don't deserve to be a part of the employment process in  
24 this community? Somebody help me out.



1                   MR. MAJOR: I believe it is what we call  
2 the new generation. Years ago one good quality about  
3 the coal mining, if he was a shop foreman, black  
4 or white, Mexican or whatever, they all got the same  
5 pay; didn't matter.

6                   But they have figured out ways, like he says, to  
7 exclude, we say blacks, with this panel we deal with  
8 that they have. Here is a big -- I tore up a napkin here  
9 which would represent a coal company.

10                   They contract out the mines so that puts 12  
11 men here, 15 here, 25, 30 here, and this one black over  
12 here was there and the fellows decided, hey, we don't  
13 want him on our section.

14                   The coal company per se doesn't have anything to  
15 do with it. It's contract now. It belongs to --

16                   MR. PITTS: Belongs to the union?

17                   MR. MAJOR: Yes, union.

18                   MR. PITTS: And then the union members  
19 take some type of active role against this black  
20 employee?

21                   MR. MAJOR: Right.

22                   MR. PITTS: And sooner or later he is  
23 eliminated. That is the kind of thing I'm asking. Does  
24 that also run like through the entire community?

1 MR. MAJOR: It is; it is.

2 MR. PITTS: So then the real problem  
3 begins before you get to the age of work?

4 MR. MAJOR: Yeah. The grandchildren that  
5 should be here are not here because their father's  
6 couldn't get jobs, and they had to go somewhere else.

7 MR. PITTS: What do you think would help  
8 to change the situation? What would help to bring about  
9 a harmonious workplace?

10 MR. ANDERSON: Let me answer that, and  
11 I'll try to do it very brief. In 1946 is when this mass  
12 exodus of black workers from the industry or from West  
13 Virginia started. When you look back and you hear this  
14 every day, then I can understand why the younger people  
15 don't really understand the meaning of it.

16 When we brought in the health and welfare fund,  
17 the whole concept was predicated on the fact that we  
18 would lose 70 percent of the people that worked. You see  
19 that in the paper every day. How many people really know  
20 what that meant?

21 So what they done, they traded mass mechanization  
22 of the mines. Clearly before they said, Well, we will  
23 have less people if we accept it. We had to do that  
24 to get coal companies to fund our health and retirement

1 fund. That is a fact. Okay.

2 In the early fifties we can take communities  
3 all through here. I was born five miles from where I'm  
4 sitting now. I know what is going on in Logan County.  
5 Let me tell you.

6 MR. PITTS: Tell us.

7 MR. ANDERSON: We lost communities.  
8 Number seven hole, they obliterated communities, and you  
9 talk about -- but the one beautiful thing about the  
10 days I grew up, and anybody here in my age category,  
11 there was more blacks because there was more of them in  
12 the industry. There was more of them around in here.

13 The average white man didn't have to work in the  
14 mine, so you had a lot of blacks working in the mine.  
15 But that was the beginning of the mass exodus of blacks  
16 out of the industry.

17 It started early in the fifties, and it has went  
18 on to where all companies was doing it because you needed  
19 more. As you mechanized the mines, you will wonder  
20 when we went to the days of manual labor to mechanization  
21 how you happen to lose so many people.

22 Now, there is two things that haven't been said  
23 here today, and you can't address none of what we say if  
24 you are talking about mining in this industry unless you

1 at least mention these two things.

2 When we look at labor, labor as a whole, we have  
3 got two basic things, craft unions and how they work, and  
4 then we have to look at labor unions and how they work.

5 Right now most of the people that are going to  
6 work in this man's mines, that are going to be working  
7 a totally different type of labor, those people are going  
8 to come from -- those heavy equipment operators are  
9 coming from craft unions.

10 We have the same identical thing there simply  
11 because craft unions pick and choose who they let in  
12 their unions. They are basically -- the reason the  
13 average electrician or high tech man from any craft  
14 union is white is because they only bring their sons and  
15 daughters and their cousins in that local.

16 I went into a craft local in Columbus, Ohio,  
17 and just asked how would I get in an apprenticeship  
18 program, and I tell you, it's very simple. You get five  
19 dues-paying union people in that local to bring you in,  
20 and you just might as well be looking for a pink elephant  
21 if you are black, because that's the reason they kept us  
22 out. They still keep us out. If you're black, you can  
23 talk all you want to. You know what I'm talking about.

24 MR. PITTS: I'm sorry, but is it the

1 process that goes on to become a member of the UMW?

2 MR. ANDERSON: No, it is not.

3 MR. PITTS: The question is, is looking at  
4 the United Mine Workers of America, what is there, and I  
5 know that you probably cannot answer this question, but  
6 what is their role in preparing and training blacks to  
7 have mobility within the mining industry?

8 And from what I heard Mr. Hairston say is zero,  
9 is nil.

10 MR. ANDERSON: He's right.

11 MR. PITTS: Then do we have within this  
12 county a training program for miners -- and I must plead  
13 ignorance in terms of what special crafts are within the  
14 industry, but I know that you talk about a roof bolter,  
15 and you talk about an electrician; somebody that runs  
16 some type of miner, continuous miner, I guess is what  
17 it's called.

18 Where are these people trained? How do they get  
19 into these programs? How can we move minorities and  
20 women into these programs for this training so they can  
21 become a part of this system? That is the issue. That's  
22 where it seems to me that we have to go.

23 Where is this? How do we find it?

24 MR. MAJOR: Some few years ago, and this

1 is a fact, the State of West Virginia has an employment  
2 agency in Logan. At night whites were called to come in  
3 and take tests upstairs which excluded blacks, and they  
4 were given these tests.

5 Coal companies probably sent in some names for  
6 some occupations, but there is a county nearby where  
7 they could go and learn, Boone County, but the blacks  
8 were not given --

9 MR. PITTS: They were eliminated in that  
10 process.

11 MR. MAJOR: By the employment agency,  
12 state employment agency.

13 MR. PITTS: Sam, I will yield the floor.  
14 I'm sorry.

15 MR. KUSIC: Two questions, one: Once they  
16 get someone in -- let's say they're looking for  
17 occupation A on a panel. They bring the guy, go down  
18 the list and find an A person, whatever that might be.  
19 They bring him into the mine.

20 Can they then change his -- if they hired him as  
21 in occupation A to get to him, can they sort of work him  
22 at something else? Do they do that?

23 MR. MAJOR: They do that.

24 MR. KUSIC: You know what I'm saying?

1 You pick up your person; you set your qualifications to  
2 pick you, then I bring you in, and I have you do  
3 something else, but they want to get to you. So are they  
4 fooling around that way?

5 MR. MAJOR: Yeah.

6 MR. ANDERSON: If I can't do every job in  
7 the mine, not just one job, I couldn't get a job no  
8 way. They don't hire a man because he is just a good pin  
9 man or just a good roof bolter or anything.

10 They hire him because he can do five things  
11 fluently. They have the best of both worlds in there  
12 when they pick, but I understand your question. That's  
13 right.

14 MR. KUSIC: The other question is this:  
15 Did the panels come about at a point in time after blacks  
16 were -- if you put the panels in when blacks were at  
17 75 percent, you would be locked in the panels, but did  
18 the panels come in when your employment was way down,  
19 like two or three percent?

20 MR. MAJOR: When mechanization took over,  
21 that's really. Then they would take the young white and  
22 teach them how to run a load-machine or bolt-machine  
23 or whatever, and then he was able to go to the mines  
24 and qualify for the job.

1 Not only did they discriminate against blacks,  
2 they discriminated against women. We opened up five  
3 different mines, the company I worked for. There was  
4 women dispatchers. Dispatchers was making as much money  
5 as the miner operating the mines. If he was making \$30,  
6 the lady who was dispatching was.

7 They did this and worked these jobs for about  
8 three years; the company closed down. They repicked and  
9 reshuffled the panel, and those women were not working  
10 when they went back to work.

11 The unions use their panel to get rid of the  
12 women because they had the good paying jobs.

13 MR. WEISNER: We have one more person that  
14 has indicated a desire to speak, Mary Clemons.

15 MARY CLEMONS: I'm speaking --

16 MR. PITTS: We can't hear you.

17 MR. MAJOR: She is speaking for her  
18 husband, Morice Clemons.

19 MARY CLEMONS: -- on behalf of my  
20 husband. He is not here because he had to go to the  
21 doctor. He went to the W.P. Coal Company in January of  
22 '93. They said they had been hiring. He asked why he  
23 hadn't been called to come back to work. He is on the  
24 panel, and his name wasn't even on the panel.



1           His name was put in the personnel file where the  
2 contractor would come, and he wouldn't be available for  
3 work. W.P. was hiring up the street, and they had a  
4 arbitrator in Charleston, and they ruled that W.P.  
5 illegally hired men and neglected the panel, but he  
6 wouldn't make them hire him because the men had been  
7 working for three years.

8           MR. PITTS: Ms. Clemons, your husband  
9 worked for W.P. Coal Company?

10          MARY CLEMONS: Yes.

11          MR. PITTS: Before it had the list, the  
12 panel?

13          MARY CLEMONS: Yeah. And the guys that  
14 they had hired was behind him, and he was up further on  
15 the panel; but they skipped over him.

16          MR. PITTS: Do you know whether or not the  
17 union participated in that reshuffling of the panel? I  
18 mean, they maintain a panel list from what we heard  
19 today. Is that your understanding?

20          MARY CLEMONS: Uh-huh.

21          MR. PITTS: So the union then had to  
22 participate to some degree before the company could  
23 approve this panel?

24          MARY CLEMONS: Uh-huh.

1 MR. PITTS: Those of you, either Mr.  
2 Major or Mr. Anderson, may be able to help me with this.  
3 How could this occur if there was a union panel -- or Mr.  
4 Purkey you may be able to help me.

5 How could there have been a union panel and the  
6 union allowed the company to circumvent its panel to get  
7 these people that they were hiring off the street? I  
8 mean, these people off the street would have no  
9 qualifications whatsoever.

10 MR. ANDERSON: What she raised, what they  
11 are using on her, they are saying he was -- her  
12 husband -- he was untimely filed, but this is what we  
13 keep talking about.

14 MR. PITTS: A grievance was untimely  
15 filed?

16 MR. ANDERSON: Panel manipulation.

17 MR. PITTS: But are we saying that Mr.  
18 Clemons filed a grievance untimely.

19 MR. ANDERSON: I don't believe he did, but  
20 this is one of the things they can do.

21 MR. PITTS: You would have to have  
22 knowledge of it before.

23 MR. ANDERSON: Not necessarily, not unless  
24 you check the mine every day, watch everybody going in

1 and everybody going out.

2 MR. PURKEY: What has took place, part of  
3 these other people are not sitting here, if they don't  
4 say something, they hire a younger man. I went through  
5 the same thing. Okay? They overlooked me on the panel,  
6 same situation, but I caught it.

7 A worker come to my house and told me, and I went  
8 and filed a grievance.

9 MR. PITTS: What I want to know is, how  
10 does the union allow this manipulation to take place?  
11 They have the panel. What does the union do about it?

12 It seems to me that if I were a part of the  
13 union and I was on a panel and this panel was manipulated  
14 by the company, quote/unquote, my union has an obligation  
15 and a responsibility to do something.

16 I want to know what is the correct -- what do you  
17 expect the union to do? If it were you, Mr. Purkey, what  
18 would be expected, your union to do for you?

19 MR. PURKEY: I would expect them to  
20 restore me to my job just like they should have done  
21 him. What you have got, you have got a panel of  
22 custodians. We have called people off the panel.  
23 They're are supposed to notify the recording secretary of  
24 that local. I don't know who he is. I don't know.

1           But that recording secretary should have looked  
2 at that panel form and should have went down, and if  
3 than man was older as of that day, you call that man and  
4 let him file a grievance and get his job. That is the  
5 way it's supposed to work.

6           What it is, if somebody sat back, and we get a  
7 whole lot of it in the union or local office, they don't  
8 do their job. That is basically what happened to this  
9 man.

10           MR. PITTS: Is it that they don't do  
11 their jobs when black miners are involved, or they don't  
12 do their job when white miners are involved?

13           Because I know if I was one of those guys, and I  
14 was white and I would see my friend who lives in my  
15 community being eliminated from the list, I would call  
16 him. But if I see Mr. Anderson's name on the list who  
17 may live down at Sharples or wherever, I'm not going to  
18 call down there.

19           You understand? That is the kind of thing that  
20 I'm asking if that occurs.

21           MR. CHUN: If I may, just one. Mr. Major,  
22 we hear allegations that some of the so-called crucial  
23 phase, the step called panel or paneling is  
24 being manipulated.

1           Earlier on you said a union would be found in  
2 violation of the state human rights acts if it fails to  
3 process grievances, and if I remember right, if it fails  
4 to represent members.

5           Does this kind of manipulation of paneling  
6 process by any chance fall within the jurisdiction or  
7 purview of the state human rights act?

8           MR. LINDELL: It would if it was done in  
9 a way to eliminate people because of their race or their  
10 sex or something like that.

11          MR. CHUN: The allegation is very clear.

12          MR. LINDELL: Yes, that would fall within  
13 our purview.

14          MR. CHUN: Now here the allegation is  
15 unmistakable that manipulation is based on race and  
16 gender. Given that, what can the Human Rights Commission  
17 do?

18          MR. LINDELL: We notified them about  
19 that. We can investigate that. We can make a corrective  
20 situation.

21          MR. CHUN: To initiate this process of  
22 investigation, what should take place?

23          MR. LINDELL: One of the people who has  
24 been grieved or if the union feels grieved, they could

1 file on that person's behalf.

2 MR. CHUN: I see.

3 MR. LINDELL: If a member is grieved  
4 because of his race, and one of these things we covered,  
5 one of the categories we covered, feels grieved, they  
6 have the right to file a complaint by this and start the  
7 investigatory process.

8 MR. CHUN: Mrs. Clemons can file a  
9 complaint with you, then?

10 MR. LINDELL: Yeah.

11 MR. PITTS: Will he be, Mr. Clemons, be  
12 preempted because this may have been more than 180 days?

13 MR. LINDELL: Yes. It has to be within  
14 the jurisdictional time frame.

15 MR. PITTS: But if it is continuing, would  
16 that put it within it the framework of the Commission?

17 MR. LINDELL: Continuing violation would.

18 MR. PITTS: So then also if Mr. Hairston  
19 felt that he was being discriminated against in terms of  
20 the panels, then he could also file a complaint, is that  
21 true?

22 MR. LINDELL: This gentleman?

23 MR. PITTS: Yes.

24 MR. LINDELL: In terms of not being able

1 to hire a man restrictive of the panels?

2 MR. PITTS: Yes.

3 MR. LINDELL: I don't think so.

4 MR. PITTS: No. He said that he couldn't  
5 get some panels, and he prefaced that with the fact that  
6 since he was a minority company that he was facing these  
7 statements of the "nigger company" --

8 MR. LINDELL: Oh, yes, sir.

9 MR. PITTS: -- coming from the union and  
10 coming from the members of the union, coming from the --  
11 I don't know if there are control operators and whatever,  
12 and he is unable to get ahold of these panels merely  
13 because he is a minority company.

14 If that is a continuing violation, he can bring  
15 an action. I think -- he can bring a complaint for  
16 investigation?

17 MR. LINDELL: Yes. If he is being  
18 harassed because he is a minority owner and in that  
19 complaint calling him the "N" word, yes, he can file  
20 a complaint with our agency.

21 MR. CHUN: Thank you.

22 MR. WEISNER: There will be no further  
23 discussion at this hearing. We will recess briefly  
24 and then reconvene the final session of the day.

1 (Hearing recessed at 2:00 p.m.)

2 MR. WEISNER: This will be the third and  
3 final session that deals with racial tensions in school.  
4 We have seven panelists in this session, and we are  
5 going to ask each of the panelists to keep their opening  
6 remarks to within five minutes to expedite the hearing  
7 that would be public comment.

8 First, we have Glynda Gooden from the West  
9 Virginia Human Rights Commission.

10 MS. GOODEN: Good afternoon. My name is  
11 Glynda Gooden. I am employed by the Human Rights  
12 Commission. I live in Charleston, but I was born in West  
13 Virginia in Bluefield, the City of Bluefield, and from  
14 the information that I want to share with you, things  
15 have not changed a lot since the seventies when I was in  
16 school.

17 I will speak as loud as I can. I hope everybody  
18 will be able to hear me. The 1990 struggle is for  
19 America's conscience and future, a future that is being  
20 determined right now in the minds, bodies and spirits of  
21 every American child, wife, African-American, the  
22 Hispanic, Asian-American, Native American, rich, middle  
23 class and poor.

24 We know that discrimination still exists. We



1 sense that racism is among us even in its most subtle  
2 forms. Often people do not perceive their problem as  
3 discrimination and therefore do not file formal  
4 complaints.

5 How we define a problem by and large determines  
6 how we work toward the solutions. As parents we have a  
7 primary role to teach our children how to live in this  
8 world. Once they leave our care and enter the school  
9 system we trust the educators to teach our children.

10 We have to assume that our teachers have the  
11 expertise in theories of human growth and development.  
12 We assume that they are aware of the concept, the  
13 planning and the implementation of effective classroom  
14 instruction that addresses equality, multi-ethnic and  
15 racial population in the system.

16 We assume their designation as professionals  
17 equips them with all the necessary tools to educate our  
18 children. Many have specialized knowledge and have taken  
19 intensive academic training. It is therefore reasonable  
20 to assume that they're well-versed in their field and  
21 have a proficiency in many aspects to be classified as  
22 competent.

23 What we have come to realize is there is a gap  
24 between teachers and students that widens when teachers

1 do not understand that all students do not come to the  
2 classroom with the skills and behaviors that identify  
3 them for success.

4 A lot of this unfamiliarity comes from not  
5 knowing the cultures of many communities and not  
6 accepting the legitimacy of those differences to exist  
7 in the school environment.

8 One of the most obvious differences in dealing  
9 with diversity is the concept of race. The use of this  
10 concept serves only to classify individuals based on  
11 physical characteristics and addressing only certain  
12 combinations of inherent physical traits.

13 The difficult problems educators have had over  
14 the years has been in overcoming the uncritical use of  
15 the term "race." Assumptions have been made based upon  
16 race, personal habits, intelligence and a variety of  
17 genetic impurities. The bottom line being that people  
18 of color are automatically assumed to be inherently less  
19 than those classified as white.

20 There are numerous theories that assign genetic  
21 inferiority to individuals based solely on their race  
22 particularly African-American, Indians and Hispanics.

23 For example, in dealing with standardized tests,  
24 African-Americans students are usually at a disadvantage

1 because the questions and answers are based upon the  
2 majority of the white culture.

3           The irony of the whole uncritical use of the  
4 concept of race is that we have yet to hear social  
5 scientists or educators profess the genetic superiority  
6 of Asians over whites based on their continuing superior  
7 performance on standardized tests.

8           We can no longer afford to ignore our cultural  
9 differences. We must be willing to learn about the  
10 lives, styles and cultures of other people whether it is  
11 the way they talk, dress or their social and economic  
12 background.

13           We must accept differences in people. Once  
14 diversity is accepted and respected, the differences will  
15 be a help in the development of a successful and  
16 effective teaching and learning environment.

17           When school systems fail to value diversity by  
18 establishing clear standards of behavior that exemplifies  
19 equality, these differences become disadvantageous.

20           To elevate racial tension we must avoid certain  
21 behaviors. One is that of stereotyping. This behavior  
22 denies individuals a knowledge of the diversity and  
23 complexity of any group of persons.

24           Do not associate racially ethnic group members,

1 males or females, with one primary personality trait,  
2 physical characteristic or role.

3 Secondly, black students are outnumbered in the  
4 classroom and some feel as though they are invisible  
5 because of how they are treated or how they are ignored.  
6 What further compounds this problem is that the text-  
7 books and discussions quite often exclude the  
8 contributions made by minority groups and the resulting  
9 implication is that certain groups are less valued,  
10 important or significant in this society.

11 The contributions and experiences of racial and  
12 other ethnic groups are different than those of the  
13 majority population. The value system is different.  
14 It is this difference in values that creates  
15 misunderstandings resulting from lack of empathy for,  
16 sensitivity toward and acceptance of minorities.

17 Teachers often impose their own values on  
18 students. Every culture is worthy of its own  
19 recognition. Believing in and showing respect for others  
20 for who they are cannot be stressed enough.

21 We must face up to rather than ignore our growing  
22 racial problems. Problems such as perceived lack of  
23 concern by white teachers, disproportionate discipline,  
24 labeling, lack of adequate counseling and active

1 You bet your life. That only scrapes the surface.

2 Now getting to the guidance counseling there.  
3 They are not prepared to help black students towards  
4 their college careers. There is a lot of money available  
5 for minorities, but the lack of knowledge and  
6 communication from the guidance counselors causes the  
7 black students to miss out.

8 The guidance counselors either don't know about  
9 these opportunities, which is a minus, or simply fail to  
10 pass these opportunities onto the students, which is  
11 another minus.

12 Until the community of Logan County as a whole  
13 accepts the fact that just being tolerated because you  
14 are black is not acceptable; sweeping incidents under the  
15 rug and listening to problems but not hearing or acting  
16 upon them is not acceptable.

17 Until we do something about these, racial tension  
18 will remain a constant Mount Pinatubo. That is a  
19 constant belching volcano that erupts periodically.

20 MR. WEISNER: Jean Turner.

21 MS. TURNER: Good afternoon. My name is  
22 Jean Turner, and I was born and raised in Logan County;  
23 and I have five kids that graduated from Logan County.

24 One of my daughters wanted to go away and get

1 her a job because she couldn't get one here. I kept her  
2 oldest child who is 14 years old. He goes to Logan  
3 Junior High School.

4 I have been disturbed because three weeks ago  
5 Jamie carried a gun to school, a BB gun. I had the gun  
6 hid, I thought. It didn't have any BB's in it, but he  
7 carried it; and he let this little boy see it, and this  
8 little boy took the gun home. He brought it back.

9 Jamie didn't know the gun was in school. The  
10 little boy shot the gun, a dry BB gun. Jamie was sent  
11 home for nine days. I was gone to Florida on vacation,  
12 and I called home. Dean Griffith had took Jamie  
13 back -- he went to school but Jamie took him back home.

14 Said that he couldn't go to school until he got a  
15 letter from the board of education. Monday I got a  
16 letter from the board of education from Superintendent  
17 Myers that said Jamie was expelled for the rest of the  
18 year.

19 Jamie has never been a problem child. And all of  
20 this I feel is because of the fact that Jamie was  
21 trying -- this girl liked him, a little white girl. When  
22 Jamie first started school this term he was in the Dean's  
23 office working for him.

24 The little girl was continuously kissing on him.

1 The Dean called it sexually harassing on Jamie's  
2 part. He gave him in-school suspension, And then he  
3 didn't want Jamie in the office no more because of this.

4 So now Jamie has got a blemish on his record.  
5 He can't go to school. He don't have anybody teaching  
6 him, and I know what this is about on account he was  
7 going with this little white girl.

8 And she was the one caught in my house all times  
9 of night, and I don't like it. And if we don't do  
10 something about it, it will never get straightened out.

11 It is has been a racial tension all along, and  
12 it's always going to be if everybody don't stick  
13 together, because I don't like it. Thank you.

14 MR. WEISNER: Mr. James Hagood.

15 MR. HAGOOD: My name is James Hagood.  
16 I'm a retired teacher, and I have taught in separate but  
17 equal school systems for 16 years; and I found out after  
18 teaching there that it was separate but not equal.

19 I also taught 22 years in the integrated school  
20 system, and I got a chance to make a comparison of both  
21 sides, conditioned and unconditioned.

22 I felt that plans should have been made for  
23 integration at this crucial time to work together with  
24 the principals, teachers, students, community, to prepare

1 for this important move, integration.

2 With such involvement with the community and et  
3 cetera, the transition would have been a much easier  
4 role. Working to understand the diverse cultures would  
5 have made a better understanding.

6 Now, we had a superintendent at that particular  
7 time that had a plan to carry out the law of the land,  
8 and he felt that because that we were minorities that  
9 were qualified; he had to place some in principalships,  
10 coaching, guidance, directors, band directors, and  
11 because of this plan, it was scratched.

12 They felt that this was moving too far too fast,  
13 and the superintendent felt that since most of those  
14 individuals had their masters degree from colleges of  
15 which the same principals and superintendents got their  
16 degree, that they were qualified. But nevertheless this  
17 plan was scratched.

18 The superintendent became somewhat disturbed, and  
19 it wasn't long after that that he resigned the position.  
20 When integration came every black teacher had to have a  
21 degree or he couldn't teach; so they were qualified.

22 And we found out through several means that quite  
23 a few of the teachers, white teachers, were working on  
24 provisional -- some of them had 96 hours. So they had to



1 go to school.

2 They had set up schools for them here in Logan  
3 County from Marshall, from West Virginia U, in order  
4 that they could get their degrees, and in order that they  
5 would be qualified -- or certified, I should say.

6 Right after that, and you say, why do I know that  
7 teachers weren't placed in these positions? I happen to  
8 have been one, because when integration came I was a band  
9 director, and I was no longer qualified for that.

10 There were several principals that had to leave  
11 here; left here and went to Ohio, and they were soon  
12 placed in principals' positions. There were guidance  
13 directors that left here and were placed in the proper  
14 positions. So all we are saying here is that  
15 qualification meant nothing at this particular time.

16 We are talking about 1962 when the last high  
17 school was closed and, quote/unquote, integration came.  
18 There was little preparation made in order that the  
19 transition would have worked smoothly. The students went  
20 into a new environment unprepared as to what they were  
21 going to meet.

22 Teachers went in with the same feeling of not  
23 knowing, but being adults we were able to stand our own  
24 ground because we were trained how to work under adverse

1 conditions.

2 We realize that all of these tensions came about,  
3 and as I listen to other panelists, we cope with the  
4 same type of tensions at the school of which I taught,  
5 but thank God we had seven strong teachers that whenever  
6 a problem arose, we would meet with the principal  
7 immediately, work out a solution.

8 We were thankful that we had a strong principal  
9 that went along with us to help to resolve these  
10 problems. So we managed to overcome, not all, but quite  
11 a few of our problems in that particular situation. But  
12 we are talking about 1993, and some of these problems are  
13 still in existence. We are talking about over 30 years  
14 of integration, and we haven't resolved all of the  
15 problems.

16 I have heard the expression that, it's getting  
17 better. Well, my grandchildren will be dead before it  
18 gets better at the rate we are going now. What we are  
19 saying, it seems as if the problem is, we must take a  
20 child not because of his race, not because of his color,  
21 not because of creed; take that individual because he is  
22 a human being and teach him. That's the purpose to me of  
23 school.

24 We have not had that at that particular time, and

1 I won't even go into all of the problems that we had to  
2 face, but they were numerous. But we worked on them, and  
3 we are still having these problems and until the  
4 community, until the church, until the schools come  
5 together to resolve these problems, are we are going to  
6 continue to have them.

7 MR. WEISNER: Mr. John Myers  
8 Superintendent of Logan County Schools.

9 MR. MYERS: Thank you. Let me start by  
10 saying that -- I think kind of a take-off from Jim's  
11 comments that these are my prepared remarks that I have  
12 submitted, but in the essence of what I'm going to say  
13 is that schools are a reflection of our communities and  
14 a reflection of society today.

15 I think that has been pointed out in -- I sat in  
16 on some of the morning session, and part of the afternoon  
17 session. In fact, one of the gentlemen here spoke part  
18 of my presentation right as I was coming in the door.

19 Good afternoon. It is an honor to have such a  
20 distinguished Commission in Logan County on this very  
21 day and to share in the discussion of our community's  
22 concerns and how, as a society, we might address these  
23 concerns.

24 The shift of population in Logan County has been

1 dramatic since the late 1950's until today. We have  
2 seen a drop of our school population decline from  
3 approximately 22,000 to that of 8,600 students today.

4 Although the coal industry still provides the  
5 major area of employment due to advance technology, the  
6 manpower needed has declined dramatically. I am sure  
7 this is not only having an affect upon the school system  
8 but economic, social and political areas of this county.

9 This, in turn, has affected the way of life of  
10 not only the minorities but the public in general of this  
11 county. Although the percentage of minorities might not  
12 have changed dramatically, the sheer number in decrease  
13 is certainly significant; and I think this was pointed  
14 out by the gentleman on the previous panel.

15 This, I'm sure, has created additional stress on  
16 this sector of our community. Our school population has  
17 a minority population of approximately 3.3 percent. Our  
18 high school minority population at Logan High School is  
19 approximately five percent. At Man High School it is  
20 one percent, and the Chapmanville and Sharples areas  
21 having less than one percent.

22 Do these schools have more or less or equal  
23 degrees of racial tension than our society as a whole? I  
24 would contend that our public schools nationwide are

1 a reflection to some degree of the society in which  
2 they exist.

3 I would further speculate that you would find  
4 different perceptions of the degrees of racial tensions  
5 to be perceived differently depending upon the area of  
6 the county in which one lives.

7 Although one would be blind to sit here today  
8 and say we don't have some racial problems that we must  
9 deal with from time to time, I would also subscribe to the  
10 premise that many problems that occur in the school as  
11 being racial tensions, oftentime does not originate as a  
12 racial problem at the beginning.

13 However, as the individual problems tend to grow  
14 and draw others into the issues, it often lines up as  
15 minorities and others, and I speak to this as just as an  
16 example. It could be minorities or whatever, but often  
17 many of the problems that our young people have in the  
18 school in relation to physical violence, often involves  
19 boy/girlfriend relationships.

20 This is not only true in relation to our  
21 discussion today, but in general when dealing with  
22 discipline problems in our schools. However, when these  
23 individual problems spill over to other students and as  
24 the group swelled, it unfortunately lines up in many

1 times as minority versus others; students from the  
2 particular area of the school district versus students  
3 from other areas; relatives or clans versus other clans,  
4 and on and on.

5           However, when it lines up as a minority problem,  
6 it tends to get a great deal of attention from our  
7 community and from the media. Thus as far as the  
8 coverage grows, often the magnitude of the problem grows  
9 in proportion of the coverage. This usually makes it  
10 more difficult for school officials, students and parents  
11 to work through these problems.

12           It has been my experience in the past nine and a  
13 half months that I have been here in Logan County that  
14 a discussion such as today address the general  
15 concerns of the public before they become specific acts  
16 and are beneficial in creating better quality of the life  
17 through education for all those involved rather than  
18 having to respond to emergency situations.

19           And I commend the African-American community here  
20 in Logan County as problems did generate this fall and  
21 those subsided; they were willing to sit down and start  
22 to work, not so much in addressing that particular  
23 problem, but the problems we have and symptoms of what  
24 existed in the school system as well as in our

1 communities throughout the county.

2 I have found the minority members of the  
3 community to be very open and willing to discuss their  
4 concerns and likewise to assist us in workshops, et  
5 cetera, in addressing preventative applications to our  
6 people which may decrease the ability of future concerns.

7 Hopefully this will be another productive step  
8 forward not only for our county, but the state and nation  
9 in making this great country what our forefathers dreamed  
10 of when it was founded. Thank you.

11 MR. WEISNER: Next is Bob Lonker,  
12 Principal, Logan High School.

13 MR. LONKER: You know, I got sort of  
14 reluctant to say anything. I have a lot sitting over  
15 here on my right, a lot of comments there and a lot of  
16 comments on the left.

17 But getting back, my experience is like Jim  
18 Hagood here, and I have been someone that has been around  
19 the county quite awhile. I started in 1960. I  
20 spent one year at Omar Junior High; then came down to  
21 Logan. I spent eight years at Logan High as a coach and  
22 a teacher with Mr. Akers and Mr. Todd Willis.

23 Then I decided to leave and go to Carolina and  
24 stay in coaching and Berlington Industry down in

1 Carolina for eight years. I came back to Omar one year  
2 and low and behold I went back to Logan as the head  
3 football coach for five years.

4 I didn't do so well there, so I decided to go  
5 back to Omar in administration. So I went back to  
6 administration at Omar; stayed up there five years and  
7 now I am back at Logan as principal of Logan High School  
8 since 1987.

9 We have always had, I think, some kind of a  
10 tension as far as racial goes in our Logan County  
11 schools. I can recall, Mr. Nemmis probably recalls, one  
12 of the Oceana -- at that time they didn't have any black  
13 athletes.

14 Remember Carlos Mitchell? Carlos came out of  
15 a ball game crying, tears in his eyes, head down and  
16 ready to fight, muscles all tense and said, Coach, that  
17 boy called my mother this and that. And we looked at him  
18 and Coach Quinn looked at him and said, Carlos, I'm  
19 going to tell you something, that boy doesn't even know  
20 your mother.

21 We all started laughing then, and that was sort  
22 of an ice breaker that those boys, those young men  
23 had that played ball for us and went on through high  
24 school. We run into a lot of obstacles, I guess, you



1 would say, a variety like that.

2 But athletics you can overlook those because  
3 it's more important to stay out there and play the game.  
4 I think here talking to you all is more important to stay  
5 in there and try on a daily basis than to give up.

6 A lot of times we want to give up and say, Hey,  
7 that person is wrong. We don't have racist tension at  
8 Logan High School. What are they talking about? When  
9 this first came about, about five years we talked about  
10 racial tension. We had a lot of publicity. I won't  
11 mention names.

12 We had one of the great athletes at Logan High  
13 School -- for some reason or the other this young man  
14 wasn't in school; came over on the island drinking and  
15 said something to this black student athlete and said  
16 something very cursing, very derogatory to this person.

17 I ran this young man off the island because I saw  
18 him right before the bus had run. I said, You guys --  
19 Coach, let me go this way because the cops are going to  
20 get me and put me in jail if I go over here next to  
21 the bridge. I said, Okay, get on off the island.

22 So he went the back way and went off the island  
23 and went over by the fire station, police station and  
24 for some reason or other this athlete didn't like what

1 was said; and he went over there and decked him, and four  
2 or five other black people went over there, and so help  
3 me goodness, this black athlete could have killed him.  
4 He didn't need any help. I mean, he went ahead and  
5 did what he was going to do to the young man and walked  
6 off.

7 Well, some of the other black persons standing  
8 around there kicked the boy and just got their kicks  
9 in, I guess you could say, and that carried over into  
10 school the next day. Well, we did have it.

11 The minute Coach Stone was going down the hall,  
12 unfortunately he was going down the hall and something  
13 broke out again when we were right there, and we broke  
14 it up. The news media, as you are well aware of, TV  
15 cameras and all, said that was one of the biggest riots  
16 that ever happened in the county or in the State of West  
17 Virginia at Logan High School.

18 So help me, as God strike me dead right now,  
19 this person can verify this, we had nobody, nobody at all  
20 the racial riots that we had at Logan High School, to  
21 bring blood yet. There is no blood whatsoever. A lot of  
22 hurt; a lot of ill feelings -- don't get me wrong there --  
23 but nobody brought blood.

24 Also that summer we had some other athletes

1 involved in going to summer school, and a young man up in  
2 Man came down to go to summer school that didn't like  
3 that. It so happened him and one of our student athletes  
4 got into it and about 200 got into in out front.

5 We had to be out there again, myself and a person  
6 that wasn't even a teacher at Logan High School, down at  
7 Chapmanville now, helped break up the little scuffle that  
8 started, and the cops got over there right quick and the  
9 cops rounded up about 10 or 15 young men at that  
10 particular time because they wouldn't disperse. They  
11 wouldn't disperse, so they had to lock them up.

12 Then the board of education decided that they  
13 would have a forum over at the Logan High School at the  
14 fieldhouse, and all the members in Logan County  
15 decided to have a board meeting and invite all the black  
16 community in to iron out the laundry or grievance or  
17 whatever you want to say.

18 We got over there and it got to be what was  
19 mentioned that we misused athletes at Logan High School.  
20 That we used them for playing purposes and after that we  
21 didn't doing any for them.

22 About that time Craig Cheatum from down at  
23 WSAZ-TV/Channel 3 came in and was talking about we had a  
24 basketball factory and no academics at Logan High School,

1 and he wanted to vent this to the public. But when he  
2 found out that all of our athletes on the basketball team  
3 were honor students, he shut up. He didn't like that at  
4 all.

5 So what we are saying, our athletes at Logan High  
6 School -- and most of them do get scholarships and go on  
7 to school, but under the systems, under the system that  
8 Coach Akers had, he didn't have an individual player, he  
9 had an individual team.

10 He run the fast break and everybody got into that  
11 system. He used all five players, and I don't care  
12 whether he was the sixth, seventh man or whatever, they  
13 went in there and run that fast break; and you got  
14 points. But he didn't just set half court and work  
15 one player and make him an All-American.

16 So therefore, a lot of these colleges did not  
17 pick our students at Logan High School. They went to  
18 school, but they went to state colleges. So they went to  
19 the state colleges a lot of them, but they didn't go on  
20 to state universities like Indiana, Kentucky, West  
21 Virginia, you name it.

22 But yet they did go to school. The state college  
23 got them an education and played ball there. So we have  
24 a lot of people, a lot, and you know it yourself,

1 student athletes, black athletes have had very good jobs  
2 in the State of West Virginia right now that played  
3 athletics for Logan High School.

4 And I don't have that list. I can't give you  
5 that list, because he has compiled a few injuries. You  
6 know it, too. It's fortunate that we have some that  
7 make it, and it's unfortunate some of them didn't make it  
8 in the grades. But we do continuously stay after them  
9 about their grades.

10 And I would be the first one to say that we do  
11 have some tension at Logan High School, but we realize  
12 that we got tension; that we get out in the halls; we get  
13 outside, and we try to control it as much as possible.

14 And you also are going to have some problems in  
15 society as long as you got a mixture. Right now at  
16 Logan High School we have three minority teachers. They  
17 are all males. We have Mr. Davidson, Mr. Cunningham  
18 and Mr. Black; that is it.

19 There is nobody for a young girl, black girl, to  
20 go to talk to. We don't have any black guidance  
21 counselors, as you mentioned. We got those three male  
22 teachers, and that is it.

23 If a young lady wanted to go to Logan High School  
24 and talk to somebody, she would be far fetched. There is

1 nobody there. Nobody in the administration that is black  
2 at this time.

3 It's not our fault when the jobs, just like  
4 you're talking about in the coal mines, when they come  
5 open and the jobs are posted and whoever has the  
6 qualifications or seniority will usually get those jobs  
7 if they have certification.

8 So again it's nothing that I can do. I can  
9 interview, and I can recommend; but it basically boils  
10 down to who has the seniority as to who gets the jobs.

11 Most of the staff at Logan High School at this  
12 time are your older staff members, older teachers  
13 because they have been here more or less a longer time,  
14 getting close to retirement but not quite ready for  
15 retirement and they are there.

16 So they do a good job during the daytime, an  
17 excellent job in the classroom, most of our teachers.  
18 However, they are not going to get out there and give you  
19 that extra after school, because they have done what  
20 they done all these years.

21 So none of them get out there at lunch time and  
22 run the halls like the young teacher will. They don't  
23 have the energy, if you want to say. This is  
24 unfortunate, but they are going to teach; and they are

1 going to do a good job teaching. Thank you very much.

2 MR. WEISNER: Next we have Moss Burgess,  
3 President, Logan County Federation Of Teachers.

4 MR. BURGESS: First of all, I didn't  
5 know I was going to be speaking, so I'm going to  
6 be speaking, I guess, extraneous from material and things  
7 that I have been associated with as a teacher.

8 I have worked with Jim Hagood and had the  
9 privilege when I first started teaching; and Jim and I --  
10 Jim was one of my, I guess, peer people in the sense that  
11 he helped me quite a bit as a young teacher.

12 One of the things I guess that I perceived about  
13 a lot of problems we have in our schools, and I do agree  
14 with Mr. Myers, that some things are social problems  
15 dealing with jobs that our young people don't have today.

16 It's really sad that we are living in a society  
17 that we are losing our jobs and our young people from  
18 Logan County. I really hate to see it because it bothers  
19 me because this is my home, and I was born and raised  
20 here.

21 For you folks that are interested, my great  
22 grandmother was full-blooded Indian, Cherokee, and so  
23 I do understand about people and feelings, and I'm  
24 proud of my heritage; and that is part of the heritage

1 and so forth. My mother's side of my family came from  
2 Greece, so we have a mixture there of two different  
3 groups of people, I suppose.

4 I guess what I'm trying to say is we do have  
5 problems in our schools. We have problems in society. I  
6 think one of the things we are forgetting to do is we are  
7 asking people who are in professional positions to answer  
8 things about our schools.

9 You know the people we should be surveying and  
10 the people we should be asking are our students, both  
11 black and white or whatever minority. We should be  
12 surveying these kids in any school and ask them what do  
13 they perceive as the injustices, inequalities and so  
14 forth.

15 You know, I have always felt what kind of survey  
16 should we ask all our students? For example, I have  
17 students, and I'm talking about white and black, who tell  
18 me -- you go ask students, and I'm relaying this because  
19 this has happened to me, that the athletes are given a  
20 little bit of extra position because they are an athlete.

21 Coaches would say, No, but students will say to  
22 me, and I'm talking about students in general would say  
23 this: Well, you know, if I do something, I'm on the  
24 road. Now, if so-and-so does something, is he on the



1 road?

2 This may be just an opinion, but maybe sometimes  
3 people need to ask all the students, Do these things  
4 happen? Is it true? Is it true of a particular sport?  
5 Is it true of a particular Coach? That is one of the  
6 things I hear from students.

7 As a teacher I have taught blacks and whites,  
8 minorities from other countries and things for many  
9 years, and one of the things I perceive as a teacher  
10 myself -- and this is not something I just say to you  
11 because I do know of some people that I -- some of your  
12 children I probably talked to, black and whites, that  
13 I was trying to set this goal for me, and I tell my  
14 students at the beginning of the year this:

15 If I do anything for one student, I would do it  
16 for every other student. That's something that as a  
17 teacher that I try to do. I'm going to tell you, well  
18 you say, that is easy to do.

19 No, it's not, because when you are a teacher, and  
20 you have a student who is a discipline problem in your  
21 class, sometimes it's hard for you to be objective. You  
22 think it's not, you try it sometime with your own  
23 children. You know it's difficult sometimes.

24 Last year, for example -- and I have taught 26

1 years -- one of the students I had that created the most  
2 trouble for Logan High School was a white student, an  
3 athlete.

4 And all the years I taught school -- I talked to  
5 Mr. Lonker about it; I talked to the Deans about it, this  
6 student would come into the room, and the first thing he  
7 would do was grab this child's hair in front of -- we are  
8 talking about a 12th grade student now, and doing things  
9 like that.

10 It was a consistent, on-going thing to disrupt  
11 the class every day. Now I know that this may sound  
12 trivial. We have come to the point, and this is one of  
13 the problems that Bob has made, the state here in West  
14 Virginia has said to us at teachers, we want these kids  
15 in school. We don't want dropouts.

16 But at the same time if a student is disciplined  
17 and they are suspended from school and absent from  
18 school -- you follow what I'm saying? You want them in  
19 school; you don't want dropouts. You want discipline so  
20 the other kids can learn.

21 As a teacher we have these problems. It's sort  
22 of a two-faced situation that I see. We got to have  
23 discipline in our schools, and as a teacher I agree with  
24 this concept. All students should be treated the same as

1 to the disciplinary rules. I don't care who they are.

2 The rules have got to be fair for all, because if  
3 you look at that, you can't tell me whether it's a --  
4 what group of kids, a poor kid, rich kid; and I look at  
5 myself and -- my dad was a coal miner. You know what I  
6 mean?

7 The mines shutdown in the sixties. My dad was  
8 out of work. I worked at a service station. When I  
9 got out of high school, I worked for people -- I tell  
10 people today -- they probably won't believe it -- I  
11 worked 12 hours a day for seven days a week to earn  
12 enough money during the summer to go to college and  
13 start my college training.

14 What I'm saying is that somehow I think we have  
15 lost our work ethic; we have lost our desire to try to  
16 help kids and be fair. And I think what kids perceive,  
17 whether it's realistic or not -- I don't think there is a  
18 lot of good coaches who don't do this; we have got a lot  
19 at our high school who are good coaches who don't do  
20 this, but I think kids perceive injustice, and we need to  
21 doing something about it to say there is no injustice.

22 We need some kind of checks and balances on the  
23 system. Like the examples with the gun. I didn't know  
24 about the gun, but I'm just saying, if it was a BB gun, I

1 mean, any gun is dangerous. But the same thing should  
2 carry for this kid.

3 If he hits a child, if he does something to him  
4 and damages, if he brings a knife or brings something  
5 else that damages him, it should be the same. The  
6 discipline should be the same. I think kids perceive  
7 this, and as a teacher I feel that we need to look at the  
8 whole picture.

9 What can be done? I don't know. I don't know  
10 the answer to that, but I think that discipline is  
11 something that bothers me. I feel sometimes that as a  
12 teacher, and I shouldn't say this in front of Mr. Lonker;  
13 he might get upset with me and not because what I am  
14 going to say here is on account of him, is that we have a  
15 policy for example on shorts, on short-shorts. Right Mr.  
16 Lonker?

17 MR. LONKER: Right.

18 MR. BURGESS: It says five inches above  
19 the knee. I just, sometimes I say, What are we supposed  
20 to do? We have got to the point we are specific on  
21 short-shorts, and I think we should set some standards --  
22 don't get me wrong -- but at the same time if I walk  
23 down the hall and I see all these teachers walking by  
24 these people that has got those short-shorts up here,

1 what am I suppose to do?

2 You understand what I'm saying? It's a system  
3 that, I guess, we are all going to have to be responsible  
4 to set some standards whether we agree or not, and that's  
5 one of the problems I see.

6 You got 55 faculty members at Logan High School.  
7 We are all different. We came from different cultures.  
8 We all have different concepts, and we all have our  
9 prejudices, whether we like it or not. And a lot of the  
10 prejudices that come into the school come from parents  
11 outside the school.

12 I think what we are being asked to do is we are  
13 asked to be doctor, psychologist, lawyer, social person.  
14 We are asked to do all these things and somewhere we can  
15 only go so far. You know? We can only do so much.

16 It's going to have to come from somewhere, not  
17 just with the teachers. Maybe what needs to be done is  
18 somebody needs to start asking the kids; ask the  
19 students, not just a select group of students but all of  
20 our students what the problems are. Survey our kids and  
21 find out what it is. Run that survey and not this one  
22 school.

23 Let me say I'm talking about Logan High School.  
24 That is my school. One percent of our kids or even less

1 cause problems at Logan High School. If I would say that  
2 number -- and I'm talking about one percent, a few kids.  
3 We have kids who are put in our school who shouldn't  
4 be there; that the courts have put into our schools.

5 And you may not agree with me on this, kids who  
6 have caused all kinds of problems, behavior problems, I  
7 mean real problems with our children, other children.

8 Now, the courts have said, Okay, release them.  
9 The courts have made our schools, in a sense, prisons  
10 where we have our other kids -- and I call it good kids  
11 versus bad kids, and believe it or not there is bad kids  
12 out there in all groups.

13 In other words, we have become a prison to  
14 ourselves, and the courts themselves need to say, Okay,  
15 if a child does this, then we need to have a place to  
16 put that child until that child reforms and bring him  
17 back.

18 I remember the days when I was growing up in  
19 school they called it a reform school. Believe it or  
20 not it scared me. When somebody said, we are going to  
21 send you to reform school -- we don't have anything  
22 anymore to really scare kids.

23 If you suspend the kid, what are you doing?  
24 Are you really helping the kid out? Hey, I got a vacation

1 from school. I come back, and it don't make any  
2 difference. I can make up on my work, and you know  
3 they can't make up their work. They can't make up those  
4 days they missed, but they have a right to make up  
5 everything.

6 So what are we doing? Somewhere society goes  
7 beyond us as teachers. Somebody is going to have to  
8 look at -- our legislators -- some of the rules and  
9 regulations. I hope I have ran rambled too long.

10 MR. WEISNER: We are going to move onto  
11 the next segment which includes comments from the public.  
12 We have four people on this list that have indicated a  
13 desire to speak again.

14 We ask that you direct your questions or comments  
15 to the members of the Commission. The first speaker is  
16 Julia French.

17 JULIA FRENCH: I'm Julia French, and  
18 I'm speaking on behalf of the children of Sharples High  
19 School. We know that we have a low percentage in Logan  
20 County that is listening to the calls on low  
21 unemployment.

22 The coal companies buy the people out. They have  
23 to go. They take their children with them. They say we  
24 have a high rate of dropouts, but I don't think they are

1 talking about the high rate of dropouts.

2           Anyway, our children are being bused 30 miles to  
3 school this coming school term, which is a long way they  
4 have to go. And they will be putting them -- sent to a  
5 school that do not have any black students, and we don't  
6 have very many black students. We only have a small  
7 number.

8           But they are fearful of what is going to be said  
9 and done to them when they get down there. So that is my  
10 issue.

11           MS. HAIRSTON: To clarify something, are  
12 you saying, Ms. French, you don't think the voters have  
13 taken into consideration when schools are closed, or  
14 what are you saying? Is that what you're saying?

15           JULIA FRENCH: Yes.

16           MR. WEISNER: The next question or comment  
17 comes from Alena Hairston.

18           ALENA HAIRSTON: I would like to -- I'm  
19 not going to be brief. It's almost like an opening  
20 statement, but I think I will be justified taking a  
21 minute or two to speak, so bear with me. I will go  
22 ahead.

23           There is a myth that race relations are better,  
24 and if we assume there is no problem, then when outbursts



1 of racial tensions come about, we are unprepared, and  
2 since we are unprepared to deal with these problems, we  
3 deny them.

4 As a recent graduate of Logan High School,  
5 memories of race relations are quite clear with me.  
6 There was an incident where white teachers made outright  
7 comments: If we can just throw all the niggers in the  
8 ditch, we wouldn't have this problem. This is reference  
9 to inter-relationships.

10 On a subtle note, there was an incident where a  
11 white teacher, quote, accidentally gives a black student  
12 the wrong grade and says the grade was someone else's.  
13 But, indeed, that grade was no one else's, because the  
14 black student checked to see who actually received that  
15 grade, and no one in the class received that grade. It  
16 was a contrived grade.

17 What if that student hadn't kept a separate  
18 record of his or her grades to contradict the teacher?

19 The blacks are perceived as a problem. Even when  
20 the white student initiates a fight with black students,  
21 it's the black student's fault. He should have turned  
22 his cheek. And this brings me to my point.

23 These incidences go undealt with fully. Yes,  
24 we have had a black history class implemented in the

1 school. This is an accomplishment in itself, and I don't  
2 know if they have kept up with class, because at the time  
3 I was taking it, which was the first year that was  
4 brought into the school system, there was rumors that it  
5 was going to be dropped, and I don't know if it's  
6 still being taught. Is it?

7 MR. LONKER: No. We put feelers out like  
8 always and nobody signed up for it, so it was dropped.

9 ALENA HAIRSTON: I'm going to tell you why  
10 it was dropped. It was an elective, not a required  
11 course. But isn't black history a part of American  
12 history? At least 400 years of it is. There is an issue  
13 that transcends the county or state level. Indeed, this  
14 is a national issue.

15 If black history isn't perceived as significant  
16 as a class, then how are blacks perceived as a people?  
17 How can we progress in race relations when one third of  
18 the formula is ignored?

19 Let me tell you. Our black history book at the  
20 time I was taking this class was no more than an inch  
21 thick. Chapters were three or four pages long, large  
22 print. It was a book designed for grade school, and  
23 we didn't even finish it in the full year of classes,  
24 not a semester or full year. We did not finish that

1 book.

2 Black history is not only for blacks. Everyone  
3 needs no know about it. It is a part of the American  
4 history. Blacks are not tolerated, are not respected,  
5 are not protected at Logan High School. This goes from  
6 the student level to the administration level.

7 You can't just say we have a black history class;  
8 you can't just publicize black history month, if that is  
9 done at all now at the school. You can't just address  
10 the student body at the beginning of each year and say we  
11 are all going to get along and not keep saying it  
12 afterward.

13 You can't just use superficiality. While I  
14 acknowledge the effort, I don't applaud them because  
15 they haven't gone passed lip service. You have to uphold  
16 the ideology. It won't uphold itself. Implementation is  
17 not a statement; it is work.

18 I talked to my mom last night. She told me I was  
19 to be talking about this, and I was really scared that I  
20 was not going to make the comment, statement. I was  
21 afraid that what I was going to be saying would bear  
22 generalization. And I really wasn't sure if I was going  
23 to be able to have anything concrete to say. I didn't  
24 know if what I was going to be basing my observations on

1 were just faint memories or just hearsay.

2 But last night I thought long and hard, and I  
3 remember when I was in 10th grade a certain incident  
4 that came up. Back then in 10th grade I wasn't really --  
5 I still was thinking there is no such thing as race  
6 relations.

7 Mom and dad always told me, They're just a little  
8 bit prejudice, but I know better because there was a  
9 comment made back in my 10th grade year, and I'm going to  
10 go ahead and recite it to you.

11 I watched a white student mumble to his friend,  
12 That damn nigger, in front of a teacher in the hall.  
13 I looked at that teacher to see if he could do anything,  
14 say anything. He just turned around and went aside to  
15 his classroom. You can't tell me there is no problem.  
16 There is.

17 MR. BURGESS: Alena, did you report this  
18 to the administration?

19 ALENA HAIRSTON: What I just said?

20 MR. BURGESS: I'm talking about the one the  
21 teacher made the statement.

22 ALENA HAIRSTON: No, I didn't.

23 MS. HAIRSTON: Which brings us back to the  
24 comment, if I may do so, why don't our black students

1 feel like they can go to teachers and administrators and  
2 make these statements? Can one of you --

3 CORA HAIRSTON: Can I answer that?  
4 Because they know nothing is going to be done about it.  
5 They will talk to them face to face; give them this long  
6 sermon about how they don't turn around and do this and  
7 that, and as soon as they walk out the door, they may  
8 call the teacher in and then they discuss and probably  
9 laugh about it. Nothing will be done about it.

10 That's why they don't get reported. It's just  
11 like water off the duck's back. Nothing gets done about  
12 it. It's been since 1958 that way.

13 ALENA HAIRSTON: I also want speak to that.  
14 Like I said, I had to think long and hard about something  
15 that really brought it in focus for me, and that was back  
16 in 10th grade.

17 Back in 10th grade I was not fully aware of  
18 what was going on. As far as race relations I thought  
19 everything was hunky-dory, and that was really my  
20 immaturity. But through personal experiences and things  
21 that I learned, by the time I was in 12th grade I was  
22 pretty much sure what was going on.

23 At that time I did report things that happened.  
24 I did make it clear, but I understand what you are

1 saying. If people don't report things, then nothing  
2 gets done, but you need more than one person to report  
3 it; and you need the person you report the stuff to to do  
4 something about it.

5 And when I say when you have an ideology, right  
6 now Logan High School is talking about multiculturalism,  
7 and we need to go ahead and all get along. That is all  
8 good and well to say that, but you have to be able to  
9 back it up.

10 And you have to have more than one person backing  
11 it up; more than two people backing it up, and it's got  
12 to go from the student level up to the administration.

13 MR. MYERS: Could I say something? I  
14 would like to say something in defense of educators in  
15 this county, and I'm not saying at the same time I was  
16 talking about schools being a reflection of society,  
17 I'm sure educators are also a reflection of the same  
18 society.

19 They are part of the solution; they're part of  
20 the problem, but I can assure you there are an awful  
21 lot of educators out there who would have been very  
22 offended by that remark.

23 And not to sidestep it, unfortunately whoever  
24 did that chose not to do anything about it, but I can

1 assure you that there are a lot of educators in that  
2 school, and I'm sitting beside one here today that would  
3 have been highly critical of that remark as well as other  
4 people and would have addressed the problem.  
5 Unfortunately that person didn't.

6 MR. PITTS: I yield the floor to Mary  
7 Catherine, if you don't mind me calling on you.

8 MS. BUCHMELTER: I would like to ask a  
9 question based upon what she said. I don't know if you  
10 all were here this morning when this panel here was  
11 introduced.

12 I am the Deputy Attorney General for civil rights  
13 representing the -- counseling to the Human Rights  
14 Commission. And what this brought to mind -- two things  
15 that she said that I think are -- I mean, of all that she  
16 said you could categorize into two things.

17 One is the atmosphere as it relates to the  
18 curriculum, but the second, her representation about  
19 remarks she heard and your response leads me to tell you:  
20 I do a lot of work in sexual harassment, and I lecture to  
21 employers.

22 One of the things that we always tell employers  
23 is they need a mechanism for reporting infractions. And  
24 the mechanism is -- you ask, Did you report that to the

1 administration? Often who a person is reporting to is a  
2 person who may be doing it.

3 And so what we tell employers is: You need  
4 someone out of that chain of command to report to. You  
5 need an EEO officer or you need a human resources person.  
6 And maybe what would be good to think about is someone  
7 that a student could go to in confidence and report to  
8 because -- remember, she said she was in the 10th grade.

9 Who in the 10th grade has the nerve to report on  
10 a teacher? I want to tell you I filed an ethics  
11 complaint against a judge. I'm a lawyer, and what I went  
12 through, I mean, if I had known after this report I would  
13 think very carefully about filing another charge again  
14 against a judge for making an antisomatic remark in court  
15 in front of a human rights lawyer.

16 So expecting a 9th, 10th, 11th or 12th grader to  
17 report a teacher, it's a very high expectation and maybe  
18 one place to start is with a person. You said earlier  
19 there were no black women, and that is another issue,  
20 so that is role models.

21 But also who reported, if there was someone there  
22 that people knew and whether -- I don't know if that is a  
23 function of guidance counselors could play or not, but  
24 some kind of a human resources -- what in employment is



1 called a human resources person would be a real good  
2 person to start to gather that kind of information.

3 And also an issue of role models, and we don't  
4 have an understanding that -- I think I understand the  
5 problem of hiring as you explained it. There are other  
6 ways to present role models and some of them are like  
7 career days.

8 Ms. Gooden gave a wonderful example. I don't  
9 know if you people could hear because it was so noisy  
10 when she was talking earlier when we first convened,  
11 about bias and expectations of lots of white people about  
12 minorities.

13 And to bring in to a staff that is basically  
14 white to have career day, for example, and have some role  
15 models, minority role models, and Glynda would be an  
16 excellent one. But other people who are -- I mean, women  
17 and minorities who are in professions, that may be some  
18 person some student can go to; Logan County could think  
19 to aspire to.

20 I would say when I was in high school I wasn't  
21 exposed to women attorneys. It wasn't a role that I  
22 thought was possible, but there are ways besides -- I  
23 think you should attack the thing about, Are there enough  
24 representation of minorities, representation of teachers,

1 but another way to handle the problem in an immediate way  
2 is through programs that integrate role models for young  
3 women and minorities in this.

4 My understanding is this is a sexism and racism  
5 forum, and that's why I'm putting it in those terms.

6 MR. WILSON: I would like to tell an  
7 incident nearly everyone in this room is aware of that  
8 happened in my home town of Milton in 1991 when the Logan  
9 girls basketball team came there, and there was a very  
10 ugly incident, name calling, people disputing and a  
11 little bit of everything else that has happened there.

12 The story didn't start there; it didn't end  
13 there. There was a good outcome to it. I'm going to  
14 suggest a possibility for Logan County because I have  
15 been involved in it.

16 In 1990 the Cabell County Board of Education  
17 created a multicultural education counsel composed  
18 of teachers, resource people and students in all the  
19 county, every school that really took a proactive stand.

20 Before there was a crisis and that first year --  
21 again before the peace pagentry of 1991, subcommittees  
22 were working on parents' attitudes, teacher attitudes,  
23 curriculum, textbook selection, affirmative action so  
24 that when a crisis came there was a structure in place to

1 move it along.

2 One positive result that came out of that  
3 incident is there was a program in Cabell County called  
4 BDTI in reference to middle school kids and nearly  
5 every middle school kid in the county goes to, and one  
6 result of that incident that was there was a class  
7 instituted in handling differences and other things  
8 that covered prejudice that -- and everybody in the  
9 county goes through it.

10 If there is a structure in place to promote  
11 multicultural education on an on-going basis and  
12 integrated throughout the curriculum, I think it can move  
13 things along, and we would be in a better position if  
14 these crises come along.

15 And if Cabell County with the board of education  
16 coordinates it, and other people who work on it would be  
17 glad to share information and are eager to spread this  
18 model around the state, and hopefully maybe at some point  
19 this could help in Logan County and other places, too.

20 MS. HAIRSTON: I want to address the  
21 issue Mr. Myers brought up. Like I'm saying, we aren't  
22 going to point fingers, and that's not why we are here  
23 today. We are here to try to reach some common ground  
24 and to deal with some problems.

1 I have a problem with this silent majority, and  
2 I'm sorry. You said a lot of teachers would have been  
3 offended if they had heard that. But would they have  
4 said anything?

5 In my lifetime in Logan County schools, and I was  
6 in that integrated class when they were closed there in  
7 '62. I have only heard one white teacher, I'm sorry,  
8 come to the defense immediately when something is said,  
9 immediately, to let a child know they're worth something.

10 I'm not saying it because she is in here now, but  
11 I believe in giving everybody credit while they can hear  
12 it, because when they're dead and gone, it doesn't  
13 matter; that was Jean Quinn.

14 When we went over to that school, every black  
15 child at Logan High School tried to get in her class, and  
16 Lord, she was one of the hardest teachers going. That  
17 was not the reason. She was a fair teacher.

18 If she heard a teacher or somebody made a racial  
19 remark or derogatory statement, she didn't care where  
20 she was. That was not appropriate. How many will do it  
21 today?

22 That's why the children perceive a double  
23 standard. In this survey we did last year, this set the  
24 board of education off, but we had teenagers interview

1 teenagers, stacks about that high. You would be  
2 surprised to some of the answers that you get, because  
3 kids perceive us in black and white.

4 They can see through the phoniness just like  
5 anybody else. I don't care if it's a black child or  
6 white child. They saw the racism in everything else.  
7 They even got to interview some teenage clan members, and  
8 it was an eye-opener for our exchange students.

9 We need to do immediate actions, not six weeks  
10 later, because six weeks later that child has bled for  
11 six weeks.. I'm trying to be very objective and not  
12 be a mother, because that's my child.

13 When she came home and made that statement she  
14 made about the other teacher, throw the niggers in the  
15 ditch -- she overheard that. That is not hearsay.

16 I was so angry I did all I could to keep from  
17 going down to that school and pitching her in that creek  
18 they wanted to pitch the rest of the black people in.

19 Immediate action is what's needed and straight,  
20 across-the-board treatment. We don't mind being hard.  
21 Blacks are hard on their children. We don't mind  
22 discipline, but we want the same discipline for our  
23 children that the other children give.

24 If you were to expel my child for ten days for

1 cursing or expel a white child for ten days for  
2 cursing, I'm not going to say anything. I have nothing  
3 to say. She had no business doing it. He had no  
4 business doing it.

5 My child gets into a fight; you expel her three  
6 days; the white child three days, fine. But don't come  
7 with this one day, ten day, 20 day, no days, and say,  
8 Okay, and brush it under the rug and say we don't have a  
9 problem, because that is why each year it erupts.

10 MR. CHUN: I would like to build on what  
11 Mrs. Hairston just commented upon. Perhaps I should  
12 phrase my question to Superintendent Myers and Principal  
13 Lonker.

14 I assume, or can I assume, that the kind of  
15 things we heard this afternoon, namely allegations to the  
16 effect that teachers are, in effect, perhaps not by  
17 design, but in effect, appear to be insensitive to  
18 minority students' concerns and apprehensions?

19 And then the allegation that teachers or school  
20 administrators seem to be partial in handing out  
21 disciplinary actions and these allegations, some of them  
22 we have heard this afternoon, I assume they are new to  
23 you, or are they?

24 MR. LONKER: Let me try to answer that.

1 First of all, she made the statement --

2 MR. CHUN: I mean, I have a real question  
3 to ask, but I will ask that question first.

4 MR. LONKER: I'm not aware of the incident  
5 that she had mentioned. It was not brought to my  
6 attention. If it was brought to my attention, then that  
7 teacher would have been written up and a copy to Mr.  
8 Myers' office. There is no question about it.

9 Any racial slurs of such, and I think anybody  
10 in here would verify that that knows me, I don't go for  
11 that kind of thing. Mr. Myers, I think, knows what I  
12 was talking about. Mr. Burgess will verify that, too.

13 I think we do have some teachers that don't want  
14 to get involved in our system, and one reason is because  
15 maybe they are afraid of certain students in our school  
16 or in our building; and that does determine the way  
17 they get involved. I think this might be true, but  
18 again, I would like to say no.

19 MR. CHUN: Barring specifics, at the  
20 general level do these allegations come to you as a  
21 surprise?

22 MR. LONKER: These direct statements?

23 MR. CHUN: No, allegations, generalized  
24 allegations that teachers are --

1 MR. LONKER: No, sir.

2 MR. CHUN: They are not?

3 MR. LONKER: No, sir.

4 MR. CHUN: Then my next question has  
5 to do with, assuming that it is not a surprise to you,  
6 what do you think it will take?

7 I remember, the Superintendent reminder that  
8 racial tensions and problems are a reflection of society,  
9 and the teachers cannot be held to resolve all the  
10 problems we face and so on.

11 Keeping that in mind, though, I still would like  
12 to sort of ask and get your reaction to something like  
13 this: What do you think, given those allegations and  
14 given that you have been aware of it, what actions have  
15 you taken, and what do you think will be necessary to  
16 improve the situation at perhaps the individual school  
17 level or at the county level?

18 MR. MYERS: I think your comment is as to  
19 whether these types of allegations surprise one. Not  
20 really, because I think those same kind of comments are  
21 made in society in general. I said earlier I think the  
22 school is a reflection of society, unfortunately.

23 Whether they should be tolerated or not I think  
24 are a different ball game when it comes to educating



1 children and what ought to be tolerated in the school  
2 versus what ought to be tolerated in the back streets of  
3 our communities.

4 I don't think it should be tolerated, number one,  
5 and I would say that this -- and I'm not at liberty to  
6 discuss this, but we have a situation where we have  
7 identified some of these things happening, and we are  
8 addressing it.

9 How do you solve it? I was hoping you all were  
10 going to have the answer today. That is one of the  
11 reasons I was anxious to come, and I say that  
12 facetiously because I know that you don't have the  
13 answers anymore than we do.

14 But hopefully sharing our problems and things  
15 that have been discussed here that is happening in the  
16 schools and in the community and with all sectors of  
17 people who are dealing with it, that maybe there are some  
18 answers and some solutions that will come out this today.

19 Now, let me just answer one other thing. The  
20 sensitivity level is important. The same question that  
21 you raised was raised by Joan, raised here, raised over  
22 here, these people came in; work with our administrators,  
23 we hope to go beyond that.

24 They have been there before. I don't think it's

1 going to be one trip, and it's going to be solved. We  
2 are going to have to keep hammering at it. We are not  
3 only going to have to look at that direction but how we  
4 expand out into other directions within the school  
5 system.

6 But I also would layout the premise to you that  
7 the schools are not going to solve the problems.  
8 Somebody mentioned earlier we are expected to be doctors,  
9 lawyers, counselors, I mean, the whole gamut for society.

10 Schools are not going to be able to solve the  
11 problems of society. It's going to have to be a  
12 concentrated effort. Someone said the churches and other  
13 governments, and all those might solve the problem,  
14 but I'm telling you in the end when people decide to  
15 solve the problem, that's when problems are going to get  
16 solved.

17 We're the people. You're sitting there as  
18 people. I'm sitting here and this audience is sitting  
19 here, and we might make end roads into it, but it's never  
20 going to be solved until the people decide and the  
21 communities and in counties and the country that solve  
22 it.

23 MR. CHUN: I'm compelled to respond to  
24 your superintendent. I agree with you that a school

1 system or a superintendent should never be expected to  
2 serve as, at best, as agent of change but never be the  
3 ultimate support or vehicle of change. You and I know  
4 that, and I think everybody agrees with that.

5 But nevertheless, unless we clearly articulate  
6 the areas over which we have some responsibility and  
7 obligation to attempt some change, then I think, unless  
8 we do that, we are abdicating our professional  
9 responsibilities, and it is in the latter context I  
10 think I would like to address my questions.

11 My question really was: Given the fact that  
12 we are now made aware of these allegations, what plans  
13 do you have to improve the situation, to bring about  
14 some changes, if you have?

15 If you don't have, and you would rather respond  
16 later, that is fine, too.

17 MR. MYERS: I don't know that what comes  
18 out of this meeting today, and I am going to be able to  
19 explain to you today as to what those plans would be. I  
20 would say that we are working with --

21 MR. CHUN: You are certainly welcome to  
22 submit something in writing later on.

23 MR. MYERS: I would say this to you: We  
24 have addressed, with the help of people within this room,

1 as to some of the areas that we think we can make a  
2 difference with some attitudes, but I think a lot of it  
3 is an attitude probably as much as anything.

4 Number one in what we can do is develop a  
5 sensitivity level within a professional level and help to  
6 take that over into the youngsters. And that has been  
7 started with the administrators. There are plans to  
8 carry that over into faculty in-services for the coming  
9 year.

10 I think one of the other areas that we have to  
11 work very strongly with, and I don't think it's just in  
12 the area of dealing with minorities, sensitivity to  
13 minorities, but I think it's in the area of a total  
14 concept that we should be the exemplars; and we should be  
15 setting the examples in our schools in America and not  
16 only just in Logan County.

17 As professionals we want to be addressed as  
18 professionals; then I think we need to be professionals.  
19 And part of being that professional is the example that  
20 this young lady had to go through, should never have  
21 happened. That goes into other areas as well.

22 The unfortunate thing is that I would say to you  
23 is, as Moss pointed out earlier with some of the court  
24 decisions and so forth, I'm not sure they're going to

1 allow us to set those examples.

2 MR. CHUN: Superintendent, how about  
3 building on the idea that our Deputy Attorney General  
4 sort of mentions? Is it conceivable that perhaps you  
5 might develop or formulate the standard for permissible  
6 and impermissible conduct on the part of the teachers?

7 For instance, the kind of comments that would not  
8 be tolerated by school officials and a few other things  
9 and then the promise and declaration that you will be  
10 dealing out discipline actions in a fair way?

11 Those standards, if they are clearly conveyed to  
12 the student population and held in some sort of context  
13 of workshops along with the parents and so on, that  
14 might be one huge step in restoring perhaps some trust  
15 back into the system, and then encouraging them as to  
16 what they can report back to you.

17 MR. MYERS: I think the young lady across  
18 the way that made the comment about sexual harassment,  
19 we are certainly, in our profession as well it is in  
20 other professions, is a new area that is being dealt  
21 with. And some people are having to certainly change the  
22 way they act, the way they respond, the things they say.

23 I think the same thing can also be said of racial  
24 harassment and comments. They should not be tolerated

1 and contemplated any more or less or be expected in  
2 sexual harassment situations.

3 I can say this to you, the gentleman sitting  
4 right beside of me is dealing with that situation. I  
5 can't sit here and talk about it today. I can't sit here  
6 and talk about it, but it is being dealt with, and those  
7 are probably the ones we deal with are probably the  
8 more verbal ones that's out there.

9 And people have not been really sensitive at all,  
10 and hopefully as we deal with those, those tend to set  
11 examples in dealing with other folks and trying to  
12 deal with them in a fair manner, in fairness to that  
13 individual as well as anyone less.

14 MR. CHUN: Principal, I'm happy to hear  
15 that, therefore, efforts are being made to resolve the  
16 situation.

17 MR. MYERS: I would like to jump onto  
18 what the county I came from had, a crisis team. You  
19 mentioned teams over here, and I think maybe a team  
20 setup, not only as a crisis team but is something to deal  
21 with in the order of what we are talking about here  
22 today, is an excellent suggestion.

23 MR. CHUN: Can we expect sometime in the  
24 near future some issuance of some guidelines, some policy

1 statements from your office with regard to --

2 MR. MYERS: I want to go back and review  
3 them. I don't have them here with me today and certainly  
4 wasn't here when they were involved in the policy  
5 statements, but I do think that there is statements that  
6 probably are there on the books at the present time,  
7 maybe not in specific terms, but in general terms that  
8 cover these areas.

9 MR. WEISNER: One comment here.

10 MS. FARMER: This is just a comment and  
11 observation I made this year.

12 MR. PITTS: Who are you?

13 MS. FARMER: Joanne Farmer. I'm the  
14 Assistant Director for Unemployment for Women. Joan and  
15 I, along with Mr. Hagood, Mr. Major, Mr. Chatman, was  
16 asked to go to Omar Grade School to talk during the Dr.  
17 Martin Luther King celebration.

18 Those teachers in that grade school did such a  
19 wonderful job with their students, black and white, that  
20 I believe that if we did that in all of our schools and  
21 we taught race relations, we wouldn't have the problems  
22 we have when they get to high school.

23 Those students could tell us more about Dr. King  
24 than we could tell them. So I think that is when we have

1 to start, when they are very young.

2 MR. PITTS: I yield the floor to Director  
3 Stephens at this time.

4 MR. STEPHENS: Yes. This is subject  
5 policy more than anything else. I'm a product of racism  
6 as a child. I was raised by an educator in a segregated  
7 environment.

8 The advantage that I had as a child is I was  
9 raised by a school teacher in a segregated environment,  
10 and that is what I have been hearing from the community  
11 members here in this community.

12 They would love to return to segregation because  
13 their children are being nurtured. There is no  
14 separation in the old school system when there was a  
15 matter of segregation as it is now.

16 Counselors should counsel. Counselors should not  
17 treat kids separately. That seems to be the case. The  
18 greatest thing about an athlete, a student athlete is  
19 toughness to do it anyway, but we shouldn't play these  
20 little games with children's lives, and that is what is  
21 happening.

22 I don't just get wrapped up in Logan. I go  
23 throughout the state. I voluntarily coach football at  
24 West Virginia State College. I talk to athletes. I ask



1 them about their background. I go to other colleges, and  
2 when I'm on the other college campuses I talk to those  
3 athletes and ask them how were they nurtured when they  
4 were in high school.

5 In most cases they were not nurtured. They  
6 played football; they played basketball; they did well  
7 enough to make it into one of these colleges; that's  
8 great. They were not nurtured enough to do those things,  
9 and they did not.

10 My point is, because I taught ROTC in the state,  
11 too, I know their counselors do not spend the time with  
12 these children and tell them how to get on the college  
13 tract. Don't worry about the college preparatory  
14 tract, just get your high school diploma and go  
15 on.

16 We know, all of you that are educators know that  
17 a lot of our kids need ACT scores or SAT scores to make  
18 it to a lot of the major colleges; that doesn't happen.

19 So what I get from community members when they  
20 call is, my child is not being nurtured, and if that  
21 family is not into the educated arena, in essence, their  
22 mother and farther are not really in tune with them.  
23 What that child needs is A's and B's and forget the C's,  
24 D's and F's. Forget that stuff.

1           They are not making A's and B's, and they know  
2 they are not going to make it. This young lady should  
3 not go to an all collateral school. She should be able  
4 to go wherever she wants -- there is nothing wrong with  
5 the school she chose -- but every child in that school  
6 should be nurtured so much that they can want to stay  
7 home, which would seem to be the thing.

8           Well, thank God they leave the state. They need  
9 to leave the state and learn something about other things  
10 out there, and that is another one of my advantages.

11           I get burned up when it comes to education  
12 because I see this. That is the answer. The answer is  
13 you nurture the child. Nurture them young. You don't  
14 wait until they're in the 10th or 11th grade. You nurture  
15 them at a young age, and you treat them equally. That is  
16 not happening in the school system.

17           I prolonged this by saying a lot of things,  
18 but I really get burned up. This is one of the things of  
19 all the things that I do that pertains to discrimination  
20 that really burns me up, because I know what is  
21 happening.

22           You are right, Principal. Teachers a lot more  
23 are 7:30 to 3:00 and they go home. I'm married to an  
24 educator. I'm burned up on the rules in Kanawha County

1 which says the person who works here the longest keeps  
2 their job.

3 I'm married to a women with a masters degree  
4 and 45 hours replaced by a lady with a bachelors of  
5 science. That is wrong. That is wrong because I know  
6 how she has been nurtured. I know what type of teacher  
7 she is.

8 And she is in a school that is predominantly  
9 black, and that school you have two black teachers.  
10 There is something wrong there. Those kids cannot relate  
11 to those white teachers because they do not give. They  
12 do not give back.

13 So that is what the black community is saying is  
14 that there should be someone that I can trust, and, yes,  
15 there are white teachers there who they trust, and they  
16 believe and they hear, but not visually; and that is what  
17 they are saying to you.

18 I do not feel comfortable because you are not  
19 being fair to me. If you want to nurture me, then tell  
20 me when I'm in a certain grade which is 8th, 9th grade  
21 those things I need to do that make sure when I get into  
22 the 11th grade one of you can pass the ACT or SAT, and  
23 that doesn't happen.

24 You have kids who wait until the April-May time

1 frame to take the test in their senior year. That is  
2 wrong. That is wrong, and you know that.

3 We have athletes who, even at state colleges, we  
4 have to wait until they take the stupid test that they  
5 should have been nurtured to do in 10th grade. That does  
6 not happen.

7 Yet you have a white student who is nurtured, and  
8 I know that because I'm part of the system; and it hurts  
9 and I can say bad words without persecuting anything.  
10 So of all the things I deal with, sexual harassment  
11 racism, employment, et cetera, education of our children  
12 is the one that bothers me the most, and it doesn't  
13 change.

14 I have been out here on four occasions. The  
15 first year Dr. James came down and gave a sensitivity  
16 training and the place was full. You were less sensitive  
17 by putting up in Chapmanville a segregated club.

18 The second year you had an option for an  
19 in-service training, and that class had Dr. Ivan. You  
20 had less than ten people in that class because the  
21 teacher chose which method; that they were not sensitive  
22 enough to understand that they had a minority problem.

23 Third year, the same thing; the choice by these  
24 instructors. Same thing, no leadership and a small

1 population, a positive of teachers.

2 A new superintendent came about, we had him  
3 service training. They were there. That should not  
4 happen. If a child is saying I'm hurting, don't give him  
5 a bad knee, fix it and stop talking about it. These are  
6 our children. They are going to leave here, and they're  
7 not going to be nurtured; and they are just going to  
8 get on the general tract, and they won't come back.

9 We want them to come back. We want them to stay.  
10 We want them educated. We want you to nurture them and  
11 care about them and love them. Thank you.

12 MR. PITTS: Mr. Weisner, the committee  
13 yields the floor to Cora Hairston.

14 CORA HAIRSTON: What I was going to say  
15 was, I heard Mr. Lonker mention of how his educational  
16 background life was nurtured, so to speak.

17 He had the opportunity to go to Omar, Logan High,  
18 Carolina, back to Logan, back to Omar, back to Logan  
19 High. How many black teachers with the same degrees,  
20 same education could have left Logan High went to Omar  
21 and back and forth like that?

22 That is good that he was able to do that, but  
23 our black role models that we had as I was young coming  
24 up didn't have an opportunity for that. They took one or

1 two at Logan High when they went there. The rest of them  
2 had to go elsewhere.

3 So what have we got now? No role models, be  
4 they male or female, for our black students to nurture on  
5 because they have seen that down through the years to  
6 become a teacher in Logan County was useless.

7 They have taken all the nurturing, all the role  
8 models from them. That's what integration did to the  
9 black student. In turn they get insensitive white  
10 teachers that show them no sensitivity and give them  
11 nothing to nurture on.

12 And for us to blame society when we have our  
13 own problems here, we have got our own little society  
14 here in Logan County, and unless our leadership takes it  
15 upon themselves to take these sensitivity sessions that  
16 they have been giving, hopefully they remember what they  
17 were about somewhat and put them into action once these  
18 sessions are over, then these sensitivity sessions aren't  
19 getting through.

20 If they are not getting through at the top, how  
21 are they going to pass it down to the teachers? If the  
22 teachers, as Mr. Quinn said, are being given the choice to  
23 come if they want to and not come if they don't want to,  
24 the fact that I was speaking of the leadership in my

1 statement is, leadership is the problem there.

2 MR. MYERS: May I say something in  
3 relationship to that?

4 MR. PITTS: We have Mr. Burgess first. I  
5 will yield the floor to Mr. Burgess.

6 MR. BURGESS: I know it's getting late,  
7 but Alena made the statement -- I'm a certified social  
8 studies teacher, and I have never taught it in my  
9 life because they have always needed science teachers and  
10 that is the reason.

11 But one of the things I think that any minority  
12 group, and I'm speaking also as a union person. I am  
13 president of the National Federation of Teachers. I have  
14 some problems with our social studies, too, not just with  
15 that.

16 Let me give an example, and I'm not referring to  
17 a teacher. As a union representative I, in my duty in  
18 the UMWA, have wanted some labor history taught in our  
19 social studies. We are talking about in this state.

20 All we have is we have the people that are  
21 teaching, and I'm not talking about the teachers. Some  
22 of them are members of my union. You follow me? But the  
23 books that were put out or published are by people who  
24 live far away and far away from the labor history.

1           For example, Blare Mountain. I'll give you an  
2 example of the Blare Mountain issue. To me it's a very  
3 important issue. I have taken a stand, written letters  
4 on it and so forth because I think that is a part of our  
5 heritage here in Logan County.

6           But you look in our history books. How much  
7 information can you find concerning that? Getting back  
8 to what she is saying. I personally don't think we  
9 should have a labor history course, though. I think it  
10 should be integrated into the social studies programs.

11           And I think that, like we have a black history  
12 now, and you make take offense to me what I'm going  
13 to say, I don't think we should have a black history  
14 class per se.

15           But I think that somebody who comes up with a  
16 learning outcomes, those are produced by the state, and  
17 people should go to the state and to ask the state to  
18 incorporate black history into the history for all  
19 students. Labor history should be for all students  
20 from day one all the way through.

21           So what I'm saying: There is a mechanism for  
22 doing that. I right now as a science teacher I have  
23 learning outcomes which I'm supposed to go through and  
24 process when I teach science. I'm supposed to hit on



1 certain areas. I try to.

2 Now, those learning outcomes some of them were  
3 made by me and by other teachers as we got together  
4 years ago, but those learning outcomes can be changed.  
5 The expectations are supposed to be written up by every  
6 teacher.

7 So what I'm saying is that could be incorporated  
8 if enough issue was taken that someone would incorporate  
9 history or whatever for all. Like I said, labor history,  
10 black history, the history should be a balanced course.

11 Jim is a social studies teacher, and I think  
12 he and I can totally agree on some of this. But that  
13 is what I think should be looked at. That is an opinion.

14 MR. PITTS: Mr. Burgess, let me ask you a  
15 question: Based on your remark, is there any comparison  
16 to what happened at Blare Mountain to what happened to  
17 black people in America?

18 Is there any comparison?

19 MR. MAJOR: No.

20 MR. PITTS: I want Mr. Burgess to respond.

21 MR. BURGESS: No, what I'm saying is  
22 that --

23 MR. PITTS: I understood what you are  
24 saying, but I want you to tell me if there is a

1 comparison.

2 MR. BURGESS: I don't think any  
3 injustice to anyone justifies any excuse. What I'm  
4 saying is that all of these things, and I'm speaking as  
5 an individual, not as my organization leader, that all  
6 of these things should be brought out in our history.

7 We should not say that we want to close our eyes  
8 to one part of history just because of someone else. Any  
9 suffering of anyone, whether it be the people in Serbia  
10 today, whether it be the jewish people, Indians or anyone  
11 else should all be put in our history books.

12 That is the way I feel, and that is why -- I think  
13 what bothers me, and like I said, I'm not trying to step  
14 on a toe here, but we are saying that we are going to go  
15 and take care of one group, and we should take care of no  
16 group. We should take care of all society.

17 MR. PITTS: What happened on Blare  
18 Mountain must have happened to white people.

19 MR. LONKER: 20 percent black.

20 MR. PITTS: But I'm saying  
21 basically of white; the history of it would be white.

22 Is that a fair statement? So it's already  
23 a part of your history, but what happened to black people  
24 in America is not a part of your history and why would

1 you want us to be reduced to a chapter in a book that  
2 may contain 30 or 40 chapters?

3 How you can you deal with the history of our  
4 people, the richness of our people, what we have given to  
5 America, what we have given to you in a chapter?

6 MR. BURGESS: I didn't say a chapter. I  
7 said the integration from the beginning --

8 MR. PITTS: I --

9 MR. BURGESS: Let me finish now. You  
10 asked me the question. From the beginning, from the  
11 beginning of social studies in the first day of grade  
12 school, they should be brought forth, because American  
13 history, for example, goes over several years, and the  
14 integration is brought over several years.

15 And I don't think you can teach in a semester --  
16 can you teach in a semester; can you teach in a year all  
17 the history of anything? You can't. And I know that in  
18 taking, for example, the American history that I have  
19 taken in the university. It took me something like -- the  
20 American history alone, I think, it was three semesters  
21 of hard study. That is what I'm saying.

22 Integrate everything together. Like I said, this  
23 is just a personal opinion, but this is how I feel. I  
24 hope you're not offended, but I'm going to be honest with

1 you.

2 MR. PITTS: No, I'm trying to see. See,  
3 this is part of the problem that most people don't want  
4 to recognize is that you are willing to reduce us to the  
5 history of Blare Mountain.

6 ALENA HAIRSTON: You are willing to drop  
7 the class, and it was an elective. When the class is  
8 dropped, the black -- this is my statement when I was  
9 talking.

10 When I said the black history class was dropped,  
11 you also dropped black people, period. Black history at  
12 Logan High School was there for one year. The book was  
13 an inch thick. It wasn't even gone through. We weren't  
14 even finished with it.

15 The chapters were three or four pages long, and  
16 they were large print: I can read. See John jump.  
17 It was third grade material. I'm getting emotional,  
18 but I'm not directing it at you.

19 What I'm saying is, when the class was dropped,  
20 and it was like Mr. Lonker said, it was given as an  
21 elective. I understand the reason the class was brought  
22 about was because of the racial tensions in the high  
23 school, and this was seen as a means to elevate some of  
24 the pressure, but it wasn't upheld.

1           The class was dropped. It should have been made  
2 a requirement. Somehow it could have been made a  
3 requirement. If you can make gym a requirement, you can  
4 make black history a requirement.

5           The classes also -- later on it could have --  
6 somewhere along the line we could have come out and put  
7 that into American history, because it is a part of  
8 American history, and it is more than one chapter; it is  
9 more than two chapters.

10           That is my thing. When you drop the class, you  
11 drop the respect for the black people, and that is  
12 what is wrong with Logan High School. There is no  
13 respect for black people.

14           MR. PITTS: If I may continue. Mr.  
15 Lonker, is the correct pronunciation?

16           MR. LONKER: Yes, sir.

17           MR. PITTS: Let's go back a few years when  
18 you were there with this young black athlete and someone  
19 on the field made this derogatory statement.

20           What would have happened, sir, had you taken your  
21 entire team and walked off that field? What would have  
22 happened?

23           MR. LONKER: They would have got the  
24 message.

1                   MR. PITTS: So you failed to deliver the  
2 message. You see, your action -- you have to understand  
3 that your action to reduce what happened to the child a  
4 joke continued to take the child down, continued to  
5 destroy the --

6                   MR. LONKER: No, that was not the intent.

7                   MR. PITTS: It may not have been your  
8 intention, but I'm trying to get to you break through  
9 to see that those that are in authority positions need to  
10 take a positive, proactive stand at the time that the  
11 degradation takes place.

12                   Do we understand? Can you agree with that as  
13 a fair statement?

14                   MR. LONKER: Yes, we did take a stand  
15 to the officials and to the coach, and we did protest  
16 it. We continued the game because we didn't want an out  
17 and out riot at that particular time, sir.

18                   MR. PITTS: But if you would have  
19 walked off, would there have been an out-and-out riot?

20                   MR. LONKER: We would have walked off.

21                   MR. PITTS: This again comes to  
22 the point of sensitivity. I remember as a high school  
23 student this thing happening. My coach, who was white,  
24 took the team and walked off. We got on a bus and went

1 back to Wheeling.

2 Now, that made a statement, not only about that  
3 coach, but about his philosophy in life. Now, we are  
4 dealing with the issues. What is your philosophy when it  
5 comes to teachers calling children niggers or making the  
6 statement in front of, black children, of niggers in the  
7 ditch? What is your philosophy?

8 MR. LONKER: They should be terminated.

9 MR. PITTS: What is it when a teacher  
10 calls a black child 13 years of age a black bitch or a  
11 nigger bitch? What is your philosophy?

12 MR. LONKER: They should be dealt  
13 with and terminated.

14 MR. PITTS: Why was she not terminated?

15 MR. LONKER: The courts would not uphold  
16 it. It wasn't in my authority.

17 MR. PITTS: It wasn't in your school?  
18 Mr. Myers, it was in your school district.

19 MR. MYERS: If you say it was, no, I  
20 wasn't here.

21 MR. PITTS: You were not here?

22 MR. MYERS: No. I don't even know where  
23 the --

24 MR. PITTS: I am corrected. What

1 would be your philosophy of that? What would --

2 MR. MYERS: I would say this to you --

3 MR. PITTS: What would be your philosophy?  
4 What would you do? What would your position be? What  
5 proactive affirmation would you give to the black  
6 community?

7 MR. MYERS: Let me say this to you and  
8 tell you what I would do. It would depend on the  
9 situation. We are dealing with a hypothetical situation.  
10 I can tell you this --

11 MR. PITTS: This was an actual fact. I  
12 want to know based on --

13 MR. MYERS: I don't know what all was  
14 involved.

15 MR. PITTS: If that fact came to you --

16 MR. MYERS: I'm saying it would be dealt  
17 with, and it would be dealt with swiftly.

18 MR. PITTS: Do you think the teacher  
19 should be terminated or not?

20 MR. MYERS: I would say this to you: My  
21 dealings with people, and I have only been here nine  
22 months, so people are going to have to judge me by what  
23 record I set as I work through the situation here.

24 But I can assure you this, as situations have



1 developed I have dealt with them and tried to deal with  
2 them in a fair manner whether they be whites, blacks,  
3 nationality, whatever they are.

4           There was a mention made of a student earlier. I  
5 didn't know until that mention was made here just a few  
6 moments ago that that student was black. That had no  
7 bearing on any decision-making process I was involved  
8 in --

9           MR. PITTS: Are you talking about the gun  
10 situation?

11           MR. LONKER: -- any decision process that I  
12 make in relationship to teachers in the Logan County  
13 school system. I think you have to deal with them as  
14 human beings and individuals in compassion that you would  
15 expect somebody to deal with you and deal with them  
16 firmly and fairly. I can say this to you: It wouldn't  
17 be tolerated.

18           MR. PITTS: When you say that you didn't  
19 know the student was black a moment ago, was that  
20 referring to the gun situation?

21           MR. MYERS: The earlier comment of the  
22 young man, yes.

23           MR. PITTS: I think that someone else  
24 said there was a white student that took the gun to

1 school.

2 MS. TURNER: A gun, this was a BB gun  
3 but this boy was white. He got nine days.

4 MR. PITTS: He was given a nine-day  
5 suspension, as I understood it, and yet when the black  
6 child who did not have the gun at the time was in the  
7 possession of --

8 MR. MYERS: I'm not familiar with the --

9 MR. PITTS: May I finish?

10 MR. MYERS: I don't know what the other  
11 situation was you were referring to, but I can assure you  
12 this --

13 MR. PITTS: We are talking about a gun,  
14 Mr. Myers.

15 MR. MYERS: When it comes to guns in  
16 the Logan County school system and where I'm aware of it,  
17 it will be dealt with. I can't deal with situations if  
18 I'm not aware of it.

19 MR. PITTS: This is the problem of white  
20 people not wanting to hear black people. This is the  
21 problem. The problem is every time that a black person  
22 raises an issue, it's like, Well, you got to convince me  
23 that that is really what happened.

24 This is an allegation. You have sat here. You

1 have heard -- this lady has no reason to come and to give  
2 something false to us, and if it proves out to be false,  
3 then we would disregard it from the report.

4 My question now deals with the disparity in  
5 disciplinary treatment of children, and my question to  
6 you is: Why is a black student who has -- who doesn't  
7 even have the gun, is suspended from school altogether;  
8 a white student who has a hand weapon is only given  
9 a ten-day suspension?

10 I mean, My God, you have got to have some --

11 MR. MYERS: I'm just sitting here dealing  
12 with -- taking the situation, and it's being dealt with,  
13 so I'm not going to be able to discuss it.

14 But I would say this to you, it had nothing to do  
15 with, from where I dealt with it, as to the nationality,  
16 the race, the religion or anything dealing with that  
17 student.

18 I dealt with the situation and the student  
19 involved not knowing whether the student -- I don't have  
20 any idea who the other student was, whether the other  
21 student is a racist student, religion, parents'  
22 background, parents' job, whatever it is.

23 And frankly whether it was -- whoever it was I  
24 would have dealt with the situation in the same manner.

1 Now if something is brought forth to show that our  
2 decision was wrong or should be re-examined, I will  
3 certainly re-examine it at that point.

4 MR. PITTS: Let me finish please. Now,  
5 just let me get some clarification. Which incident  
6 occurred first?

7 MS. TURNER: The white boy brought the --  
8 Mr. Lonker informed me that this was before --

9 MR. LONKER: The way I understand this is  
10 that the boy was suspended for nine days, and the court  
11 put him back in school. They were going for expulsion.

12 The way I understand it, Moss, you might  
13 shed some light on that, I don't know. And I understand  
14 the courts put him back in school. They could not do  
15 anything with them. Supposedly --

16 MR. PITTS: If you already have that --  
17 if you already had that court decision --

18 MR. MYERS: I wasn't involved in that.

19 MR. PITTS: It's like, let me tell you  
20 what a problem is. White people in America  
21 constantly say, quote, We never had slaves; it was our  
22 forefathers. But you are unwilling to say, We are sorry  
23 that we brought you from Africa; that you worked in  
24 our fields as slaves, and now we begin the healing

1 process.

2 This county cannot heal until somebody decides to  
3 take a stand for what is right. Now, I heard Ms.  
4 Hairston talk about the leadership. To me I'm asking  
5 the leadership of the school here in this district if you  
6 are willing to make a commitment to what is right.

7 You don't have to have much of a problem with  
8 telling me whether or not the white child should have  
9 been suspended for the full time, but the black child is  
10 going to be suspended for the full time who didn't have a  
11 gun.

12 You can understand that that is disparate  
13 treatment. You can understand why the black community  
14 will rise up, or perhaps you can't.

15 MR. MYERS: Let me just say something. I  
16 make no apologies to you or anybody in this room for  
17 taking action against students who were involved in bring  
18 a gun into the schools of Logan County.

19 I sent a message here today. I will send a  
20 message tomorrow, and I will send it next week; it's not  
21 going to be tolerated, period. Whoever it is.

22 MR. PITTS: I also heard you say that if  
23 somebody felt that you made the wrong decision, did I  
24 understand that to be that you would reconsider the case

1 on the black child or that you would not?

2 MR. MYERS: I would reconsider -- what I  
3 said was, if there is additional information than what  
4 I'm aware of in relationship to that matter, that would  
5 be considered.

6 But as of what I have right now, I make no  
7 apologies to anybody here, and let me tell you something,  
8 we are also responsible for the safety and welfare of  
9 the youngsters. And if the same situation would have  
10 occurred in his school, I would have dealt with it in the  
11 very same manner at least with the information I have,  
12 or any other school.

13 MR. KUSIC: Can I ask a question? I know  
14 in the legal system there is an attempt to try to make  
15 sure that if someone does a crime in a certain area of  
16 the country, let's say Florida, that he is treated the  
17 same way as someone is treated in Michigan.

18 In other words, if I shoot someone in Florida and  
19 I shoot someone in Michigan, the same person is treated  
20 the same way.

21 Is there any mechanism in the school system to  
22 review suspensions to see that they appear to be equal?  
23 In other words, that all ten-day suspensions or 20-  
24 day suspensions or expels, the crimes are sort of the

1 same, that the punishment meets the crime?

2 Is there any review mechanism? I don't  
3 understand the mechanism that is there. Does the  
4 superintendent suspend everybody?

5 MR. MYERS: Principals have the authority  
6 to suspend students from school. When it comes to the --

7 MR. KUSIC: Do we view those?

8 MR. MYERS: Not all those  
9 suspensions. Now, major suspensions usually come to my  
10 desk, yes. Expulsions, yes. Expulsion is made upon the  
11 recommendation of the principal to the superintendent;  
12 it is reviewed at that level. Then that action is  
13 recommended onto the people that they report to, and in  
14 general that would be made to the board of education, the  
15 only people that have the authority to expel students  
16 from school, so I am familiar with expulsions.

17 MR. KUSIC: So all expulsions would go  
18 through you?

19 MR. MYERS: All expulsions would go  
20 through the superintendent.

21 MR. KUSIC: But if it was not an  
22 expulsion, you probably wouldn't review it?

23 MR. MYERS: Not in all cases unless it  
24 would be severe situations.

1 MR. KUSIC: In other words -- I'm just  
2 saying, for example --

3 MR. MYERS: Have we reviewed all  
4 suspensions and so forth?

5 MR. KUSIC: In theory.

6 MR. MYERS: I am not as familiar. Of  
7 course, I was ten years in the system I was in before  
8 and had a mechanism set up there. I'm not familiar  
9 here with it, no.

10 MR. KUSIC: In theory, principal A -- in  
11 theory, and let's say Ohio County, principal A, a student  
12 could have come in with a high-powered weapon and that  
13 principal could have said, I'm just going to suspend you  
14 for a couple days.

15 In school B the same weapon could have come into  
16 Ohio County and that principal could you have said, I  
17 recommend that you be expelled from school.

18 MR. MYERS: In this county there is a  
19 policy that governs. Of course, the severity, that is a  
20 pretty severe example you gave, and I think there is  
21 a policy that covers that; and it all should be dealt  
22 with in the same manner. Other things resolve  
23 differently by different principals given the situation  
24 that exists.



1 MR. PITTS: Let me finish. I still have  
2 some concerns here. I heard you to say, Superintendent  
3 Myers, that black people, some of those that were sitting  
4 here in this room today --

5 MR. MYERS: I'm not hearing you.

6 MR. PITTS: That black people from the  
7 community, many of them that were in this room today have  
8 been willing to come and to try and discuss ways to  
9 resolve the problems.

10 Have white people had that same opportunity?

11 MR. MYERS: You mean to be here today?

12 MR. PITTS: No, to be in this session  
13 with the black people that were -- that came to the school  
14 and sat down and tried to resolve the problems.

15 MR. MYERS: I mean, from the community?

16 MR. PITTS: Yes.

17 MR. MYERS: No, because -- let me just say  
18 that I think when we dealt with this there was a  
19 committee set up prior to my coming here. Jim, I don't  
20 know who was chairman of that. I kind of contacted  
21 whoever that was and had them contacted to kind of set up  
22 the group that came.

23 We did involve -- we did expand the group  
24 to involve principals at all levels. But thinking back,

1 probably the only person that was -- you came in; right?  
2 Joan might be better able to respond to that.

3 MS. HAIRSTON: After the race riots and  
4 the first time in the school -- was it 1990 or 1991 --  
5 we formed a minority action committee. It was open to  
6 whites.

7 We had one or two whites who would come to  
8 meetings, because they -- they perceived it as a black  
9 problem. You know, it happens to you black people. Even  
10 though it happened between black and white, they  
11 perceived it as a black problem.

12 When Mr. Myers came and we met with him -- it was  
13 sanctioned by the board of education, too, by the way.  
14 When Mr. Myers came, he did include the principals who  
15 are white. He got one from the junior high level, the  
16 grade school and the high school level, Mr. Lonker.

17 And in all fairness, that was one step in the  
18 right direction because we got to incorporate and talk to  
19 people we needed to. That's why we are having this  
20 forum and hopefully this will reach out to the white  
21 community who perceived this as a black problem, and  
22 it's not.

23 We are not fighting among ourselves. We are not  
24 fighting with ourselves. This is not black on black.

1 This is a problem, but the white community sees it as a  
2 black problem. You can look out in the audience and tell  
3 that.

4 MR. PITTS: If I may continue. Mr.  
5 Lonker, you are the principal of the high school. What  
6 is your stated policy or understanding among your  
7 teachers and yourself of inter-ethnic dating?

8 How do you perceive that? How do you handle that  
9 in the school system at your high school?

10 MR. LONKER: We do not have a policy.  
11 There is no policy. If a person wants to do that, that  
12 is their prerogative.

13 MR. PITTS: So if there is inter-ethnic  
14 dating in your school, teachers and nobody speaks against  
15 that?

16 MR. LONKER: No, sir. They may speak  
17 against it privately, but they don't openly, no, sir.

18 MR. PITTS: And it has not been brought to  
19 your attention?

20 MR. LONKER: I didn't hear you?

21 MR. PITTS: It has not been brought to  
22 your attention.

23 MR. LONKER: I'm sure some people are  
24 against it, yes, sir.

1 MR. PITTS: Mr. Myers, what is the board  
2 of education's position on inter-ethnic dating?

3 MR. MYERS: I have a hard time hearing.  
4 I'm deaf on one ear to the side you're speaking to me.

5 MR. PITTS: I'm from a long line of  
6 preachers, and I can crank it up.

7 What is your position on inter-ethnic dating in  
8 the school system here in this county?

9 MR. MYERS: I have no position whatsoever.  
10 Any boy that I would have on -- I grew up in a Protestant  
11 community as to where, I suppose, Protestants dating  
12 catholics was an issue at one time. I never had any  
13 feeling one way or the other.

14 MR. PITTS: Protestants dating catholics  
15 is relatively a white issue, isn't it, and it's one of --

16 MR. MYERS: In the community I grew up in  
17 it was very much of an issue, and it was a segregated  
18 issue within that community, within the church.

19 The thing I'm saying to you is the board of  
20 education or myself certainly has no policy or intent  
21 to dictate who students date or who they don't date.  
22 That's an individual decision for those individuals,  
23 whoever that might be.

24 MR. PITTS: We have heard evidence here,

1 and you were sitting here when the person gave testimony  
2 that her son worked in the office, and because he had  
3 some relationship with a little white girl that he was  
4 totally removed from the situation.

5 MS. TURNER: This is from junior high.

6 MR. PITTS: I don't care, but it's in  
7 this district, and my position is to you -- or my  
8 question is: Was it right to remove that child from his  
9 little job in the office because he had a relationship  
10 with the little white girl?

11 MR. MYERS: Absolutely not.

12 MR. PITTS: It appears to me from what I  
13 have heard that our children are dying in the school  
14 system, and no one really cares about it. There is no  
15 position that protects them in any situation basically  
16 unless they are athletes, and what I'm trying to come  
17 down to is whether or not from you, Mr. Superintendent,  
18 there is going to be a commitment to see that these  
19 children, whether they are dating inter-ethnically or  
20 not, are going to be protected in the school system.

21 MR. MYERS: What do you mean by  
22 "protected."

23 MR. PITTS: Don't you think they need to  
24 be protected? To me one of the greatest things that a

1 youngster could do --

2 MR. MYERS: I don't think the school  
3 system should be involved in who dates who. If you are  
4 asking me if we have people within the school system that  
5 are trying to dictate students telling them who to date  
6 for either racial, ethnic, religious or whatever reasons,  
7 then the answer is absolutely not.

8 And we certainly don't condone that. We  
9 discourage that from every standpoint and discourage it  
10 strongly. That is none of their business.

11 MR. PITTS: We are skirting the real  
12 issue. The real issue is -- I'm looking at a child who  
13 takes pride in doing something in terms of dealing with  
14 working in this office that he was working in, and all of  
15 a sudden he is stripped of that.

16 And certainly this hurts him very deeply. The  
17 child is wounded, and we just excuse it and say, Well, we  
18 are not going to take any position; we are not going to  
19 do anything.

20 MR. MYERS: I don't think that is what I  
21 am saying. The thing I'm say is this: You are talking  
22 about a different issue. You are talking about where  
23 somebody has made a decision in a school to take somebody  
24 out of a situation, and I would certainly say to you if

1 I was aware of that situation, we would deal with it  
2 appropriately.

3 But that wouldn't be any basis -- if the student  
4 was doing something they shouldn't have been doing, and  
5 I'm talking about involving money or anything of that  
6 nature, but if it's over the issue that you're certainly  
7 talking about, that is certainly no issue to remove  
8 that student.

9 I would hope that we develop a school system and  
10 develop an attitude that encourages every young person to  
11 develop a positive attitude about themselves in the  
12 system. That is the only way we can do it and at the  
13 same time their personal worthiness as a human being and  
14 the respect for other human beings of their personal  
15 worthiness.

16 MR. PITTS: My question is that in  
17 developing your policies isn't there some type of policy  
18 that you could develop that would speak to that kind of  
19 issue and let everyone beneath you in the school system  
20 know that that is a policy?

21 MR. MYERS: Let me say this to you; you  
22 are going to have to be the judge. I can develop like --  
23 or Mr. Ward can develop all kinds of written policy, but I  
24 still think there are deeds that are going to speak

1 higher than written policies will.

2 If there are written policies, people might  
3 conform to them on the surface, but hopefully through  
4 leadership of people to my right and people on my left  
5 and their fellow colleagues that we can develop an  
6 attitude that that is not tolerated, not even thought.

7 I could sit here -- you can't develop a policy  
8 for every issue. If we are going to say we are going to  
9 develop a policy, that may be more of a mission  
10 statement, but the personal worthiness of our students is  
11 a primary objective of this school system, yes, I think  
12 that is.

13 To develop a policy to say you are not going to  
14 do this, and you are not going to do that, I think it  
15 needs to be much broader than that. We need to work with  
16 people to insure that those kind of things you just  
17 related to me don't happen, and I sincerely -- I say this  
18 with all sincerity: I commit myself to that.

19 MR. PITTS: Thank you. I heard you say  
20 earlier that, and you can correct me, that the school  
21 system merely reflects our society or our community.

22 My question to you as an educator: Should not  
23 our communities be a reflection of our schools?

24 MR. MYERS: Let me think about that one.



1 That is a pretty good comment.

2 MR. PITTS: While you think about that,  
3 let me preface what I am saying so you can understand  
4 what I'm saying.

5 Several years ago I came into this county on an  
6 investigation of a situation under the appointment of the  
7 federal district court, and I turned up into, I believe  
8 it was, Mill Creek Hollow, and the first thing that  
9 greeted me was a big sign that says, No niggers; white  
10 man's land.

11 As I drove further up into the hollow it was  
12 written across the huge rocks, side of mountains, banners  
13 across the road, tacked on trees, and then you know how  
14 they do the big railroad crossing that tells you danger?  
15 Right dead in the middle of the street and the highway  
16 there is this big sign written.

17 This is what I perceive as an attitude, and I  
18 know that if that is what is happening in communities and  
19 another community has a sign that says, No racial fool  
20 should come here or something to that effect, now if  
21 these kind of signs are all over the community, is there  
22 a real expectation that the attitudes of white people in  
23 this community can ever be changed --

24 MR. MYERS: That is what --

1 MR. PITTS: -- through education or  
2 otherwise?

3 MR. MYERS: That is why I was a little  
4 hesitant to answer your question when you said could  
5 we be what the community is. And when I speak of the  
6 school being -- and I'm talking about society of school,  
7 the action of students, that the people being a  
8 reflection of that society. I didn't mean that that  
9 shouldn't be changed, because I think we do have -- and I  
10 don't want to insinuate.

11 I said earlier, and maybe I went overboard with  
12 that, that we can't change anything, but I do believe  
13 we are a part of the change process. We are not the  
14 answer to it all, but we are a part of that answer; and I  
15 would hope we never lose sight of it.

16 MS. HAIRSTON: On that note, our  
17 moderator is gone. It's 20 after 4:00. I have two  
18 more names on this sheet, and I saw one hand go up.

19 Mary Catherine Buchmelter, Joanne, did you all  
20 mean to speak to these school issues or did you sign this  
21 sheet? Your names are on the sheet. What I'm asking  
22 right now, do you want to speak to this issue from the  
23 audience, or did you sign up on this sheet.

24 UNIDENTIFIED SPEAKER: I can. I can

1 speak to both. This morning I would have liked to be  
2 here, but I had an appointment -- on that racism  
3 situation, because was a victim of it.

4 MS. HAIRSTON: Okay. After Mary Kay  
5 I have Alex Nelms and Joanne Nelms on here. I am tired.  
6 Everybody in here is tired. I have about had it, and I  
7 do plan to go home today.

8 We will follow those three issues as it is. If  
9 the Commissioners want to question, so be it and that  
10 will be it; and I will thank every one of you for being  
11 here.

12 MS. BUCHMELTER: Mine is brief. About  
13 the policy, civil rights lawyers are strong believers in  
14 policy. Policy reflects your attitude, and it doesn't  
15 cost you anything. It let's people know where you are.

16 What about a policy -- I recommend to employers  
17 all the time what about a policy that says students in  
18 this school system have a right to an atmosphere free  
19 from sexual and racial harassment.

20 Anyone who believes they are being sexually or  
21 racially harassed can have recourse in the following  
22 manner. It's real simple. If you believe it, you do  
23 believe it, and when it's written it gives the official  
24 sanction.

1           Now, you're right when you say that just  
2 because things are written down doesn't mean they believe  
3 in them. Those were the original criticisms of civil  
4 rights law. A law can't make people change the way they  
5 think. That's true. But laws make people change the way  
6 they act. And so do policy.

7           And after people act a certain way long enough,  
8 they start learning that way. That is mine.

9           CORA HAIRSTON: Can I say this, Ms.  
10 Hairston? Mr. Lonker just said they have that policy  
11 that she is talking about, but they first have to come  
12 forth to them, and I think that is where the problem is.

13           They're waiting -- nobody in the leadership roles  
14 want to take any action on enforcing what is already,  
15 he says, is written down. If you have that written down  
16 and you are waiting for a 10th grade girl to come and  
17 tell you something, you will be waiting forever.

18           So you need to let everybody know when they walk  
19 through the door the first day, this is the leadership  
20 role. It will not be tolerated. You don't only read  
21 it; you do it.

22           And it starts from the head down. If the head  
23 is just going to let it happen when it happen, it never  
24 happens. That is the reason I say the leadership has to

1 do the starting, and until the leadership does. . .

2 MR. LONKER: Can I suspend you for  
3 fighting before you fight?

4 CORA HAIRSTON: We are not talking about  
5 fighting before you fight. We are talking about what you  
6 have written in black and white.

7 MR. LONKER: You have got to do something  
8 before --

9 CORA HAIRSTON: No, no. You are  
10 misunderstanding, deliberately, I believe.

11 MR. LONKER: No.

12 CORA HAIRSTON: If the policy -- if it's  
13 written there, and in the first place if a student knows  
14 that they have got some protection before an incident  
15 happens, if a student feels that they can feel  
16 comfortable in going to the leader in the school or the  
17 principal or whatever, and say, I just overheard  
18 something so-and-so and so-and-so said because they know  
19 that something will be enforced about it, then you will  
20 get somebody to come forward.

21 But when they don't have that comfortableness  
22 about them, they don't feel like they can.

23 MR. LONKER: I hope we do.

24 CORA HAIRSTON: No, you don't.

1                   MR. LONKER: I hope if they go to Mr.  
2 Burgess, they go to me. He has before. I can name a  
3 lot of teachers they go to.

4                   MS. HAIRSTON: All right. Alex or Joanne,  
5 do you have anything to say about racial or sexual  
6 tensions in the schools?

7                   ALEX NELMS: Well, I can't go to school  
8 because they haven't had transportation out there about  
9 nine years. They had a lot of it on those buses, and I  
10 would report it to my supervisor. They did nothing  
11 about it. They sweep a whole lot of stuff under the  
12 carpet, and I would like to see something done about  
13 racial.

14                   Set up some kind of a machine in which -- it  
15 happens, first started with the individuals and our  
16 school -- when what you were talking about down at Mill  
17 Creek there is in front of that school inside about 10 or  
18 15 feet up above that school, No niggers. Right in the  
19 school there.

20                   And those children there from the 1st through the  
21 6th grade I handle those children there for about six  
22 weeks, and those children, they don't know what it's all  
23 about. And I see this thing there and other boys go  
24 talking about it saying they'll put it right back on the

1 limb.

2 MR. KUSIC: Excuse me. Where is that?

3 ALEX NELMS: It's down on Mill Creek. It  
4 was put down there, and I got burned out down there.

5 MR. CHUN: Is it there now?

6 ALEX NELMS: It's down there until this  
7 boy -- what they got on the house here, you get out there  
8 and take it off. And the deputy told me that is what is  
9 going to be done. It's on the road right in the front of  
10 the school. It's up above the school when you go around  
11 the curved hill.

12 I go down there all the time, because we had got  
13 property down there. It's still there. There is sign  
14 up there, Nigger, Nigger, Nigger, and the boys who put  
15 the sign up, he's paying. He's in the pen right now,  
16 and the judge made him come back and apologize to me  
17 what he had done because of my race.

18 MS. HAIRSTON: Are there anymore  
19 statements?

20 JOANNE NELMS: Yes. After we got burned  
21 out down there we had to move to Omar, and we were  
22 harassed at Omar and live at Mill Creek.

23 We have had KKK wrote on all over the bridges  
24 up there. We was harassed by people. White people

1 harassed us down at Mill Creek. Black people harassed us  
2 up at Omar. We get it coming and going from both sides.  
3 I think that most people are racists people.

4 MS. HAIRSTON: I think sometimes -- this  
5 is going to be the final statement. When people holler  
6 harassment, they have legitimate gripes. When people  
7 holler other things, this is to deal with racial tensions  
8 in schools and high school.

9 Because, you see, I beg to differ with you on  
10 that issue, because I'm one of the families you are  
11 talking about.

12 JOANNE NELMS: I'm not blaming it on the --

13 MS. HAIRSTON: I'm blaming-it to put it on  
14 paper. It had nothing to do with race. If it's not  
15 pertaining to schools, that is it. We thank you for  
16 being here.

17 ROSEMARY BRADSHER: I want to say  
18 something. I know you are saying this is not pertaining  
19 to schools, but I have a problem with this town; and I  
20 have been here all my life. I'm 39 years old.

21 I have a complaint with the Human Rights  
22 Commission about Logan General Hospital which the West  
23 Virginia Human Rights had to go to Sharples to give me a  
24 job because of the man that is on the board for mental



1 health where I got fired in '74.

2 Okay. So they did -- the Human Rights Commission  
3 made me go into the hospital and rehire me back at the  
4 hospital because they were on -- the administrator was on  
5 the board for mental health. I worked there nine and a  
6 half years. They had a big cut off there. Okay. I was  
7 an aid, a nurses' assistant.

8 When they cut off the nurses' assistants and some  
9 of the orderlies, they hired other people in different  
10 positions which I applied. Okay. They sent me a  
11 certified letter telling me to come in immediately  
12 because they are not going to post that job, and if you  
13 want the job, come in and apply.

14 I went in and applied for the job, and everybody  
15 that -- I think there was like ten people in line besides  
16 myself. All of those that were in that line got the  
17 position but me. They said that there wasn't enough  
18 evidence to prove that they were doing anything against  
19 me.

20 MS. HAIRSTON: Let me just stop you right  
21 here. We have the Human Rights Commission here and  
22 some of the members of the Civil Rights Commission have  
23 agreed to stay for a few minutes or whatever it takes  
24 after it.

1           You need to talk to them. We need to let these  
2 people go. We need to thank the panelists for coming.  
3 We need to thank the audience. The Civil Rights  
4 Commission has assured us this is just a first step.  
5 They plan to come back. But we did get some issues  
6 out there that we needed to deal with in the  
7 school systems and stuff.

8           And not to cut you off; the issue is important.  
9 They will be here if you want to come up here and address  
10 this. The rest of us, we can go. Thank you.

11           (WHEREUPON, the hearing concluded at 4:20 p.m.)  
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24

1 STATE OF WEST VIRGINIA, To wit:

2 I, Eric G. Smead, a Notary Public and  
3 Certified Court Reporter within and for the State  
4 aforesaid, duly commissioned and qualified, do hereby  
5 certify that the testimony taken about, was duly  
6 taken by me and before me at the time and place  
7 specified in the caption hereof.

8 I do further certify that said proceedings  
9 were correctly taken by me in stenotype notes, that the  
10 same were accurately transcribed out in full and  
11 reduced to typewriting, and that said transcript is a  
12 true record of the testimony given by said witness.

13 I further certify that I am neither attorney  
14 or counsel for, nor related to or employed by, any of  
15 the parties to the action in which these proceedings  
16 were had, and further I am not a relative or employee  
17 of any attorney or counsel employed by the parties  
18 hereto or financially interested in the action.

19 My commission expires the 3rd day of July  
20 2001. Given under my hand and seal on this 9th day of  
21 May 1993.

22 

23 Eric G. Smead, CCR

24 Notary Public