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**WEST VIRGINIA ADVISORY COMMITTEE
TO THE
U. S. COMMISSION ON CIVIL RIGHTS
COMMUNITY FORUM
Tuesday, November 17, 1998
Logan, West Virginia**

The following is a transcript of the Community Forum held on Tuesday, November 17, 1998, at the Logan Area Public Library, located at 1 Wildcat Way, Logan, West Virginia, for the residents of Logan, Mingo and McDowell counties to attend and offer information for the Committee to consider in assessing the overall civil rights situation in those areas of the State of West Virginia, as reported by John Campbell, a Certified Court Reporter, Videographer and Notary Public for the State of West Virginia.

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BRIAN R. SWIGER, Cross Lanes; **PATTY VANDERGRIFT TOMPKINS**, Charleston;

PANEL MEMBERS* and SPEAKERS: See Table of Contents

JOHN CAMPBELL, CCR/CVR/NP

For: *Verbatim Ink Reporters*
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November 17, 1998

BE IT REMEMBERED, that the following proceedings were had in the Logan Area Public Library, to-wit:

MR. HINTON: I would like to say good morning to everyone. On behalf of the West Virginia Advisory Committee to U. S. Commission on Civil Rights I welcome state officials, community and religious leaders and the public to this community forum to address civil rights issues in Southwestern Region of West Virginia.

In May, 1993, the Committee held a fact-finding meeting in Logan, here, to gather information on equal employment opportunity in the coal mining industry, police-community relations and racial tension in secondary schools. In this 1995 report the Committee noted that the declining number of labor unions -- excuse me, the declining number of black coal miners had been accelerated by discriminatory practices among mining companies and labor unions. In regards to police-community relations the Committee

1 discovered that there was a perception in the
2 minority community that stereotype racial
3 attitudes about whites and blacks have had a
4 discriminatory influence upon law enforcement
5 practices of local and state police. We also
6 found that community attitudes about race has
7 spilled into the local schools creating
8 incidents of racial tension.

9 Today's forum is a follow up of our 1993
10 event. In an effort to appraise the
11 Commission on civil rights issues and problems
12 in West Virginia, we will be conducting four
13 additional hearings across the state. The
14 Advisory Committee believes that the economic
15 problems in Logan, Mingo, McDowell, Boone, and
16 Cabell Counties has had wide ranging
17 implications for civil rights of the citizens
18 of this region. These problems deserve
19 immediate attention. The forum is designed to
20 provide an opportunity for all concerned to
21 identify problems and express concerns and for
22 public officials to respond. We hope to
23 spread the word to other West Virginia
24 communities that the civil rights problem

1 deserves serious attention and remedial
2 efforts by state officials and the public. By
3 holding the projected series of forums and
4 later issuing our report, the Committee hopes
5 to contribute viable information to the public
6 for use in their advocacy efforts to improve
7 the lives of all West Virginians. I want to
8 express the Committee's appreciation for the
9 information already supplied by the minority
10 community and state officials at our prior
11 planning meetings, which has helped us develop
12 today's event. We hope that we have assembled
13 persons with divergent viewpoints so we can
14 develop a balanced understanding of problems
15 facing this region. It is quite possible that
16 we may not have been possible to reach all
17 persons who may be helpful -- who may be
18 useful or who may have useful information to
19 share with us. In which case, we hope that
20 you would contact us and provide information
21 of the relevancy of the information you may
22 possess.

23 I wish to briefly describe the Committee
24 and its relation to the Commission. The U. S.

1 Commission on Civil Rights is a fact finding
2 agency within the executive branch of
3 government. The Commission has established
4 Advisory Committees in each state and the
5 District of Columbia, with members appointed
6 by the commissioners, who serve without
7 compensation. The committee members will
8 advise the committee of information concerning
9 discrimination or denial of equal protection
10 of the laws because of race, color, religion,
11 sex, age, handicap, or national origin, or in
12 the administration of justice; and receive
13 reports, suggestions and recommendations from
14 individuals and public and private
15 organizations, and the public officials upon
16 civil rights matters. The information we
17 receive will be compiled and reported to the
18 Commission for approval.

19 Before I begin, I have a few
20 administrative items to take care of. First,
21 I'd like for those who are in attendance to
22 feel free to take copies of the items located
23 on the publication table. I mentioned earlier
24 the fact finding event we had here in 1993. A

1 copy of that report is on the table, as well
2 as some other reports. Feel free to take
3 those. Also included is today's Agenda, on
4 the table, free copies of prior reports,
5 biographical information of the committee
6 members present at the table, and privacy act
7 statement, and a catalogue of publications
8 which lists Committee and other Advisory
9 Committee prior work.

10 As described in the Agenda, this forum
11 includes an open session wherein members of
12 the public can make statements to the
13 Committee on the record. Please register your
14 name with Marc Pentino if you would like to
15 make statements. We will do our best if time
16 permits.

17 Finally, we ask and emphasize that you
18 refrain from making derogatory, defamatory
19 comments regarding particular individuals. We
20 have a sign in sheet. We ask that you put
21 your name on there and we'll put you on our
22 mailing list, those who are in attendance.

23 We would also like to thank the
24 subcommittee, particularly the chair of the

1 subcommittee, Joan Hairston, who worked very
2 diligently to put this forum together.

3 And, we'd also like to give personal
4 thanks to our staff person from Washington, D.
5 C., Marc Pentino, who is a very hardworking,
6 intellectual individual who has been committed
7 to work at civil rights. And he has put this
8 thing together with a lot of arduous work on
9 his part. So we'd like to thank you
10 personally, Marc, for your efforts.

11 I understand that the mayor, who was
12 scheduled to give us some opening, welcoming
13 statements to the people in attendance today,
14 had an emergency, so he will not be here. I
15 don't think there's a substitute from Logan.
16 But, anyhow, I'll welcome you on behalf of the
17 West Virginia Advisory Committee to the U. S.
18 Commission on Civil Rights.

19 We have a list of panels for today's
20 forum. And if you look at the Agenda, there's
21 an open session later in the afternoon. If
22 you're not scheduled to be on any of the
23 panels, but would like to speak to the
24 Committee, you need to register your name with

1 Mr. Pentino and we'll work you in at that
2 time, in the afternoon.

3 We have only one member of our first
4 panel who's present. We found out that
5 another member of the panel is at the hospital
6 having tests run this morning.

7 We have one person from the second panel
8 who has not arrived yet. But it appears we're
9 mostly in attendance and we might want to go
10 ahead and proceed with the second panel and
11 perhaps that person will arrive before that
12 panel has concluded.

13 At this time we'd like for the members of
14 that second panel, if you would, please come
15 forward to the table with the microphones in
16 front of us. And we'll have, moderating that
17 panel will be Ranjit Majumder and Norman
18 Lindell. Is Hillary Agess with us here today?
19 Chiz? Okay, excuse me. And Joan Hill? Sgt.
20 G. R. Johnson? And, of course, Paul Sheridan,
21 who was scheduled to be here, he's not aware
22 that we're starting. Hopefully he'll be here
23 before we're done. And it would be important
24 for our court reporter that as you get ready

1 to speak that you give your names. But, we
2 will turn this over to our two moderators at
3 this time for their further conducting of this
4 forum.

5 MR. MAJUMDER: We want to thank you for
6 taking time to come to this hearing. And our
7 primary goal is to fact finding. So, we want
8 to say that please, as much as you think is
9 important to convey the point, and as our
10 chairman said, we don't want, really, any,
11 civility-wise, that should be a major concern.
12 And present the facts and we would like that
13 the Committee will take that information. And
14 the whole idea is to solve the problem. So,
15 again, I welcome you to this panel. Norman?

16 MR. LINDELL: I welcome you, also. I
17 guess, just to get started, the name of the
18 panel is Police-Community Relations,
19 Recruitment of Minority Officers and Hate
20 Crimes. Kind of a broad breadth of subject
21 matters. And I don't know what each person is
22 going to address. Why don't we just get
23 started.

24 WHEREUPON, a discussion was had off the

1 record regarding the necessity of the panel to
2 speak loud enough for the audience to hear all
3 who will speak; the forum continuing
4 thereafter as follows, to-wit:

5 MR. LINDELL: What we'd like to do is
6 just ask each member of the panel just to
7 present whatever information they'd like to
8 present and then we'll have some questions and
9 dialogue with the Committee. For those
10 purposes, why don't we -- well, let's
11 introduce the panel first. The first one is
12 Ms. Hillary Chiz. Hillary is the Director of
13 the American Civil Liberties Union of West
14 Virginia. And we have Ms. Joan Hill, who is
15 an attorney. You're here in Logan, Joan,
16 aren't you?

17 MS. HILL: That's correct, sir.

18 MR. LINDELL: And she's with the law firm
19 of Crandall, Pyles, Havaland and Turner. Then
20 we have Sgt. G. R. Johnson, with the West
21 Virginia State Police at the Logan Detachment.

22 SGT. JOHNSON: Yes, sir.

23 MR. LINDELL: And still to arrive is Mr.
24 Paul Sheridan, who is the Senior Assistant

1 Attorney General for the Civil Rights Division
2 of the Attorney General's office.

3 Hillary, do you want to begin?

4 MS. CHIZ: Yes. Thank you for having us
5 here today. The ACLU is a private, nonprofit
6 membership organization and we exist solely
7 from membership dues and contributions from
8 members. We're a statewide organization and
9 we're part of a national organization that has
10 about 300,000 members. We have over a
11 thousand members in West Virginia, I'm proud
12 to say. And I'm also pleased to say that the
13 history of the ACLU's involvement in West
14 Virginia goes back to, actually, days in Logan
15 when the ACLU sent representatives from New
16 York, at that time, down here to help miners
17 who were attempting to organize for the
18 purpose of collective bargaining. And that
19 was pointed out to me soon after I arrived
20 here by someone from Logan, who proudly said
21 that when her daddy ran a hotel down here and
22 the miners started walking over to Logan her
23 daddy stood up and said, "I hope the miners
24 get this far. If they get down here they can

1 sit at my table and eat my hogs." And he was
2 jailed for being a sympathizer, for saying
3 that. The ACLU came down to represent the
4 miners, and they represented him as well, and
5 she never forgot that. So, that was a welcome
6 for me to get here and know that we had that
7 history here.

8 I have been on the Planning Committee of
9 the Civil Rights Summit for the last few
10 years. And I also serve on the state Hate
11 Crimes Task Force, but I am not going to speak
12 about hate crimes, because Paul Sheridan knows
13 everything about that. I do want to talk a
14 little bit about police community relations,
15 as well as recruitment of minority officers,
16 since our organization remains committed to
17 the ideals of affirmative action.

18 About three and a half years ago we
19 undertook, with the aid of a very small grant,
20 to begin monitoring police activity around the
21 state. At the time I devised and developed
22 the grant's potential, I figured that certain
23 places would bubble to the surface and we
24 would see that there were certain -- that

1 there were problems that were greater in
2 certain parts of the state or in certain
3 municipalities that went beyond the normal
4 kinds of problems, and that would we would
5 devote our energy to those places. A couple
6 of places quickly came to the surface, and
7 those were Charleston and Bluefield. Since
8 then we have had an overwhelming response to
9 the information that we put out in the state,
10 which was that we were collecting data on
11 police activities. I do not call this police
12 brutality. I call it police activities
13 because it included some extremes in a wide
14 variety, all the way from people complaining
15 about, you know, not getting a response
16 quickly enough, not liking the attitude of the
17 officers, all the way to the use of excessive
18 force. For the most part we did not address
19 the issues at the low end of that spectrum. I
20 believe that the state police manual fully
21 covers that. I have been somewhat involved in
22 the reorganization monitoring of the state
23 police and sat in on the, as a citizen, on
24 Vicki Douglas's committee all last year,

1 dealing with the reorganization of the state
2 police. And I fully supported the
3 reorganization, believing that it will allow a
4 broader kind of enforcement throughout the
5 state, and that the reorganization structure
6 will allow for people in charge, supervisory
7 positions, to have a greater -- have greater
8 control over the field officers.

9 We were overwhelmed very quickly with the
10 information from the field. One of the ways
11 that we asked for that information to come in
12 was through the Public Defender's offices.
13 And the Public Defender's office put out that
14 information statewide, so soon we began, you
15 know, to see the effects of that as data
16 became too, almost too much for us to handle.
17 There are a number of reasons why -- a lot of
18 times people who are victims of what we call
19 "the use of excessive force" are people who
20 are in custody. And this is not necessarily
21 by the state police; this is, in fact,
22 primarily by community, by city law
23 enforcement. We continued to get complaints
24 about both police officers in the city,

1 sheriff's departments in the counties and
2 state police. But, as I said before,
3 Charleston City Police and Bluefield City
4 Police were the areas that quickly came to the
5 surfaces needing more attention.

6 There are a couple of reasons why people
7 who are being represented by public defenders
8 do not necessarily follow through with their
9 claims of excessive force. One of those
10 reasons is that by the time that they get
11 through being a defendant in that system for
12 the charges against them, which may be
13 charges, initial charges for which they were
14 being investigated, but may also stem from
15 their countercharge of the use of excessive
16 force, and that would typically be obstruction
17 of justice or resisting arrest, they're
18 usually so tired by the end of -- or worn down
19 by the end of that proceeding and their
20 representation by an overworked public
21 defender's staff that they fail to follow
22 through with countercharges of use of
23 excessive force. By its enacting legislation,
24 Public Defenders are not allowed to represent

1 defendants for whom they are representing them
2 just on the charge, whatever the charges are
3 against the alleged perpetrator, they are not
4 allowed to represent them on the
5 countercharges. So, they have to go through
6 another whole procedure, find someone to
7 represent them, and they are usually worn out.
8 The other reason is intimidation. We have
9 heard time and again, and it is on record from
10 the Civil Rights Summit by actually someone
11 who's on the Human Relations Commission in
12 Wheeling, but who has ties to the police
13 department there, that there is a legitimate
14 reason to expect intimidation. People claim
15 that they are intimidated by retaliation or,
16 you know, expected retaliation. And the
17 results are that they are right, for the most
18 part. So, people fear that as well. And the
19 other reason is that it is plain difficult to
20 find an attorney to represent someone who has
21 been through the system, who is not
22 necessarily a crystal, sparkling character and
23 who is then wanting to claim that the police
24 used excessive force. As the former police

1 chief of Charleston said to me relatively
2 recently, "The cops are not gonna beat up a
3 banker." So, generally, you know, when there
4 is a suspect in custody who later claims use
5 of excessive force, that person may have an
6 arrest record, usually has an arrest record
7 and, in fact, is someone who has been a
8 repeat, sort of low level offender. Maybe the
9 police have not been able to get charges to
10 stick. Maybe they're frustrated, and maybe
11 the altercation stems from a great deal of
12 frustration. So those are the kinds of
13 examples that we hear about.

14 Is the Logan Detachment, is that -- how
15 is that connected to the Beckley or is that
16 separate? Is the Logan Detachment separate
17 from the Beckley---

18 SGT. JOHNSON: Separate now.

19 MS. CHIZ: So Beckley is a detachment and
20 Logan is a detachment?

21 SGT. JOHNSON: Yes.

22 MS. CHIZ: Those are separate entities
23 now?

24 SGT. JOHNSON: We're a troop headquarters

1 now.

2 MS. CHIZ: Were you under the Beckley?

3 SGT. JOHNSON: Yes, ma'am.

4 MS. CHIZ: Okay. That---

5 SGT. JOHNSON: As of until July the
6 first.

7 MS. CHIZ: Right. We got a, I think,
8 disproportionate number of complaints that
9 were not necessarily from the counties
10 represented here, but came under the Beckley
11 Detachment of State Police. My own experience
12 was not a pleasant one. I frequently try to
13 resolve matters with a phone call rather than
14 try to litigate in a formal way. I am not a
15 lawyer, by the way. And, as I said, it's
16 extremely difficult to find lawyers who are
17 willing to take cases for the ACLU. They work
18 for no money. They work as volunteers. We
19 call them cooperating attorneys. And in the
20 small town set up or structure that exists in
21 West Virginia, geographically, most lawyers
22 have dealings with the city and with the
23 police, and they need their cooperation, for
24 the most part, and they're unwilling to file

1 charges against the state police representing
2 someone who may not have a crystal clean
3 record. And these are not easy cases because,
4 typically, when you put---

5 MR. HINTON: You said "against the state
6 police". Do you mean the local police?

7 MS. CHIZ: No, I mean, I'm talking about
8 the state police in this instance.

9 MR. HINTON: Okay.

10 MS. CHIZ: Sorry. Typically, in all
11 areas of law enforcement, when you put someone
12 on the stand claiming the use of excessive
13 force or they just didn't like the way things
14 were done, it becomes a he said, she said;
15 their word against ours kind of situation.
16 And it's very difficult for a hearing official
17 or a jury to look at, you know, maybe two
18 detectives - when you're talking about city
19 law enforcement - or two state troopers in the
20 state police situation, who are neatly
21 dressed, very polite, and by virtue of their
22 presence command authority when they are on a
23 stand versus someone whose record is not
24 particularly sparkling and whose record is

1 brought up continually. So, it's very
2 difficult to prove use of excessive force.

3 But, I did have personal experience with
4 what I thought was a disproportionate number
5 of claims against the state police out of the
6 Beckley detachment. And my own personal
7 experience with Captain Bragg---

8 SGT. JOHNSON: Uh-huh. Yes, ma'am.

9 MS. CHIZ: ---was not a pleasant one.
10 And I just resorted to just telling everyone
11 to, and for myself as well, to go straight to
12 the Office of Professional Standards, I
13 believe is the name, which was at that time or
14 at an earlier time, under the supervision of
15 Sgt. Blankenship, but is now under the
16 supervision of Sgt. Ingo. And I had a good
17 relationship with Blankenship and continued to
18 have a decent relationship with Ingo, though I
19 have not had as many instances.

20 We are simply overwhelmed in our ability
21 to respond to the number of police complaints
22 that we get. And this is not state police;
23 this is law enforcement in general. I worked
24 in an office by myself with one administrator;

1 two people. As I said, we use volunteer
2 lawyers for all of our cases and I could be on
3 the phone all day long tracking down this kind
4 of thing. I don't have investigators
5 available. So, I feel completely inadequate
6 to respond to all the complaints of police
7 brutality. I do think that there are, because
8 people have become accustomed, the state, in
9 the state have become accustomed to us being
10 the ones to shine the light on police
11 misconduct, I think that that's created an
12 additional burden for us. And, as I said
13 before, I am perfectly willing to comment that
14 many of the cases are cases that I would not
15 waste my time on. They are not unfounded, but
16 they simply don't rise to a level that I
17 believe it is necessary for us to put our
18 meager resources. So, I'm hoping that there
19 will be additional remarks today that will
20 persuade you to, maybe, come up with some
21 recommendations. And I would -- I feel
22 frustrated and overwhelmed. I can give you an
23 example, though it didn't take place in this
24 part of the state, that happened last year in

1 the legislature. As a result of a highly
2 publicized, high speed chase in the Eastern
3 panhandle in which an innocent, young woman
4 was killed because the police were chasing for
5 about, I think it was over 25 minutes - I've
6 seen the tape. And the reason I saw the tape
7 is because one of the TV shows on Scary
8 Stories of the Highway Patrol, or whatever
9 they call them, were filming in the back of
10 the police cruiser, state police cruiser at
11 the time. And, not only do I think that is
12 unprofessional, I think it directly had
13 something to do with the speed of the chase,
14 the length of the chase, the level of the
15 hostility. And it was the person being chased
16 who was simply a drunk driver, who could have
17 been apprehended, I think, in a number of
18 ways, whose car ran into the young woman who
19 was ultimately killed. As a result, instead
20 of adopting legislation that might have dealt
21 with the issue of high speed chases in a
22 realistic way, what our legislature did was
23 make it illegal for citizens to run away from
24 state police at a high speed. Now, I think

1 that there are certainly other means to deal
2 with that kind of issue. And that would be to
3 adopt some sort of legislation that would deal
4 with police practices. So I think that there,
5 you know, that certainly begs to be responded.
6 And I would hope that our legislature would be
7 able to hear those kinds of things. I think
8 high speed chases, since I live in a
9 neighborhood in the East End in Charleston
10 which witnessed a high speed chase by
11 Charleston police just Sunday at eleven
12 o'clock, in which three police cars crashed
13 into each other and into two citizen vehicles
14 because they gave chase up, going the wrong
15 way on a one-way street, as was the person who
16 was fleeing. You know, there's gotta be a
17 better way than doing that. I mean, these
18 become highly publicized and, I think, leave a
19 bad taste in the public's mouth about law
20 enforcement.

21 I remain hopeful that law enforcement can
22 continue to represent the public and be seen
23 as the officials to whom we give respect and
24 the authority for protecting us. As a person

1 who lives in what is considered a high crime
2 area in Charleston, though I doubt that there
3 are many real high crime areas in the State of
4 West Virginia - we are fortunate; we have an
5 extremely low crime rate; for the last 20
6 years one of the lowest in the country and no
7 death penalty, I'd like to think those are
8 connected, rather than the other way around,
9 as the opponents believe. But as a person who
10 lives in what is considered a high crime area,
11 I expect a lot from the police, and I expect
12 them to be well trained; I expect them to be
13 educated to the maximum; I expect them to get
14 better pay for what they do; and I expect them
15 to go through constant retraining, just as we
16 all do, to do our jobs better.

17 MR. LINDELL: Joan?

18 MS. HILL: I don't know what order we're
19 in here, but I do have another matter that I
20 need to leave for, so I'll jump in front of
21 the police officer here.

22 My name is Joan Hill, as noted on the
23 Agenda, and I'm a practicing attorney here in
24 Logan County, and have been so for the last

1 more than eleven years. I practice with a law
2 firm that has offices in, as well as Logan, in
3 Charleston and in Lewisburg, in Greenbrier
4 County. So we do cover a very wide area of
5 Southern West Virginia. In my experience --
6 oh, and I might also add that I serve on
7 Hillary's Board of Directors and have done so
8 for the past five years, I believe.

9 MS. CHIZ: Preceded me.

10 MS. HILL: Yeah. I was there before she
11 came. During the past eleven years I have
12 done substantial amount of criminal defense
13 work, most of it being appointed by our local
14 circuit court, in defending individuals,
15 indigent individuals under the court appointed
16 system. And as a comment to the aside, I
17 think our courts are very overwhelmed with the
18 number of cases that they must appoint
19 attorneys to. In due respect to the poverty
20 issues, and I hope that those will be somewhat
21 addressed in economic opportunity in this
22 afternoon's session, but there is a
23 substantial amount of caseload, not only for
24 myself, but for the Public Defender's Office

1 here in Logan County. There is also a Public
2 Defender's Office in Mingo County. I recently
3 attended a conference in Welch and met one of
4 the public defenders there, and who had the
5 same comments of the overwhelming amount of
6 caseload and casework that they have in
7 representing indigent defendants. My
8 comments, basically, speak from that
9 prospective as a criminal defense attorney,
10 but I think they have to be tainted in some
11 respect, as being a member of the community in
12 Logan County, having lived here for over
13 eleven years. I'm a mother with two children;
14 one who is in the Logan County School System
15 and another infant child, who I expect to
16 hopefully gain some respect and education
17 within the Logan County School System. So, my
18 comments come from that prospective, also.

19 I think the issues of sensitivity to
20 racial issues, particularly in the school
21 system - and this comes from the parent's
22 comment, and I'll give it to you for what it's
23 worth - need to begin at a much younger age
24 because once racial issues and sensitivity

1 issues are presented to students, more likely
2 in high school programs, that their mind set
3 on racial issues and those sensitivity issues
4 are already so deeply borne in their head that
5 whatever they hear - and my comment is -
6 probably goes unheeded. I think those
7 trainings as part of the curriculum - and I
8 know there are representatives from the board
9 of education here today - need to begin at a
10 much younger level. My son is nine years old
11 and a weeklong program on Martin Luther King
12 is not going to get it. I think these
13 children in that age level are oftentimes
14 involved in sports activities with members of
15 other race and nationalities and don't always
16 understand their heritage and background. And
17 if they are expected to cooperate, to play, to
18 work as a team with individuals of varying
19 races, that they need to understand those
20 races at an earlier age. And that's soap box
21 and I'll get off of that at this point.

22 Back to issues as a criminal defense
23 attorney and police-community relations. I
24 recall specifically some of the things that

1 led to your all's involvement back in the
2 early '90s. And one of them was I represented
3 an African American woman who had been
4 severely injured by a county deputy in a drug
5 raid sort of gone bad, so to speak, who was, I
6 felt, to be an innocent bystander, but who was
7 subsequently charged with obstructing an
8 officer. And her hearings had to be postponed
9 several times because she was in the hospital,
10 in surgery, recovering from a broken hip as a
11 result of being, as I call it, "slam dunked"
12 by a county deputy law enforcement officer. I
13 think that was one of the precipitating things
14 that I saw back in the early '90s that I hope
15 lead to your all's report and in some of the
16 comments that came out in '92 and '93. I also
17 recall the Community Cooperative Program that
18 was set up with sheriffs' departments, law
19 enforcement, community leaders, and in fact a
20 partner of mine was on a committee that worked
21 with, worked to establish better relations
22 with law enforcement and other police and
23 prosecutors' offices. I guess I lack the
24 memory to figure out whatever happened to that

1 group or to that organization, because it went
2 very gung ho for about six or eight months,
3 maybe even up to a year. But after some
4 period of time it simply fell apart. I don't
5 know if the group felt that they had met their
6 goals, if they felt that they were never gonna
7 meet their goals and disbanded, or whatever.
8 But I think there is an obvious need of an
9 ongoing liaison and cooperation between law
10 enforcement community officials and business
11 leaders that continues to foster a cooperation
12 with these various entities and organizations.
13 So I commend that to your action.

14 There recently was a civil suit in Logan
15 County that resulted in the hiring and
16 placement of an African American law
17 enforcement officer with the Logan County
18 Sheriff's Department. It appalls me that it
19 takes court action and agreement by the
20 sheriff's department, and the Court, and the
21 prosecuting attorney's office, and private
22 counsel to get an African American placed as a
23 law enforcement officer in Logan County. I
24 speak from personal recollection, but I

1 believe he is the only African American
2 officer in Logan County. I'm not aware of the
3 status of representation of minorities in law
4 enforcement in Mingo County or other counties
5 covered by this program, but I also think that
6 that is an issue that is gravely under
7 addressed. And their need for not only
8 sensitivity for the law enforcement officers
9 to deal with minority defendants or persons
10 accused of crime, but to deal with their own
11 counterparts of a minority or contrary race
12 needs to be addressed. Again, I think this
13 community based organization needs to be
14 reformed, re-banded so that there is an
15 ongoing method in which issues such as this
16 can be brought forward and it doesn't take
17 this organization to come in every three to
18 five years and hear things that have gone on
19 over the past number of years.

20 I have often been appointed, and in some
21 cases retained, to represent individuals who
22 have been charged with crimes, and one of
23 which includes obstructing an officer. And I
24 find oftentimes when I receive appointment,

1 that an individual is being charged with
2 obstructing an officer, during my first
3 meeting I hope to be able to find a camera and
4 take pictures of their injuries. Because any
5 time -- my experience has been that any time
6 an individual is charged with obstructing an
7 officer they do have injuries and those
8 injuries as a result of some action taken upon
9 them, either brutality, excessive force,
10 whatever you want to label it, by the
11 arresting officer. And I commented to Officer
12 Johnson before this meeting started, and I'll
13 repeat those comments to you; that my
14 experience has been that these beatings, these
15 injuries, for the most part come from very
16 young law enforcement officers, for the most
17 part, very young state police law enforcement
18 officers, who may be very gung ho because
19 they're recently out of the academy, but they
20 haven't quite been seasoned enough to
21 understand that you don't have to manhandle,
22 or person-handle somebody in order to
23 effectuate an arrest. And, again, I present
24 those under a personal bias from my

1 prospective, but I think that has been my
2 experience. I think the sensitivity training
3 and issues of more or less put yourself in the
4 place or the shoes of the person you are
5 arresting and, at any time, no matter what the
6 situation, a defendant deserves respect, the
7 police officer deserves respect, and I don't
8 understand how a police officer can feel that
9 they will command respect by inflicting some
10 sort of bodily harm, or injury or manhandling
11 the person they are attempting to arrest.

12 Hillary's comments with regard to finding
13 attorneys to represent individuals who want to
14 bring claims of police misconduct is --
15 doesn't fall on deaf ears to me, but I'm sure
16 does not fall on deaf ears to this committee.
17 I have looked at numerous, potential claims or
18 cases that individuals want to bring. And, as
19 she said, many times your client has a record.
20 They may have very well committed a crime
21 which led to their arrest, but as a result of
22 their arrest they also suffered severe or
23 serious injuries. I did represent an African
24 American family in bringing a case against

1 three state police officers when their father,
2 an elderly black man in Logan County, was shot
3 to death when they were attempting to arrest
4 him under the guise of serving him with a
5 mental hygiene warrant, which basically would
6 take him into custody for an evaluation, a
7 psychological evaluation, to see if he was a
8 danger to himself or others, or was in some
9 sort of medical care or treatment. As a
10 result of a lengthy standoff at his home,
11 numerous, numerous cases and cans of tear gas
12 placed into his home. He ultimately ended up
13 with three gunshot wounds to his back. And
14 proceeding with that case up to the Fourth
15 Circuit Court of Appeals we were constantly
16 faced with the immunity that officers often
17 have in actions of police misconduct when
18 operating under some belief that they were,
19 themselves, at harm or facing some life
20 threatening danger to themselves. And I think
21 this is a systemic problem that has come from
22 the erosion of the Bill of Rights and Fourth
23 Amendment and Fifth Amendment issues in our
24 courts, which you probably cannot particularly

1 address, but I, again, commend to your
2 understanding; that as an attorney that wants
3 to bring these cases we are often faced with
4 the predicament that we will not get any
5 favorable treatment within the federal courts.
6 That the police officers, through insurance
7 purposes, are provided counsel. They don't
8 have to pay for counsel. Oftentimes the
9 clients that come to see me, or prospective
10 clients, don't have the means to pay for any
11 expenses, let alone attorney fees. And often,
12 you know, you just see that the balance of the
13 scales in justice are tilted very far in favor
14 of the police officers and their defense
15 counsel.

16 I have also seen, as a criminal defense
17 attorney, in issues where an individual is
18 charged with obstructing an officer, that
19 oftentimes when the case is being scheduled
20 for trial that plea bargaining will be
21 initiated with the hopes of getting the
22 defendant to sign a release where they will
23 not pursue any charges or claims against the
24 arresting officer in exchange for dismissal or

1 dropping some of the charges against them.
2 And, to me, this rings to me of extortion
3 where somebody is giving up civil rights in
4 order to get charges dismissed that may
5 ultimately allow them to maintain their
6 freedom and not have a criminal record. This
7 happens quite often and unfortunately the
8 client is put in the predicament of continuing
9 this battle and fighting the criminal charges
10 or just chalking it up to experience and
11 signing a release so that they cannot pursue
12 any claims against the arresting officer or
13 law enforcement agency.

14 I think there is also a problem in that
15 there is a perceived, at least from what I
16 have heard and the people that I have spoken
17 to, that there is the lack of an advocate for
18 victims before the State Police Office of
19 Professional Standards, and that their
20 comments or complaints fall upon deaf ears,
21 and that there is nobody there to advocate for
22 them. In West Virginia we have a victim
23 compensation fund, we have victims' advocates.
24 When an individual is a victim of a crime and

1 the prosecutor is pursuing charges against the
2 alleged defendant. We do not have such a
3 victim's advocate when an individual is
4 claiming that they have been injured or the
5 victim of a police misconduct or other type of
6 excessive force. So I think there is the need
7 for at least, from the perception, the need
8 for an advocate within the Office of
9 Professional Standards that will address those
10 concerns.

11 Just a couple comments in regard to some
12 of the things that Ms. Chiz brought up. The
13 state police use of film crews, I've seen it
14 several times on those type of shows. I have
15 defended at least one individual who was
16 supposedly filmed during their arrest, and
17 there were some obvious problems in the issues
18 of arrest and the charges that were brought
19 against him. And we were not even able to
20 obtain a copy of the film. I think there
21 should be a total ban upon the use of film
22 crews to ride along with law enforcement
23 officers, because I think studies have shown
24 that when they're in high speed chases or when

1 they're in the pursuit of an individual that
2 their adrenaline level is much higher. And I
3 think that leads to obvious problems and
4 tragedies, such as what happened in the
5 Eastern Panhandle. I consulted with the
6 attorney that represented the victims, the
7 little girl's family, in the Eastern
8 Panhandle, trying to find out who might be the
9 custodian of these films of The Real Stories
10 of the Highway Patrol, which is now defunct.
11 I spoke to an attorney that represents Fox
12 Television in California and we were still
13 even unable to obtain or locate a copy of the
14 tape. This is the same tape that the state
15 police officer testified to before the grand
16 jury that would clearly show that my client
17 possessed drugs and his wife had consented to
18 a search of their home. Those charges were
19 dismissed against him. And I think it lends
20 some concern to me that the use of film crews
21 - and I would hope that this committee would
22 look into other incidents that may not have
23 resulted in tragedy, such as in the Eastern
24 Panhandle, or favorable result to my client in

1 Logan County - and I would hope that the state
2 police would seriously look at, if they
3 haven't already, any policy that they may have
4 to allow such film crews to participate while
5 their officers are in the line of duty. I
6 couch that in the comment that does -- I'm not
7 objecting to the use of video cameras that
8 oftentimes law enforcement officers will use
9 to film arrests, which they operate
10 themselves, which most of the times is mounted
11 to the dashboard of the cruiser. I think that
12 is authorized or proper under police powers.
13 And I want to make sure my comments are not
14 misunderstood.

15 I think a lot of the issues that you will
16 hear today are the result of systemic problems
17 within Logan County and some of the rural
18 counties in Southern West Virginia. Some of
19 the issues that I see, crimes, particularly,
20 that individuals are accused of are not the
21 result of a criminal mindset but the result of
22 a desperate individual that has, more likely,
23 a substance abuse problem, a financial problem
24 dealing with lack of work or employment,

1 family problems that deal with domestic issues
2 with their spouses. And I am not a social
3 worker and I find it very difficult to be put
4 in the position of having to do social work
5 for my client when I think the better result
6 would be to have social workers available to
7 defendants through rehabilitation and prior
8 disposition of cases by referral to counseling
9 and such, but that is not built into our
10 system. Any prior -- any counseling or
11 rehabilitation prior to a disposition of a
12 criminal case is purely voluntary on the part
13 of the defendant. Other states have
14 provisions where they defer criminal
15 proceedings on the condition that an
16 individual undertake rehabilitation or
17 counseling. Waiting until an individual gets
18 incarcerated into a regional jail or a
19 penitentiary to provide them with
20 rehabilitation or counseling, again, I think
21 defeats the purpose. Just as waiting until a
22 student reaches high school to give them
23 racial sensitivity training defeats the
24 purpose. So, with those comments I will end.

1 Thank you.

2 **[COURT REPORTER'S NOTE: Paul Sheridan**
3 **arrived during the comments by Ms. Hill.]**

4 SGT. JOHNSON: Rebuttal time. Rebuttal
5 time. First off, I appreciate the opportunity
6 to come before the board this morning and
7 address you. And it looks like I've got my
8 work cut out for me.

9 First off, I'm sure that you're all
10 probably aware of our hiring practices that we
11 have now within the West Virginia State
12 Police. If you have any questions I'll be
13 more than happy to answer those that I can.

14 I have been afforded the opportunity to
15 set on the condensed selection review board.
16 I sat on it for two years. And during that
17 period of time, whenever we were going over
18 the prospects, the people that were testing to
19 become a member of our department, nowhere in
20 there was there anything to do with age, race,
21 religion, and whether the individual was a
22 male or a female, you know.

23 And the second one, let's see where do we
24 go? Where do we go? Let's go with pursuits,

1 high speed pursuits. I, myself, have
2 personally been involved in high speed
3 pursuits and it's really hard to go and second
4 guess an officer that is involved in one. I
5 know in one occasion I spent a year up on the
6 West Virginia Turnpike. And one particular
7 occasion there was an individual that was
8 operating an 80,000 pound tractor-trailer that
9 right there at Beckley decided to go North in
10 the Southbound lane. I was behind him. So
11 what was I to do? I went North in the
12 Southbound lane trying to stop the guy. I
13 thought maybe it was a medical problem there
14 at first. He wouldn't stop. And he was
15 aiming at cars and other tractor-trailers and
16 everything. So I continued my pursuit. And
17 when I was given the opportunity to break and
18 get in front of him I got and broke, went in
19 front of him and by doing that I was able to
20 get traffic out of his way. And I was
21 credited by the people that got out of our way
22 of, you know, avoiding a real catastrophe.
23 And it ended up -- there was one gentleman
24 that ended up losing his life in this. The

1 tractor-trailer hit him head on. Was I right?
2 Was I wrong? You know, it's really hard to
3 second guess an individual that's involved in
4 a pursuit. There's a lot of times that I've
5 been out, and it's been over, you know, a real
6 small crime, traffic violation, and I seen the
7 guy wasn't gonna stop, and I don't think it's
8 worth risking my life, his life or the general
9 populations' life in pursuing this individual,
10 so I'll end pursuit. You know, that's an
11 officer's call. I try to use good judgment.
12 You know, I can speak for myself. There's
13 what, over 600 of us in the state police now,
14 so it's really hard to speak for everybody.

15 MR. HINTON: Is that something you would
16 be more apt to do later in your career that
17 you wouldn't have done earlier in your career?

18 SGT. JOHNSON: Well, I've got 21 years in
19 with the West Virginia State Police, and prior
20 to that I started as a city police officer a
21 week after I turned 18, and spent five and a
22 half years. So, I had five and a half years
23 experience whenever I came into this outfit.

24 No, I've always tried to use good

1 judgment in that, because you can get hurt bad
2 or you can hurt somebody bad. And now we have
3 what they call the "stop sticks", if you're
4 familiar with those. That's the thing where,
5 if you've got the time, you can lay it down in
6 the path of the oncoming car and by turning a
7 handle it gives the spikes that come up, which
8 deflates their tire slowly; it's not an
9 immediate blowout of their tire, so the person
10 can gain control if they'll stop.

11 Okay. Where do we go from here? That's
12 on the pursuits.

13 MR. MAJUMDER: Officer Johnson, would you
14 say that what Ms. Hill was saying, that to use
15 a film crew, would that be something that is
16 not desirable. Would you agree or disagree
17 with that?

18 SGT. JOHNSON: Can I speak personally?

19 MR. MAJUMDER: Yeah.

20 SGT. JOHNSON: Okay. Speaking
21 personally, I don't even watch that stuff on
22 TV. Okay? I have no desire to watch that on
23 TV. As having a film crew in my car, I have
24 no desire for that. That's a policy that was

1 allowed by the administration, those above me.
2 I don't like the idea of a film crew, no.

3 MS. CHIZ: What -- can I ask a question?

4 SGT. JOHNSON: Sure.

5 MS. CHIZ: What was the advantage? Or do
6 you understand what the advantage was to any
7 law enforcement to having a commercial film
8 crew - I'm not talking about videotape of
9 public action or law enforcement action, but a
10 commercial film crew - for a highly dramatic
11 show in the back of a cruiser? Was it to get
12 the money? I mean, I don't -- I wasn't clear
13 on why.

14 SGT. JOHNSON: I don't know if we even
15 got paid for it; if the department received
16 anything.

17 MS. ROPER: Do you think if the
18 commercial TV show wasn't there that the
19 accident wouldn't have happened?

20 MS. HILL: I think that was the issue in
21 the case in the Eastern Panhandle; that the
22 film crew caused the high speed chase and that
23 the officer would not have acted in certain
24 ways had the film crew not been present. And

1 there was issues of liability, and I'm not
2 sure how that case has resolved itself, if it
3 has.

4 MS. ROPER: Yeah. They settled.

5 MS. HILL: I personally feel that if the
6 film crew had not been with the officers that
7 arrested or sought to arrest my client and
8 searched his wife's home, that things would
9 have been done a lot different. But with the
10 cameras and the spotlights, at least my
11 understanding and what the evidence was, was
12 that the actions of the officers might have
13 been different or, at least, they might have
14 been able to prove some of their allegations,
15 if it had been on film.

16 MS. TOMPKINS: Do you think it could have
17 worked the other way, though, if perhaps the
18 officer were so gung ho and so over zealous in
19 his pursuit that the camera would have shown
20 that?

21 MS. HILL: That's what I say. That's why
22 I really say that I don't have any objection
23 to video cameras in police cruisers, because
24 of the, you know, it does, you know, a picture

1 shows a thousand words. And it will show --
2 it's very hard to dispute what the camera
3 shows. And I think it could very well, you
4 know, be a two-edged knife with the extent
5 that sometimes it will get it on camera and
6 show the over zealousness. On the other hand
7 it may show matters that are favorable to the
8 defense attorney.

9 MS. CHIZ: I actually saw the Real
10 Stories of the Highway Patrol, or whatever the
11 Fox show was, when the parents of the dead,
12 young woman brought it to the legislature to
13 be observed by a committee. The father was
14 unable to watch it and had to leave the
15 committee room. And I watched it. It was
16 very difficult. And I looked at the camera
17 person - and if I'm not mistaken there were
18 two TV people in the back seat, or in the
19 vehicle, and there was only one state trooper.
20 And there was an extremely excited and
21 dramatic exchange between the film crew and
22 the state police. Were they egging him on?
23 They continued to have conversation, so it
24 wasn't a conversation in the officer's head.

1 It was "Go get it." You know, "Look how fast
2 he's going." Those kinds of comments.
3 "What's he doing?" Those kinds of things. It
4 was very difficult to watch. It was
5 agonizing, because it took place, as I said,
6 over 25 minutes, but it represented a stretch
7 of road, two-lane road between Martinsburg
8 and, I guess, going out of Martinsburg going
9 toward Shepherdstown - I'm not sure - or
10 Ranson, maybe.

11 MR. LINDELL: The comment is not that
12 they have video cameras in the car, but that
13 it was commercial---

14 MS. CHIZ: It was a commercial program.

15 MR. LINDELL: ---program.

16 MS. CHIZ: Right.

17 MR. LINDELL: That in your view
18 exacerbated the situation.

19 MS. CHIZ: In my view exacerbated it.
20 I'm not sure if it---

21 MR. LINDELL: Do state police cruisers in
22 our state generally have video equipment
23 attached to the cars?

24 SGT. JOHNSON: No, sir. There are a few

1 cruisers in our fleet that do have the video
2 cameras in them.

3 MR. LINDELL: Is there gonna be an
4 attempt to put video cameras in the cruisers?

5 SGT. JOHNSON: It's my understanding
6 there is. And how many cruisers receive it?
7 I don't know, because, you know, you've got to
8 go by cost there. But, in my personal opinion,
9 I like the idea of the video cameras being in
10 the car because you can really, really tell a
11 lot as to what goes on. You know, I've---

12 MS. TOMPKINS: Excuse me. If they do do
13 that would the officers have control of when
14 they're on or when they're off?

15 SGT. JOHNSON: I really don't know. I
16 don't' have a video camera in my car and I
17 really don't know. Is the tape not locked up?

18 SPEAKER: It depends on the policy of the
19 department.

20 MR. PENTINO: Could you state your name
21 for our record, please?

22 1ST SGT. COOK: First Sgt. Steve Cook,
23 Logan Detachment, West Virginia State Police.

24 The in-car cameras can be done either

1 way; with supervisor control or the officers
2 assign them patrol. The Turnpike Commission,
3 I believe, has the majority of their cars
4 equipped with videotape machines and I believe
5 they're required to turn the tapes in on a
6 daily basis or a semi-daily basis for review
7 by the officers or supervisors. It can be
8 done by department policy. As far as why we
9 had the cars and cameras in the cars, current
10 cameras, it started, very briefly, when the
11 chief or police down there, or sheriff,
12 decided to let people see how real police work
13 works, as a forum for police information and
14 it got commercialized. And, unfortunately, it
15 got commercialized to the point of a state
16 highway patrol getting involved. And I think
17 a department's main work that the department
18 was doing was basically to allow the people to
19 see what happened and for more information
20 about what we have in our facilities and what
21 occurs. Fortunately, it has been ideal for
22 the public to see that.

23 MS. CHIZ: I think the use of video
24 cameras would serve a legitimate purpose in,

1 as Sgt. Johnson said, for allowing a hearing
2 officer to determine exactly what happens, if
3 there is something in dispute. And the ACLU
4 doesn't have a problem at all with the video
5 cameras. It was the commercial use and the
6 high speed chases; that basically.

7 SGT. JOHNSON: With our video cameras,
8 you know, I have reviewed tapes before. We've
9 had members to get shot. And to see the
10 aggression of the accused coming back on the
11 trooper, shooting at him and everything; that
12 really played an important part. Fortunately,
13 the trooper lived, you know. But still,
14 there's that guy, there's his face, there's
15 his car, there's everything right there on
16 tape. So it really played a valuable, a
17 valuable tool for us.

18 Where else do we want to go?

19 MS. CHIZ: Do you want to talk about
20 minority recruitment?

21 SGT. JOHNSON: Minority recruitment, you
22 know, that falls back under -- yeah, we've got
23 an officer down in Charleston, Jimmy Spriggs,
24 that takes care of that. And, as far as I

1 know, you know, he's doing an adequate job
2 with it. I've been with him at the Charleston
3 Town Center where we did a recruitment drive.

4 1st SGT. COOK: Pardon me, sir.

5 SGT. JOHNSON: Sir?

6 1st SGT. COOK: If I may interrupt?

7 SGT. JOHNSON: Go ahead.

8 1st SGT. COOK: One thing our department
9 did this last recruitment session, the class
10 we have in place now and the class coming in,
11 which is next month, each company was assigned
12 a recruitment officer. And part of that
13 officer's duty was to go out and actually seek
14 candidates, minority candidates, general
15 population candidates, or whatever type of
16 candidate they could get; to go out and
17 actually recruit people we thought, or someone
18 thought, would make a good officer. I do know
19 that the local committees, local groups and
20 contacted groups representing minority people,
21 people in minorities, were contacted to see if
22 they had anybody to suggest to us. When we
23 got suggestions we went after them and tried
24 to recruit those as officers. Sometimes we

1 did, and sometimes we didn't. I do not know
2 what the status on this new class is. I do
3 not know that, sir. I cannot comment on that
4 part of it.

5 MR. HINTON: When you say minority
6 groups, have you targeted any specific groups?

7 1st SGT. COOK: To say that we target a
8 specific group, I cannot say that. I do know
9 that we looked at males, females, blacks,
10 every type of -- anybody we could find in the
11 state that was interested in becoming a state
12 trooper. We went after some officers that
13 wanted to take the classes. And if we
14 couldn't get them, we tried police agencies
15 and tried to talk them into coming to one of
16 these things; they're well established. We
17 did a very active job of trying to recruit all
18 groups.

19 MR. HINTON: Have you done any comparison
20 to see if whether your success is either good,
21 better or worse than local law enforcement
22 agencies?

23 1st SGT. COOK: I can't answer that. I
24 would say we're probably worse. And the reason

1 I say we're worse is because I do know that
2 some comments were being offered, just off the
3 cuff, was that the person who was raised in
4 Martinsburg may not want to travel to Logan,
5 or the person who was raised in Williamson or
6 Welch may not want to go to, have to relocate
7 and go to somewhere else. It's a relocation
8 problem. A person is moved from one community
9 to a community they're not familiar with or
10 it's a different type of community.

11 MS. ROPER: What is the attitude now, in
12 this area, with the police department,
13 especially of young officers that Ms. Hill
14 spoke of? Has it changed any? I mean, are
15 you still having the same brutality problems
16 that you've been having?

17 SGT. JOHNSON: Well, there was one
18 particular incident, and which she spoke of,
19 in which, you know, a life was lost. I was
20 there that night. And, you know, it was
21 really a sad thing. And I know that I was
22 being shot at. You know, I was there and --
23 but as to what went on after, you know, as the
24 hours grew into morning, I was relieved

1 because there was a more senior officer than
2 me came on the scene and everything. But I
3 know in the early stages what happened. And
4 as far as our younger officers getting along
5 with the community, I came back here several
6 years as a COPS officer - as a matter of fact
7 it was three years ago this December - and
8 that was a federally funded project; a
9 Community Oriented Policing Services. And
10 whenever I came back here under that we had
11 other agencies. One of our sister agencies,
12 the West Virginia National Guard, you know,
13 they had promised us the moon and the stars,
14 you know, all this stuff that we could do. We
15 could go into this communities and we could
16 really make a difference. We could go in and
17 we could clean them up. And I came back down
18 here and going into the communities and more
19 or less promising these people, you know, we
20 can make a difference. And some of the
21 younger troops were going in with me. Pete
22 Kelly, back there, he can go along with me on
23 this because, you know, we was gonna go in and
24 we was gonna clean up these communities

1 because we had the National Guard on our side.
2 They were going to provide us with equipment
3 and everything else, you know, to help us do
4 this. And they let us down. You know, I went
5 and met with the general that's over the
6 National Guard and, you know, he said, "Yeah,
7 we'd be more than glad to help you, but where
8 are we gonna get the money at?"

9 MS. ROPER: So, do you feel frustrated
10 from that?

11 SGT. JOHNSON: Oh, I feel very frustrated
12 over that. Because, you know, there was a lot
13 that I wanted to see done in these communities
14 and a lot that I had went into these
15 communities and promised them, and I don't
16 like to go back on my word. I really don't.
17 I have a major problem with that. And I
18 wanted to get into these communities and show
19 these people that, you know, it's not a racial
20 issue, you know. I wanted to get in there and
21 show these people that, hey, you know, not all
22 police are bad guys. Because, you know, we'd
23 been stereotyped there for a long time as
24 being the bad guy. I wanted to go in and show

1 them, hey, we can make a difference, the
2 younger kids. The policeman, it's a guy that
3 you can go up and talk to, you know. A lot of
4 these kids, the only time that they've seen a
5 police officer is whenever he was slamming
6 somebody up against a car to, maybe that was
7 the wrong word to use, but when he was putting
8 him up against a car to pat him down, you
9 know. That's police lingo there, you know.

10 MS. ROPER: So you think the attitude is
11 good in the community? Are you working on
12 that or what?

13 SGT. JOHNSON: In the communities that
14 I've been in, yes. It's, it's coming up.

15 MS. ROPER: It's coming up?

16 SGT. JOHNSON: Yes.

17 MR. SWIGER: Let me help to rehabilitate
18 you a little bit.

19 SGT. JOHNSON: Okay. Thank you.

20 MR. SWIGER: Do you have any personal
21 opinions, or have you undertaken any type of
22 studies, or do you know if the state police
23 has taken any type of studies to compare the
24 number of instances in which members of a

1 protected class are successfully detained
2 without excessive force, as compared to those
3 in which excessive force occurred? We're not
4 here to look for everything or that which is
5 bad, but also things that are good.

6 SGT. JOHNSON: I have no idea.

7 MS. CHIZ: And I will say that in an
8 overwhelming number of complaints that we get,
9 the gross total, I have to say that because
10 the minority population in West Virginia is so
11 small, three to four percent statewide, we do
12 not see a disproportionate -- what we see in
13 disproportion is the number of complaints of
14 poor people, including minority people. Now,
15 in those cities where I told you, Charleston
16 and Bluefield, where we saw the highest
17 incidence and the most severe kinds of
18 problems, both of those cities have a higher
19 minority population than the rest of the
20 state. Bluefield, in fact, has a minority
21 population approaching twenty-five percent.
22 And, without going into the sociodynamics of
23 race relations for you, I will say that in our
24 experience, when the minority population

1 reaches a level of close to twenty-five
2 percent the majority population feels
3 threatened by loss of the status quo and that
4 could account for some of the misconduct
5 claims. But poor people also suffer. And in
6 a state like West Virginia, which is
7 overwhelmingly poor and overwhelmingly rural,
8 there's an occasion for a lot of people to
9 suffer.

10 MR. PENTINO: How many minority officers
11 are there; do you know?

12 MS. CHIZ: In Bluefield?

13 MR. PENTINO: At this point?

14 MS. CHIZ: One.

15 MR. PENTINO: There's one.

16 MS. HILL: One. I would like to follow
17 up with what Officer Johnson had commented
18 about with the community relations. And I
19 think that project or attempts in that area
20 need to be followed up on and rewarded and
21 advertised. Because one of the perceptions
22 is, as he has tried to address - and I have
23 the utmost Officer Johnson, and I commented
24 earlier, I think he's from the old school, and

1 no disrespect to his age, but he has over
2 twenty years of service with the state police,
3 and I maintain the utmost respect for him -
4 police officers or any law enforcement can go
5 back into the community, not in the line of
6 duty and not just going out to give some Just
7 Say No To Drugs awareness program, but can go
8 and give something to their community, or even
9 reside in their community. I think a lot of -
10 - and I don't know if it's still that way, but
11 a lot of your, particularly in the state
12 police, a lot of your young state police
13 officers don't even live in Logan County and
14 were driving back and forth from other areas,
15 and they don't want to live in Logan County.
16 And I think that's a serious problem because
17 they never maintain or establish that
18 community base. And that respect that this
19 person is something other than a law
20 enforcement officer; they are a community
21 leader and gives something back. And there
22 are several state police officers that I know
23 personally that are very active in the child's
24 school programs, and are known as, you know,

1 somebody's father. And in that aspect, to me,
2 that would gain as much respect or garner as
3 much esteem to that officer as the number of
4 busts that they make, or the number of times
5 that they have avoided excessive force claims
6 or some other negative. And I think, as Mr.
7 Swiger indicated, that we need to bring these
8 positive things back to this commission, also,
9 and find that this is an area that can
10 seriously deserve some more attention and get
11 these officers, particularly younger officers
12 and recruits, involved in some community based
13 organizations and give something back to their
14 community that is much more than just an
15 awareness program or something else. Let them
16 go out there and pick up garbage or, let them,
17 you know, rehabilitate some homes or do
18 something like that, that people can see and
19 develop a positive attitude about law
20 enforcement; that can carry on, not just for
21 themselves, but to the children in that
22 community; that they see what these officers
23 are doing.

24 MR. HINTON: There's a new phrase being

1 used, the acronym is DWB, driving while black.
2 And a recent study and report showed that
3 along I-95 that seventeen percent of the
4 motorists are black, but they are eighty
5 percent of the people who are stopped. Is
6 there anything that would suggest to you that
7 there is a significant difference in the State
8 of West Virginia?

9 SGT. JOHNSON: No. No, that's the first
10 time I'd ever heard of that.

11 MS. ROPER: What do you think has been
12 the key factor in raising the attitudes of the
13 police in the last couple of years?

14 SGT. JOHNSON: Toward -- toward?

15 MS. ROPER: Better community relations.
16 Less abusive, I guess, actions.

17 SGT. JOHNSON: I really don't know.
18 We're getting a younger trooper in there. And
19 I'm only 43.

20 MS. ROPER: But you've got 21 years.

21 SGT. JOHNSON: Yes. Yes. We're getting
22 a younger breed of trooper out there. And,
23 you know, you're finding that a lot of them
24 are becoming involved, you know, in your

1 Little Leagues. They're becoming involved in
2 their communities little by little, but it's
3 not to the degree where I'd like to see it,
4 personally speaking.

5 MS. CHIZ: To speak to the issue, we have
6 experienced an increased number of complaints,
7 not a decrease in the number or decrease in
8 attitude, negative attitude. But I will say
9 that I know for a fact that the state police
10 in West Virginia has lowered their educational
11 standard, which is going to, of course, result
12 in younger troopers and, of course, less
13 educated troopers. It's seems to me silly. I
14 mean, I don't think we're having that
15 difficult a problem recruiting people. It's
16 still considered a job in West Virginia, where
17 jobs are very important. But instead of
18 raising the standard we have lowered the
19 standard for education for troopers, for being
20 admitted. I also want to speak, again, to the
21 issue of recruitment of minority officers. It
22 would have been nice if there had been someone
23 here, and not just from the state police, but
24 from any law enforcement agency who was given

1 the responsibility for recruitment of minority
2 officers. In the City of Charleston I
3 attempted to sit on what they call the blue
4 ribbon panel - I, of course, was not a member
5 of that blue ribbon group - who were charged
6 with looking at the problem of minority
7 recruitment in the City of Charleston and the
8 first class that came through after that group
9 was constituted had no minority officers and
10 no women. It consisted of ten all white, all
11 male police recruits. And to say that one
12 person in the state police has responsibility
13 for minority recruitment and is taking care of
14 it, as Sgt. Johnson claimed Sgt. Spriggs is
15 doing, I think, puts an unfair burden on Sgt.
16 Spriggs, who is, after all, just one human
17 being, you know, given the responsibility for
18 or given the title of minority recruiting
19 person for the state. You know, the ideals of
20 affirmative action demand that real,
21 committed, sincere affirmative outreach be
22 done. I, myself, have never seen an ad - now,
23 I don't look in the employment, my job is
24 pretty secure, nobody wants it, so I don't

1 look in the employment section frequently, but
2 I have never seen an ad in another section of
3 the paper. It seems to me that might be a way
4 to recruit minority officers, whether in a
5 locality, or for county sheriffs, or for state
6 police. A bigger ad, a splashier campaign. I
7 mean, we see public service campaigns all the
8 time about other public policy issues. If
9 minority recruitment were, in fact, a serious
10 commitment from the state police, from county
11 sheriffs or local police forces I think we
12 would see some results.

13 MS. BURNS: Ms. Chiz? Excuse me.

14 SGT. JOHNSON: Go ahead.

15 MS. BURNS: You said that you had seen a
16 large increase in the number of complaints and
17 you also said that the complaints from, you
18 know---

19 MS. CHIZ: We don't like their attitude
20 to---

21 MS. BURNS: Right. To really serious---

22 MS. CHIZ: Challenging.

23 MS. BURNS: ---issues, or excessive use of
24 force and that kind of thing. After

1 sensitivity training and, you know, more
2 awareness of culture differences, have you
3 seen any decrease in what you would consider
4 the more serious elements of complaints?

5 MS. CHIZ: I think it's too early,
6 frankly. Too, I think we're still getting
7 complaints that are months old. We don't,
8 because there are only two people on the staff
9 we don't get around to them very quickly. And
10 I think the sensitivity training, I have to
11 think that because of my own commitment to
12 education, I have to think that that's gonna
13 provide some difference. I think we need to
14 publicize it more. I think that the public
15 needs to know that police officers are going
16 through some awareness training of cultural
17 differences. And I think that while Sheridan
18 can speak more clearly to that, since he has
19 the most---

20 MR. MAJUMDER: I think, you know, these
21 points, that of Officer Johnson, I think you
22 are very accurately saying that the community
23 relations program, including the recruitment
24 program and sensitivity training, we feel that

1 you are very clearly indicating that these are
2 important intervention that needs to be
3 followed through. Could we now request Mr.
4 Sheridan to also speak to the topic?

5 MR. SHERIDAN: Sure. My name is Paul
6 Sheridan. I'm senior assistant attorney
7 [general] with the state civil rights
8 division, and, also, the coordinator of the
9 state Hate Crimes Task Force. And I want to
10 take, at least initially, take a slightly
11 different angle on the issue of
12 police/community relations. Most of the
13 discussion so far has been about the issue of
14 when and how the police have violated the
15 civil rights of citizens, either by failing to
16 serve them properly or through misconduct.
17 And without, in anyway, diminishing the
18 importance of that civil rights issue, I want
19 to make sure that we don't ignore the fact
20 that there is a much larger - larger in the
21 sense of scope, maybe not more complicated,
22 and I think these problems are very
23 complicated and very important, but larger in
24 scope, in terms of the fact that in

1 encompasses our whole society - there is a
2 larger civil rights challenge in which the
3 relations between law enforcement and the
4 community plays a key role. If we're are not
5 team members, members of the same team; that
6 is law enforcement, and civil rights
7 organizations, and other agencies of
8 government, other people with civil rights
9 concerns. If we are not working together to
10 take on these larger challenges, then we are
11 doomed to fail there. And, so, I think the
12 question of how communities, and institutions
13 within communities and law enforcement relate
14 in the challenge of taking on larger civil
15 rights problems, I think is something that
16 needs to be addressed.

17 I work with an organization, with a
18 working group, we'll call it, called the West
19 Virginia Hate Crimes Task Force. And the
20 mission of the task force, really, is to take
21 on that challenge. To build collaboration
22 among law enforcement agencies, civil rights
23 agencies, other entities of state government,
24 to take on the issues of hate crimes. And we

1 define hate crime fairly broadly. I think
2 it's not -- it's not the whole universe of
3 civil rights problems. It's not
4 discrimination, for example, in employment or
5 in public accommodations, so much as it's
6 criminal manifestations of hate or bias. The
7 definition of hate crime, which I would offer
8 you is criminal conduct which is undertaken by
9 the perpetrator because of discriminatory
10 animus. It's, it's crime where the victim is
11 selected because the victim is different. If
12 you think of employment discrimination as
13 discrimination in hiring or pay because of
14 someone's race, or because of someone's
15 religion, or their gender; hate crime is the
16 committing of crimes against those people
17 because they are different. And you see that
18 that's where law enforcement plays a very key
19 role. They are the ones with the duty and the
20 authority to enforce the law. And, so, what
21 the Hate Crimes Task Force has endeavored to
22 do is to create a working relationship between
23 law enforcement agencies, and civil rights
24 organizations and others that share the

1 concern to deal with these kinds of problems
2 effectively. And I think, I think it's a,
3 it's a large task, in part because of the kind
4 of problems that other panelists have
5 discussed. It's a matter of trying to create
6 a single team among entities where there is a
7 natural tension over a lot of other kinds of
8 issues. It's also a large task because it's a
9 getting at the roots of hate and intolerance
10 and effectively dealing with them in our
11 society is a big challenge.

12 I just want to kind of briefly outline a
13 little bit of what we've been doing and some
14 of what I think are, at least, initial
15 successes in this process of trying to develop
16 a working collaboration among this varied
17 group of folks. During the last year our
18 primary effort has been in the direction of
19 training for law enforcement, on how to
20 respond to hate crimes. And I think that this
21 is -- I want to suggest that there are a
22 number of levels at which to look at this. At
23 the initial level it's been a matter of trying
24 to raise the awareness among state and local

1 law enforcement officers, the state police,
2 county sheriff's department, city police, to
3 some extent, security forces on state colleges
4 and universities, to raise their awareness
5 about the problem of hate crimes.

6 Number one; to make sure that they
7 understand what we're talking about. To make
8 sure that they understand that it really is
9 important to see the differences; that hate
10 crimes are a form of message crimes, they are
11 a form of terrorism. That if you don't think
12 of them as something different you miss the
13 essential features of what's going on. If you
14 put them in the same old categories you're
15 used to thinking in you miss something
16 important.

17 And then secondly; to help them
18 understand how to respond effectively, so that
19 they understand what state laws we have
20 available to them, what kind of resources are
21 available to them, how to investigate these
22 crimes, how to write their reports so that the
23 prosecutors have the best chance in making use
24 of our laws; those kinds of things.

1 So, on that level our program, I think,
2 has been fairly successful. There are about
3 400 officers in the last year who have
4 received this training. And already we're
5 seeing, I think, based on the kinds of calls
6 we get and that sort of thing, an increased
7 level of awareness of this problem. People --
8 I think a lot of law enforcement officers
9 simply weren't aware that it was important to
10 think of these crimes differently. And they
11 weren't aware that we had law to deal with
12 them, and they're becoming aware. And that's
13 an important effect.

14 Another level, though, in which we've
15 been dealing with this issue of collaboration
16 is the way we've been delivering the training,
17 is through the use of a training team. And
18 the team consists of a law enforcement
19 officer, a prosecutor and someone with a
20 community prospective, civil rights
21 prospective or a victim's rights prospective.
22 And our thinking on this is that it's very
23 important for law enforcement officers to
24 understand the problem of hate crime as a

1 problem that exists in the context of the
2 community. It isn't something that they can
3 effectively -- they can't solve it. I mean,
4 they play a part in the struggle against it,
5 but the need to be doing that in conjunction
6 with their communities. They need to be in
7 relationship with their communities. And by
8 delivering this training, using a training
9 team, we are in effect modeling what we want
10 them to be about. And that has been fairly
11 effective. I think, again, we're at the
12 beginning of a process that I hope will have
13 continued success, but we are developing this
14 collaboration, not only at the task force
15 level, but at the training team level and sort
16 of modeling that for law enforcement officers.

17 And I think there's a third level to
18 this. And that is because the sponsor of this
19 training is a collaboration of the state
20 police, several municipal departments, the
21 county sheriff's department, the FBI, ATF, the
22 United States Attorneys, the West Virginia
23 Attorney General's Office, the State Human
24 Rights Commission, virtually all the local

1 human rights commissions around the state, and
2 a number of civil rights organizations,
3 including the NAACP, and the ACLU, and the
4 West Virginia Coalition for Gay and Lesbian
5 Rights; because we are a collaboration of all
6 of these entities, I think we are developing a
7 sense of collective ownership of the project,
8 which I think is very, very important. It's a
9 project that I think all three of us can claim
10 some ownership in by virtue of the entities we
11 work for. We may have our differences on a
12 lot of things, but this is something we own
13 collectively. And I think, I think at that
14 level this kind of initiative is important in
15 this area of police/community relations.

16 I just want to touch real briefly on some
17 of the other things we're doing that go a
18 little afield of police/community relations,
19 except that they are all things that we have
20 collective ownership of. There are a number
21 of other projects, I guess, in relation to the
22 problem of hate crimes. One is the collection
23 of data. Some of the questions that the
24 panelists have asked have to do with data.

1 And data is always important. And it's very
2 often not as available as we would like. It's
3 very difficult to get very good data. And
4 that's been very true in the area of hate
5 crimes. The FBI is collecting data
6 nationally, but the FBI's national data is
7 built upon the local data, which, I think, is
8 woefully inadequate in almost every part of
9 our country. And, so, what looks to be like a
10 comprehensive picture is really a very weak
11 picture. And, unfortunately, in West Virginia
12 we're no further along than a lot of places.
13 Probably less further along than some. We
14 don't have very complete data collection by
15 the state police at this point. And we know
16 from our training that there's a lot of
17 misunderstanding among law enforcement
18 officers about how to recognize a hate crime.
19 So, even among agencies that are reporting a
20 lot of the information is not very accurate.
21 So, we don't -- we have a very, very
22 incomplete picture of how serious the problem
23 is. I wish I could tell you, you know, how
24 serious the problem is here in West Virginia

1 and whether it's getting better or worse, and
2 what are the areas where the problem is most
3 serious. We just simply don't know. We have
4 a lot of anecdotal data from press reports and
5 people calling into the Human Rights
6 Commission, and that sort of thing. It's
7 clear that there is a serious problem. We
8 know that. But beyond that we can't really
9 say. We're trying to take on that issue of
10 data collection through the task force.

11 Another area of very important work that
12 the task force is taking on is in the area of
13 how to work with schools on addressing hate
14 crime. We recognize that the law enforcement
15 end, as important as it is, is really trying
16 to fix something after it's already broken.
17 And we're never gonna really solve the problem
18 at that level. We need to be proactive about
19 it. And the schools are a very important
20 place to do that. Not only because that's
21 where we're forming the next generation of our
22 communities and our society, but because we
23 know from what data we have that the majority
24 of hate crimes are committed by young people.

1 They are acting out the prejudices of their
2 parents, sometimes in the schools themselves.
3 And we have to be dealing with the problem
4 there. And I think that's a very large
5 challenge. But there are a couple of things I
6 would just mention to you that, places where
7 we've started to make some inroads. One is
8 that our State Department of Education has a
9 very comprehensive set of regulations, which
10 our State Human Rights Commission and the Hate
11 Crimes Task Force helped to draft, to deal
12 harassment in the schools. And it not only
13 mandates schools to have procedures for
14 investigating and punishing incidents of
15 harassment, but there's a lot of opportunities
16 built into the regulation for proactive
17 measures, and a lot of opportunities for local
18 community input into the solving of these
19 problems. And I've got copies of the
20 regulations for you, along with a memo that
21 outlines some of the ways in which communities
22 can use these regulations as a means of
23 developing initiatives for their local
24 schools. It, essentially, requires local

1 schools to collaborate with others in their
2 community in solving those problems. And the
3 initiative has to come from people in those
4 localities, but this creates an opening. And
5 the task force is now working on various kinds
6 of strategies to support local communities in,
7 in creating some of those initiatives. We've
8 got a long ways to go there, but that's an
9 area where we're working now.

10 We're also concerned with doing public
11 education, sort of general public education,
12 on the subject of hate crimes; recognizing
13 that communities also play a very important
14 role here. We've pushed the showing of a
15 video called, "Not In Our Town", which some of
16 you may be aware of as a way of fostering
17 community dialogue, about how communities can
18 be involved in addressing the problem of hate
19 crimes. Because, again, this is not a problem
20 we can push off on the police. The police
21 cannot solve this. It's gotta be addressed
22 from a number of different angles. And so
23 that's another angle on it.

24 I think that's pretty much the things I

1 wanted to cover. So I'll end there. And if
2 there are any questions I'd be happy to
3 address them.

4 MR. MAJUMDER: Do any members of the
5 audience, do you have any comment?

6 MR. HINTON: Realizing that we need to
7 make time for the other panel, does anyone,
8 while we have these panelists and we're still
9 here, if there is any questions from the
10 audience. Tim?

11 TIM SWEENEY: I'm Tim Sweeney from Logan
12 County. What I was wanting to ask about was,
13 I graduated from Marshall with two four-year
14 degrees, one in law enforcement and one in
15 sociology. But I've noticed for the past five
16 years that I've been here in Logan County,
17 I've had to go out of state to get a job,
18 whether it be law enforcement, whether it be
19 anything else. And I was thinking, part of
20 the problem -- now the state police has the
21 best training and the best educational system
22 that I've seen in the whole state, but what
23 we've got a problem with right now is the
24 local law enforcement. I know I've tried

1 numerous times to get in on some of the local
2 law enforcement groups here, and I think a lot
3 of people who were probably not in the set of
4 Logan County or not, say, even if you're not
5 the right color, it's hard to even get into
6 the local law enforcement. And I've noticed,
7 I've seen where they've hired many officers
8 who do not have the education. And, you know,
9 it's always best to be trained before you go
10 out into the field. I've actually seen -- I
11 was passed over for a job one time for someone
12 just out of high school. And with two degrees
13 and experience, five years of experience as a
14 private detective. And I'm wondering what can
15 we do? A lot of the racial problems we're
16 having is, I think, is due to a lack of
17 education; formal education and also racial
18 education. I think if we could, possibly,
19 check into who we're hiring as local police
20 officers and trying to check and see where are
21 these people coming from. You know, we've
22 actually had some local police officers went
23 up to Charleston and had all kinds of
24 problems, because they haven't dealt with the

1 races; they never been out of, possibly, Logan
2 County, not out of the mindset. So I wonder
3 if we could maybe check into see why aren't
4 there more African Americans or any other type
5 color applying. Is it because they can't get
6 in, are they intimidated because of "what's
7 the use of even trying"? That's just my
8 little statement I like to have. And
9 hopefully we can get some more African
10 American officers, more people representative
11 of the people that they are policing.

12 MR. HINTON: Well, Tim, aren't you saying
13 two things? Not only about African American
14 officers, but, also, I hear you saying they're
15 not doing a good job of the whites that they
16 hire?

17 TIM. SWEENEY: Yes, sir. I can tell you
18 of a few instances where some of the people
19 they hired I wondered where they came from or
20 what were their backgrounds as far as law
21 enforcement. I mean, you know, and I just
22 don't understand it. And if they're not gonna
23 hire some white people that can do the job who
24 else is gonna apply, if they're not even gonna

1 hire qualified white people? And so I'm
2 hoping that we can get a more understanding
3 police force so that the instances of -- I can
4 note of a police department not too far from
5 here that the guy beat up another guy because
6 he called him Barney Fife. And that to me was
7 silly. I mean a person with education would
8 say, okay, that's something. I mean, I know
9 police officers have to put up with people
10 saying everything all the time, but you should
11 have the education and self control to say,
12 "I'm not gonna beat him up cause he called me
13 Barney Fife." I mean, I could call him
14 "Otis"; something like that. Nothing that
15 would cause any trouble like that. So, I'm
16 just hoping that maybe we can try and check
17 into the local law enforcement and see what's
18 going on. Because I know places I've taken
19 tests and I thought it was really strange that
20 some people could hardly read or write really
21 passed the test. So -- or had legal trouble
22 before. I used to work in a courthouse and
23 that's why I know a lot of things. I'm not
24 gonna go into them because that could get me

1 into some trouble. But I'm just saying we
2 need to check and see what we're doing and try
3 to get a more representative police force of
4 our area. So, that's all I'd like to state.

5 MR. HINTON: Yes? Do you have a question
6 for one of our panelists?

7 PETE KELLY: I'd like to speak to
8 something Tpr. Johnson said, if I may. A
9 comment Tpr. Johnson made about helping in the
10 community. I'd like to say that Tpr. Johnson
11 was---

12 MR. HINTON: Would you identify yourself
13 for our record, please?

14 PETE KELLY: I'm sorry. My name is Pete
15 Kelly. I'm with the Logan County Community
16 Action Group and the Youth of the NAACP. Tpr.
17 Johnson and the West Virginia State Police has
18 helped in our community greatly. They took
19 some of the kids out of some of the
20 communities to ballgames in Charleston. They
21 donated money to some of the organizations in
22 our community. They've done a great job
23 trying to come into the communities and let
24 people know that they're not there to just

1 arrest people, but they're there to protect
2 people. And they've done a great job. And I
3 just wanted to let them know that we
4 appreciate them very much for what they've
5 done in our community.

6 SGT. JOHNSON: Thank you.

7 MR. HINTON: Thank you, Mr. Kelly, for
8 that. And that brings a question that I have.
9 I began to appreciate Sgt. Johnson more from
10 the comment that I heard of him that was just
11 said. And he's a 21-year veteran on the
12 force. And there was a lot of talk here
13 recently about EQ and about how important that
14 is in terms of your work. You know, IQ is one
15 thing that gets you in the door, but your
16 emotional intelligence is most important.

17 And going back to Tim's comment; is that
18 something that your agency is looking at, not
19 only in terms of people taking a test? I
20 mean, I know they do these psychological
21 evaluations, but do they do anything beyond
22 that to be sure that they can be able to deal
23 with the sensitive issues involving
24 minorities, gay, lesbians, or whatever?

1 SGT. JOHNSON: Not that I'm aware of.
2 Maybe Sgt. Cook would have some insight on
3 that.

4 1st SGT. COOK: I do know that two years
5 ago we totally changed our testing program.
6 We went away from a written examination to a
7 video testing program. I have not seen the
8 video testing program. I am not totally
9 familiar with it, but I gather they come in
10 and watch a video program and have to respond
11 in a manner in which they think is correct;
12 how they would react to that. They're using
13 this as a screening tool towards getting good
14 quality people. I, myself, Sgt. Johnson, any
15 law enforcement officer that's worth their
16 salt will tell you, I would much rather have a
17 good officer out here that has common sense
18 than one that has all the degrees in the
19 world, because he may not know how to tie his
20 shoelaces. And we're looking for people that
21 have common sense, that have the ability and
22 can apply it to the problem. I think that's
23 what you were getting at.

24 MR. HINTON: Thank you. Go ahead.

1 SGT. JOHNSON: I can go a little bit
2 further on education. You know, the board
3 that I sit on, you did have to have a college
4 degree to come in. We were losing a lot of
5 good people that had common sense. You know,
6 they may not have a degree in psychology or
7 something, but they had good common sense. So
8 the department did away with that department.
9 And now you are aware of the fact that when
10 you go through the academy for the seven
11 months and you spend your one year out on
12 probation that you will receive a two-year
13 degree through Marshall College. Okay? So,
14 education, I don't think that's one of the --
15 that's always been a little burr under my
16 saddle. You know, I don't have a college
17 education - as you can tell - but it's always
18 bothered me, because--

19 MR. HINTON: Couldn't tell it.

20 SGT. JOHNSON: ---they think that---
21 Thank you. ---they think that the guy that
22 goes out here and has a degree in music is a
23 better policeman than one that's got years of
24 experience out here dealing with the people.

1 And I always had a problem with that.

2 MR. HINTON: Well, listen. We want to
3 thank you panelists. We don't want to rush
4 you off, but we do have another panel that we
5 delayed from earlier, but we'd like to thank
6 all of you, and Ms. Hill, who left earlier,
7 for your presentation.)

8 And we'd ask that if we could get the
9 first panelists to come up. We have one person
10 who won't be here, Brenda Skeebow is not
11 coming, but I understand Dr. Pat White is here
12 in her place. And we have Marge Fletcher and
13 Peggy Vance. And we'll apologize for delaying
14 you.

15 NEW PANELISTS TOOK SEATS.

16 MR. HINTON: This is our second panel,
17 but it's really on our agenda of our first
18 panel. But it's the second one for our forum
19 today. And I understand that we have some
20 people who have commitments. I understand
21 that we have Dr. Pat White, who has to get out
22 of here early, but before he goes I understand
23 Rick Hill, is it?

24 RICK WILSON: Wilson.

1 MR. HINTON: Rick Wilson had a brief
2 comment that he wanted to make as it relates
3 to the panel we're now having. This panel is
4 on Equal Educational Opportunity/State and
5 Local School-to-Work Program. But we'll hear
6 briefly from Rick Wilson. And then the
7 panelists, you go in your order so you can
8 meet the other engagements, then you can
9 choose to do as you see fit. But we'll hear
10 from Mr. Wilson first.

11 Please state your name for the record.

12 RICK WILSON: My name is Rick Wilson. I
13 work for the American Friends Service
14 Committee. I'm going to speak on the topic of
15 civil rights in the schools, particularly on
16 dealing with issues of violence and prejudice
17 in the school system. I work for the American
18 Friends Service Committee and I've worked with
19 Paul Sheridan, Norman Lindell, and Joan
20 Hairston, many people in this room, on these
21 issues around the state. I just have some
22 brief comments to make.

23 This is a very serious and widespread
24 issue. In the last three weeks I've had three

1 separate reports of incidents in the school
2 systems around West Virginia ranging from
3 racial fights, which easily escalate from
4 between individuals to groups, to harassment
5 of foreign exchange students. Again, these
6 are in different parts of the state. I'm not
7 saying these are all in Logan County; they're
8 not, as a matter of fact. But it's a serious
9 problem. I know from the schools' point of
10 view these incidents often come and go, often
11 they get blown up out of proportion by the
12 media. I've often heard school
13 representatives say that. On the other hand,
14 they really can escalate. They can get really
15 dangerous and people can get hurt. The
16 situation is, in this state I think there are
17 several agencies and organizations that really
18 work to deal with this. The state attorney
19 general's office; I think we're really
20 privileged to have someone like Paul Sheridan
21 here. The Hate Crimes Task Force, the Human
22 Rights Commission and many others around the
23 state. The fact is, I think is, in schools
24 where these incidents happen there's a

1 tendency to deny all this. I don't know how
2 many times I've heard, "We don't have a
3 problem here." Once it gets past the denial
4 or if it gets swept out from under the rug the
5 tendency is to use what I call the "pixie dust
6 solution", which is to do some kind of brief
7 program and say, "There we've taken care of
8 that" and move on. Those are probably the two
9 biggest problems in the schools. I think a
10 balanced approach requires two things; one,
11 consequences and two, education. And with the
12 absence of either one of these you don't have
13 a balanced approach. Recently the state board
14 of education passed an anti-harassment policy,
15 which I think is a big step forward. I'm not
16 sure how well awareness of this has trickled
17 down to the local schools where that exists.
18 I'm not sure how much teeth this rule has.
19 How much it can really change, as far as
20 affecting change or getting peoples'
21 attention. One basic thing that I think needs
22 to happen that I've often seen work in the
23 past is some approach, perhaps involving state
24 agencies like the Human Rights Commission,

1 like the United States Justice Department
2 Community Relations Division, which has the
3 effect of getting the attention of the school
4 where there is a problem and prompting the
5 school to take positive steps, not only to
6 respond to the crisis but to deal with these
7 issues in a proactive way. And there are
8 examples of this in several counties
9 throughout the state, which I think need to be
10 held up. Cabell County is the one that I'm
11 most familiar with.

12 I think that it does need to be education
13 in an ongoing way, like bias issues, and also
14 tolerance issues. I know this is mandated by
15 the state program. Often, mediation is seen as
16 a panacea for this. However, mediation as
17 such doesn't deal with prejudice issues. And
18 if the conflict is of the kind where you're
19 likely to seek a mediator, chances are it
20 wasn't that serious or potentially violent a
21 conflict to start with.

22 I think, as some of the panelists who
23 have spoken, education on tolerance and
24 prejudice reduction needs to be done and be

1 done early. But not just finish there.
2 Because as one goes through adolescence their
3 personality changes and whatever they got as a
4 child they need another dose of. Then it
5 needs to be a consistent thing. As the
6 speaker said earlier, a Martin Luther King
7 event one-time-a-year probably isn't gonna get
8 it. It has to be in a sustained way. Again,
9 I'm pleased to really deal with these issues
10 in school as consequences, not in a sense of
11 punishment, but in a sense of getting the
12 attention of all the players and moving toward
13 action, and saying that ongoing education and
14 creating a kind of community partnership in a
15 proactive way to deal with these situations
16 when they arise. But also to make them less
17 likely to arise. Thank you.

18 MR. HINTON: Thank you, Mr. Wilson. And
19 I also want to indicate that we have added to
20 our panel - she says she's not a panel member,
21 but - Wilma Zigmund, who's the principal of
22 Logan County -- Logan High School, is also on
23 our panel. So, hopefully you guys will
24 cooperate with each other and go with your

1 turn as you see fit.

2 MALE PANEL MEMBER: Why don't you start.

3 MS. ZIGMUND: I think that the panel here
4 today is here today to discuss school-to-work
5 issues with you all. And I'm not here for
6 that matter. My good friend, Joan Hairston,
7 who does an awful lot of favors for me at
8 Logan High School, let me know that you all
9 were meeting today and I needed to be here.
10 So, that's the only reason I'm here.

11 I think the last time that the Civil
12 Rights Commission was here problems at Logan
13 High School were addressed, and I don't know
14 how many of you all were on that same panel,
15 if this is the same panel or not. But, Joan
16 thought it was real important that we come
17 today to answer any questions you may have on
18 our situation at Logan High School. We're a
19 long way from being perfect, but I would put
20 our school up against any school in the State
21 of West Virginia or the nation, for that
22 matter, as being a caring school, whose sole
23 purpose is to make students productive and
24 happy in their later life. And we try to do

1 that as fairly as possible. We try not to
2 look at color, or financial status or
3 political status. We really try to be fair
4 with all of our students.

5 One of the things Joan wanted me to
6 address today, I think the last time the panel
7 was here was that there were some things
8 addressed about racial fights. You know, my
9 philosophy - and I've been in this system and
10 I guess as a seasoned veteran; this is my 31st
11 year. I've been a principal for 15 years.
12 I've been the West Virginia State Principal of
13 the Year. And I'm like Rob Johnson. I think
14 a lot of that comes from common sense, not
15 from my education, from the fact that I was
16 born and raised in Logan, and I love these
17 people, and I bleed gold and blue, and I'm
18 gonna be here when I retire; this is still my
19 home. And I want it to be a good home. And I
20 want all my kids to come up that they can feel
21 the same way when they graduate from Logan
22 High School; that they can come back and bleed
23 gold and blue and it doesn't matter what color
24 you were when you went there. And, as a

1 result of that we've tried to be, instead of
2 Band-aiding we're trying to make plans now,
3 and we're trying to set goals for our school,
4 and trying to teach our kids that that's
5 important. Their number one reason for being
6 there is academics. All the other things are
7 just icing on the cake. If we have good
8 athletic teams, or good band programs, or good
9 drama - we've started drama now - if we have
10 these, these are really, really extras. But
11 we've really tried to do some things
12 proactive. We have a real good student
13 government right now that's trying to do
14 things. We're trying to teach our kids to
15 care about people. We were the number one
16 school in the State of West Virginia with
17 Military Mail. We were the number one school
18 in West Virginia last year with Love In The
19 Shoebox, which is things that we go out -- we
20 do beaucoups of caring baskets, clothing
21 drives. We're trying to teach our kids to
22 love each other and care about each other's
23 welfare. And one of the programs, as far as
24 civil rights is concerned - and you know, we

1 don't really look at it as civil rights; it's
2 another program - when I first went to the
3 high school we didn't have an African American
4 female on our staff. And, you know, it's
5 pretty hard for a student to look at me and
6 say, hey, I could be principal at Logan High.
7 There's no visualization there. So, because
8 I've been there 31 years, I've had a lot of
9 kids in schools and I've made a lot of good
10 contacts. Joan came over one day because
11 somebody had gone to her with one of their
12 problems because she lived in one of their
13 communities. And we sat down and we started
14 talking about this problem. And as a result
15 of that, about a month ago we were written up
16 in a publication that went over about six
17 states for the good things we're doing for the
18 African American female students at Logan
19 High. She comes to our school once a week and
20 visits. Not just -- it started out with our
21 African American female students, but now it's
22 anybody that's got a problem, they want to go
23 to this class on her lunchtime and on their
24 lunchtime. And she acts as a buffer. And one

1 of the reasons this has been so successful, I
2 think, is that both of us have the same
3 philosophy. And that is that the world owes
4 you nothing and gives you nothing. It's what
5 you make of the world that you're given. And,
6 as a result of that we've had some real
7 positive vibes. And she'll come in and say,
8 now look, you need to go back and look at this
9 cause the kids think this is a problem. And
10 whether it's a problem or not, if they
11 perceive it, it is. And it's been a real
12 successful program. We've done a lot of
13 proactive things. I think our students at
14 Logan High School - now, we've still got our
15 rascals, but I think pretty much they know
16 that they have people they can go to and they
17 can get help. And Logan's just a good place
18 to be.

19 And in defense, I wanted to make a
20 comment about Rob Johnson while he was here
21 today. You know, maybe it's our fault that
22 the police have such problems, because the
23 only time we call them is when we need help.
24 They come and talk to driver education

1 classes. The come to chaperone dances
2 sometimes to make sure there's no problems, or
3 watch football games to make sure there's no
4 problems, or see a concert, but other than
5 that, they're there every time we find drugs,
6 or have a fight that's escalated, or weapons,
7 or something like this. So maybe we need to
8 be a little proactive on that, too.

9 But I do appreciate the chance to speak
10 with you today. If you have any questions
11 about Logan High School, I invite you any time
12 that you're here to come visit with us. We're
13 very proud of our school.

14 MR. HINTON: Thank you. Does anybody
15 have any questions?

16 MS. ZIGMUND: I don't know what all the
17 problems were before I got there.

18 DR. WHITE: I was asked to come and
19 present some information for you today. I
20 collected some information. Mrs. Skeebow was
21 originally scheduled to come here and to take
22 a place on this forum, but she had conflicting
23 appointments today and couldn't make it.

24 But a bit of the information that I had

1 been asked to bring to the group is in
2 relationship to Logan County Schools. At the
3 present time, our employee force numbers 950
4 employees. From that 950 employees, 2.2% of
5 those are minorities. Our student population,
6 as of the second-month enrollment, is 6,772
7 students. From that student population we
8 have 3.6% minority.

9 A little bit earlier, the last panel
10 addressed and mentioned some issues that need
11 to take place regarding awareness and
12 awareness activities in our schools. This
13 past year, in cooperation and conjunction with
14 our School-To-Work Program we have implemented
15 in our K to 6 schools a program entitled,
16 CERES. And it stands for Career Education
17 Responsive To Every Student. Now, CERES
18 provides an articulated school-to-work,
19 school-to-career education program for all
20 students. And, as I say, beginning this year
21 we have implemented it in our K to 6 schools.
22 And there nine components of this program.
23 However, the two components we hope will
24 address some of the issues raised by the

1 earlier group and the earlier forum would be
2 in Area II, which is in self awareness. And
3 in self awareness what those activities
4 address are for students to acquire knowledge
5 about one's self, their physical
6 characteristics, interests, aptitudes,
7 ability, and attitude. And in the third
8 category, in the third goal area, that is
9 entitled, Attitude Development. And in that
10 third area things are addressed to developing
11 positive attitudes towards one's self and
12 others, learning, work, leisure, and
13 individual and cultural differences. As I
14 say, this program, we have been able to
15 implement it into all of our K-6 situations,
16 this year's classroom situations. And we're
17 hoping that will address some of our needs.

18 Also, we just met Friday with SWVCATC,
19 Southern West Virginia Community and Technical
20 College. And last year we participated, our
21 high schools participated in a project that
22 SWVCATC worked on called Harmony Week. This
23 year we're able to expand that. We're going
24 to involve our high schools and our middle

1 schools. We've already set aside the dates.
2 We've already made arrangements for the
3 activities to occur. And so we will be
4 involving our high school seniors, one day, in
5 events for Harmony Week. And then two days
6 later we will be involving all of our eighth
7 and ninth graders in some activities that will
8 take place at Southern West Virginia Community
9 and Technical College related to that.

10 We continue to provide staff development
11 offerings throughout, throughout our school
12 system and throughout the school year, based
13 on individual needs and based on student
14 needs. Many of our schools have taken the
15 initiative to do Career Awareness Week, to do
16 activities regarding cultures, different
17 cultures, the study of different cultures.
18 And some are, of course, doing that this very
19 week, since this is American Education Week.

20 I just want to mention one other thing
21 that I think has been a very successful
22 program. I am aware of Ms. Hairston's efforts
23 at Logan High School. We were able to also
24 implement a program that we hope at our high

1 school and our middle school will create more
2 understanding about diversity, more
3 understanding with children about
4 understanding not only themselves but each
5 other, and that's our Advisor-Advisee Program.
6 And we have implemented that throughout our
7 county. And we have done extensive training
8 with our faculties, with all of our faculties.
9 And it seems to have made quite a difference,
10 I think, so far this year, from what we've
11 seen. Thank you very much.

12 MS. FLETCHER: Thank you. I'm Marge
13 Fletcher. I am Mingo County School-to-Work
14 Curriculum Coordinator. And just to touch on
15 a couple of things that Dr. White said. Lots
16 of things are going on in School-to-Work. He
17 has mentioned just a little bit about it. And
18 I think some of these things are going to be
19 very instrumental in paving some feelings, or
20 differences or making kids more aware of the
21 differences and coming to terms with that.
22 Because he's mentioned the CERES Program that
23 is the comprehensive guidance system, where
24 they are in programs--- Is it K through 6?

1 DR. WHITE: Uh-huh.

2 MS. FLETCHER: ---K through 6 that we have
3 purchased this program and we're getting ready
4 to implement this year. We will have that
5 program on board, as well as the Advisor-
6 Advisee Program. The Advisor-Advisee goes a
7 big step farther in helping students come to
8 terms with their own selves and the
9 environment, but the Advisor-Advisee takes
10 groups of students, 15 to 20 students in small
11 groups, and they become kind of attached to
12 that one advisor for four years. They stay
13 with that one advisor for four years. Any
14 problems that they have, that advisor knows
15 them personally, has a personal relationship
16 with them and their background and what's
17 going on in their lives, not just directing
18 them academically and occupational skills
19 directional. They will have a relationship
20 with that advisor. That where we have
21 guidance counselors, we might have one
22 guidance counselor per three or four hundred
23 students. These advisors have a one to 15
24 ratio with these students. And this is one

1 program we feel is going to be very
2 instrumental in some of the individual needs
3 our students are having at this time.

4 But Mingo County, as far as the
5 demographics that we were talking about, we
6 have a population of 5,722 students. And 161
7 minority students, at 2.8%. And our
8 personnel, approximately the same. We have
9 600 professional personnel with 17 minority
10 employees, and service personnel totaling 300
11 with 16 minority employees.

12 The School-to-Work Program came about -
13 and I'm not sure which level of understanding
14 you have of the total school-to-work concept,
15 but from Senate Bill 300 West Virginia
16 satisfied the Senate Bill 2510 that raises the
17 academic standards for education, a systemic
18 education reform. And in West Virginia the
19 School-to-Work is a joint effort to West
20 Virginia Education Alliance, the Work Force
21 Development Counsel and the West Virginia
22 Steering Committee. Five years of this
23 program will be federally funded. And we're
24 now entering our last year---

1 FEMALE PANELIST: No, we've got one more
2 year.

3 MS. FLETCHER: ---one more year, one more
4 year of federally. And, as all federal
5 funding goes, there's lots of data attached to
6 it. We do a lot of data follow ups. We are
7 very closely monitored as to how we spend our
8 money and to whom the services are provided.
9 So we do surveys at the end of every year.
10 They are tracked very carefully as to the
11 equity of the funding and the program, as to
12 who meet. So we look at the gender, the
13 nationalities, everything that can go with
14 federal money, we have to log that particular
15 data. So the School-to-Work Program, we will
16 raise, we are striving to raise academic
17 standards. We have increased our graduation
18 requirements. In Mingo County the requirement
19 now is 28 credits to graduate. Not only 28
20 credits, but they must follow and complete a
21 chosen major pathway of studies. If that
22 student chooses to be, or thinks he's
23 professional bound with four years of college,
24 then he has a certain pathway he must follow

1 to complete his major. If he's looking at a
2 technical, two-year degree beyond high school,
3 there's another pathway he will follow. And
4 then entry level for those folks that plan to
5 go to work immediately after high school, then
6 they have a pathway that they must complete as
7 to their chosen major. So we have different
8 sets of criteria per pathway of major that
9 they must follow. Implementing this program,
10 we have the Comprehensive Career Guide, as we
11 spoke briefly about, as far as the series in
12 the elementary schools and the AA or the
13 Advisor/Advisee Program in the 9 through 12.
14 And we also have AA in the middle schools, but
15 that is not formally associated with the
16 School-to-Work Program. The completion of a
17 major pathway includes work based learning
18 activities. Different counties have different
19 statistics, as far as the number of hours that
20 they require to complete a professional, entry
21 level or skilled pathway. The work based
22 learning activities will put the student on
23 job situations, job shadowing, in a mentoring
24 situation, or doing an internship in the last

1 two years of high school, after they have come
2 to terms with which specific area that they
3 choose to pursue in high school. So, the
4 pathway that they've chosen is there, but we
5 have different programs like Responsible
6 Student Programs in our schools. We have
7 extended day help offered two days week. We
8 even run buses. We must keep the students
9 that want to stay. It's not a disciplinary
10 measure. They stay for extra help two days a
11 week. Teachers are there to tutor and mentor,
12 and then the buses take them home, every
13 Tuesday and Thursday. And then if students
14 are staying at school for any kind of extra
15 curricular they're also free to ride these
16 buses home, giving them access. And we also
17 have inter-counsel agencies in our county
18 where as our West Virginia, our housing
19 authority and our EEOC programs are working
20 with the schools to provide situations where
21 they do tutoring in different localities, in
22 the different housing authority areas, the
23 projects, they have tutoring sessions and
24 computer labs that are open to students and

1 adults. So we have different agencies working
2 together for our schools and for the School-
3 to-Work is so much dependant on the business
4 partnerships. Our business partners are a
5 very important part of School-to-Work. We
6 have different advisory councils that oversee
7 the spending of our funds, the projects that
8 we are putting in place for our students.
9 That's a lot in a nutshell.

10 MS. VANCE: My name is Peggy Vance. I'm
11 the School Resource Assistant in Logan. Logan
12 County just received its implementation grant
13 as of November the 4th of this year.
14 Previously we had received pre-implementation
15 status which is governed by a local steering
16 committee, which is made up of business
17 people, community, educators, students, and
18 higher Ed and civic organizations. We hold a
19 monthly meeting on the 3rd Monday of each
20 month. And at this monthly meeting the
21 steering committee determines what it feels
22 are the highlights of what our program needs
23 to be for each of the grant areas. We do
24 submit a grant. Once the grant is approved we

1 follow that grant pretty much to the letter.
2 If we deviate from that grant we have to have
3 special permission from the state in order to
4 do that. All of our meetings are open to the
5 public. In fact, we urge them to come for no
6 other reason that once we get you there we
7 hope we can use you in some form or fashion.
8 And I have to say, Logan County has had an
9 abundance of help from its business and
10 community resource people. We have over 60
11 businesses that help with our school to work
12 efforts right now. We have a committee of
13 approximately between 45 and 50 that help to
14 run the steering committee. Every aspect of
15 their program and initiative has input from
16 the business community, from the school
17 systems, the teachers, and such. In essence,
18 when it comes down to it, School-to-Work is
19 for the students. And I don't think there's
20 any better way of looking at it than if you
21 take a bus load of eighth graders out and drop
22 them off to your businesses for a job
23 shadowing for the day and you see those faces
24 that will look very apprehensive, as far as

1 that goes, when they step off of a bus and
2 step into a new situation. But only when you
3 go back to pick them up at the end of the day
4 and you bring them back to school you see all
5 of the excitement in their faces and you hear,
6 "Yes, that's what I want to do" or "No, that's
7 not for me. I need to look at another area
8 now". It helps to inform, as far as that
9 goes, in bringing together the public, the
10 community and the school system. I don't
11 think I've seen in any other way where you
12 have that many people sit down to a table and
13 actually determine what it is that you hope
14 your students will do throughout their school
15 year. The business community has helped in
16 aligning our programs of studies to what they
17 look at is the needs that they're looking for
18 as students graduate and go out into the
19 business world. We're also helping students
20 that decide that they're going on to a two-
21 year technical college or to a four-year
22 degree to say, "Well, yes, I do need to look
23 at taking higher math in high school. I need
24 to look at taking more biologies and sciences.

1 These are things that I'm going to need.
2 These are things that's going to be useful for
3 me." With this being just in its fourth year,
4 as far as it goes, I look for School-to-Work
5 and the initiative is such to grow each year.
6 And as we grow we bring in more people, more
7 people's opinion and such. And, if anything,
8 I think that the more we bring into it the
9 broader prospective we will have and the more
10 we will be able to do for our students.

11 MR. HINTON: We want to take questions. I
12 want to ask you, first, Marge, you just broke
13 down the personnel. You had 600 and 300 with
14 -- service workers were 300?

15 MS. FLETCHER: Yes.

16 MR. HINTON: And what was the 600
17 category?

18 MS. FLETCHER: Professional personnel.

19 MR. HINTON: Oh, professional personnel?

20 MS. FLETCHER: Yes.

21 MR. HINTON: And you indicated that
22 students worked with a counselor at a one to
23 15 ratio for like a four-year period. What
24 kind of procedures or methods do you have if

1 that student had a problem with that counselor
2 that he or she was working with?

3 MS. FLETCHER: Well, first of all, they
4 are grouped according to their interest.

5 MR. HINTON: All right.

6 MS. FLETCHER: They take career interest
7 exams. But if there was a problem with that,
8 you know, we have some mixed groups where they
9 don't have to stay in the cluster, chosen
10 cluster area. If my particular expertise
11 might be in business marketing, then the folks
12 that are in the business marketing cluster
13 would be in my advisor/advisee group; that's
14 how we group them. But if they had a personal
15 conflict with that advisor and need to move
16 into another cluster group, you know, we have
17 not had that happen, because this is our first
18 year of implementing, but, you know, there
19 wouldn't be any problem moving that advisor
20 group. They meet at the same time, the same
21 hour, everybody in the building, even the
22 administrators are involved in being an
23 advisor. Everybody is very structured.
24 Everybody is an advisor and there wouldn't be

1 any problem moving into another group.

2 MR. HINTON: Okay.

3 MS. FLETCHER: They get the same
4 counseling and the same needs there.

5 MR. HINTON: Related to that question,
6 some students aren't very shy about problems
7 they perceive or otherwise they have with
8 whomever.

9 MS. FLETCHER: Right.

10 MR. HINTON: But many of the students are
11 very shy and may have a problem but are
12 fearful of addressing it for fear of
13 repercussion. Do you have any way of
14 monitoring that that student is getting what
15 he or she deserves in that process, even
16 though they may not want to---

17 MS. FLETCHER: Well, we keep a portfolio
18 of lots of the activities that they're
19 encountering, keep a portfolio of all of the
20 needs that they have academically. And I
21 think after a while these people will become
22 acclimated to this advisor to the point that I
23 think they could bring anything to that
24 advisor; that they're with them so much.

1 They're with them 30 minutes a day, five days
2 a week. And they're in there, and it's not
3 like a homeroom. They have structured
4 activities everyday, to the point that
5 whether they're covering resume' writing or
6 cultural differences or whatever the topic is
7 for that particular grading period, or that
8 week that they're in. You know, I just, I
9 think that they would get to that point that
10 if they had issues that they could bring those
11 problems to those advisor/advisee. And that's
12 the whole point of the advisor/advisee group,
13 is to have that kind of relationship.

14 MR. HINTON: Well, I---

15 MS. TOMPKINS: Excuse me.

16 MS. FLETCHER: I'm sorry.

17 MS. TOMPKINS: I think what Greg's
18 getting at is, if a student has a problem with
19 the advisor that has been chosen---

20 MS. FLETCHER: Can they be moved out to
21 another one?

22 MS. TOMPKINS: ---is there an appeal
23 process or some way, someone they can go to
24 just privately to say I would like to go to

1 another group?

2 MS. FLETCHER: We do have a School-to-
3 Work site coordinator per school that she,
4 that particular person at school doesn't have
5 a group, she just monitors, takes care of the
6 problems that they're having, if there is
7 scheduling problems or helping them to place
8 their students on site. So there is a
9 coordinator for the whole system per school,
10 you know, that they could take their problems
11 to that coordinator if they had a problem with
12 an advisor.

13 MS. TOMPKINS: And the students are aware
14 of that---

15 MS. FLETCHER: Yes, they are.

16 MS. TOMPKINS: ---process?

17 MS. FLETCHER: Yes.

18 MR. HINTON: And then with that, are
19 there any kind of checks and balances within
20 the system, for lack of a better term, quality
21 control, where the students who do not
22 initiate that I have a problem, but the
23 process may pick up that this student is not
24 being -- I mean, I teach at the college.

1 MS. FLETCHER: Right.

2 MR. HINTON: And I know that students
3 have all kinds of complaints but they never
4 take them to the right people.

5 MS. FLETCHER: Okay.

6 MR. HINTON: For a lot of different
7 reasons. And oftentimes they're very fearful
8 of what's gonna happen.

9 MS. FLETCHER: I personally don't know of
10 a checks and balances system.

11 MR. HINTON: And I have a daughter who's
12 in Junior High School. She's a pretty bright
13 gal and she comes to me about problems that
14 she has and other students have, but the
15 attitude is, you know, it's an exercise in
16 futility; they don't care, what have you. And
17 since School-to-Work such as, you know, like
18 the thing in the state, I'm worried about
19 there being certain standards or quality
20 controls that the student can initiate, but
21 even when they don't that it would pick up
22 some problem. They can't pick up all the
23 problems.

24 MS. ZIGMUND: I'd like to tell you a

1 little bit about our Advisor/Advisee Program
2 at Logan High School. Senate Bill 300 says
3 you will have some type of an Advisor/Advisee
4 Program. And from there it's up to you to
5 make your decision on how you're going to run
6 that program. It has been mandated for ninth
7 grade only. When the mandates came down last
8 year we surveyed some of our seniors to say,
9 hey, we're gonna have to do this, how are we
10 gonna do it. Remember, you're not dealing
11 with counselors now. You're dealing with all
12 the teachers in the building, the principal,
13 the assistant principal, the counselors.
14 Everybody at Logan High School has an advising
15 group except our Deans of Students; we have
16 two of those. They are primarily a
17 disciplinary role and I did not feel like that
18 was a good way to establish good
19 relationships, to deal with things without
20 being punished. So, what we did is we
21 surveyed some seniors that were getting ready
22 to leave us. What would you have liked to
23 have had somebody talk to you about when you
24 were in school? They gave us some ideas.

1 Then we took the staff on an outing. What do
2 you think that you need or these kids need
3 when they leave us. The Advisor/Advisee
4 Program is to establish a meaningful
5 relationship with a responsible adult.
6 Hopefully, that will carry on outside that
7 little 30 minutes twice a month. Okay? You
8 become a friend to me. You become a friend to
9 me. You know my academics. You know my
10 extracurricular and maybe I feel like I really
11 have a friend at Logan High School I can go
12 to, because you can't always get in to see
13 three counselor. So what this advisee program
14 is, we actually decided specific things that
15 we wanted to hit on. We won a \$25,000 first
16 grant last year and brought teachers in over
17 the summer. Every teacher, before they left
18 last year, had to sign up for - we let them
19 pick; do you want a ninth, tenth, eleventh, or
20 twelfth grade group. We gave them some
21 options. Then we turned around -- now the
22 kids didn't get to pick who they're going to
23 be with, like you're talking about, but as an
24 advisor in my group if a kid starts to bring

1 up something like you're talking about, a
2 sensitive subject, that teacher has been
3 instructed, hey, you are not a counselor. You
4 know when to curb that right there in that
5 meeting. You say, if you want to come back
6 and talk to me later. But then you see that
7 the student is put in with the right person to
8 see, whether it be the Department of Human
9 Services, whether it be the school counselor,
10 whether it be the head of the English
11 Department. And they are just a meaningful
12 relationship. They are not -- they're helping
13 with the academics, but they're there. If we
14 have had a death in the school or a tragedy in
15 the community then they're there. Okay, put
16 your lesson plan aside that day and go ahead
17 and talk about it with the kids. If the kids
18 don't like a new rule that the administration
19 has put in and it's a real problem that's
20 standing in the way of education, take time to
21 deal with it. But they are just to establish
22 a meaningful relationship. Too many of our
23 children today have no good relationship with
24 a responsible adult. They have nobody to talk

1 to. And that's what we're trying to make;
2 that Wilma Zigmund is your friend while you're
3 at Logan High School. You're gonna be with
4 her. I have a ninth grade group. I chose
5 that group. I've gotten more hugs from that
6 bunch of ninth graders, because they don't
7 know you can't go hug the principal, you know,
8 because this is my advisor so I can do this.
9 And it's working real well on the high school
10 level. Because you don't always know, you
11 know, middle school, yeah, they want a buddy;
12 high school they're too big, they don't want
13 any adults; that's not true. We're finding
14 real positives out of this program. Because
15 we're structured, though.

16 MR. HINTON: Okay. You made a comment
17 earlier that I appreciate, about being in the
18 system as long as you had and there was like
19 the absence of African Americans who were role
20 models and you felt it important to bring to
21 the school. And when Dr. White gave his
22 numbers I did a little tabulation here and it
23 appears that in terms of the employees being
24 950, with 2.2% being a minority; 6,772

1 students, 3.6 is minority and I already see an
2 imbalance already between the number of
3 students based on the number of positive
4 things that they see. And I did, I went
5 further and it appears for every white or for
6 every non-minority student you have you have
7 approximately six -- no, I'm sorry, for every
8 seventh white student there's one white
9 personnel, but for every 12 or 11.6 minority
10 student you have one personnel. And it's
11 almost a two to one ratio in terms of what are
12 you doing to curb that, if anything at all.

13 MS. ZIGMUND: Well, one of the things that
14 we've addressed is the adding of Joan. I
15 don't have anything to do with hiring,
16 actually, but we have---

17 MR. HINTON: Yeah, but Joan's a
18 volunteer.

19 MS. ZIGMUND: Yeah.

20 MR. HINTON: And Joan's not always gonna
21 be around.

22 MS. ZIGMUND: Well, I can't answer with
23 regard to hiring practices.

24 MR. HINTON: You know, she's gonna retire

1 one day, and she's got other family
2 responsibilities and some day she's not gonna
3 get there, and it's only on her lunch hour,
4 and they know she's a transfer; she's in and
5 she's out and no one with authority.

6 MS. ZIGMUND: We have, the assistant
7 principal at our school and we have a male in
8 the business department who are African
9 American and they're good role models, but our
10 girls had nobody. Now, last year we had,
11 there was, through the RIF Policy an African
12 American female came into our school. But
13 before that Joan's all that they had. And I
14 don't know the hiring practices. I just work
15 there.

16 MR. HINTON: Yeah. Well, I really
17 addressed that to Dr. White, because, you
18 know, he's with the school board.

19 DR. WHITE: Well, of course, our hiring
20 practices, we're governed by the, you know,
21 the practices and the laws of the state
22 regarding seniority and things like that.
23 However, as we go through - and Ms. Skeebow
24 probably could have answered this a lot better

1 than I could because she deals with personnel
2 every day and I don't deal with personnel, in
3 the hiring of personnel. However, what we
4 have been doing is we've been advertising for
5 positions throughout the state to try to
6 recruit different people in here, with
7 different expertise. And I know that we just
8 filled a job, recently, at this very location,
9 with someone from North Carolina. So, and a
10 couple of late vacancies we've had open, we've
11 been able to get some people from different
12 areas in here. So, as I say, our job,
13 advertisement and our placements, are going
14 out beyond the immediate area. And we are
15 trying to get people with different points of
16 view and into our system and add that to it.

17 MR. HINTON: Okay. Another question I
18 had - and then I'll turn it over to the rest
19 of the committee; I don't want to dominate it
20 - but one of my biggest concerns I have with
21 the School-to-Work Program is students make
22 these career choices very early in their lives
23 and they don't really know what they want to
24 do at that age, and they're gonna change and

1 so forth, but because of the problem of our
2 country, the larger society, of so much racism
3 and sexism that we have in our society, that
4 many victims internalize their pressure and
5 they, therefore, have low expectations for
6 themselves, as well as their families. And I
7 was driving down this morning from Fairmont
8 and I heard that Mingo County had the highest
9 rate of teenage pregnancy in the State of West
10 Virginia. I don't know if you are aware of
11 that, but it was on National Public Radio this
12 morning.

13 MS. FLETCHER: I heard that today.

14 MR. HINTON: Yeah. I heard that driving
15 down this morning. And, obviously, you know,
16 and my feeling is that a lot of girls, because
17 of the problem of sexism, that they think that
18 there's one thing I can do to feel good about
19 myself, I can have a baby, you know. And I
20 think that's the problem that permeates West
21 Virginia, you know. And I'm wondering about,
22 you know, students are making these choices,
23 their families who have low expectations of
24 themselves and their children, and they

1 themselves and, therefore, they make these
2 choices when in fact they must have greater
3 ability. Is there anything done to help to
4 try to buffer that?

5 MS. FLETCHER: We do the, as far as
6 trying to bring the families in on the
7 planning, as one big family, we think we're
8 trying to deal with that. When they do a two
9 plus three year plan for their whole high
10 school career. And the family, a parent or
11 guardian has to come in, in their ninth grade
12 year, and sit down with a counselor, sit down
13 with the student, they both agree to this
14 pathway. They say, this is what, you know,
15 we're gonna look at right now. But, also, we
16 have into our policy, we had to have a
17 procedure, a particular procedure, as to how
18 those students could change. They're not
19 locked into a pathway. At any given time, at
20 the end of any session they have to be allowed
21 to change semesters -- or change pathways.

22 MR. HINTON: Well, I understand that. I
23 know a little bit about the work.

24 MS. FLETCHER: But as far as---

1 MR. HINTON: They're not locked in. They
2 can change. But---

3 MS. FLETCHER: Right. As far as their
4 expectations---

5 MR. HINTON: But yet there's abilities
6 within them that they need to change. And
7 what are you doing to help them understand and
8 appreciate it. For example, I know a young
9 white gal from this area. She's in the Honors
10 Program at Fairmont State College. And her
11 brother was the only person who encouraged her
12 to go on to college. When she started talking
13 like that in high school her mom and dad said,
14 "What do you want to go to college for?" And
15 none of the kids from her high school were
16 ever even thinking about going to college.

17 MS. FLETCHER: Okay. But there, too, is
18 where the Advisor/Advisee Program is gonna
19 come in as a very strong influence. And also
20 the job shadowing, to let them see their
21 choices.

22 MR. HINTON: Yeah, but if they already
23 have low expectations for themselves.

24 MS. VANCE: But even earlier than that;

1 that's the reason for the CERES program---

2 MR. HINTON: Okay.

3 MS. VANCE: ---is that it starts as early
4 as kindergarten. So we're taking these
5 children when they first come in.

6 MS. FLETCHER: Right.

7 MS. VANCE: And we even have preschoolers
8 in our school system now. But we take those
9 students when they start in kindergarten. And
10 we have high expectations. And we teach them,
11 you know, they can be whatever it is they want
12 to be. And we open the doors to show them.
13 You know, in our area, basically, when you
14 talk to students, especially in the first
15 grade before it was either I want to be a coal
16 miner, I want to be a doctor, or I want to be
17 a fireman, and some would even tell you they
18 wanted to be a Power Ranger, because they
19 didn't know what careers were out there for
20 them or what a career was. And so now, with
21 this program that we have, we can start as
22 early as kindergarten showing these students
23 the options that are out there for them and
24 help direct them to the necessities, as far as

1 that goes, for what they need to do and the
2 resources that they need in order to
3 accomplish that in later life.

4 MR. HINTON: I notice that Joan has
5 pointed out there's two folks from the
6 audience who were trying to get my attention.
7 Either they wanted to add to my question or
8 answer my question. Would you mind coming up?
9 I don't know who she was talking about.

10 MS. HILL: Mrs. Dillard and Rev. Pollard.

11 MR. HINTON: Give us your name, please?

12 MRS. DILLARD: My name is E. Jane
13 Dillard. Well, the E stands for Eliza Jane
14 Dillard and I'm a retired teacher from Logan
15 County. And I'd like to say hello to my
16 fellow educators and to each one of you.
17 Right now I'm a full-time care giver to my
18 husband. But my concern is that the minority
19 children are not being represented. They feel
20 as if they're being left out. As all of these
21 things are coming about, they feel that, you
22 know, it's just sort of like glossed over, and
23 they don't have a chance to participate. And
24 my concern is when it reaches the point in

1 this work program, I haven't seen any -- of
2 course, I'm limited now in my ability to get
3 out, but I've seen very few minority students
4 on a work basis. And that's my concern. I'm
5 also concerned about the counseling that is
6 given to them, the minority student. A 4.
7 Student should have been placed in Honors
8 English; she was not until the parent took
9 issue. These are some of the things that our
10 students are facing. They aren't getting a
11 fair and equal chance. And, not only are the
12 minority children being overlooked but, the
13 poor whites are also. I have them in my
14 community. They come by my house. And I
15 encourage them and I ask them about school,
16 "What are you doing?" That's how I know
17 what's going on in the school system. And,
18 you know, there is something that needs to be
19 done. And I think it needs to begin with the
20 teachers, with the school board, the board of
21 education, because they are not aware of the
22 concerns of the minorities or the poor people.
23 I know before I retired I noticed the apathy
24 that was coming in among the teachers. And we

1 have lost the concern for the children. This
2 is where I'd like to see us go back to the
3 concern for the children. This is where I
4 would like to see us go back, to all children.
5 Every child is important. Now, we begin with
6 where that child lives before we can elevate
7 that child. And somewhere our education has
8 lost that. We've lost focus on the children.
9 Thank you.

10 MS. ZIGMUND: I'd like to address Mrs..
11 Dillard on enrollment in Honors classes.

12 MR. HINTON: Okay.

13 MS. ZIGMUND: Jane, that enrollment on
14 the Honors classes; that's up to a child. We
15 don't tell who can and who cannot go into
16 those. They're all encouraged. The base for
17 it, at least a 90 in language on the Stanford
18 Achievement. They're encouraged to take
19 Honors, but we don't make anybody take it.

20 MRS. DILLARD: My concern for that is,
21 minority children have been overlooked. They
22 have not been encouraged. And a lot of time
23 in the classroom, unless they force their way,
24 and a lot of them are not aggressive enough to

1 speak up, and they're not encouraged to go to
2 college. Some of them are overlooked. And
3 they're made to feel as if they can't do
4 anything but maybe cook and wash out or clean
5 hotels, or maybe sweep.

6 MS. ZIGMUND: Minority students probably
7 have a better opportunity right now, actually,
8 financially. Fairmont State has an awesome
9 program for minority students right now, where
10 they're providing financial---

11 MRS. DILLARD: But do they know it?

12 MS. ZIGMUND: Yes, ma'am. Yes, ma'am.

13 MRS. DILLARD: The majority of them
14 don't.

15 MS. ZIGMUND: We tell them that all the
16 time. Kids, in the Advisor/Advisee, they went
17 over it last month; they went over financial
18 aid. Every student, no matter what your
19 parents make, should fill out a financial aid
20 form. We do it in a senior English class.
21 And the kids actually have time in class to
22 fill out a financial aid form, which goes into
23 the federal government. And there's
24 thousands, and thousands, and thousands of

1 money every year that nobody touches.

2 MRS. DILLARD: My children have been
3 through the system, but they didn't know about
4 it. But, of course, we knew some things. And
5 one of the graduates this year did not know
6 about the Second Chance Scholarship. And I
7 was trying to -- and I'm sorry to say---

8 MS. ZIGMUND: I don't know about the
9 Second Chance Scholarship.

10 MRS. DILLARD: ---that because of the
11 things that I've been involved in I have not
12 kept up with the things that I need to know in
13 order to be a good advocate and a good helper
14 for them. But these are some things that I
15 think the counselors need to point out to the
16 students. Let them know what is available for
17 them and encourage them. "You can do this."
18 Most of them have the ability, but they don't
19 know where to start to get what they want and
20 to get where they want to go. And this is
21 someplace that we're going to have to stop
22 looking at people because of their color and
23 because of their financial status or social
24 status. That's a big thing and a big thing

1 that our children suffer from. Whose child
2 you are; what do your parents do. That should
3 have nothing to do with this child's ability.
4 And that's a type of discrimination that
5 children have to face. That they are being
6 put down. And I tell you, look at your
7 Special Education classes - I'm a Special
8 Education teacher, so I know what comes
9 through there - if a child has problems
10 getting along with people, put him in Special
11 Ed. And the child's already low on self
12 esteem, so what do they do? They don't do
13 their best on the test, on the psychological.
14 So, based on that unfair psychological they're
15 placed in Special Education. What a, you
16 know, that's been my concern. What can we do
17 about that? And one of the things is going to
18 involve a change of attitude in the educators.
19 Then you're going to have to work with these
20 children to let them know that they can do
21 better than what they're doing and that this
22 is available to anyone who wishes to achieve
23 for it.

24 MS. ZIGMUND: Well, Ms. Hairston, last

1 year, offered all of our African American
2 female students, or anybody else who wanted to
3 go, a trip to Spelman College, to let them see
4 what's really available. And, I think, Joan,
5 you ended up taking how many students?

6 MS. HAIRSTON: Ten.

7 MS. ZIGMUND: Ten female students to go
8 to Spelman. As a result of her trip to
9 Spelman, one of our students got to go,
10 through her fund raising, to a seminar there
11 last year and, hopefully, hopes to attend
12 Spelman in the Fall. But I understand where
13 Mrs. Dillard's coming from. That's a
14 frustration with all of our community. It's
15 not just in a minority community. Every
16 scholarship that comes into Logan High School,
17 I don't know how the other schools handle it,
18 but every scholarship that comes in the
19 counselors give it to the senior English
20 teachers, because that is the one class that
21 everybody is required to take. It's posted in
22 their classroom. We can't -- we sent out
23 three hundred and some scholarship
24 applications last year and had close to

1 \$400,000 in scholarships at Logan High School.
2 But sometimes we had to go beg kids to go fill
3 out a form. But the forms are there. They
4 were told in their senior advising group last
5 week about financial aid. They will be told
6 again by Southern West Virginia Community and
7 Technical College, who visits in our school,
8 and there will be a night session on financial
9 aid for our parents who want to attend.

10 MS. HART: I have a question; two
11 questions for the panelists: How much
12 diversity training is offered for the
13 teachers? And the second question is, are
14 there external training programs available for
15 parents or single heads of households,
16 economically disadvantaged, or minorities to
17 let the parents know what programs are
18 available. Certainly, I have a fifteen-year-
19 old who sometimes forgets to even mention that
20 there's PTA. But how many external programs
21 do you offer, and to train those parents how
22 to fill out the applications? DR. WHITE: We
23 have a variety of staff development programs
24 at the beginning of the year related to

1 multicultural education. We offered two
2 sessions at the very beginning of the year and
3 they were quite well attended. We had 29
4 participants in each group. We, also, in each
5 location of the county and, in fact, right now
6 we are developing, we have just opened up in
7 our Henlawson Center a parent resource center.
8 And we're planning to do one of those, also,
9 in the Man area. That throughout the year all
10 of our schools are involved in parent training
11 sessions, to make parents more aware of what's
12 going on, at every one of our Title I schools.
13 And all of our schools, except for four
14 schools, are Title I schools. They're
15 federally -- they receive additional federal
16 assistance. And one of the things that, at
17 our Title I schools, we are doing is four
18 times a year we are having parent meetings.

19 MS. HART: What's the follow up, the
20 monitoring process? Do parents come?

21 MR. HINTON: Would you?

22 MS. VANCE: On the ones for Title I,
23 they're sent out invitations, it's published
24 in the paper, and then what happens from there

1 is, they keep a listing of those parents that
2 do attend. I taught Title I at one time. We
3 also follow up with follow up calls, if we do
4 not have a high attendance rate. The county
5 Title I director keeps a record, as far as
6 that goes, of how many parents that you have
7 that come to these. Then at the end of each
8 year we send home kind of like a survey and
9 parents mark the things that they feel are
10 necessary needs for either themselves or their
11 students. And those are cumulated for each
12 school. And then the following year those are
13 what you are supposed to address in your
14 parent meetings, as far as that goes. And
15 those records are kept. Our Title I director
16 keeps those up, I think, for five years and
17 does a follow up study on those. But, in
18 addressing her question before, where she was
19 talking about, you know, our staff and our
20 teachers are the ones that we need to be
21 addressing, a large percent, and I would say
22 over half of our School-to-Work money goes
23 into staff development for not only teachers,
24 but administrators also. And so we do realize

1 that, you know, the starting place is with
2 teachers and that we have to change a mindset
3 there with them, and educate them as to what
4 it is that we're trying to do before that can
5 trickle down to the students.

6 Also, the other thing, I think when it
7 comes to scholarships and other things like
8 that, I think the Advisor/Advisee Program will
9 help drastically with that, in that each of
10 those meetings that they hold, those things
11 are addressed. And if a student, especially -
12 - now I'm not going to say that seniors this
13 year that there will be a dramatic change in
14 them, but you take once they start in the
15 ninth grade, and they have the same teacher
16 that follows up the ninth, the tenth, the
17 eleventh, and the twelfth grade, by the time
18 those students become seniors, and you have
19 those advisors that are working with them and
20 sees the interest that the student has, either
21 to continuing their education somewhere else,
22 or something like that, they're going to be
23 able to help pull in those resources for that
24 individual student. Plus the fact that

1 hopefully they've got a good enough bond
2 between them where that student is going to be
3 asking questions. Whereas before a counselor,
4 I mean, as many students as they had to see,
5 it was hard, other than just putting it
6 through an English class and seeing that all
7 the students saw what was available to them.

8 We also, Logan County always received a
9 six Equity Grant. And with that, we use that,
10 not only for minorities, but also for male-
11 female. To show the gender sex that there are
12 doors open out there for female students,
13 other than just the regular things that
14 they've always looked at or thought that they
15 would like to be.

16 MS. ZIGMUND: Ms. Hart, I'd like to
17 respond to what you said. And I think this
18 really hits home. We do monthly newsletters.
19 We have an LLLIC meeting that's open to the
20 public and it's publicized in the paper. But
21 when they get on the high school level, too
22 often kids don't tell kids what's going on.
23 Last year we did a financial aid workshop at
24 Logan High School. We spent time in class.

1 We wanted the two English teachers that we
2 have and every child was given the opportunity
3 and time in class and the forum went over with
4 them, begged them to fill them out; we'd mail
5 them for them. Had a financial aid workshop
6 at night for parents - we had two parents show
7 up.

8 MS. HART: Then something's wrong. I
9 look at issues like single mothers who work,
10 who can't be there. In Charleston I've looked
11 at some of the schools who say -- or some of
12 the students who say, "We have friends in
13 Logan County, from Man High School, who didn't
14 know about college. They were told you should
15 go to a vocational center and get you an
16 education." And their parents weren't able to
17 communicate because they worked part-time jobs
18 in the evening and full-time in the day. And
19 I think this group of panelists, and the
20 parents and all of the communities working
21 together, it takes more than that. And we, as
22 adults, can't say that because we send out a
23 newsletter and two people show up that we've
24 done our jobs. You know, I think that beyond

1 that you can contact the state EEO office and
2 say, through the local NAACP's or, speaking to
3 Mrs. Dillard, would she have a problem in
4 contacting who some of those parents might be
5 that you're not hearing from to say that there
6 actually is a checks and balance system to
7 make sure that there's equal educational
8 opportunities available for all students.

9 MS. ZIGMUND: Just last night I saw what
10 you're talking about. We gave our
11 chairperson, last night, a list; secondary
12 parents. I mean, this is not a Logan High
13 School problem. This is a problem in school
14 districts anywhere. When I was state
15 principal of the year we went to D. C., and we
16 met with 52 other people. And they all had
17 the same problems I do. I mean, you know, it
18 was really -- it didn't matter if you were
19 from Seattle, Washington, or Nashville,
20 Tennessee. But we were talking about parental
21 involvement on the secondary level. You know,
22 you don't have the Ozzie and Harriet family
23 setting anymore where mom can stay home and
24 get the messages when they come. Most people,

1 you have two people working now or you don't
2 have anybody in the home. We have several
3 students living alone now that are---

4 MR. HINTON: But, you know, and you go
5 back to the point that I was trying to make
6 earlier about low expectation. And you're
7 talking about the same parents that were
8 produced by the same school system you're
9 trying to get them to come to.

10 MS. ZIGMUND: Yes.

11 MR. HINTON: Okay. So, I mean, and you
12 fought the parents, but you've got to remember
13 they were kids going through that system
14 themselves and they got turned off at that
15 school. Okay? There was something you
16 weren't doing. Okay. There's something you
17 need to find out that you need to do to bring
18 these people in. Now, I ask Rev. Pollard to
19 come up and I want to go ahead and turn over
20 the mike to him at this point.

21 REV. POLLARD: Thank you very much. My
22 name is Rev. Michael Pollard. I'm a pastor, a
23 social worker and I'm a parent of two of the
24 3.6% minority students. And I would like to

1 say, firstly; I would like to ask a question.
2 How many African American teachers do we have
3 in Buffalo?

4 DR. WHITE: At Buffalo Grade School? We
5 have one.

6 REV. POLLARD: And Amherstdale?

7 DR. WHITE: We have one.

8 REV. POLLARD: Are they teachers or aids?

9 DR. WHITE: The employee at Buffalo is an
10 aid.

11 REV. POLLARD: What about Amherstdale?

12 DR. WHITE: The employee at Amherstdale
13 is a service personnel.

14 REV. POLLARD: See. So we're getting
15 some statistics, but the statistics don't tell
16 the true story. A lot of the minority, 2.26%,
17 employees are not necessarily teachers or
18 administrators, but many are service
19 personnel. And this is my point. How many
20 African American teachers do we have at Man
21 Junior High?

22 DR. WHITE: Man Junior High? We don't
23 have any at Man Junior High.

24 MR. HINTON: Can I add a question to

1 yours, too?

2 DR. WHITE: Okay.

3 MR. HINTON: How many African American
4 male teachers do you have in the county in the
5 high school system?

6 MS. ZIGMUND: You don't have that there.

7 DR. WHITE: There's reports they have to
8 submit to the federal government.

9 MS. ZIGMUND: No, I mean on his stuff he
10 had there.

11 MR. HINTON: What I'm getting at, I
12 noticed throughout the whole state, there's an
13 absence of black, male high school teachers in
14 the whole State of West Virginia. I've seen
15 it. I don't know about your county. But I'm
16 just curious how many African American male
17 teachers you have at a county level in this
18 county?

19 DR. WHITE: Four.

20 MR. HINTON: Four?

21 MS. ZIGMUND: And I've got three of them
22 at Logan High.

23 REV. POLLARD: Okay. Let me have the
24 floor for a minute, because I can't stay all

1 day and I waited a pretty long time. But I'll
2 always wait for Mrs. Dillard, because she was
3 one of my grade school teachers at old
4 Buffalo, and I knew not to talk and interrupt
5 her while she was talking. So I'm very
6 patient with Mrs. Dillard. And the reason I
7 say that is, I asked about Buffalo Grade,
8 Amherstdale Grade and Man Junior High, because
9 my son went to Buffalo Grade, my daughter,
10 he's going to Amherstdale Grade now, and he'll
11 be going to Man Junior High in a few years,
12 and he won't have seen one single African
13 American teacher. And you talk about role
14 models. There are African American role
15 models in our communities, but unfortunately
16 our school system is lacking. And what I'm
17 saying is, there needs to be an aggressive
18 movement to recruit African American -- I
19 don't care if it's female, male, but it needs
20 -- I'm so glad I can remember her. She says
21 she's still got some of my papers I did. And I
22 love Mrs. Dillard. And I went to old Buffalo
23 Grade School, but it's not there any longer.
24 And I can say that I think that -- my

1 daughter's in Man High School, and there are
2 some teachers over there. Judy Carson is
3 assistant principal over there. Patty Mish is
4 one of the counselors over there. And I'm
5 thankful for that, but I dread and loath the
6 thought that it will be high school before my
7 son ever sees or encounters a black teacher,
8 an African American teacher, and it's not
9 right. Some of these percentages and figures
10 are service personnel. Some of them may be
11 bus drivers. Some of them may be janitors.
12 And I know some of them are cooks, because I
13 know them, and I know a few of the aids, but
14 where are the teachers. They're out there,
15 but nobody, it seems, has taken an interest in
16 going and recruiting. And so I'm appealing to
17 you, to our board of education and the powers
18 that be, let's do something about it now. I
19 mean, I've gone to these commission meetings.
20 I think we had one up at the armory years ago
21 where we discussed the community problems.
22 But it's like, we have a meeting, and then we
23 go on and do our own thing. And I would like
24 to see something done now. In our school

1 systems -- I'm a pastor. I pastor some of the
2 youth that have come through the Logan school
3 system; junior high, grade school, high
4 school. And I can assure you there are some
5 problems in the schools that need to be
6 addressed. Just like Mr. Hinton was saying,
7 his daughter comes home and complains about
8 things, but she doesn't feel like she has an
9 advocate at the school, and that there is no
10 structure there to go and appeal to. And I
11 have had students from my church who have gone
12 through the lower school system and have said
13 that teachers or administrators at the school
14 have made joking remarks about their African
15 American heritage, which they felt to be
16 belittling, but didn't feel like they knew who
17 to go to. And it was weeks and even months
18 after it had happened, and I asked them, I
19 said, "Well, who did you go to? Who did you
20 tell about it?" And they said, "Nobody." And
21 so I said, "Well, from now on you need to talk
22 to somebody, even if you come home and tell
23 your parents. They don't feel as though they
24 have advocates within the school system. And

1 there needs to be something structured and set
2 up to let them know that they can come and
3 appeal to somebody about their concern as an
4 African American youth.

5 I'm thankful for the lower school system
6 in many ways. Just a few weeks ago my son's
7 teacher at the grade school he goes to sent a
8 book home and she had a letter in it, and she
9 wanted my and my wife's opinion whether she
10 should use that book in her classroom. And
11 the reason it was that it was a book written
12 by a youth writer, and I think she has written
13 other publications for youth, and it had a
14 good story, it had a good moral, but it had
15 the racial slur, the "N" word in it in about
16 six different times in a couple of page span.
17 And the moral of the story was that the
18 African American, against whom the slur was
19 used, turned out to be the hero of the story.
20 And it had a good moral, but her concern was
21 did me and my wife feel that it would be
22 appropriate to read this story in her
23 classroom. I'm thankful that she didn't just
24 go ahead and do it anyhow. She sent us the

1 book; she sent us a note; asked our opinion,
2 and we told her no, and she didn't use it.
3 And the reason was, she had a good intention,
4 but her concern was the same as mine and my
5 wife's, if she read that story with the racial
6 slur and with the stereotype referring to an
7 African American at the end where all they
8 were concerned about was where they're gonna
9 get their next drink and having a woman, she
10 was concerned that the students might take it
11 wrong and it might become a game and the "N"
12 word might become a game that the other
13 students would use, because my son - and there
14 are only a few African Americans in that
15 school - that the students would take it wrong
16 and it would become a cruel joke and a cruel
17 game. And so we told her, and we sent her
18 back a note and said we would prefer that you
19 don't use it. I went up to the school a few
20 days ago, when they had parent and teachers
21 conference, and sat down and talked with the
22 teacher, and we went over my son's progress -
23 he was doing quite well - and I thanked her
24 and she thanked us for our honesty. But we

1 don't -- all of our teachers might not be that
2 sensitive to racial issues. But I'm glad for
3 the ones that are. And she's to be commended.
4 But what I'm saying is, there needs to be some
5 sense of effort in Logan County to just not
6 say we don't have problems. We do have
7 problems. We have them in our school system.
8 We have them with the lack of African American
9 teachers. And somebody needs to just do
10 something about it. We can talk the problem
11 to death, but I don't want my son to be in the
12 tenth grade before he is encountered by an
13 African American school teacher role model.
14 Mr. King used to be the principal, I believe,
15 up at the junior high. And when he left I
16 don't know if they replaced him or not. Other
17 teachers up there that have gone on. But what
18 I'm saying is, we don't have them -- I'm sure
19 we don't have them at South Man, don't have
20 them at Creston, don't have them at the junior
21 high, don't have them at Amherstdale, don't
22 have them at Buffalo. We only have them when
23 we get to the high school, and that's not
24 right. It's not right. And I would appeal to

1 this group to do something about it.

2 And in digressing a little bit, I didn't
3 say it because I didn't get the chance, you
4 was wanting to move your forum on. But when
5 you were talking about police protection and
6 issues of that nature, in Charleston, I
7 believe it was, maybe over in that area, a few
8 months ago a young African American was
9 brutalized and severely beaten, I believe.
10 And I'm not sure and I was wanting to ask the
11 question: What became of the officer in that
12 incident? Was he dismissed? Was he taken to--
13 --

14 MR. LINDELL: He was fired.

15 REV. POLLARD: I know there's civil
16 action, but was there criminal action.

17 VOICE IN THE AUDIENCE: He resigned.

18 REV POLLARD: My question is this: Was
19 there criminal action taken.

20 VOICE IN THE AUDIENCE: No.

21 REV. POLLARD: Because all too often what
22 happens is we see these incidents happen, and
23 then we hear later that this officer has been
24 placed on administrative leave without pay,

1 and then maybe later he was allowed to resign
2 or he was dismissed, but we get the impression
3 sometimes that because it was an officer in
4 uniform, well, we'll just let him resign and
5 he won't be a policeman in this county again.
6 But where is criminal -- who's policing the
7 police, I guess is what I'm wanting to say.
8 There should be criminal action. I'm a
9 pastor. I'm an ordained minister. But it
10 doesn't matter. I could have on my Sunday
11 robe and beat one of my church members half to
12 death, they're gonna do more than allow me to
13 resign. Somebody's gonna take criminal action
14 against me. So what I'm saying is, we don't
15 want, as minorities in the State of West
16 Virginia, to get the impression that when
17 officers violate our rights that the worse
18 that we can expect that they're gonna even be
19 allowed to resign or to be fired; that's not
20 time that suits the crime. And what I want to
21 -- and I don't know what the follow up is, and
22 I'm not throwing off on anybody, but I just
23 want to know when are our officers of the law
24 held accountable for criminal actions? Was it

1 swept under the rug or what was done. I don't
2 know the end of the matter.

3 MR. HINTON: One of the former families -
4 - I may have a response for you. Do you mind?
5 Hillary?

6 MS. CHIZ: Yes. The officer did resign,
7 if you're talking about the Bernard Johnson
8 case.

9 REV. POLLARD: I don't know the name.

10 MS. CHIZ: The officer did resign.

11 REV. POLLARD: But is that all?

12 MS. CHIZ: The prosecutor brought
13 charges.

14 VOICE IN THE AUDIENCE: He pled guilty in
15 Kanawha Circuit Court and he was placed on
16 probation.

17 MR. HINTON: You say he pled guilty.
18 Guilty of what?

19 VOICE IN THE AUDIENCE: Guilty of assault
20 and battery.

21 VOICE IN AUDIENCE: The reason he didn't
22 get jail time was that the judge said it was
23 because it was his first offense and he didn't
24 feel he was a danger to the community.

1 MR. HINTON: Was he charged with assault
2 and battery or was he charged with something
3 more serious?

4 VOICE IN AUDIENCE: I believe it was
5 assault and battery. I don't know.

6 MR. HINTON: I mean, from what I've read
7 in the paper it sounded to me like malicious
8 assault and felonious assault.

9 MS. CHIZ: There was some evidence that
10 it was racially motivated.

11 REV. POLLARD: If it was a hate crime,
12 what is the penalty for it? As minorities,
13 we're the victims of these hate crimes. So if
14 the perpetrators are going to get off and we
15 see an incident such as this on a statewide
16 scale that gets statewide publicity, and you
17 get the impression like it's kind of swept
18 under the rug, and they kind of let him off
19 the hook, and pat him on the wrist and say,
20 don't let it happen again; that sends the
21 wrong signal to us, as a very small minority
22 in the State of West Virginia.

23 MS. CHIZ: With respect to your comment
24 about who polices the police, I think most of

1 us who are professionals have an expectation
2 of oversight of our own job. I know educators
3 do. There is someone, whether here or
4 externally; the school board, definitely, is
5 looking at you. The ACLU has been one of a
6 number of other organizations advocating for
7 respective citizen review. And I call it
8 citizen review. The police force or law
9 enforcement tends to call it civilian review.
10 I don't feel like a civilian; I'm a citizen.
11 Respective citizen review is one easy way, it
12 is not a panacea, it does not do everything to
13 eliminate claims of police misconduct, but it
14 is one way that you can at least invite the
15 public to have comments about or to take
16 action. An effective citizen review committee
17 in every municipality of over a certain size
18 in the State of West Virginia would be given
19 enforcement authority and subpoena authority,
20 so that they could have real meaning. And so
21 far that does not exist anywhere. Charleston
22 just appointed a citizen review committee. It
23 consists of a few lawyers and a retired police
24 officer. It does not have any grass roots

1 activist or advocate on its panel makeup and
2 it does not have subpoena.

3 MR. HINTON: Were there any other
4 questions for the panelists?

5 MS. HAIRSTON: I would like to address
6 this one issue - and Rev. Pollard is so
7 eloquent in his statement - there is not just
8 one minority group; there is not just one
9 minority speaker. Just like everyone else has
10 a voice, we all have different voices, also.
11 We were reminded of this when we were in
12 Martinsburg. They said don't just contact one
13 group; one group does not speak for the entire
14 black community. I do want to make that very
15 clear, because I've heard it here today. And
16 I've seen the faces out in the audience
17 because I can see them; you can't see them.
18 We have to do more than what we're doing. We
19 have to reach out to everybody. And we have
20 to stop playing these games, too - this is my
21 turf, nobody else can come on it. Yes, they
22 can because that's my child. And if my child
23 is involved, I want everybody involved to help
24 my child better herself. I've just got one

1 more in the school system. I've got two out,
2 but I've got one more in there. And I want
3 all the help she can get from wherever she can
4 get it. But we do have to -- and that's the
5 problem everywhere, when minorities speak they
6 want to know who is your leader? Excuse me.
7 What? We have no leader. I am Amy Hairston's
8 mother. Her father's name is Michael. I am
9 her leader and I am her role model. So get
10 one group, or one person, or one anything;
11 reach out to everybody. We were reminded at
12 Martinsburg - and there's nothing against the
13 NAACP - but we've had it thrown back in our
14 face; you don't just contact the NAACP when
15 you come into our community, and we were
16 reminded of that when we went to Beckley. So,
17 we need to be mindful, and we tried to this
18 time, and contacted all the groups; the
19 ministers and everybody else. So this time we
20 don't have to hear that. We did our best. If
21 they didn't show up, I'm sorry, but you're
22 getting a cross representation from everybody.

23 MR. HINTON: Well, I want to thank Marge,
24 you, Tom, and Wilma, and for the members from

1 the audience, Mrs. Dillard and Rev. Pollard.
2 We've gone over our time on our agenda. And
3 our next panel is supposed to begin at 1:45,
4 but I'm gonna take the prerogative of saying
5 that we're gonna reconvene back at two
6 o'clock. We hope we can squeeze our lunch
7 hour in from the time we have now and come
8 back at two o'clock for our next panel. I
9 would like thank you. And if you haven't
10 signed the sheet that you attended, we would
11 like for you to sign and pick up the free
12 literature on the table over here in the
13 corner. Thank you.

14 2:00 p.m.

15 WHEREUPON, a lunch recess was taken,
16 after which the proceedings continued with the
17 third panel of the day as follows, to-wit:

18 MR. HINTON: Welcome to today's forum.
19 And we're going to add to this panel Johnny
20 Fullen, who is a with the Mingo County Board
21 of Education and, also, the President of the
22 Mingo County NAACP. We don't have room at the
23 speakers' table for everyone, but we're going
24 to try to allocate time appropriately for all

1 the different people to speak and then,
2 hopefully, we'll have time for an open forum
3 later on today. I understand that one of our
4 earlier panelists has to get out of here, so
5 Paul, would you be one of the first speakers,
6 if you would. And those of you who are going
7 to be speaking, I'll ask you to come close to
8 the front so we can facilitate getting you to
9 the table. While we ask that Rev. David Bell,
10 Rev. Franklin Jones, Joan Farmer, Marsha Ibos,
11 Peter Kelly, Steven Hairston, I think - and
12 the other people haven't gotten here yet - and
13 Johnny Fullen, where's Johnny Fullen? Okay -
14 we'd like for you to come forward, too, if you
15 would. And if any members of the audience
16 want to be a part of the open forum, we ask
17 that you register your name with Marc Pentino
18 and indicate that you'd like to speak. And
19 we'd also like to ask that if you haven't
20 signed the sign in sheet that we have on the
21 table back there, we want all the people who
22 are attending, whether you are speaking or
23 not, to sign in. And you're welcome to any of
24 the literature on the table back here.

1 At this time we will hear from a member
2 of our early morning panel, Paul Sheridan, who
3 will be speaking as it relates to economic
4 opportunity and employment discrimination.

5 MR. SHERIDAN: Thank you. I appreciate
6 you accommodating my schedule and I'll try to
7 be brief so we'll have plenty of time for the
8 other panel members. I want to kind of speak
9 with a slightly different hat on at this
10 point. As some of you know, the attorney
11 general's civil rights division provides legal
12 services to the state Human Rights Commission,
13 and so one of my duties is to represent,
14 before the commission, people who have alleged
15 discrimination and where the commission has
16 found probable cause. And I want to tell you
17 a story of one of those cases, which I think
18 illustrates some things that you may want to
19 include in your inquiry about economic
20 opportunity and discrimination in Southern
21 West Virginia. I think there are some lessons
22 to be drawn from this. It's probably not -- I
23 don't think any particular case is typical of
24 every situation, but I think there's some

1 cases that have important lessons built into
2 them, and this is one I would suggest does.
3 It involves a small carryout, convenience
4 store, here in Logan County, which is a very
5 small employer; not one of your major economic
6 institutions. And certainly not, as this
7 particular entity, anything that has a real
8 significant impact. I think its impact is
9 that it's typical, in a lot of ways, of a lot
10 of small businesses. And I think that as
11 economic opportunities in Logan, and other
12 counties in the southern coal fields have
13 shrunk in the last years, these kinds of
14 economic institutions play an increasingly
15 important role. And the kind of
16 discrimination which occurs there, I think,
17 plays an increasingly significant role,
18 because the jobs that they have, even in these
19 very small places, are often the only jobs to
20 be found in some of our communities. This
21 small business did its hiring, like a lot of
22 small businesses do, very informally. And as
23 many of you know, informal hiring procedures
24 create all kinds of opportunities for

1 discrimination, because if the people who are
2 doing the hiring have biases, and attitudes,
3 and preferences that are discriminatory, those
4 naturally come out in a procedure. And if
5 there's no kind of parameters at all to that
6 procedure, those biases just have free reign.
7 And that's what happened in this particular
8 case. In this particular community, a
9 community up Buffalo Creek here in Logan
10 County, people had sought jobs in this
11 particular store for years. They'd stopped in
12 and asked whether they were ever hiring and,
13 you know, that kind of thing. And what
14 evolved over time was that this particular
15 place completely did away with any kind of
16 applications at all. They knew who in the
17 community was looking for jobs and when they
18 had an opening they'd simply to go to the
19 people, who they had good reason to believe
20 might be looking for a job, and ask them if
21 they wanted to work there. And so, after
22 awhile people simply gave up asking for jobs,
23 particularly African Americans in the
24 community gave up asking about jobs because

1 they were never hired. And formally they
2 never had an opening. When we got into this
3 case and started asking about when they'd had
4 openings and when they'd filled them, their
5 answer was they never have an opening. They
6 never actually posted an opening and gone
7 through any kind of formal procedure, but
8 they, in fact, had had a turnover, you know,
9 because people would come and go. You know,
10 people would leave and they'd fill the
11 positions, but it was entirely informal. One
12 aspect to this story, I think, is the
13 complainant in the case, a fellow by the name
14 of Dennis Gordon, who persevered, I think,
15 initially by applying to this place, even
16 though he had good reason to think it was
17 hopeless. I was talking earlier to some
18 people about the fact the hopelessness plays a
19 real key role. You know, a lot of times
20 people don't even apply for the jobs that are
21 there because they have very good reason to
22 believe it is absolutely hopeless. And who
23 wants to go to the trouble to do something
24 that's hopeless. And I think that's one of

1 the challenges that we have. And, of course,
2 if we don't do that, then the employer's
3 answer is very, it's a very easy answer:
4 "Well, we can't hire people that don't apply."
5 And so we give them a -- we, I mean as a
6 community, give them a way out if we don't
7 follow through and apply. And he did in the
8 face of what must have appeared to be a
9 completely hopeless situation. And he also,
10 when he didn't get a job, filed with the
11 state's Human Rights Commission. And that,
12 too, I think, was an act of great hope,
13 because in this particular situation it's
14 very, very difficult to prove discrimination
15 where there are absolutely no records, where
16 there is very little evidence to build a case
17 with. And I think this goes to a point that
18 people were raising earlier about sort of,
19 things can look fine when you look at the
20 statistics. You know, when you look at the
21 superficial level it's very easy, sometimes,
22 to perceive no discrimination. You know,
23 because you're not really getting the picture.
24 But sometime the picture really is very, very

1 hard to get a clear impression of, because it
2 often involves looking below the level of the
3 evidence. Now, when you're talking about a
4 court case, you've got to work with the
5 evidence. So, this is a situation where that
6 sort of below the surface reality and the need
7 to bring it up above the surface and prove it
8 kind of come together. And it made for a
9 very, very difficult case to prove. And in
10 the end, we were unable to establish that this
11 particular person would have been hired for
12 any particular job if he had been considered.
13 And so Dennis Gordon, for all of his
14 hopefulness in applying and for all of his
15 hopefulness in pursuing the case, in the end,
16 carried the burden the whole distance without
17 ever getting anything personally out of it,
18 which I think is a real story - at least for
19 me - somebody I will always remember as
20 someone who took on the burden of dealing with
21 this kind of problem and did it very
22 selflessly - and I think made some very
23 significant impacts, but not in his own
24 personal life. When the results of this

1 particular case, just quickly just to tell
2 you, this small company -- or, I should say
3 that in the end they agreed to the remedies,
4 to their credit, I think, came to recognize,
5 with the help of the judge, that their hiring
6 practices were discriminatory, and agreed to
7 some steps which would remedy that -rather
8 intrusive, I think, for such a small company,
9 kind of overly formalized for a small company,
10 but necessary in the face of what had been
11 going on. And that is they're now going to
12 have to publicly announce all of their jobs;
13 they're going to have to take formal
14 applications; they're gonna have to hire only
15 from the people who make those applications;
16 and they're gonna have to make their decisions
17 based upon a list of specified criteria which
18 is embodied in the consent decree and none
19 other. They can't use any other criteria than
20 what they've listed. And they're also going
21 to have to report to the state Human Rights
22 Commission regularly on their hiring. Now,
23 what's the impact of this? I mean, it's one
24 little teeny store. You know, maybe employing

1 20 people over the course of the year. What
2 kind of impact does that have? Well, it's
3 hard to say. Our hope is that, you know, word
4 gets around small communities and our hope is
5 that other small businesses will recognize
6 that they can't engage in this kind of
7 practice without at least the risk of some
8 consequences. And certainly the state Human
9 Rights Commission will do everything it can to
10 make sure that that risk is a significant one.
11 So that hopefully small businesses will
12 recognize that you don't have to be the
13 largest employer in the county to an
14 obligation to not be engaging in
15 discrimination. Secondly, it's my hope that
16 citizens will, you know, the ripple effect
17 will affect citizens, also, who will have an
18 expectation that even if it's always been like
19 that, and even if it seems sometimes like it
20 can't change, like it's not going to change,
21 like it doesn't make any difference, that they
22 will go through the acts of applying. I
23 mean, it's a way of keeping the pressure on,
24 if nothing else. You know, by going through

1 those steps you put the burden on the
2 employers to do the right thing. And if they
3 don't do the right thing then there are, at
4 least theoretically, not always in practice,
5 there are some remedies that you can look to.
6 And without that there are no remedies at all.
7 And so it would be my hope, also, that that
8 would be part of the ripple effect. And it's
9 a little ambitious to hope for, I suppose, but
10 I guess the other thing I would hope for is
11 that out of that, at least in some small way,
12 Dennis Gordon's experience with this raises
13 other people's sense of hopefulness; that
14 there is at least some possibility that
15 something good can come of it. I was very
16 inspired by his example and I would hope that
17 others who know about it - and I'm sure folks
18 on Buffalo Creek do know about it - that they
19 might be also.

20 A couple of lessons, I think, that can be
21 drawn from this; one is that I think it is
22 critical to understand how discrimination is
23 working in our communities. By understanding
24 the current economic context. I think it

1 works differently in different places. And I
2 think for me this was an example of what I
3 fear is becoming more and more the kind of
4 economic reality of the southern coal fields,
5 and it's the kind of discrimination that we're
6 apt to see more and more of; people fighting
7 over fewer and fewer jobs. And people in
8 power, business owners, okay, falling back on,
9 you know, if they're inclined to discriminate,
10 they're becoming more inclined to discriminate
11 at a point where the resources they're
12 allocating become fewer and fewer. People
13 become defensive. I think that's what tends
14 to make us polarized, is when we're fighting
15 over smaller and smaller things. We tend to
16 or it tends to make human beings think in
17 terms of a "we" "they". You know, white
18 business owners who think in terms of a "we"
19 and, you know, these are our jobs; that kind
20 of thinking. And I think we're gonna see more
21 of that as economic opportunities become
22 scarcer.

23 Another thing is, I think strategies need
24 to be focused on those economic realities. I

1 think it creates a real challenge for us who
2 are in the business of enforcing civil rights
3 laws when we're dealing more and more with
4 small entities that don't have the, you know,
5 the wherewithal to have formal procedures; it
6 just doesn't make sense there. I think we
7 need to be finding more creative strategies.
8 And that's difficult, but I think that's one
9 of the realities we've got to deal with.

10 I mentioned earlier the lesson of the
11 fact that the real reality is often not what
12 you can see or what you can prove. And I
13 think recognizing that -- we're stuck
14 sometimes having to prove that, but we
15 shouldn't forget that the inability to prove
16 it sometimes doesn't mean that it's not there.
17 You can still discern it; you can still sense
18 it. And I think that's an important lesson
19 here as well.

20 And, finally, the effect of, the
21 hopelessness effect, I think; the fact that as
22 people give up - I mean people who have done
23 unemployment statistics for a long time have
24 recognized this - when people give up on

1 getting jobs the unemployment statistics
2 under-reflect unemployment, because they just
3 don't, they're just not there anymore. And I
4 think the same thing is true of discrimination
5 in discrimination cases. As people give up we
6 don't see that, we don't see that
7 discrimination on the surface any more. And
8 so I think for panels like you all involved in
9 trying to discern the discrimination and see
10 where it is, and I think those less involved
11 in enforcement and, really, from whatever
12 angle we commit the problem, I think we need
13 to be aware of the fact that as people become
14 hopeless it's harder to see. And whatever we
15 can do to increase the hopefulness, I think,
16 not only makes it more visible, but also keeps
17 the pressure on institutions to change.

18 MR. HINTON: I have a question for you.
19 In light of the fact that nationally small
20 employers employ more people than all of
21 your large corporations - and I'm sure that's
22 even true in West Virginia - and becomes more
23 and more true with downsizing and those other
24 kinds of things that we're having, and in

1 order to be an employer within the definition
2 of the state law, I think to have 12 or more
3 employees, and I imagine the case you site
4 there's probably numerous cases out there like
5 that, people who are hopeless and don't even
6 pursue, but then there are some people who are
7 below the bar. Basically, in your work in the
8 attorney general's office, is there any
9 indication to lower that bar to include more
10 employers?

11 MR. SHERIDAN: That's a very important
12 question. There have been efforts over the
13 last few years to, not even lower the bar in
14 terms of the numbers, 12 or more, but to
15 interpret that there's several different ways
16 of measuring the number of employers. [sic]
17 Until a few years ago the method I was urging
18 in the cases I was handling was that if a
19 company had actually had on its books at any
20 time during the course of a calendar year 12
21 employees they out to be above the bar,
22 because after all, even if it's a small
23 employer, if they're turning people over very
24 quickly they're touching the lives of a lot of

1 employees and we oughtn't to ignore the
2 effects of their discrimination. Well, that
3 test has been -- the supreme court has
4 clarified the law enough so I can't make that
5 argument any more. And the legislature,
6 actually, has raised the bar in the way that
7 they interpret the number of employees. We
8 have moved from a standard which was much more
9 flexible to one that is similar to the EEOC's
10 test that involves twenty -- twenty calendar
11 weeks out of the last two years. It's not
12 only a complicated one to apply, but it also
13 let's a lot of other small businesses through
14 the cracks. I think there was an effort maybe
15 two or three years ago to lower the bar down
16 to three employees, but I don't know that that
17 went very far.

18 MR. HINTON: That would be a drastic
19 drop.

20 MR. SHERIDAN: It would be, but I think
21 that those kinds of things may become
22 increasingly important as we move toward an
23 economy that has smaller and smaller [number
24 of] employees.

1 MS. TOMPKINS: I apologize, but I'm
2 missing something here. Are you saying you
3 cannot be considered an employer for
4 discrimination purposes unless you have twelve
5 employees; is that what you're saying?

6 MR. HINTON: Definition.

7 MR. SHERIDAN: That's correct; yes.

8 MR. HINTON: Federal law is fifteen;
9 state law is twelve.

10 MR. SHERIDAN: The state Human Rights Act
11 defines an employer as a business, an employer
12 with twelve or more employees, or the state,
13 or subdivision of the state. So, unless we
14 can fit you within the definition of an
15 employer your discrimination isn't illegal.
16 If you have five employees, you may be openly
17 discriminating, but there's nothing I can do
18 about that.

19 MR. HINTON: What chances may there be
20 that any other law, like on the federal level
21 we have, like, 1981 special statute that
22 doesn't require the employer definition. Is
23 there any likelihood that we might get some
24 other type of law passed to protect.

1 MR. SHERIDAN: When you talk about the
2 legislature and likelihood, I don't know what
3 to say.

4 MR. HINTON: Okay.

5 MR. SHERIDAN: I know that the court, in
6 the same decision where the court rejected
7 some of our more liberal interpretations of
8 how to count employees, they did recognize a
9 common law, the availability of a common law
10 claim based on, I believe it's on sexual
11 harassment. So that if someone's being
12 sexually harassed by an employer that has less
13 than twelve employees, the state Human Rights
14 Act won't reach that employer, but a common
15 law theory that an employer owes a duty to its
16 employees to not have them subjected to sexual
17 harassment, that will be recognized by the
18 courts. I don't believe that it spoke to the
19 question of whether there's a common law
20 theory for discrimination in general. And
21 whether the legislature would -- my suspicion
22 is that much easier and more straightforward
23 way of dealing with it would be to lower the
24 bar.

1 MR. HINTON: Sure.

2 MR. SHERIDAN: To lower the number of
3 employees. And I suspect that as difficult as
4 that may be, to get the legislature to pass,
5 it's probably easier than coming up with a
6 completely new-to-state-law kind of theory---

7 MR. HINTON: Okay.

8 MR. SHERIDAN: ---like 1981.

9 MR. HINTON: Okay.

10 MR. LINDELL: Greg, just to comment on
11 that, since I do a lot of work with the
12 legislature on behalf of the Human Rights
13 Commission, my guess is that they would not be
14 too receptive to lowering the bar. We've
15 tried to lower the bar before, and I've been
16 in recent meetings with the legislature on a
17 number of issues, and their whole emphasis at
18 the moment seems to be anything that's going
19 to cost business money they were against.
20 That just seems to be the way they're going.
21 So, our chances of getting that, in my
22 estimation, are slim and none.

23 MR. SWIGER: Okay. Mr. Sheridan, thank
24 you for your story. I personally enjoy

1 stories and facts much more than just
2 opinions. And I also thank Rev. Dillard -- or
3 Rev. Pollard and Mrs. Dillard for their
4 stories. We're also here -- do you have any
5 stories, or examples, or personal knowledge of
6 discrimination in this area, employment
7 discrimination in this area, dealing with age,
8 or sex or national origin matters other than
9 race? And I only say that because I assume
10 that the example that you gave us earlier
11 dealt with race, although you didn't actually
12 -- you were discreet and didn't actually
13 elaborate on that.

14 MR. SHERIDAN: Yeah. Well, your
15 assumption was correct. It was an African
16 American who had been denied employment. It
17 was a race case. I didn't mean to be
18 discreet. I think that's an important fact in
19 this, so I appreciate you calling that to my
20 attention.

21 I do have other stories, I guess, you
22 know, the gender cases from the southern coal
23 fields that come to my recollection are mostly
24 against counties. I've handled a number of

1 cases against southern coal field counties
2 over hiring, particularly in the law
3 enforcement context. Correctional officers,
4 deputy sheriffs; probably a half a dozen cases
5 that fall into that category. Some of them
6 fairly blatant gender discrimination. You
7 know, when the sheriff says, you know, to the
8 candidate, you know, what, you know, what are
9 the wives of my deputies gonna think if their
10 husbands are riding around in a patrol car
11 with you? You know, that kind of thing. You
12 know, some of these go back a few years. But
13 I was always surprised how entrenched some of
14 those attitudes were. You kind of caught me
15 off guard here. I mean, there are many, many
16 cases that come through the pipeline through
17 the years.

18 Age cases, I think, the ones I've been
19 familiar with, have largely, in this part of
20 the state, have largely been coal company
21 reduction in force cases. And they're often,
22 often but not always, very difficult to prove.
23 They're difficult, expensive in the sense that
24 they are statistical cases. Norman, help me

1 out. You're familiar with these cases, too.

2 MR. LINDELL: Well, we've have over the
3 years a host of different kinds of cases on
4 all of the issues that we cover; age -- we
5 have had cases involving the RIF issues with
6 the coal mines. We've had failure to hire
7 cases involving coal mines. We've had failure
8 to hire cases involving national origin. We
9 have the CERES cases, as an example. Just a
10 host of different issues that we've ended up
11 going to litigation on.

12 Mr. SWIGER: And it may be that the -- it
13 may be the largest percentage of
14 discrimination is in this particular area that
15 deals with race. And if that is so I'd kind
16 of like to know that as well. I just wanted
17 to make sure you'd explored all different
18 classes.

19 MR. HINTON: Yeah. I think the growing in
20 the nation is age cases, in terms of the
21 increasing cases.

22 MR. SHERIDAN: Yeah, I think it is.

23 MR. HINTON: That may be true for West
24 Virginia as well. I haven't seen that, but I

1 know that in terms of the increase, age has
2 been the one that's been drawing more than the
3 others have been. And they've been giving
4 larger jury verdicts.

5 LADY IN AUDIENCE: Our aging population
6 is disproportionate.

7 MR. HINTON: You've got to speak up so he
8 can hear you.

9 **COURT REPORTER:** If you're going to
10 participate, why don't you come up and sit at
11 the table with us.

12 LADY IN AUDIENCE: No.

13 MR. HINTON: He's trying to get
14 everything down so we can get it transcribed.
15 And he's taking notes, so it's important that
16 he hears you.

17 LADY IN AUDIENCE: The proportion of
18 older people in the State of West Virginia is
19 disproportionate to our population, so that we
20 have a significantly higher aging population
21 than most other states. I think we are either
22 first -- if I'm not mistaken, we are first in
23 a percentage of aging population. So, it
24 would stand to reason that we would be hearing

1 more from this population.

2 MR. HINTON: Any other questions for Mr.
3 Sheridan? Well, Paul, we want to thank you.
4 You have been very kind to give us your time
5 and your insights. And we commend you for the
6 work that you're doing and encourage you to
7 keep on doing what you've been doing.

8 MR. SHERIDAN: Thank you.

9 MR. HINTON: I don't know what any of your
10 time frames are. Mr. Sheridan had indicated
11 to me that he needed to get out of here. Does
12 anyone have a -- Rev. Bell, you gave me the
13 Amen nod that your time frame is? Okay.
14 Well, would you come on up, Rev. Bell. We'll
15 get you in. I'm going to try to keep this
16 thing moving here quickly. I've got like 20
17 minutes to 3:00 so, I don't want to be rude,
18 but I may have to cut folks off to get to
19 other folks so we can all get out of here at a
20 decent time.

21 REV. BELL: Thank you. I had in my mind
22 what I wanted to say to this committee and
23 some things that are issues that I want to
24 relate, but listening to Mr. Sheridan kind of

1 puts an ache in my heart. Because the
2 information that he just gave us is almost
3 like a death knell to the rural communities,
4 the minority communities of Southern West
5 Virginia. If that be the case where only
6 those employers who hire twelve or more can
7 now be discrimination, then we're in trouble.

8 MR. HINTON: Well, it may be a call to
9 action, though.

10 REV. BELL: Well, it may be a call to
11 action, because that's the problem that we're
12 having. I'm hearing of my churches and my
13 community is that they just cannot find jobs.
14 This past summer, for example, in the
15 community where I lived at, for example, in a
16 radius of about seven square miles there were
17 thirty businesses that employ at least four
18 employees. Those 30 business hired 15 young
19 people from Magnolia High School, and not one
20 of those were a minority. We had ten to
21 apply; one was an honor student, two were
22 honor role students, they were a group with
23 families of good backgrounds, good work
24 ethics, but they were not considered for

1 employment. They were very discouraged. And
2 so they were not hired. And they want to know
3 what can be. The cry that we hear is that,
4 you know, there is nothing for us to do.
5 We're shrinking. Our churches are shrinking.
6 We're shrinking because we don't have a base
7 to grow on. Our young people, as soon as
8 they're out of high school, must leave
9 Southern West Virginia to find employment, in
10 our community in the '90s. We've had
11 approximately 18 minority students graduate
12 from high school in the '90s and not one of
13 those are in a community with a full-time job
14 to sustain a quality of life. You know, we
15 have some at the pizza places and the burger
16 places, but nobody has a job where they can
17 live on their own or become a productive
18 citizen. In my own family, I have four
19 children and two of my children have to leave
20 already to find jobs. You know, to find a job
21 where they can live on their own. And so
22 that's what we're concerned about; that our
23 kids, it seems like, are being left out.
24 Proportionately, the graduating classes of the

1 last four years, sixty percent of the white
2 students still live in the area and are
3 employed, and we're just not being considered.

4 And the cry is out: What can be done?

5 MR. HINTON: Which area are you talking
6 about, the Logan area?

7 REV. BELL: I'm talking about Mingo
8 County.

9 MR. HINTON: Okay. Mingo County.

10 REV. BELL: And part of Logan. I'm
11 unique because I live in Mingo County, and I
12 pastor Logan County.

13 MR. HINTON: But the young people, the
14 thing that you're talking about that's a
15 problem, is it in the Williamson area or the
16 Logan area or where?

17 REV. BELL: Yeah. And Matewan.

18 MR. HINTON: Matewan? Matewan area?

19 REV. BELL: Yeah. And Mingo County.

20 MR. HINTON: Okay. This is where you had
21 the employers who hired 15 people?

22 REV. BELL: Right.

23 MR. HINTON: Okay.

24 REV. BELL: And we had one who had

1 reportedly said they would never hire a
2 minority at all. And I approached that
3 person, personally, because I do business
4 there, you know. If I spend my money there I
5 want to know why you're not going to hire none
6 of my people. And the employer told me that
7 they didn't make the remark and said that we
8 would hire, you know, send out an application.
9 And told me personally, said, "Your children,
10 I know your children. I'd give them a job."
11 I had three of my kids went to apply. They
12 hired at least a dozen more people and not one
13 of my children were considered. So I went a
14 step further; I applied, personally, you know.
15 They had a job posted, I wanted to apply for -
16 it was a part-time job - just to see. And I
17 went an hour before and the lady that was over
18 it said, "No, nobody's been hired." I came
19 back an hour later and she told me that
20 somebody had just been hired for that
21 position. But now I don't know, she has only
22 about ten employees, so if she has less than
23 twelve, I don't know what we can do. But
24 that's the attitude that they have.

1 MR. HINTON: Well, the law is not going
2 to help you, obviously, because they're not
3 gonna meet the definition. But one of the
4 things that Mr. Sheridan said earlier about
5 the task force, they've been working and they
6 have three people from respective groups, and
7 said they have been working together. And
8 maybe if you can get the white community to
9 work with you and the other people, maybe, in
10 your community to not patronize those
11 businesses until they, you know -- I mean,
12 whenever Norman mentioned about the view "not
13 in our community". You know there's a lot of
14 things we should not have in our community,
15 not just the hate crimes and other kind of
16 things, but employment. And I think that
17 perhaps if the law won't recognize there's
18 things, that's what I mean, there's maybe a
19 reaction in the citizens there.

20 REV. BELL: Our problem, with rural
21 communities, you usually have the one store or
22 the one place and if you don't go there
23 there's no where else to go.

24 MR. HINTON: I understand. But they had

1 a boycott in Montgomery, Alabama, and they
2 walked, you know, 382 days. You know.

3 REV. BELL: And then those, even those
4 who do find jobs, even part-time, they have a
5 problem with getting less hours, someone who's
6 hired at the same time or after them getting
7 promoted or being put in positions above them.
8 And it's really, really discouraging,
9 especially to our young people.

10 MR. HINTON: I was just reminded what Mr.
11 Douglas said, that if you find an injustice
12 that a person or group of people will quietly
13 submit themselves to and you will find the
14 exact injustice being imposed upon them. I
15 mean, the law would help, but you don't meet
16 the definition, you know. And I can
17 understand what you said after the other
18 presentation. It really makes it like, what
19 are we gonna do?

20 REV. BELL: Right.

21 MR. HINTON: And if the young people hear
22 more about that---

23 REV. BELL: That really bothered me.

24 MR. HINTON: And actually, I know, you're

1 looking at people that are alienated. And
2 young people, you know, when they get a little
3 bit of a vision of hope, you know, it's gone.

4 REV. BELL: There's a lot of hopelessness
5 among -- as a minister, like I say, I talk to
6 young people quite a bit and it's so, they're
7 so frustrated, you know. Even though they
8 would like to stay here, you know, can't; they
9 really just cannot afford to stay here, for
10 there's just no opportunity for them. And
11 even if they do stay here, unfortunately, they
12 find alternative means to support themselves,
13 which is more often than not outside the law.
14 You know, we've had and we've got some young
15 men in our community this past year who were
16 incarcerated, you know, for illegal drug
17 activity. And basically, in talking to them,
18 they said well there was just nothing else for
19 me to do. You know. I really wanted to work;
20 I would have worked, but nobody gave me a job.

21 MR. HINTON: But one of the things---

22 REV. BELL: And then somebody comes in
23 with easy money.

24 MR. HINTON: The one thing you bring up,

1 and I hope we keep this in mind, we're gonna
2 have four additional forums like this around
3 the state. And it may be important for us to
4 try to ascertain how many other places around
5 the state have a similar type of employment
6 where they hire less than twelve people.
7 Because that may be something that we want to
8 try to put in our report, because here, you
9 know, it's like there is no hope, you know.
10 And perhaps we are where we might be able to
11 move the powers to be of a court or
12 legislature, maybe, to redefine the law or to
13 create new law.

14 REV. BELL: Right.

15 MR. HINTON: But right now it's just,
16 it's not on our side.

17 REV. BELL: Because the employer said he
18 could hire who he wanted and nobody was gonna
19 make him hire anybody he didn't want to hire.
20 So if he's got less than twelve I guess he's
21 right, you know. So, you know, what do we do?
22 What do we do?

23 MS. HART: Rev. Bell, I have a question:
24 What type of products does this store sell?

1 REV. BELL: The one that refused to hire
2 minorities?

3 MS. HART: Yes.

4 REV. BELL: They are a combination pizza
5 place, garage and convenience store. They
6 just sell everything.

7 MS. HART: And how far away is the next
8 store?

9 REV. BELL: That's the only garage for,
10 like, getting car repair.

11 MS. HART: Okay.

12 REV. BELL: It's the only one that I know
13 of. There's another gas station maybe about
14 two miles away.

15 MS. HART: I'll share an article with you
16 in the near future - I'll mail it to you - and
17 it's an article about black Wall Street. We
18 heard about the Tulsa, Oklahoma bombing? And
19 it's how the black community had their own
20 schools, preachers, of course, churches,
21 grocery stores, and it took five years for the
22 money to actually leave their community. And
23 they boycotted stores. They sent the people
24 who had a little more money to Wal-Mart to buy

1 more products than what they needed and the
2 people purchased from them. And it's a good
3 article to read. We need to do that, maybe
4 consider that in this community.

5 REV. BELL: Well, I'm just, like I said,
6 the young people are really -- we're
7 shrinking. I mean, Ms. Hairston's a member of
8 my church and she'll tell you, her children
9 have had to leave. We've got all our young
10 people that's graduating leaving. You know,
11 they've got to go to North Carolina, they've
12 got to go to Ohio, they've got to go to
13 Tennessee - simply because there's nothing
14 here for them to do, you know. And nobody's
15 giving them a chance. The big adjustment for
16 these 15 young people, even if you go to a
17 job, the first thing they ask you, "What kind
18 of experience do you have?" Well then that's
19 15 students who are gonna have experience of
20 being a cashier, being a cashier, being a
21 clerk, two were farm-tech's assistants; two
22 worked with, I think, in the bank - teller
23 experience. Those kids have that experience
24 now, for at least the summer. But now there's

1 no black kids gonna have that experience on
2 their resume', you know, so they were robbed
3 of that opportunity.

4 MR. HINTON: Okay, we heard from two men.
5 We'll give one of the women a chance.

6 PANELIST: I think you have a question in
7 the back of the room.

8 MR. HINTON: You have a question?

9 GRACIE ADKINS: I've been sitting here
10 getting bits and pieces here, there, about
11 each one of your topics, and I can identify on
12 just about every topic that you all have
13 spoken on. And, really, it would be funny,
14 but it is just so pitiful for each topic that
15 you cover. And I didn't come here to turn
16 nobody down or put any, anything that should
17 be there. But I just come to give my opinion.
18 That's why I like America, I do have a lot of
19 mouth and since I've got an audience I may as
20 well use it. But, any way, the topics and the
21 issues that you all have covered, the school
22 system - it's a joke. It's no offense to no
23 one person in particular, but it is a sad and
24 pitiful joke. It is. You say that -- or was

1 said by Ms. Zigmund earlier, nobody gives you
2 nothing; you have to work for what you get.
3 But, and as one of the officers said this
4 morning, something about common sense. I'm
5 trying to put it all there together, because
6 when it all comes out it's gonna all be the
7 same, the whole issue. You said common sense.
8 It does take common sense along with
9 experience. And, really, they both go hand in
10 hand. One without the other is not gonna
11 work. But how can a person have experience if
12 they have not been given a chance. How can
13 you say you all -- a lot of people in the
14 system will say, "You're not trying to help
15 yourself." You say we are all one. And I
16 think the word you were looking for, when you
17 were speaking a few minutes ago, you were
18 looking for "preference". At least that was
19 what I was told when I filed discrimination
20 back some years ago; it was "preference". Who
21 they preferred. They didn't prefer you, so,
22 you know, you're out.

23 REV. BELL: Right.

24 GRACIE ADKINS: But, anyway, they say the

1 school system is doing this and the school
2 system is doing that. The school system has
3 went down a thousand percent since the '80s,
4 but if you do it by their percentage it's only
5 two or three percentage here and two or three
6 percentage there. Five percent the whites,
7 two percent minority. However you want to
8 color it you can, but the system is a joke,
9 the government is a joke, and they have cut
10 back. I mean, it's not any one person's fault
11 when you really and truly stop to think about
12 it. Because the government has cut back on a
13 lot of things, but that still does not give
14 any one person in here the right to try to
15 take control over somebody else's life because
16 they do not meet their criteria, their
17 standards or whatever. They always say you're
18 based on your scoring, your morals, your
19 values, your character. But they sometimes
20 forget and throw the book out the window and
21 do as they see fit.

22 MR. HINTON: Mrs. Adkins?

23 GRACIE ADKINS: A lot of people say that
24 they are above -- they don't say it, but they

1 take, they take themselves up a little bit
2 higher than what they should be.

3 MR. HINTON: Let me interrupt for a
4 moment.

5 GRACIE ADKINS: Uh-huh.

6 MR. HINTON: We're gonna give you an
7 opportunity to express yourself.

8 GRACIE ADKINS: Uh-huh.

9 MR. HINTON: But these people have been
10 especially invited to be here on this panel,
11 but we have open forum time.

12 GRACIE ADKINS: Uh-huh.

13 MR. HINTON: So if you can be here, save
14 your comments, because they have schedules
15 they have to maintain. But we asked them to
16 be here at this time so they could speak.

17 GRACIE ADKINS: Well, I'd like to leave
18 right now, but I'd like to tell you the word
19 you were looking for was preference. The
20 system is a joke, and I'm not putting anybody
21 down; it takes all kinds to make the system,
22 and some just don't carry as they should.

23 MR. HINTON: Okay. All right. Well,
24 thank you.

1 GRACIE ADKINS: Thank you.

2 MR. HINTON: We have Mrs. Farmer, Mrs.
3 Ibos, would either one of you care to speak.
4 Were you done, Rev. Bell?

5 REV. BELL: Yes. Uh-huh.

6 MR. HINTON: Okay.

7 MARCIA IBOS: I'm kind of allergic to
8 microphones. I have a very resounding voice
9 so I think you'll be able to hear me.

10 **COURT REPORTER:** What is your name,
11 please?

12 MS. IBOS: Marcia Ibos, and I'm the
13 director of the Tug Valley Recovery Shelter in
14 Williamson. It's a domestic violence shelter
15 that covers both Logan and Mingo Counties.
16 And I kind of prepared a little discussion
17 with regard to what I'm perceiving as an
18 advocate for battered women.

19 What we're seeing, I think, is a lack of
20 continuity in the magistrate court systems in
21 both Mingo and Logan Counties. We are seeing
22 gender bias. We are seeing situations where
23 when women go to court and request legal
24 assistance or request help from the magistrate

1 court system, it's a good ol' boy system in
2 Logan County. And, from my prospective, in
3 Mingo County it's a good ol' girl system,
4 because we have three magistrates that are
5 women in Mingo County. We have three
6 magistrates that are men in Mingo County, but
7 they're equally prejudiced. So, that's a real
8 switch I know.

9 MR. HINTON: Against women?

10 MS. IBOS: Against women.

11 MR. HINTON: Yeah. Not surprising.

12 MS. IBOS: And when I'm looking at that
13 I'm thinking, some persons are connected
14 politically and they usually receive favorable
15 consideration, and usually none of them are
16 relevant to a victim's status. You know, they
17 don't even think about how severely this woman
18 is being beaten. The good ol' boy system
19 prevails in both counties, like I was just
20 saying. And when I think about how the court
21 system works, particularly the magistrate
22 court system in West Virginia, the only two
23 requirements that I know of for eligibility of
24 that person to run for that office is two

1 things; they have to have a high school or
2 GED, and they have to be a citizen from the
3 county in which they're running. So, there's
4 -- I am an advocate for formal education,
5 obviously. Believe me, I know, I have
6 friends, I know people that have formal
7 education out the wazoo, but don't have enough
8 common sense to blow their nose. But, when
9 you think about the magistrate court system
10 and how many lives they're impacting with the
11 decisions that they are making in the family
12 system, it's very, very scary.

13 MR. HINTON: Are you suggesting by that
14 comment that there's consistency among circuit
15 judges who are trained.

16 MS. IBOS: Family law masters, there is
17 some real consistency. And I see a smile over
18 here. Would this be an attorney.

19 PANELIST: No, I was smiling at his
20 comment.

21 MS. IBOS: Okay. We have the same, we
22 have some of the same problems with the Family
23 Law Master system.

24 MR. HINTON: Well, I thought so. And the

1 reason I asked that question, because I think
2 we create a false sense of hope or illusion,
3 by suggesting education's gonna make a
4 difference. When, in fact---

5 MS. IBOS: I totally agree.

6 MR. HINTON: ---we have people who are
7 very educated and we still have that same
8 bias.

9 MS. IBOS: I totally agree.

10 MR. HINTON: Okay.

11 MS. IBOS: And, you know, in thinking
12 along that line from the Family Law Master
13 system, we have clients who wait upwards of
14 three to four months with really complex
15 custodial issues, complex real property issues
16 in that, that can't even get a hearing. We
17 can't even get emergency hearings sometimes
18 for these clients of ours.

19 And from the prospective from gender bias
20 on our part, with regard to our program, we
21 serve women, men and children. If you're a
22 victim; that's the only requirement to get
23 services from our program. But in theory we
24 serve both Logan and Mingo Counties. And when

1 you look at what we do as a service, we're the
2 only program that does that. We get help from
3 the employment for women with transportation
4 in that to make sure that a client is safe.
5 And when I think of these issues I think of
6 how it not only impacts the families that we
7 serve, but the educational system - these kids
8 are not able to get to school because they
9 can't get orders, the prospective problems
10 associated with the abuser in the family, you
11 know. And when these women go to magistrate
12 court, you know, they're talked down to,
13 "Well, Jane, this is only the tenth time
14 you've been in this year. Are you going to be
15 back next week to withdraw this on John" So
16 what if that person is; that's that person's
17 right. Not only is it that person's right,
18 but it is the responsibility of the magistrate
19 in charge to listen to that case in a non-
20 biased, non-prejudiced way. And it's not
21 happening, folks. It's not happening in
22 Southern West Virginia.

23 MR. HINTON: Are you compiling data on
24 all this?

1 MS. IBOS: Excuse me?

2 MR. HINTON: Are you compiling data?

3 MS. IBOS: Absolutely.

4 MR. HINTON: Okay.

5 MS. IBOS: And from the prospective -- I
6 had a professor tell me one time, "Don't bring
7 problems to anybody unless you've got a
8 solution." And I really have a really great
9 solution for some of these things. Okay?
10 From that prospective, I think of the unified
11 court system that our voters didn't pass.
12 Now, you know, it wasn't favorably received,
13 but from the legislative viewpoint I think our
14 legislators could look at that and say the
15 magistrates probably wouldn't like to have to
16 continue to make these decisions on domestic
17 issues. Let's take it out of laymen's hands.
18 If we're going to have a Family Law Master
19 system, continue that, then let's have more
20 than one law master that serves Logan and
21 Mingo Counties. Because this may has a --
22 he's backlogged four or five months. And I
23 know he's very busy. But from that
24 prospective, if we're gonna do that, let's

1 have a basic domestic violence 101 for all
2 magistrates, if this system continues. From
3 the prospective with me as the service
4 provider, I get, I want to say, information
5 from the supreme court that says it's a
6 conflict of interest for advocates to do, I
7 want to say, DV-101 training; that's a
8 conflict of interest because we're advocates.
9 I mean, who else is better qualified to do
10 this training than advocates that see it on a
11 daily basis. What I would like to see is a
12 uniformed treatment for victims throughout the
13 state, regardless of the abusers connections
14 with elected officials and immediate recourse
15 in the event that does not occur. Right now,
16 the only recourse we have is to submit a
17 letter to the supreme court administrator's
18 office, and that takes an extremely long
19 period of time to get a response for.
20 Sometimes we never get a response. And I'm
21 assuming that not only is it happening in
22 Southern West Virginia, but it's happening on
23 a statewide level as well.

24 MR. HINTON: Who are you dealing with,

1 directly, in the supreme court's office?

2 MS. IBOS: Ted. Philyaw.

3 MR. HINTON: Okay.

4 MS. IBOS: And then I look at the
5 accessibility of advocates at both the
6 magistrate court and Family Law Master courts.
7 You don't get in the Family Law Master courts
8 as an advocate. And, to me, that is
9 discriminating against women. And also, it
10 depends on the mood of the magistrate as to
11 whether the advocate gets to go in with their
12 client in that hearing. To me that's
13 discrimination. The law says, if that client
14 wants an advocate with her you can go. It
15 doesn't work. You know, some magistrates,
16 depending on their mood, as to whether or not
17 you can go in with that person; just for
18 nothing but moral support. We're not
19 attorneys. We don't profess to be attorneys.

20 MR. HINTON: Right.

21 MS. IBOS: You know. If we can't get the
22 unified court system I would like to see an
23 increase of the number of Family Law Masters
24 in order to reduce the waiting time for

1 hearings, particularly those for contempt and
2 Order To Show Cause, non-support; issues
3 pertaining to persons that have possibly taken
4 their children, you know, maybe moved to
5 another state or whatever. It's impossible to
6 get -- I mean an emergency hearing takes
7 upwards of four to six weeks in the Family
8 Law Master court. So, that, that is a very
9 long waiting time. And, obviously, continued
10 education for the law enforcement community.
11 We have made some strides with regard to
12 sensitivity training, doing the DV-101; and
13 that was a state mandate two years ago. I
14 would like to see that continued, because I
15 still think that there is discrimination in
16 the law enforcement community - not all. And,
17 mind you, not all of these magistrates are
18 doing this, but the majority of them, they are
19 doing it and that's what concerns me, not only
20 as an advocate, but as a minority female.
21 Thank you for letting me ramble.

22 MR. HINTON: Thank you. I apologize, I
23 didn't know how to pronounce your last name. I
24 didn't hear you say it and I'm not gonna --

1 how do you pronounce your name?

2 MS. IBOS: Ibos; like the bird, only with
3 an "o".

4 MR. SWIGER: You've obviously got an
5 outline or something there of you---

6 MS. IBOS: Uh-huh.

7 MR. SWIGER: ---not only of your ideas,
8 but, as you indicated, suggestions, which are
9 always helpful. Could I have a copy of that?

10 MS. IBOS: Sure. I'd be happy to provide
11 it.

12 MR. SWIGER: Thank you.

13 MS. FARMER: Like Marcia, my voice is
14 pretty strong, so I doubt that I'll need the
15 microphone. My name is Joanne Farmer and I'm
16 the Outreach Director at New Employment for
17 Women. I'm the assistant to Ms. Hairston.

18 In the summer of '97, while welfare
19 reform was very new, we decided that we wanted
20 to find out if race played a part in how the
21 welfare system works. We had our own answers
22 to that, but we thought, you know, that we
23 should do a survey. I'm gonna read a little
24 bit of that survey. And Ms. Hairston's

1 passing out some to the members, and there's
2 some on the table back there.

3 This study came about as a response to
4 the Personal Responsibility and Work
5 Opportunity Reconciliation Act, more popularly
6 known as "Welfare Reform". New Employment for
7 Women wanted to study the early impact welfare
8 reform would have on rural people in Logan
9 County, including children, who comprise two-
10 thirds of welfare recipients. In this survey,
11 25 people of various ages and educational
12 levels, living in different parts of Logan
13 County, were interviewed. Of the 25, 12 were
14 white, 13 were African American, 20 were
15 women, 5 were men. Twelve had completed high
16 school, three finished eleventh grade, two
17 completed ninth grade, two had received their
18 GED's, and six had completed some post
19 secondary classes. The majority of the women
20 were single heads of households. Sixteen
21 received welfare payments, 23 received food
22 stamps and all had medical cards. The 25
23 cases affected the lives of 87 people. Five
24 of those interviewed believed they had

1 experienced some form of racism. Under Work
2 Fair Programs, such as Joint Opportunity for
3 Independence, or JOIN, and Community Work
4 Experience Program, which is CWEP.
5 Participants were placed in various positions;
6 these included placements in non-profits,
7 sanitation department, Department of Highways,
8 as well as work assignments as cashiers, deli
9 workers and laborers in a trucking company and
10 saw mill. In the 25 cases that we studied, we
11 found that race places a significant role in
12 the placements and referral. The JOIN
13 program, which pays clients \$1 and hour, plus
14 their welfare check, is the one in which most
15 minorities are placed. The white clients are
16 placed in Job Readiness, GED classes and real
17 job referrals. Minorities had to give up
18 their GED classes. Also, we found that in our
19 cases studied, the program that pays for
20 client's mileage was also different. One
21 black male received \$7 a month for mileage,
22 while his white counterpart received \$9.
23 When the clients complained to the white case
24 workers they were told they should just try

1 harder. Now, are there answers? We think so.
2 People receiving public assistance may face a
3 number of problems and barriers to success.
4 Some of these can be removed through access to
5 education, including GED, vocational and post
6 secondary programs, as well as life skills
7 issue such as parenting education. We are
8 really advocating now for our clients to be
9 able to continue their education. And we're
10 hoping that on a statewide level this will be
11 mandated. In some states they give up to, I
12 think, 20% of the welfare recipients the
13 chance to go on to higher education, because
14 we feel that by doing this, we're not only
15 giving the children in these families people
16 to look up to, we're giving these people a way
17 out; out of minimum wage onto jobs that pay a
18 living wage where they can support their
19 families.

20 MS. IBOS: With a little bit of after
21 sight, can I just make one more comment?

22 MR. HINTON: Of course.

23 MS. IBOS: With the statements that I
24 made earlier, I'm sure all of you are familiar

1 -- how many of you all are from West Virginia
2 on this panel. Okay. Good. Because from
3 that prospective, I think, you're gonna have
4 to remember what I just said. With what I
5 said, I have a lady that works full-time in
6 the Logan County court system providing
7 advocacy for victims. I couldn't have her
8 here today because I was afraid of the impact
9 and the implications that it would mean for
10 the clients that we serve with regard to her
11 services to those clients. The other impact
12 that I foresee is the potentiality of further
13 discrimination on behalf of the people that we
14 have that are working as advocates in the
15 Mingo County judicial system; that's the
16 magistrate's system, because of statements
17 that I just made. Never mind that they're
18 true, but what you have to remember, and I
19 don't have to sit here and tell you, Southern
20 West Virginia and West Virginia is political.
21 And I don't know the resolution is to get that
22 out, other than maybe a unified court system.
23 But, I will be documenting the discrimination
24 that we are encountering further, in addition

1 to the comments that I've made with regard to
2 my gripes, and moans and groans as an advocate
3 for battered women in the court system as
4 well. So, thank you for your ears and
5 listening.

6 MR. HINTON: I'm thinking that Debbie
7 McHenry is working for the state supreme
8 court.

9 MS. IBOS: Who?

10 MR. HINTON: Debbie McHenry.

11 MS. IBOS: Debbie McHenry?

12 MR. HINTON: Right. She's chief counsel
13 for the state supreme court and, you know, I
14 don't know Ted that well - I know Debbie very,
15 very well - and sometimes people don't mean
16 evil, but they don't really appreciate the
17 concerns that you have because they haven't
18 been on that side of the fence.

19 MS. IBOS: Right. I agree with you.

20 MR. HINTON: And maybe if you spoke with
21 Debbie or tried to contact her you might get
22 some quicker action. I don't know.

23 MS. IBOS: Well, the one thing that gives
24 me hope is that James Albert, that used to be

1 over the Criminal Justice and Highway Safety
2 Division, is transferring to the supreme court
3 administrator's office, and I think he's very
4 attuned to some of the issues that we're
5 talking about, because he's seen it firsthand.

6 MR. HINTON: Uh-huh.

7 MS. IBOS: So that gives me some positive
8 hope that systemic change may occur. You
9 know, I don't know, but during the interim
10 we're on the front lines out there with these
11 battered women that are a minority that do get
12 discriminated against for whatever reason. I
13 mean, maybe the magistrate is having a bad day
14 or, you know, whatever, but, you know, we get
15 tired of it.

16 MR. HINTON: Yeah. Yeah.

17 MS. IBOS: Thanks for listening.

18 MR. HINTON: Okay. Thank you. Rev.
19 Jones?

20 REV. JONES: Could John Fullen and I
21 speak together.

22 MR. HINTON: Sure. Okay. And let me
23 just ask: I don't know how long you gentlemen
24 would be, there's a young man and committee

1 member and Swiger said he likes stories, and
2 there's a young man here to tell his story. I
3 think he has to leave by four o'clock. How
4 long would it take you to tell your story,
5 sir?

6 MR. DRUMMER: Five minutes, sir.

7 MR. HINTON: Okay. Would you please come
8 on up. And if you guys don't mind, he has to
9 get to work and the fact that he's young and
10 he's here, I think we can do all we can to
11 encourage young people. Because, as Rev. Bell
12 said, they're hopeless and Paul talked about
13 how that young Drummer man took a chance to do
14 something. And so here he's taken a chance to
15 come and talk to us.

16 MR. DRUMMER: I thank you for listening.

17 MR. HINTON: State your name, please, so
18 we'll have it for the record.

19 MR. DRUMMER: My name is Christopher
20 Drummer. I'm an employee at Shoney's in
21 Logan, West Virginia. My title was kitchen
22 manager and slash -- kitchen -- I'm a manager
23 and trainee. Okay. As of Friday, November
24 the 13th, I had a confrontation with an

1 employee. She -- my job is to be responsible
2 [for] what goes on in the back of the store.
3 She came in my kitchen, which the waitresses
4 are not supposed to be back in my kitchen.
5 Okay. I told her she needed to go up front,
6 you know, she needed to get up front, out of
7 the back, out of the kitchen. Okay. And
8 prior to this I had talked to my manager about
9 the way that she talks to me and my other
10 cooks. Okay. She says racial things to me.
11 She cusses. She cusses at my cooks and I
12 asked her over and over again prior to that,
13 which was Wednesday. Okay, earlier that day
14 she cussed me. She called me a name. I don't
15 know if you all want me to say the names that
16 she called me, what she called me.

17 MR. HINTON: You're free to do it if you
18 so choose.

19 MR. DRUMMER: Well, she called me a black
20 son of a bitch. Okay. I told him then that
21 if she says -- if I hear it one more time
22 tonight, I'm not going to take it no more,
23 cause I had told him and told him I'm tired of
24 it; I'm gonna say something back to her.

1 Okay. Then after I told her to get out of my
2 kitchen, to go up front, she goes up front and
3 she starts cussing me and saying other things.
4 And she needs some pickles, and my other cooks
5 wouldn't give them to her, so I went down
6 there to give them to her, cause that's my
7 job. Okay. I'm keeping my composure still.
8 And then she called me a black bastard; that's
9 when I took the pickles out of the window, she
10 threw them in my face, hit me in my throat.
11 Okay. Then she kept on cussing me. I
12 hollered for my manager to come back there.
13 He did not come. She threw a sandwich plate
14 at me, a saucer to most of us, and missed me.
15 I hollered for him again; he still didn't
16 come. She threw another one, hit another
17 cook. Okay. Even though I'm still keeping my
18 composure, I'm not saying nothing because I
19 know she has a little history. But, you know,
20 I'm not cussing her. I'm keeping my composure
21 as a manager. Okay. She comes from outside
22 on the waitress aisle, around into the
23 kitchen, back on the lower end, out of her
24 way, to shove me. And this is when he come

1 back there and he sees this, and she's called
2 me all kind of names, you black nigger, you
3 this and that. And the only thing I told her,
4 "I might be black, I'll always be black, but
5 you'll be the person that you are." Okay. So
6 he tells us to come to the back. He's
7 grabbing her. He's physically restraining her
8 from charging me. He comes -- he takes her in
9 the back and he tells me to come back there.
10 Before I get around the corner she's charging
11 me again, not once, not twice, but three
12 times. So he tells me go up front, go back in
13 the kitchen. So I go back in the kitchen.
14 He comes back, he tells me, "Go home". He
15 asks me what happened, what was going on, he
16 tells me "Goo home". And that's no problem, I
17 clock out. So I go to get my jacket; she's in
18 the bathroom and wouldn't let me have my
19 jacket. I sent -- I called for him to go get
20 my jacket; he did not come. I had another
21 employee go get my jacket. Okay. So I'm
22 going out the door. He says something to me.
23 It was prior to this he cusses the employees,
24 he calls them -- because they only work 20

1 hours a week, which they probably draw \$70, he
2 calls them \$70-a-week mother fuckers. Excuse
3 my language; that's what he called them. And
4 I told the main boss this, and he said he does
5 it. Okay. So I go home. I come back to work
6 - I come back two hours early to talk to my
7 manager and explain my side of the story. I
8 wrote a statement up saying in my eyes what
9 happened. He tells me I'm demoted. She's been
10 written up six, seven times, been sent home
11 six, seven times. Write up slips states three
12 times you're fired. He keeps on telling them,
13 "This is the last time." "It's your last
14 time." "It's your last time." When is it
15 going to be your last time. And I told him
16 it's not right for her to call me all these
17 names and me get demoted and nothing be done
18 to her. Cause until you feel -- until you've
19 been discriminated against or been done wrong
20 like that you never know what it feels like.
21 And to me, I'm not gonna, I'm not gonna let it
22 happen to me. It would be different, you
23 know, if I was young. I've got two children
24 I'm trying to take care of on my own and I'm

1 out on my own. Nobody helps me but me. And
2 he cut my hours - I worked 40 hours a week.
3 I'm scheduled this week for 24 hours. I can't
4 live like that. Can't live like that; can't
5 raise no kids. I'm fighting -- I want to
6 fight for my position back so I can make some
7 money and raise my kids. I want to do the
8 right thing. I went to the police, I took a
9 warrant out on her, cause if I'd pushed her
10 I'd a been in jail. It's not right. And he
11 knows it's not right. He didn't ask me
12 nothing. He just told me I was demoted. I
13 don't think the area supervisor knew what
14 happened.

15 MR. HINTON: Mr. Drummer, you're not
16 looking to us for help, are you? I mean,
17 we're not -- we don't have any power to do
18 anything to fight that. We're here to get
19 information and to submit a report to the
20 Commission on Civil Rights.

21 MR. DRUMMER: Things like this go on
22 constantly in Logan County.

23 MR. HINTON: Okay. I mean, are you doing
24 something about it on your own.

1 MR. DRUMMER: Yes, sir.

2 MR. HINTON: Okay.

3 MR. DRUMMER: I am personally pursuing my
4 case.

5 MR. HINTON: Okay. I mean, it's good to
6 hear your story because it just happened last
7 Friday.

8 MR. DRUMMER: It goes on around Logan
9 County constantly. And I see why most young
10 kids -- young kids come out for jobs and you
11 have these people like this talking to you
12 this way, this is why most people don't want
13 to work.

14 MR. HINTON: Let me ask you this: My
15 guess is most people of your racial persuasion
16 probably did not handle the matter as
17 gracefully as you've handled it.

18 MR. DRUMMER: They most certainly don't,
19 because everyone I have talked to and spoke to
20 about it they told me, when she put her hands
21 on me it would have been a different
22 situation. But I tried not to touch her, no
23 matter, no situation, no way.

24 MR. HINTON: Well, you did well. You did

1 very well. I hope you know that.

2 MR. DRUMMER: Yes, sir.

3 MR. HINTON: I'm quite proud of you. And
4 I'm surprised you handled it that way, but I'm
5 very pleased that you did handle it that way.

6 MS. HAIRSTON: Greg, we did advise Mr.
7 Drummer to contact the state Human Rights
8 Commission.

9 MR. HINTON: Okay. Okay.

10 MS. HAIRSTON: And I think, also, you
11 should talk to your area supervisor in
12 writing.

13 MALE PANEL MEMBER: I would think that,
14 he works for Shoney's. Shoney's just settled
15 a big time discrimination suit. I would get
16 hold of corporate headquarters.

17 MR. HINTON: Yeah, I was going to say the
18 same thing. I mean, there's someone outside
19 the State of West Virginia who would love to
20 hear your story, because you've got a manager
21 above you and somebody above him who they need
22 to hear about.

23 MALE PANEL MEMBER: Yeah, at corporate
24 headquarters.

1 MR. HINTON: Because you see, you have a
2 problem, but your problem is not isolated.

3 MR. DRUMMER: See, the thing about it is,
4 I still to this day -- he said she's going to
5 call me today. I still have not heard from
6 this lady. I know the main boss and I'm
7 pretty sure she would not allow this. She
8 don't know what's going on down in this store.
9 That happened right there and she not being
10 down here in Logan, the woman wouldn't know
11 what the problem is. I know her personally
12 from seven, eight years.

13 MR. HINTON: How long has this -- you
14 indicate a pretty clear pattern, how long has
15 this been going on?

16 MR. DRUMMER: She's been calling me,
17 making racial comments to me for about three
18 months. She started about three months and it
19 stopped for about a month and a half.

20 MR. HINTON: And how long or how soon did
21 your superior know about it.

22 MR. DRUMMER: I told him about it about a
23 month and a half ago, then I talked to him
24 last week about the situation.

1 MR. HINTON: Okay.

2 MR. DRUMMER: Because she started back up
3 last week.

4 MR. HINTON: Okay.

5 FEMALE PANEL MEMBER: But, honestly,
6 we've had this trouble ever since Shoney's has
7 been open. He's just -- he's not our first
8 client to come to us with Shoney's.

9 MR. HINTON: Just the most recent one.

10 MR. DRUMMER: Just the most recent one.

11 FEMALE PANEL MEMBER: That's why I asked
12 him to come over here and share this story
13 with you all.

14 MR. HINTON: Okay.

15 FEMALE PANEL MEMBER: It's not that we
16 don't know the channels to go through, and we
17 are gonna go through---

18 MR. HINTON: Right.

19 FEMALE PANEL MEMBER: But I wanted him to
20 share that story with this group here, today.

21 MR. HINTON: Because of the timeliness of
22 it.

23 MR. DRUMMER: It's all around Logan.

24 MR. HINTON: Thank you for taking time to

1 give us your story. And, you know, continue
2 to handle it as you've done. I think you've
3 done well the way you've handled it. And seek
4 legal remedies.

5 MR. DRUMMER: All right. Thank you for
6 your time, sir.

7 REV. JONES: Okay. My story -- my name
8 is Frank Jones. I have a personal story to
9 tell. It dates back a few years. What
10 happened with me in the Mingo County School
11 System is that I had applied for a job --
12 first let me give you some background of who I
13 am. I grew up in Matewan in Mingo County,
14 attended the school system in Matewan, left
15 and went to New York and stayed there for a
16 few years and was drafted into military
17 service in 1965, went to Viet Nam, came back
18 from Viet Nam and decided to enter college.
19 Upon receiving my degree from college I got a
20 position to teach at a school, one of the
21 schools in the county. And at that time it
22 was hard to get, for a black to get a position
23 in the field that he graduated in. They would
24 put you in a position, in a field, but not in

1 a field that you graduated in. Of course,
2 that kept us going back to school every year,
3 being recertified in order to teach. Finally,
4 I decided I was going to petition to get out
5 of that field, and I did send a report to the
6 Mingo County Board of Education requesting
7 permission to be moved from that field into
8 the field that I graduated in. And they were
9 not going to do it and we had to threaten to
10 take them to court before we could get them to
11 submit to our behest. But what happened after
12 that -- I've been in the school system now for
13 some 25 years. I have now under my belt three
14 college degrees and one certification in
15 administration. And I have been working
16 fairly good in the system. I have not had any
17 problem; my evaluations have been top all the
18 way through the school system.

19 MR. HINTON: Are you employed in the
20 system now?

21 REV. JONES: I am currently employed in
22 the system.

23 MR. HINTON: In what capacity?

24 REV. JONES: As a guidance counselor.

1 MR. HINTON: Okay. Which school?
2 REV. JONES: Matewan Middle School.
3 MR. HINTON: Okay.
4 REV. JONES: Three years ago --
5 approximately four years ago I received a
6 position, secured a position as a principal in
7 Mingo County under what at the time was called
8 a "Taco Bell Certification", which means that
9 the state superintendent, Marockie, issued a
10 thing in the State of West Virginia if you
11 paid \$5 and got a certification that you could
12 be certified as a principal, but you would
13 have to go through the procedures of getting
14 your degree shortly thereafter. So I was
15 hired under "Taco Bell" as an administrator
16 and worked for a year. There was some closing
17 of a school. And what happened when they
18 closed the school, since I was the last
19 principal to be hired, then I was the first
20 one to be removed. After being removed for
21 that year there was a superintendent in the
22 county who called me up and asked me if I
23 would go to be an administrator in a small
24 elementary school. I told him at the time

1 that I was not qualified for the position;
2 that I had been secondary all my life and I
3 didn't think I would do a good job in the
4 elementary setting. He, at that time, assured
5 me if I went that everything would be all
6 right. So I went to work there and shortly
7 thereafter I discovered that the system, that
8 school was going to close, and I could very
9 well be shipped a great distance from my home
10 to another school. So I chose to go back to
11 the position that I was before I left, which
12 was guidance counselor at Matewan Middle
13 School. The year after that a legitimate
14 position came open in a high school that I
15 applied for. When I applied for the job the
16 superintendent, for whatever reason, decided
17 that he did not want to give me the job. He
18 had posted the job for the required five days.
19 He had been doing that in the county all
20 along. He had posted it the required five
21 days. He closed the posting, as he had did in
22 the past, and the school had interviewed me.
23 There was a counselor at the school that had
24 interviewed me and found out that I was the

1 only eligible, certified person for the job.
2 What really happened then is that they sent a
3 letter to the superintendent saying, he is the
4 only eligible person, qualified person that we
5 have, but we want to re-post the job to see if
6 we can get another applicant, to interview
7 more applicants. Well, the superintendent
8 then re-posted the job. When he re-posted the
9 job another applicant applied. I did not
10 apply, because I figured that I had applied
11 before and been interviewed by the group that
12 I did not have to apply again. So they
13 interviewed the second person and the second
14 person received the job. That second person
15 was a lady; she was a black lady; she got the
16 job. I decided that I was going to take the
17 Mingo County Board of Education through the
18 grievance procedure. I did. Not on the basis
19 that the black lady received the job, but on
20 the basis that we thought that we were
21 discriminated against from the very beginning;
22 that they had re-posted the job even though
23 they had a qualified applicant. Then they
24 were mandated by the state code to place at

1 the position that person and that person was
2 me. So, we took it through the grievance
3 system and we lost in Mingo County, Level I.
4 Level II we lost. We went to Level IV -- we
5 bypassed Level III; they waived Level III,
6 which is the Mingo County Board of Education
7 and we went to Level IV. When we went to
8 Level IV we won with an administrative law
9 judge there at Level IV. And when the case
10 came back to Mingo County and they discovered
11 that we had won the case on Level IV, then
12 they decided that they were gonna send the
13 case through the circuit court. Well, it's
14 good to have friends in high places. So they
15 sent the case through the circuit court system
16 and when they sent it to the circuit court
17 system the circuit court reversed the
18 administrative law judge's decision and denied
19 me the job. So then after that we decided
20 that we were going to send it to the next
21 level, which was the supreme court, West
22 Virginia Supreme Court. It took it a year to
23 get it heard before the supreme court. The
24 supreme court heard the argument and now we're

1 waiting on a decision to be passed down from
2 the supreme court. From the way things look
3 now it looks like we're going to -- it looks
4 very favorable for us in this position. When
5 they did this, while they were doing all of
6 this, what I did was I applied for several
7 jobs in the interim, while this case was being
8 argued. And every position that I applied for
9 in Mingo County I was looked over and passed
10 over. It got so bad at one time that I even
11 called the EEOC in Pittsburgh and asked the
12 EEOC in Pittsburgh to come down and
13 investigate. The EEOC decided they was gonna
14 check up on it. They did. They sent a letter
15 to the Mingo County Board of Education asking
16 them what was going on. Their lawyer sent a
17 letter back explaining what was going on. The
18 EEOC read the letter and decided there was no
19 case against the Mingo County Board of
20 Education. I was horrified. I said, "They
21 didn't even think enough to come from
22 Pittsburgh to West Virginia, to Mingo County,
23 to check out the case. They allowed a man
24 who, by the way, from the very beginning was

1 in on the situation of not hiring me from the
2 very beginning to send a letter saying there
3 was nothing wrong with the case. I was very
4 upset with that. Finally, the EEOC sent back
5 the letter that they normally send back.
6 Well, you have 30 days to sue, if you care to
7 sue, and if you need a lawyer we'll get you
8 one, but we couldn't find anything wrong with
9 the case. So, we went ahead and, and I was
10 very upset with them, so what I decided to do,
11 I said, "Well, you guys have gone through all
12 that procedure, all that to make sure that
13 there was discrimination. There's no use
14 bothering you any more. We'll take our chance
15 in the supreme court. So what I'm saying is--
16 -

17 MR. HINTON: When you said take your
18 chance with the supreme court, but I
19 understand
20 there were two different issues?

21 REV. JONES: Beg pardon? Beg pardon?

22 MR. HINTON: Well, I was understanding
23 that there were two different things going. I
24 mean, you've got one case before the state

1 supreme court, but while that was pending you
2 were looked over and passed over. Now, is
3 that also in the supreme court as well?

4 REV. JONES: No. No.

5 MR. HINTON: Oh, okay.

6 REV. JONES: All of that was hinging upon
7 the case, I believe.

8 MR. HINTON: So you're just gonna let it
9 stay back where you, yeah, right. Okay.

10 REV. JONES: I think because I had filed
11 the case in the supreme court that the county
12 board of education refused to give me the
13 other jobs. Okay? I based it on
14 discrimination, but they did not. And the
15 EEOC didn't think it was discrimination
16 either, simply because they had hired a black
17 woman in the county. And I said whether they
18 hired a black lady, or not, in the county
19 doesn't mean I wasn't discriminated against.

20 MR. HINTON: No, that's no proof. Courts
21 have said that years ago.

22 REV. JONES: Yeah. That does not mean
23 that I was discriminated against. There was
24 another situation, with regard to the same

1 case, that I had applied at a different school
2 in the county for a position as administrator.
3 All these jobs I applied for were
4 administration jobs and I certainly was
5 qualified for any one of them. But in order
6 to keep me out of the job what this
7 superintendent decided to do, he decided to
8 withdraw the posting and put a substitute in
9 the position for the duration of the time. He
10 put a black person in the position for the
11 duration of the time just so, black male
12 person, so that I would not be hired.

13 MR. HINTON: You know, I was just
14 thinking, I have an article - I didn't bring
15 it with me - but it was very interesting.
16 Some research has been done on this issue and
17 the title of the article was "Why Black Men
18 Don't Get Hired." I gave you a copy of that
19 over in Wheeling, you know. And they were
20 talking about soft skills and they had done
21 some research about the perception that black
22 men don't have the kinds of skills they're
23 looking for. If I had it I'd be glad to give
24 you one, but if you'll give me your address

1 I'll send you one.

2 REV. JONES: Okay.

3 MR. HINTON: It won't help you, but it
4 may give you some understanding of why you
5 didn't get hired in the first place. Not
6 because they don't think you're qualified, but
7 just a matter of perceptions.

8 REV. JONES: Well, I quite understand
9 that.

10 MR. HINTON: Yes.

11 REV. JONES: But that was my personal
12 gripe against the Mingo County Board of
13 Education and the reason I felt I was
14 discriminated against. When I talked to Marc
15 on the telephone he asked me to share that
16 with the committee and I thought I'd share it.

17 MS. ROPER: We appreciate it.

18 REV. JONES: Thank you.

19 MS. ROPER: It's a real eye opener, being
20 from the Eastern Panhandle, to just see the
21 politics and what's going on down in this
22 area. It's sickening.

23 REV. JONES: Uh-huh.

24 FEMALE PANEL MEMBER: You don't see that

1 in the Eastern Panhandle?

2 MS. ROPER: I don't hear about it as
3 much, as blatant as this is down here.

4 MR. HINTON: Well, in fact, we had one
5 meeting over in her part of the state and of
6 course there's Berkeley County and there's
7 Jefferson County. And Berkeley County is
8 doing some pretty good things. We were quite
9 pleased with what we heard about Berkeley
10 County, but very disappointed with what we're
11 hearing from Jefferson County. As a matter of
12 fact, we decided to hold our next meeting, go
13 back to the Eastern Panhandle again because of
14 some of the things. So part of them are good
15 over there and part of them are just like what
16 you're having here.

17 REV. JONES: John is the president of the
18 NAACP and he and I work closely together on a
19 lot of issues, so I guess he's gonna now share
20 with the panel some things.

21 MR. FULLEN: I just want to, number one,
22 I appreciate being invited. Marc and myself
23 tried to get hold of each other four or five
24 times, just like Ms. Hairston three or four

1 times.

2 Mr. Hinton, I appreciate being here
3 before you. I notice where you're the mayor
4 of a community that only had six percent
5 blacks; that's pretty good. I'm the mayor of
6 a community that has 19 blacks and only six
7 hundred and about eighty-five people, so I
8 don't know if we've got something in common
9 or not.

10 But you know racism is as American as
11 apple pie. I mean, you can say anything you
12 want to, do anything you want to; that's just
13 the way it is. And -- but you just can't give
14 up. I noticed one person on the panel said
15 he'd like to hear you give some facts or tell
16 a story or wherever I'm coming from. I don't
17 know today, but I'm gonna tell you this: If
18 Jackie Robinson, Dr. King, Marcus Garvey, Adam
19 Clayton Powell and those guys had gave up
20 years ago -- if some of those guy had a gave
21 up years ago, you know, I don't know where
22 we'd be. And one of the things I want to talk
23 about - I call him David, it's Rev. Bell - is
24 job opportunities for our young kids. I think

1 one of the numbers he mentioned was my niece.
2 She had a rough time getting a job this
3 summer. She's a good student, honor student
4 in school, also. But we did manage to work --
5 and as Tip O'Niell said - and everybody in
6 here knows who that is - you know all politics
7 is local, and like the lady said right there,
8 it's local. And if you don't get involved
9 locally on a political level - and with that
10 small a number it's almost impossible to do -
11 you're not going to get these breaks. And I
12 call them breaks that whites get affirmative
13 action, but they don't call it affirmative
14 action.

15 MR. HINTON: What city are you
16 particularly talking about?

17 MR. FULLEN: All right. Jobs in our
18 particular area.

19 MR. HINTON: Okay, but what's the area?

20 MR. FULLEN: Matewan, Williamson, Mingo
21 County.

22 MR. HINTON: Okay. Are you the mayor of
23 Matewan?

24 MR. FULLEN: Yes.

1 MR. HINTON: Okay. This is Johnny
2 Fullen; right?

3 MR. FULLEN: Yes. They added me to the
4 agenda.

5 MR. HINTON: Right.

6 MR. FULLEN: I asked Marc and he pointed
7 at his head that he would remember it and I
8 was surprised.

9 MR. HINTON: He wrote your name down
10 here.

11 MR. FULLEN: Anyway, what I want to say,
12 jobs in that area they are hard, hard to come
13 by. And Logan just got a regional jail that
14 our local NAACP turned in several names. And
15 I had two people that I had labeled, "Can't
16 miss". I talked to Rev. Jones and other
17 people, and they were both young ladies with
18 college degrees. I said, "They can't miss."
19 I said, "We gotta think the way the power
20 structure thinks. They're black females with
21 college degrees. Well, they got jobs. But
22 four or five of our males, young men, didn't
23 get jobs. And what we tried to do, we've also
24 tried to go after our hospitals, cause in this

1 country today that seems to be a growing
2 thing. And we have tried with that. Also, our
3 police department. Williamson is the largest
4 community in Mingo. I'd say it's about 6500
5 market. And what I really -- what we did --
6 what I did in Matewan - and this was a step by
7 step plan that I did - I hired a young black
8 man as police officer in Matewan. But prior
9 to that we were trying to get the City of
10 Williamson -- now, years and years ago they
11 had a couple of black officer. So what we
12 did, we hired the young man in Matewan. And I
13 knew that Williamson was waiting to see how he
14 worked out. So what they did, they went after
15 him, and they could pay more. Okay. And with
16 that economic times, you know, just like the
17 Town of Matewan, and I'd say Logan and all of
18 them, they're probably hiring a lot of people
19 through COP's grants, through the Department
20 of Justice. Just like we, we only have three
21 and 90% of their salary is paid through that
22 grant. So it worked. Williamson got my
23 officer and they hired another officer; that
24 was a young man from Logan that took the exam

1 that we looked into, and I understand he made
2 a very high score, but then he got hired over
3 here, I think. I'm not sure if he's with the
4 county or the state, which one. The county.
5 So what I'm trying to do, I'm just touching on
6 things to let you know that we are trying to
7 do things, but you run up against obstacles,
8 you have to confront them, you have to go over
9 them, you know, you just have to continue to
10 do.

11 MR. HINTON: Be creative.

12 MR. FULLEN: Yeah. And I told Rev. Jones
13 that there was a good chance of him getting
14 this job. And I told him -- see, I work in
15 the board of education office. And as I said,
16 all politics is local and that had a lot to do
17 with me getting in there, because I had enough
18 vision and enough people telling me to do it
19 or else you'll never get there. And I told
20 them I wanted there, so that's what I did.
21 But, during this time, I don't know, I
22 approached everybody I could to help him get
23 that. So I just told him, sitting back there
24 earlier today, "I'm not gonna say you're gonna

1 get that job because every time I've said that
2 something has happened." But, what we're
3 planning to do now is approach that board,
4 have them come to what we call round table
5 meetings. And get them involved with the
6 African American community, and let them know
7 that we're hoping to get that block of votes
8 there in Williamson, because there's a large
9 black population there. And maybe that will
10 send a message. And that's basically the main
11 reason I'm here. But one other thing I want
12 to tell you - it's a true story - the City of
13 Williamson was having racial problems two or
14 three years ago. And there was two families
15 and it went back a generation - a black family
16 and a white family. I approach the mayor; he
17 wouldn't do anything. I approached the chief
18 of police; they wouldn't do anything. A group
19 of us did. So, I told Rev. Jones, I said, "I
20 know somebody I'm gonna approach and they'll
21 do something." I went to the prosecuting
22 attorney. I named names and we had several
23 meetings. But during this time we had a real
24 bad racial confrontation at a Wendy's which

1 was right across the river from Williamson,
2 which is in Kentucky. I got a hold of the
3 NAACP in Kentucky, the Department or Human
4 Rights Division in Kentucky, the sheriff, the
5 state police, and I had another meeting. And
6 we haven't had any problems at the Williamson
7 High School, we haven't had any in town, have
8 we? But we have had some blacks complaining
9 about one of the black officers, but you know
10 how that goes, and we will approach that. But
11 I'm just here to say what I just said and I'll
12 try to answer any questions you have.

13 MR. HINTON: Does anyone have any
14 questions.

15 MS. HART: Mr. Fullen, what is your other
16 job title?

17 MR. FULLEN: Assistant superintendent in
18 charge of the support services.

19 MR. HINTON: That's for the Mingo County
20 school board?

21 Does anyone have questions for Mr. Fullen
22 or Rev. Jones?

23 MR. PENTINO: Just one for Mr. Fullen.
24 What other complaints you've gotten from your

1 members as NAACP president?

2 MR. FULLEN: Just jobs. Jobs is it. The
3 way the economy is, the downsizing all over
4 America; it's jobs. And it's sad, because
5 really young people just do not come back;
6 that's black and white. They just don't come
7 back. And, you know, your people from Logan
8 and Mingo will appreciate what I'm saying. You
9 live in Charleston and you can be in
10 Williamson in an hour and a half, when it used
11 to be four and a half hours. Well, that road
12 runs both ways. I mean, you take the
13 community where I'm from, we're trying to
14 capitalize on the history of the community and
15 all that. We've been awarded a National
16 Historic District, you name it and all that,
17 but our community, business community cannot
18 grow. And if it was trying to grow we
19 wouldn't have the young kids coming back off
20 of the labor force. And you've probably got
21 the same thing here in Logan. And Logan has
22 this mall out there now, and I know that the
23 city probably came together with some kind of
24 agreement with the people that's putting the

1 mall in to the business owners to get business
2 and occupation tax - that's what we have here
3 in West Virginia; I'm not sure what in
4 Philadelphia where you're from, Marc - to keep
5 the city going. And maybe Logan has probably
6 done some kind of deal that way. You take the
7 City of Charleston; they're growing that way.
8 They have a lot of businesses. They survive
9 on business and occupation taxes.

10 MR. HINTON: Charleston was also smart by
11 having the downtown mall. That was their
12 saving grace.

13 MR. FULLEN: Yeah. That's right.

14 MR. HINTON: And nationally there has
15 been stories about them having a downtown mall
16 has made a difference.

17 MR. FULLEN: That's right. It made the
18 difference. But it's jobs. Jobs is the
19 number one issue. In bad economic times, if
20 you look back through history, blacks and
21 females has suffered, and poor whites have
22 suffered the most. When times get hard people
23 have got to find somebody to trounce, and
24 usually blacks is the one they really trounce

1 on.

2 MR. HINTON: I understand there is about
3 400 jobs may be lost with that what, Mac Coal
4 Company or something?

5 MR. FULLEN: Arch Coal. That's just a
6 mountaintop removal; it's not totally
7 approved.

8 MR. HINTON: Okay. Are there any blacks
9 affected by that directly? I mean, if they
10 loose those jobs indirectly they're going to
11 be affected.

12 VOICE IN AUDIENCE: Take two out of 400.

13 MR. HINTON: Okay.

14 MR. FULLEN: But that's the biggest
15 complaint I get is jobs.

16 MR. HINTON: Is it one; that people are
17 not getting and, two; is it too, that those
18 that are getting jobs they are not treated
19 fairly on those jobs, like the Drummer
20 gentleman we just talked to and about? Is
21 that what you hear as well?

22 MR. FULLEN: Yes. Not to the extent,
23 but.

24 MR. HINTON: But more it's not getting

1 jobs.

2 MR. FULLEN: Yes, just not getting jobs.

3 MR. HINTON: Okay.

4 MR. MAJUMDER: Is there some black
5 business or industry run by the blacks around
6 here?

7 MR. FULLEN: No. Williamson used to be
8 loaded with black businesses. Where I was
9 from we had about three or four and they were
10 old, long established old businesses. We
11 haven't got a black business. You've got one
12 or two in Williamson and zero in the rest of
13 the county.

14 MR. MAJUMDER: Uh-huh.

15 MR. FULLEN: I don't know, Logan is
16 nowhere near like they used to be. It's like
17 integration. I mean, they integrated the
18 schools and got these super athletes - and we
19 happen to be a couple of them - but the
20 teachers, they left.

21 MR. MAJUMDER: Uh-huh.

22 MR. FULLEN: And just like the City of
23 Williamson, there's no black business - just
24 one or two; there's not any.

1 MS. TOMPKINS: Are your school systems
2 the major employers?

3 MR. FULLEN: In Mingo?

4 MS. TOMPKINS: In Mingo and Logan.

5 MR. FULLEN: Yes, I'd say it's the
6 largest, yeah. Hospitals, yeah. There'll be
7 a Wal-Mart right across the river from the
8 City of Williamson. It's gonna be a super
9 center like this one. That'll be a lot of six
10 and seven dollar an hour jobs; nothing that
11 you can raise a family on and nothing that you
12 can have a mother and a father and that kid --
13 it's really -- this is good timing for me
14 because I sat in on a meeting yesterday with a
15 little black kid about this high. And my
16 purpose for going to that meeting, I made sure
17 that he wasn't gonna get done in. And I told
18 him if he would do certain things what I would
19 do for him. And he told his mother and she
20 said, "Well, you tell Johnny what you really
21 have been after me to buy that I can't afford
22 to buy." And he wanted a pair of new blue
23 jeans. I said, "You do what I want you to do
24 and you come back to me the week of Christmas

1 and I'll take you shopping." And he knows the
2 kind of car I've got and he asked me, "Are we
3 going in that car?" I said, "Yeah." And they
4 don't get that. I mean, it's sad. And his
5 mother, she works now, but she works for the
6 Mingo County Opportunity Commission. But
7 what's bothering me now, and I'm looking into
8 it, and I've got a meeting in the morning, I'm
9 hoping she's got some kind of hospitalization
10 that will help him as far as test whatever we
11 have to have done. And you know, we need more
12 of that.

13 MR. HINTON: Any questions of Mr. Fullen.

14 MRS. DILLARD: I just have a comment.

15 MR. HINTON: Yes, ma'am.

16 MRS. DILLARD: And I'd like to say to
17 Rev. Jones and to whom, what he has
18 experienced is one of the fall outs from
19 integration, because they first started
20 pitting the black woman against the black man.
21 And some way or another we have to come up
22 with the solution that we're not competing
23 with each other, but we're working with each
24 other. And that's another thing we have to

1 work to resolve.

2 MR. HINTON: That's what they call a
3 "twofer".

4 MR. FULLEN: That's what that is; yes.

5 MR. HINTON: Well, gentlemen, thank you
6 very much for your coming and your sharing
7 with us today.

8 MR. FULLEN: Thank you.

9 MR. HINTON: To add to our list we have
10 Stephen Hairston and we have Peter Kelly. If
11 you two will come up. Whatever order you want
12 to go; it's your choice.

13 WHEREUPON, after a brief recess, the
14 hearings continued as follows, to-wit:

15 MR. HINTON: If our panels are ready
16 we'll reconvene. Mr. Hairston, you're ready
17 to go.

18 REV. HAIRSTON: Thank you, first of all,
19 for inviting me to this forum. My name is
20 Stephen Hairston. I am Rev. Hairston now,
21 President of the Boone-Logan Chapter of the
22 NAACP.

23 MR. HINTON: Rev. Hairston, sorry,
24 forgive me.

1 REV. HAIRSTON: I understand. No
2 problem. But I won't take much of your time
3 because it would be repetitive of what I would
4 have to say over and over again. But I want
5 to reiterate that I'm the Kazin Coal Company
6 that's in this form here. I was the president
7 of that coal company.

8 MR. HINTON: Which coal company was you
9 president of?

10 REV. HAIRSTON: Kazin, K-a-z-i-n.
11 There's an article in there about that.

12 MR. HINTON: Okay.

13 REV. HAIRSTON: And I know the UMWA, of
14 course, defended themselves quite vehemently.
15 But, I'm the company that they said they were
16 gonna put the nigger out of business, and they
17 did. You know, from up in Rock House. I
18 hired a lawyer that was on your panel, Donald
19 Pitts, to help me, and I was looking to see
20 him to day, but I don't see him with you
21 today.

22 What I'm trying to say is this: I spoke
23 to Debra, Mrs.---

24 MR. HINTON: Hart?

1 REV. HAIRSTON: ---Hart a few times and
2 we've talked about things a few times, back
3 and forth. So, anyway, that's who you have as
4 the president of the NAACP in Logan County;
5 the person they put the nigger out of business
6 at Rock House, West Virginia, and I don't see
7 much change.

8 And you was talking about companies with
9 12 and under not being responsible. I'm
10 talking about companies with four or five
11 hundred and two blacks. Arch of West
12 Virginia, right up there at Buffalo Creek.
13 They've got about the same amount, about four
14 blacks. I see it over and over again; it's
15 blatant. And when you go up to these
16 companies and you ask to see their affirmative
17 action plan, because I know they've got
18 government contracts, they look at you like
19 you're crazy, you know. You know, where did
20 you come from? You know what I'm talking
21 about? I finally got to see the one at the
22 Man Appalachian Hospital up at Man. They have
23 one black at Man Appalachian Hospital.

24 MR. HINTON: How many employees,

1 approximately?

2 REV. HAIRSTON: Oh, 300, I would say; 250
3 to 300. They told me emphatically, that --
4 they had this lady named Ms. Sharp, that just
5 died recently; they had her still on the
6 active role. And they still had this Delbert,
7 a gentleman who retired, as an active
8 employee. They told me that they would
9 replace them with blacks because they were
10 getting ready to retire, and the lady, Ms.
11 Sharp, was real sick. She died, Delbert
12 retired, but during that transition period the
13 administrators changed. Ms. Napier retired
14 and Mrs. Rowe took over. They have been
15 replaced by white people, those jobs.

16 MR. HINTON: Did blacks apply?

17 REV. HAIRSTON: Yes.

18 MR. HINTON: Okay.

19 REV. HAIRSTON: I had a young man go
20 back. He applied and they couldn't find his
21 application when I went back to check. I went
22 back myself to check on it. I said, "Where is
23 the application at?" "He didn't put no
24 application in here." I called and he went

1 back and put the application back in again.

2 But, like I said, for me to continue on would
3 be repetitive. It's the same old story.

4 MR. HINTON: Do you confirm the things we
5 heard earlier?

6 REV. HAIRSTON: Oh, yes.

7 MR. HINTON: Okay.

8 REV. HAIRSTON: Oh, yes. But we are
9 active now. We have to be organized. And we
10 have to go through the by-law procedures and
11 all that. We're sort of like the new kids on
12 the block.

13 MR. HINTON: When you say "we", who do
14 you mean?

15 REV. HAIRSTON: Logan-Boone branch of the
16 NAACP.

17 MR. HINTON: Okay. Logan and Boone?

18 REV. HAIRSTON: Yes. I'm president of
19 both branches. So, you will be -- we will be
20 active. We will be pursuing affirmative
21 action plans from people. We'd like to see
22 copies of them. And that's one thing I'd like
23 to ask this panel: If I ask for affirmative
24 action plans, do they have to provide me one?

1 MR. HINTON: I'm not sure in terms of the
2 law. If they have to, are required to because
3 they are federal contractors, they have to
4 post certain things about, you know, that is
5 required by law.

6 REV. HAIRSTON: Uh-huh.

7 MR. HINTON: But as far as an affirmative
8 action plan, you know, if they won't give it
9 to you, get it from the federal government.

10 REV. HAIRSTON: Uh-huh.

11 MR. HINTON: I mean, we're all citizens
12 of the same government, you know. Now, I know
13 a lot of these people have to submit reports,
14 like there's an EEO4, an EEO5 report that goes
15 with the breakdowns, like the school board.
16 That's why, you know, Dr. White had those
17 numbers and they've got to do those annually.
18 They've got an EEO4 report and the city's got
19 an EEO5 report they've got to file, and
20 they're public records. But when you're
21 dealing with a private employer they can play
22 the games with you, hem and haw around with
23 you. But just go to the federal government.

24 REV. HAIRSTON: That's what we'll do.

1 MS. HART: I'd like to add to it. It's a
2 public document and they have a responsibility
3 to share it with you on-site, but they don't
4 have to provide a copy to you.

5 REV. HAIRSTON: Okay. Well, Arch of West
6 Virginia has yet to even do that with me, you
7 know. And Ms. Nessari is her name, the lady
8 that's over personnel, and she has yet to even
9 do that with me. But we'll try to break the
10 ice on that. We're going to be pursuing that
11 very hotly, you know. I promise you that.

12 And this Walker Machinery, that's another
13 one. I'm gonna name some names. Man
14 Appalachian Regional Hospital, Arch of West
15 Virginia, Walker Machinery, Logan PSD; they
16 won't do their fair share in this community.

17 MR. HINTON: And these are companies that
18 you guys are pursuing as the Logan-Boone
19 Counties NAACP?

20 REV. HAIRSTON: Yes, sir. I came to
21 speak -- they asked me Saturday---

22 MR. HINTON: Okay.

23 REV. HAIRSTON: ---at our meeting---

24 MR. HINTON: Okay.

1 REV. HAIRSTON: ---to come here and
2 represent them.

3 MR. HINTON: Okay.

4 REV. HAIRSTON: And that was some of
5 their main concerns.

6 MR. HINTON: Were you -- I don't know
7 when you're gonna get results, but at some
8 point, you know, you're probably gonna bear
9 fruit for your efforts. Would you be willing
10 to keep our regional office informed?

11 REV. HAIRSTON: Yes, sir.

12 MR. HINTON: Do you have the address,
13 Marc?

14 MR. PENTINO: I have it here somewhere.

15 REV. HAIRSTON: Yeah, we've been talking
16 to one another.

17 MR. HINTON: See, that's one of the
18 things is, there's things that goes on all the
19 time and who knows when we'll get back into
20 the Logan and Mingo County area, you know.
21 But if you'd keep us informed, we would
22 appreciate it.

23 REV. HAIRSTON: Well, we'll do that.

24 MR. HINTON: Okay.

1 REV. HAIRSTON: More than happy to. And,
2 like I said, for me to keep talking would be
3 repetitive.

4 MR. HINTON: Uh-huh.

5 REV. HAIRSTON: Cause you've heard the
6 story and I think Mr. Chalmers was on the
7 panel, and Mr. Pitts, and you were also, and
8 Mr. Pitts, where I was Kazin Coal Company at
9 that time. And so I told them then what they
10 threatened to do; they accomplished that.
11 Debra introduced me to a Ms. Flowers who sort
12 of gave me some legal terminology for what
13 they did. I found a way around the panel. I
14 was a hundred percent minority owned company.
15 And so I couldn't even hire black people,
16 though, because it was a white panel. And I
17 found a way around the panel to hire black
18 people, and so they retaliated, you know, with
19 these inspectors and things. And she gave me
20 some legal terminologies for what they did.
21 And I will be talking to her a little bit
22 more. And I would hope that Mr. Pitts would
23 have---

24 MR. HINTON: He couldn't make it today.

1 REV. HAIRSTON: Yeah. But during that
2 time I hope he would. But, anyway, for me to
3 keep rattling on would be repetitive. Okay?
4 Thank you very much.

5 MR. KELLY: Okay. My name is Pete Kelly
6 and I'm with the Logan County Community Action
7 Group, and co-chairman of the NAACP. And my
8 concern, the reason I'm here today, is my
9 employer, who is Arch Coal that you just
10 mentioned a minute ago, the Daltex Division.

11 MR. HINTON: Daltex?

12 MR. KELLY: Daltex Division. I've been
13 an employee there for seven years. And March
14 the 7th of 1996, I was in an automobile
15 accident - I was hit by a drunk driver - and I
16 was off work from March the 7th of '96, and my
17 doctor released me to go back to work on
18 November the 3rd of 1997. The contract that
19 the coal company is under, and the union, says
20 that if an employee wants to come back to work
21 the company has a right to challenge that and
22 send them to their doctor for a physical.
23 Well, that did happen. When the company sent
24 me to see their doctor, they sent a job

1 description in saying I was a bulldozer
2 operator, a grader operator, a coal truck
3 driver and an 18-wheeler driver. Those things
4 I never did. The only thing I ever did for
5 that company was I was a rock truck driver.
6 Well, when they sent the job description into
7 their doctor and their doctor refused to let
8 me go back to work on the basis of the job
9 description, well---

10 MR. HINTON: What did the doctor say, in
11 terms of your condition and the job
12 description? I'm just curious to keep a
13 connection here.

14 MR. KELLY: Well, basically, what did
15 happen, the company sent in a false job
16 description.

17 MR. HINTON: I understand that. But, I
18 mean, I'm wondering was there any physical
19 incapacity? I mean, it's a different skill
20 to, obviously, do operate those kinds of
21 equipment. I understand that.

22 MR. KELLY: Okay. I had a knee injury.

23 MR. HINTON: Okay.

24 MR. KELLY: To my left knee.

1 MR. HINTON: Okay.

2 MR. KELLY: And the company was concerned
3 that that would be a real problem for me
4 driving that truck. Okay. But the truck that
5 I drove, it didn't take the left knee to
6 drive.

7 MR. HINTON: But the other ones did?

8 MR. KELLY: Yeah.

9 MR. HINTON: Okay.

10 MR. KELLY: It used the clutch.

11 MR. HINTON: Okay.

12 MR. KELLY: So, when the company sent
13 that job description in the first doctor
14 denied me to go back to work, because he
15 thought that was actually my job description.

16 MR. HINTON: Uh-huh.

17 MR. KELLY: So, luckily, and thank God, I
18 found out what kind of job description they
19 had sent in. So in June, the 11th of '97, I
20 wanted to go back to work then. And my doctor
21 asked me to go to the company and get a job
22 description. Well, I did that. And I want to
23 provide you all a copy to look at of the job
24 description that the mine manager sent in at

1 that time. And I was denied to go back to
2 work. And the contract says that if two
3 doctors are in disagreement, you go to a third
4 and final doctor. That happened.

5 MR. HINTON: Chosen how?

6 MR. KELLY: Huh?

7 MR. HINTON: How's that third doctor
8 chosen?

9 MR. KELLY: It's chosen by the union and
10 the company? You have to come into agreement
11 to choose a doctor. So, we chose a doctor and
12 I went and seen that doctor. And the doctor
13 decided that I could go back and do my job as
14 a rock truck driver. But what bothers me, is
15 the company sent a job description to the
16 doctor to more or less knock me out of work.

17 MR. HINTON: Uh-huh.

18 MR. KELLY: Okay. So after the third
19 doctor released me to go back to work the
20 company still refused to return me to work.
21 So after that we had to file a grievance. And
22 we filed a grievance and it went to
23 arbitration. And when it went to arbitration,
24 the union brought in a white witness, who done

1 the same type job that I done, was drive a
2 rock truck. That, that employee stated that
3 he was never challenged to come back to work.
4 He was allowed to come right back to work, no
5 questions asked. And the company did me a lot
6 of injustices by not letting me come back to
7 work when they let him come back to work. You
8 know. And I thought that it was unfair, you
9 know, the way that they done. And I do have a
10 complaint at this time through West Virginia
11 Human Rights, you know. And this is one of
12 the largest coal companies in the nation. And
13 it's a sad statement that they can come in and
14 -- you know, right now they're fussing over
15 permit. When, you know, I'm just one person;
16 there's 400 of them that's about to lose their
17 job now. I mean, it's a sad statement that
18 people can come in Logan and do people this
19 way, you know. And they need to be recognized
20 for what they're doing to people. It's like
21 the 400 men on that job right now have a
22 family; I have a family. I have been put in
23 unsafe equipment and not by me, but OSHA has
24 said that. And this company is, they don't

1 want no blacks. And the ones they do have, if
2 they can find a way to get rid of them, they
3 will do it.

4 You know, and I also have arbitration
5 papers from the arbitration, where I did win
6 my arbitration against the company. And where
7 it states that I've only been a rock truck
8 driver on this job.

9 MR. HINTON: Are you back to work now?

10 MR. KELLY: No. I went back to work
11 after my arbitration, and the company put me a
12 truck that I felt, again, wasn't safe. They
13 had me riding in all of our hose, trying to
14 get me hurt. Right now, under job related
15 stress, under a doctor's care. And I will not
16 be going back there because I feel like they
17 were trying to do physical damage to me.

18 MR. HINTON: Are you on disability now or
19 something?

20 MR. KELLY: No. It's not compensatable
21 [sic].

22 MR. HINTON: But is this something you
23 can do under your union contract?

24 MR. KELLY: Well, as far as I can go, we

1 went there. And now I'm bringing a civil
2 action against the company.

3 MR. HINTON: But the doctor has you under
4 the---

5 MR. KELLY: Yes.

6 MR. HINTON: You're under the doctor's
7 care?

8 MR. KELLY: Yes. I have, I have---

9 MR. HINTON: No, I don't need to see
10 that, I just want to make sure. And based
11 upon your doctor's opinion about your ability
12 to work, are there any jobs you could do in
13 your current medical condition?

14 MR. KELLY: I can do the job I was doing
15 before I left.

16 MR. HINTON: And that's the job they
17 don't want to let you do?

18 MR. KELLY: Well, they brought me back to
19 work.

20 MR. HINTON: Uh-huh.

21 MR. KELLY: But they put me in a truck
22 that was unsafe. They put me in hazardous
23 duty positions to get---

24 MR. HINTON: I mean, but it's the same

1 job, but that truck is unsafe; is that it?

2 MR. KELLY: When I went back -- when I
3 left work before my car wreck I had the newest
4 truck on the job.

5 MR. HINTON: Okay.

6 MR. KELLY: When I went back they had the
7 union stewardess in the truck that I drove and
8 they gave me the worst truck on the job. And
9 if I continued to stay then I would have re-
10 injured my hip, which I have a pin and screws
11 in---

12 MR. HINTON: Right.

13 MR. KELLY: ---by being jarred around.

14 MR. HINTON: And they're making you drive
15 the worst truck---

16 MR. KELLY: Yeah.

17 MR. HINTON: ---in the worst possible
18 locations?

19 MR. KELLY: Yeah.

20 MR. HINTON: Okay.

21 MR. KELLY: Yeah. That's what they done
22 to me. And, and to keep my health I had to
23 leave the job. You know, I don't get any
24 money from them. I don't get anything from

1 them. The only way I live is through the
2 grace of God, basically.

3 MS. ROPER: Is this company locally based
4 or is it like a national company?

5 MR. KELLY: It's, the company is based
6 out of St. Louis.

7 MR. PENTINO: Do you know if other
8 minorities have experienced similar things
9 with the company?

10 MR. KELLY: Well, I do know another
11 gentleman that I -- I've had several positions
12 with this company and I used to be security
13 coordinator, and there was a guy who I do know
14 that applied and he was applying for EMT
15 security. And he was probably one of the
16 better EMTs in Logan County, and he was black.
17 The company hired a man who just got out of
18 EMT school over the gentleman what had the six
19 years experience, because he was a guy's
20 brother-in-law that worked on the job. They
21 hired a guy over top of him.

22 MR. HINTON: Are there any questions for
23 Mr. Kelly or for Rev. Hairston?

24 MR. PENTINO: Mr. Kelly, what does your

1 community action program do? Do you want to
2 explain something about the program?

3 MR. KELLY: The community action group
4 was founded on the fact that Logan County had
5 no African American police officers. And we
6 had a police officer who worked for the City
7 of Logan and we felt that we needed someone in
8 the County of Logan to serve the county. And
9 we started up a petition against the sheriff's
10 department, civil service board and the county
11 commission. And in one week's time we had 700
12 signatures on that petition. We went out and
13 got a lawyer and we sued in civil court, and
14 we won the battle, and now we have a black
15 deputy sheriff in Logan County after twenty-
16 some years.

17 MR. HINTON: And that's a result of a
18 court order, though.

19 MR. KELLY: Yeah. That someone, I think,
20 Hillary or someone---

21 MR. HINTON: Joan Hill?

22 MR. KELLY: Yeah, Joan mentioned. Yeah.

23 MR. HINTON: How is that person fairing
24 on the job? Are they having any problems?

1 MR. KELLY: No.

2 MR. HINTON: Are there any other
3 questions for either Mr. Kelly or Rev.
4 Hairston?

5 MR. MAJUMDER: The case is in the civil
6 court now?

7 MR. KELLY: No, right now my case is with
8 West Virginia Human Rights.

9 MR. MAJUMDER: Human Rights.

10 MR. KELLY: And the company had -- they
11 was served on the 26th of October and they had
12 10 days to reply to the allegations, and I
13 don't know, you know, what they have replied.
14 I don't know what they have said in their
15 reply.

16 MR. HINTON: Do you have an attorney at
17 this point?

18 MR. KELLY: No.

19 MR. HINTON: You talk about the stress
20 from your job, and what have you, and you're
21 seeking doctor's care for that. Has you
22 doctor talked to you about filing a Workers'
23 Compensation claim because of the stress
24 associated to the job.

1 MR. KELLY: Well, from what my doctor
2 said, Workers' Compensation don't recognize
3 job related stress.

4 MS. HART: There's never been a stress
5 related claim approved in the State of West
6 Virginia to date.

7 MR. HINTON: Well, there was a gentleman
8 who filed a stress claim and his employer did
9 not protest it and he's getting disability
10 because of it. I mean, you may want to try
11 it. I don't know what will happen with it.
12 But several years ago there was a gentleman
13 who saw his buddy crushed in the coal mines.
14 He was killed right before his eyes, and he
15 just could not return back in the mines, and
16 he filed a comp claim based on that, and the
17 employer didn't fight it. I mean, good for
18 the employer. But it may make a good test
19 case.

20 MR. MAJUMDER: On the other hand, is he
21 not -- he's not trying to be deceitful. He's
22 a competent worker and wants the job
23 opportunity, the job which matches his
24 previous performance. So, it's not really a

1 disability that you are bringing in. It's not
2 a disability. It's matching your skill and
3 they are denying what you really have been
4 doing.

5 MR. KELLY: Uh-huh.

6 MR. MAJUMDER: Is that -- Gregg, what I
7 am saying, he's not talking about disability.

8 MR. HINTON: Well, I know, but he's
9 having stress resulting from that.

10 MR. KELLY: See, what happened, the
11 company---

12 MR. LINDELL: If he can't work because
13 it's a disability, then he can apply for
14 Workers' Comp.

15 MR. HINTON: Right.

16 MR. LINDELL: Whether or not he gets it
17 is another issue.

18 MR. HINTON: Right. I mean, right now
19 there is a physical disability, but if he were
20 given the job he was doing before he could do
21 the job, but they're making your job
22 unbearable for you, which is causing you some
23 kind of stress related to your job. Okay.
24 And I'm thinking perhaps you might want to

1 consult a lawyer and talk about that as a
2 possible claim you might want to file.
3 Because it's all related to your employment.

4 MR. KELLY: Uh-huh.

5 MR. HINTON: And then, of course, you're
6 filing a discrimination with the Human Rights
7 Commission---

8 MR. KELLY: Uh-huh.

9 MR. HINTON: ---based upon these facts or-
10 -

11 MR. KELLY: Uh-huh.

12 MR. LINDELL: Was it a race case you
13 filed or---

14 MR. KELLY: Yeah.

15 MR. LINDELL: ---what kind of claim did
16 you file?

17 MR. KELLY: Racial discrimination.

18 MR. LINDELL: Race. Okay.

19 MR. KELLY: Because, like I said, they
20 let the white guy come back to work, who had a
21 right knee injury, who still wore a brace to
22 work, return. My left knee, which I don't
23 even use to drive, you know, and his right
24 knee he wore a brace on, which he drove with.

1 MR. LINDELL: So you're getting no income
2 whatsoever?

3 MR. KELLY: Nothing.

4 MR. HINTON: I'll tell you another
5 situation I'm familiar with. The board of
6 review with the Employment Security approved a
7 case of unemployment compensation to an
8 employee who was being harassed sexually on
9 the job and could not continue to take the
10 harassment and, therefore, quit her job. And
11 the law is, as I understand it, if you quit
12 your job without involving fault on the part
13 of your employer you're not entitled to
14 unemployment compensation. But there's some
15 other cases around the country that have
16 recognized what's called constructive
17 discharge. At the time I became aware of this
18 case there were no reported cases in West
19 Virginia on constructive discharge. At the
20 time I became aware of this case there were no
21 reported cases in West Virginia on
22 constructive discharge. But they were in
23 other jurisdictions. And it was already
24 before the board of review that this employee

1 should receive benefits under that theory.
2 And it was granted. I know that case, cause I
3 handled it.

4 MR. KELLY: I also need to speak about
5 when I first went to work over there. I worked
6 hard and I was moving up in the company. And
7 I walked into the warehouse and there was a
8 warehouse employee who said, "You're the
9 ugliest nigger that I've ever seen. I don't
10 like niggers. I don't like being around
11 niggers." Well, if I had hit him
12 automatically I would have been fired. But
13 this man didn't lose one day's work over
14 calling me a nigger, not one day's work. But
15 if I had hit him, believe me you, I'd a been
16 fired.

17 MR. LINDELL: Did the company take any
18 action toward him at all?

19 MR. KELLY: He didn't lose a day.

20 MR. LINDELL: I mean, in these
21 circumstances.

22 MR. HINTON: You're talking about living
23 by the grace of God, but you might want to do
24 some things yourselves. But like, say, I'd

1 get a hold of a lawyer and not only file a
2 Workers' Compensation claim but also an
3 unemployment compensation claim on the one
4 theory of disability and the other theory of
5 constructive discharge. Hit them, you know,
6 with all barrels. Hit them where it hurts.

7 MR. KELLY: I do plan to.

8 MR. HINTON: All right.

9 MR. PENTINO: I hate to jump topics, but
10 after you were successful in getting the black
11 officer on board, did you feel that it helped
12 the community? Did you see a positive
13 difference?

14 REV. HAIRSTON: Yeah. I---

15 MR. PENTINO: And, also, the second
16 question, did you see any problems with his
17 deployment? I've had calls from other cities
18 who've said, yeah, we got the African American
19 officer, but, yeah, he's only deployed on
20 night shift or he's deployed on Sunday
21 mornings when he's not going to be the best
22 help.

23 REV. HAIRSTON: Yeah, we've seen a lot of
24 differences since he's been on. He's been on

1 almost a year now. But we do, we do hope to
2 see even more promise in the future.

3 MR. PENTINO: But no problems within --
4 in other words, he's deployed as a regular---

5 REV. HAIRSTON: Just a regular officer.

6 MR. PENTINO: All right.

7 MR. HINTON: Any other questions for
8 these gentlemen? Well, we'd like to thank you
9 both for coming and sharing and for your
10 efforts in making civil rights more of a
11 reality in the State of West Virginia.

12 REV. HAIRSTON: Thank you.

13 MR. HINTON: Did you have anyone else in
14 mind for the open forum?

15 MR. PENTINO: Mrs. Dillard, would you
16 come back up.

17 MR. HINTON: And I guess Ms. Adkins, she
18 jumped us, I guess she left, Grace Adkins.

19 MRS. DILLARD: I have introduced myself
20 to you before.

21 MR. HINTON: Sit down. Sit down and rest
22 yourself. Sit down, sit down, sit down.

23 MRS. DILLARD: Oh, thank you.

24 MR. HINTON: We like you anyhow.

1 MRS. DILLARD: Oh, thank you. I like
2 you, too. I like to talk and thank you for
3 allowing me to talk.

4 This time I'm standing in for my
5 community action, Omar Community Action Group.
6 And I'm guilty of serving as president now.

7 MR. HINTON: What county is that?

8 MRS. DILLARD: That's here in Logan
9 County, in Omar.

10 MR. HINTON: Okay.

11 MRS. DILLARD: And we applied for a grant
12 to raze some dilapidated house in our
13 community. The first house we razed, the
14 people in the community did that themselves.
15 My concern now is with our local newspaper. I
16 haven't seen their presence here today. We
17 invited them up to take pictures of what we
18 were doing in the community. They did not
19 come. And we have invited them even when we -
20 - we razed a total of -- well, we had grants
21 for five. With the one the community razed
22 made six. And then we had a private person to
23 raze, he had two buildings on his property
24 that he razed. So that actually was a total

1 of eight buildings that was razed in our
2 community. It isn't where I want it to be,
3 but it has improved quite a bit. We have not
4 been able to get any, any, the press up to
5 recognize what we have done. Then another
6 issue I had, a friend of ours, who no longer
7 lives here, but he graduated from Aracoma High
8 School and grew up in Logan County, his son
9 was hired last year by the NBA. He sent me an
10 article. I hand-delivered it to the sports
11 department. The lady looked at it and read.
12 She said, "I'd love to have a picture." I
13 tried to get the picture. She said she was
14 going to put it in her Pride and Progress
15 column. As of this day I have not seen it in
16 the local paper. And this is, you know, this
17 is a subtle form of discrimination. And I've
18 noticed too that when they publish articles
19 about things that's going on in our community,
20 when there's friction within the black race
21 that's front page news. But the positive
22 things that blacks are doing is put on the
23 back side of the newspaper. That, to me,
24 that's a form of discrimination. And I'm

1 really concerned with that. I don't really
2 know what to do except to present myself as
3 better. I let them see that in spite of being
4 overlooked, we're who we are and we're not
5 going to stay where they think we should be.

6 And another comment to Rev. Jones. I got
7 excited because this is one of the things God
8 allowed me to see early in our struggle; that
9 we were being pitted against our men. And as
10 the jobs have decreased this has become more
11 noticeable. And if there is some way, we need
12 to get together and see how we can attack
13 this. We're going to have to compliment each
14 other so that, you know, we won't be affected
15 by this type of discrimination. And that's
16 what I'd like to say.

17 I am really frustrated by the hinting and
18 the subtle discrimination now. It's as if we
19 don't know what's going on, but it's there.

20 MR. HINTON: Well, Mrs. Dillard, do you
21 know any of their major advertisers in their
22 newspapers who might not be sympathetic to
23 them putting your stuff in the newspapers who
24 might---

1 MS. TOMPKINS: Greg, I hate to interrupt,
2 but this is my business. That's really the
3 wrong approach because editorial departments,
4 news departments and advertising departments
5 are supposed to be separated completely and
6 never the twain shall meet. And if you did
7 advise Mrs. Dillard to contact an advertiser
8 then the editorial department would really get
9 their back up. I'm sorry. But let me just
10 suggest that, you have a friend at the
11 Charleston Gazette; come and see me.

12 MRS. DILLARD: Thank you.

13 MS. TOMPKINS: Are you talking about the
14 Logan County papers; is that what---

15 MRS. DILLARD: Yes.

16 MS. TOMPKINS: Okay.

17 MRS. DILLARD: Our local Logan Banner.
18 Now, this, they will put positive things in
19 and I was blessed, really, this summer. My
20 daughter -- our children gave us a 50th
21 Anniversary Celebration. They wrote, my
22 daughter and daughter-in-law wrote the article
23 and took it down, and they did print it as it
24 was written. They didn't make any editorial

1 changes. But they also bought an ad, where
2 they were complimenting us as a family. I
3 don't know if that had anything to do with it
4 being published, you know, verbatim, as it was
5 written. But, also, in the community there
6 was an article where another group was given
7 credit for the improvements that we had done
8 in our community. And I called the man who
9 had edited the article and he told me that he
10 had submitted the article verbatim as the lady
11 handed it to him. So that's the difference;
12 that's one of the differences. We have had
13 articles that have been submitted, in fact,
14 and I'm sorry, Ms. Hairston, but I'd like to
15 use this as an example. I saw her article
16 when she was taking her girls to Atlanta.

17 MR. HINTON: To Spelman?

18 MRS. DILLARD: To Spelman this summer
19 that was submitted, and it was -- we did not
20 recognize the article in the paper, because it
21 was changed. And it did not say anything that
22 was on the article. So when they did the re-
23 corrections and everything, it was put in the
24 back part of the paper. And it's that sort of

1 discrimination that we're talking about.

2 MR. HINTON: Uh-huh.

3 MRS. DILLARD: And that kind of bias.

4 MS. TOMPKINS: Sometimes, though, I
5 understand that people bring what they think
6 are news articles to the paper, but, you know,
7 that's what we do.

8 MRS. DILLARD: Yeah.

9 MS. TOMPKINS: That's what we do for a
10 living; that's what we get paid for. So
11 sometimes our writing isn't exactly what you
12 brought to us, but that's just kind of a
13 function of what we do as opposed to trying to
14 suggest that what you wrote wasn't appropriate
15 or wasn't well done. It's just that sometimes
16 our news judgment differs.

17 MRS. DILLARD: Yes, I recognize the
18 editing, but the subject matter shouldn't be
19 changed.

20 MS. TOMPKINS: Right.

21 MRS. DILLARD: And the facts shouldn't be
22 changed. And that's what I have problems
23 with.

24 MS. TOMPKINS: Okay.

1 MRS. DILLARD: All right. And thank you.

2 MR. HINTON: Thank you.

3 MR. PENTINO: We have two more people who
4 requested to come up, Walter Elmore and then
5 we'll hear from Kenneth Ross.

6 UNKNOWN MALE: Walter, do you mind if I
7 pass out a news article? I've done taken it
8 to New York and everywhere else, so I might as
9 well pass it out here.

10 MR. HINTON: Please state your name and
11 go ahead.

12 MR. ELMORE: My name is Walter W. Elmore.
13 Excuse my dress, I'm just coming from work.

14 MR. HINTON: Your last name, again, is
15 what?

16 MR. ELMORE: Elmore.

17 MR. HINTON: Elmore? Okay.

18 MR. ELMORE: E-l-m-o-r-e.

19 MR. HINTON: Okay. All right.

20 MR. ELMORE: I have a -- I wanted to give
21 some background on my history before I got
22 into my real complaint that I have. Over the
23 period of since 1982 I worked through the
24 welfare program. At one time I think it was

1 called WINN, then I think it was given a
2 different name.

3 MR. HINTON: JOIN?

4 MR. ELMORE: Yeah, JOIN, later on. And
5 every year that I worked on that, which I had
6 no problem working on it, you know, to receive
7 my benefits, every place that I worked, when I
8 went to those places I was required to put an
9 application in. I put an application in and
10 when there was a job opening somehow or
11 another they pulled us out. You know, I would
12 go in and tell the lady, "Well, I put in an
13 application." They hired someone else, which
14 in every case was either a mother, a brother,
15 a sister, an uncle, a son or a nephew. In
16 every case they were white. I went through
17 this from 1982, where I worked at a PRIDE
18 organization. I worked there for a couple
19 years. And as soon as I complained about not
20 being hired welfare pulled me out of there.
21 They sent me to the courthouse over here in
22 town, where, when I immediately went there I
23 applied for an application. I put my
24 application in. Jobs came available. I was

1 not hired. A lady's niece was hired over top
2 of me. And then when I went to complain to
3 the welfare office about this I was pulled out
4 of there. So I was sent to the -- then I was
5 sent to the community college up in Mud Fork.
6 I applied for a janitor's job there and as
7 soon as I applied for the job, a man by the
8 name of -- which I don't want to mention any
9 names. I'm not going to mention the person's
10 name. He was hired in at the janitor's
11 position, which I had already worked there as
12 a janitor for at least eight months before he
13 was hired. I had experience at each one of
14 these positions I'm talking about. Complained
15 to welfare; I was pulled out of there. And
16 this is where I am today. This brought me up
17 to 1992 where I went to work for the highway
18 department and up at Wilkinson. It's called
19 the state road, which is DOH. I went there in
20 '92. Upon going to that job I applied for the
21 lowest job that they had that where you didn't
22 have to test for; you don't have to take a
23 test for. Basically, we called them flagmen.
24 I applied for the job, two people were hired

1 over me. So, I didn't complain then, so I
2 went on ahead and worked from '92 up until
3 1995 is when I first filed discrimination
4 against them. But all these years that I
5 worked, I went there, I worked my time in that
6 the welfare sent me up there to work, I worked
7 hard, I reported to work on time. And even
8 when my time was worked in, the welfare had 72
9 hours per month to work. And during the snow
10 months the people that had the job that didn't
11 show up on the job, I would go out and work
12 and not get credit for those hours I would go
13 out and work just to help out, to show these
14 people that I deserved a job; that I worked
15 hard. I reported on time. I worked my time
16 in. So, this went on from '92 to '94 and I
17 worked there three times through welfare.
18 Welfare pulled me out of there one time
19 because I kept complaining that there were
20 people getting hired over us and this welfare
21 program was supposed to have been set up to
22 get people off of welfare. It's set up to get
23 people off of welfare, but not black people.
24 It's set up to help white people, but not

1 black people. Now, I'm not speaking out of
2 anger, you know. I'm speaking out of what I
3 know to take place at these positions. At the
4 courthouse there was several black people that
5 worked there. I could name you their names.
6 They had worked there for several years, and
7 were overlooked. As soon as we left there
8 they made a job available for a person's
9 brother that now drives the truck that Claude
10 Williams used to drive. The job was made
11 available for him. State road, I've been,
12 I've worked there six times. I've worked
13 there three times on temporary at a hundred
14 and sixty days. There is, approximately, to
15 my count, 11 to 12 people that have been hired
16 there over top of me, with less
17 qualifications, cannot do the job that I can
18 do, cannot do the work that I can do. And
19 even when they're hired in there, me working a
20 hundred and sixty days, I've got more time in
21 at a hundred and sixty days than they have at
22 a permanent job, because they're absentee
23 workers; they don't show up. These are people
24 that come out there that has been released

1 from the state road. One person was fired
2 from the state road, then he turns around and
3 they hire him over top of me. How can you be
4 fired from a job and then turn around and be
5 hired for that job a year later. I've got
6 paperwork. I've averaged out my applications
7 that I've sent in since 1992. I sent in ten
8 applications per year for a position at the
9 state road. And I've worked hard and I've not
10 complained. I've showed the people that I
11 will work. I have a list of witnesses that
12 will come and testify for me on the job.
13 These are the guys that I work with. And I
14 don't know anything else other to do but to
15 file discrimination. I believe it's
16 discrimination because of these reasons: One,
17 is because I sent in my application. I've got
18 at least 20 years in the work force, coal
19 mining, carpenter work, masonry work, even my
20 Army experience, and my applications are
21 scrutinized. If I don't have an hour where
22 I've worked at, my application is turned down.
23 And a kid gets out of high school, no work
24 experience, out of high school two months, is

1 interviewed for a job up there. And after the
2 interview is over with the man tells him to go
3 put in an application and we're gonna hire
4 you, and he's hired. He doesn't even have a
5 permanent application in, has not applied for
6 the job previous, but he gets hire; I don't.
7 My work speaks for itself. So the only thing
8 I can see is because of my race.

9 MR. LINDELL: Let me ask a question. Do
10 they hire off the street, so to speak, or do
11 they have to use the division personnel
12 rosters, or how do they hire?

13 MR. ELMORE: They say that it's civil
14 service and it's registered, and let me tell
15 you what I had to do to get on the register.
16 Now, like I said, I've been working at the
17 state road since 1992; this is '97. I've
18 applied ten applications per year. My
19 applications are graded and then I'm either
20 put on a register or not put on a register.
21 One person in particular, and I'm gonna
22 mention his name and I could care less, his
23 name is Davie Conn. He was fired from the
24 state road on a hundred and sixty days; they

1 fired him, never been on the register. Hired.
2 After they hire you they put you on the
3 register. They have one kid - they score me a
4 73, is what they give me a score on a
5 Transportation I Worker, they gave me a score
6 of 73.

7 MR. HINTON: This is a score without
8 taking any test?

9 MR. ELMORE: This is without taking any
10 test.

11 MR. HINTON: This is your prior
12 experience and education?

13 MR. ELMORE: Yes.

14 MR. HINTON: Okay.

15 MR. ELMORE: They give me a 73. The
16 minimum that you can get is a 70. That's,
17 once you apply you get a 70. I've got five
18 points from the Army and I still manage a 73.
19 In my mind that is 75, but they score me as
20 73, and I've got it right here.

21 MR. HINTON: Now, if it's under 70 you
22 won't get considered at all?

23 MR. ELMORE: Well, you get considered,
24 you know.

1 MR. LINDELL: If you're under 70 they
2 can't put you on the roster, but rule. If
3 they follow the personnel rules, if you score
4 under 70 they can't legally list you on the
5 register.

6 MR. ELMORE: You can be listed on the
7 register but you will be listed low. I mean,
8 you won't be listed in the top ten.

9 MR. LINDELL: Yeah. I mean, you won't
10 even be close to the top if you're under 70.

11 MR. ELMORE: Okay. But I've got 20 years
12 in the work force; I didn't get any points for
13 that. And I was left two points off from my
14 five points that I get for being a veteran.

15 MR. HINTON: Is that someone's opinion
16 what your experience is worth or is there some
17 kind of chart or table they use?

18 MR. ELMORE: I have not researched that.
19 All I've called, I've called to personnel down
20 there and talked to the lady, and the only
21 thing I can get out of her is I'm on the
22 register. I was put on the register last year
23 for Transportation I. The person that does
24 the hiring, they hired a Transportation II.

1 Same job, same skills; only difference is one
2 says Transportation I and one says
3 Transportation II. If I get on the register
4 for Craftsman I, they hire a Craftsman II. If
5 I get on the maintenance as Maintenance Road
6 Worker I, they hire a Maintenance Worker II.

7 MS. ROPER: Do they have any other black,
8 male employees?

9 MR. ELMORE: No.

10 MS. ROPER: None?

11 MR. ELMORE: No. Not in three counties,
12 Man, Chapmanville or Logan. I mean---

13 MS. ROPER: But under the JOIN Program
14 you had excellent work records. When they did
15 his review on his work and stuff, it was
16 excellent; he was an excellent worker, but
17 when a job became available he wasn't hired.
18 You see, under this JOIN Program, which is one
19 of the welfare programs, this is not supposed
20 to happen. And you're not supposed to train
21 other people. He trained other people to get
22 hired all the time, but he never did. And
23 that's not supposed to happen.

24 MR. HINTON: The idea is they can try you

1 out at low cost---

2 MR. ELMORE: Well, I made a dollar an
3 hour.

4 MR. HINTON: ---and then they hire you if
5 you work out, but they won't give you a job.

6 MR. LINDELL: Who oversees the JOIN
7 Program to see that this kind of stuff does
8 not occur?

9 MR. ELMORE: Tina Green.

10 MR. LINDELL: Who does she work for?

11 MR. ELMORE: She works for the Department
12 of Welfare, I guess. But I worked a year on a
13 sawmill for a dollar an hour, plus I got to
14 keep my welfare check and hospital card, and
15 minimum food stamps, but I worked there for a
16 year for a dollar an hour in this type
17 weather, which, you know, I would have been
18 happy. You know, I never complained. I
19 worked my time. And as she spoke of, you can
20 check my work record; it's excellent. I have
21 no problem with nobody checking any of my work
22 record. But, like she said, I trained people.
23 Once I got on the job there were guys that had
24 been working on the job several years and I

1 end up training them and they hire five to six
2 people a month, and I was not hired.

3 MR. LINDELL: Did you talk to anybody in
4 the EEO Division of the Department of
5 Highways; Jesse Haynes, or Phillip White or
6 any of those kind of people?

7 MR. ELMORE: Is it Col. Stevens or Gen.
8 Stevenson? I've had conversations

9 MR. LINDELL: Stevenson is gone from
10 there now.

11 MS. ROPER: He's gone now. See, this has
12 been going on a long time.

13 MR. ELMORE: Mr. Hobert Adkins, who was a
14 superintendent there, we sat in his office and
15 called Jesse Haynes and talked to him
16 personally, and he put Jesse on the speaker,
17 and we, as my understanding, I was supposed to
18 be at least considered for a job. Out of the
19 six years that I've been here I have never
20 been even interviewed for a job. And you can
21 say that the computer spits names out and
22 that's the reason my name wasn't up there, or
23 something like that, but a person to walk in
24 off -- just graduated, like I said, and he's

1 at least been interviewed. I've been there
2 six years and never been interviewed for a
3 job.

4 MR. HINTON: And even this, some of this
5 is two years old and you still haven't got a
6 job.

7 MS. CHIZ: We get a lot of complaints
8 about the Department of Highways. Which we're
9 not able to do anything with, necessarily, but
10 we do get a lot of complaints. I was just
11 thinking, it doesn't surprise me to hear some
12 evidence of racism.

13 MR. ELMORE: I mean, it's, it's to the
14 point where I believe I, you know, like I
15 said, I worked there since '92 and I've really
16 been pushing the issue about being hired. I
17 started in '95 and I think I deserved a job
18 there. I put my time in. I showed the people
19 that I was willing to work, be on time. I
20 didn't go in there in '92 and say, "Hey," you
21 know, "give me a job" you know, "cause I'm
22 black", and this and that. I waited,
23 actually, three years and showed my work
24 ethic, how to be at work on time, and run

1 equipment, work in the shop, do the things I
2 was asked to do. And it's to the point now if
3 something's not done all you're gonna have up
4 there is your tax paying money is gonna be
5 used to further somebody else's family.
6 Because you've got father-daughter, you've got
7 brother-brother, you've got first cousin,
8 you've got uncle, you've got two first
9 cousins, you've got another brother-brother.
10 And up at Man you've got three brothers, one
11 uncle, one nephew, one first cousin.

12 MR. HINTON: Have you filled out your
13 complaint that you filed?

14 MR. ELMORE: Well, the complaint that I
15 filed through the -- I was told they do not
16 handle nepotism, so I filed on -- I'm looking
17 at -- this is the only way that I know. The
18 only reason that I believe that I'm being
19 turned down. I work hard, I---

20 MR. HINTON: I'm not talking nepotism
21 directly, but that may be evidence of
22 discrimination because, you know, if these are
23 family members and you're probably talking
24 about white people with white family members.

1 And if you happen to be a family member you
2 might get a job, but the fact that you're
3 black you're not likely a family member. So
4 there may still be something there, although
5 it's not nepotism directly, but still shows
6 discrimination against you because you're
7 black.

8 MS. HAIRSTON: We have filed with the
9 Human Rights office and you have an attorney,
10 now, right?

11 MR. ELMORE: I called and talked to them
12 down there and they were served, they had ten
13 days to answer the complaint, and the man
14 that's handling the case told me to give them
15 more time.

16 MR. LINDELL: They probably asked for an
17 extension.

18 MS. HAIRSTON: And he's with the Human
19 Rights.

20 MR. HINTON: It's in the process right
21 now.

22 MS. HAIRSTON: That's one process, but I
23 mean the attorney from Washington; did she
24 call you?

1 MR. ELMORE: Yes, I talked to Ms.
2 Williams?

3 MS. HAIRSTON: Uh-huh.

4 MR. HINTON: Private counsel or a
5 government lawyer?

6 MS. HAIRSTON: She's with the -- she's
7 legally -- I mean, with the NAACP Legal
8 Defense Fund.

9 MR. HINTON: Okay.

10 MR. HINTON: You get them where you can.

11 MR. ELMORE: And she said she will be
12 making a trip here to Logan County, my
13 understanding, when we talked.

14 MR. HINTON: There's nothing that we can
15 do about it, but, you know, it's good that we
16 hear your story as a part of our record.

17 MS. HAIRSTON: It's good to document.

18 MR. ELMORE: Well, you know, it's, it's
19 brought up that, you know, I don't have any
20 other way to say this but to say it, that
21 black people don't want to work. We want to
22 live, we want to stay on welfare. I've went
23 through the system. I've done what the system
24 asked me to do, and I've worked hard at it. I

1 have a family to raise. I've got a sixteen
2 year old son, a fifteen year old daughter, and
3 a six year old girl that we are in the process
4 of adopting, because she didn't have anything.
5 And we don't have anything, but it's better
6 for her to have what we've got than to have
7 nothing. I've donated 12 years that I
8 volunteered to coach little kids in Midget
9 League Football and Little League, basketball,
10 baseball. I've refereed middle school, junior
11 high, high school. I do community work for my
12 community and my church. I'm not someone to
13 really, you know, be as belligerent toward
14 this situation that I should be. A lot of
15 people ask me why do I take it. I think it's
16 all up in God's hands, but every now and then
17 God tells you to stand up for yourself. And
18 the situation is this, even if this doesn't
19 help me, my son needs a job one of these days.
20 And when I'm not working at the state road I'm
21 working somewhere and my taxes are used to pay
22 these people, your taxes, anybody in Logan
23 County; taxes are used to pay, and I don't
24 think they should be used just for one family.

1 I mean, even if I don't get a job break this
2 Browning, this Belcher, this Conn, this
3 Adkins, this stuff up. This Orso. A man
4 comes to work and works six months and lays
5 off the other six months because he's made too
6 much money. And here I am with my family
7 struggling, and all he has to work is six
8 months a year and then he can lay off the rest
9 of the year because he's made too much money.

10 MR. SWIGER: Mr. Elmore, other than the
11 Department of Highways and this sawmill that's
12 in the article, where else have you tried to
13 get a job, but couldn't get a job?

14 MR. ELMORE: Like I stated, I applied for
15 every position that they sent me to through
16 welfare and, through my own, I've applied at
17 about every place in Logan County that you
18 name, because my conditions were, in order to
19 maintain my benefits I had to look for three
20 jobs per week, and they had to be documented
21 and had to be signed by that person at that
22 business. So any place that you can name in
23 Logan County, and Williamson and Madison, I
24 have applied for jobs.

1 MS. HAIRSTON: Would you tell us what you
2 told us down at Chapmanville? What area were
3 you in when they told you why they didn't hire
4 you?

5 MR. ELMORE: I was sent up to the water
6 company at Chapmanville, and the man told me,
7 he said -- well, this fellow I played football
8 against in high school and he knew what kind
9 of a human being I was. And he said, I'd love
10 to hire you, but if I were to hire you there
11 would be some kind of racial backslap. If I
12 were on the road I would be called the "N"
13 word and everything else, and he wouldn't want
14 to risk his business to hire me down there.
15 And the one place that welfare sent me that I
16 had an opportunity to get a job was up at Man
17 working for the water company. And the man
18 all but told me that I would work there, learn
19 the job and he would hire me. He got on the
20 phone, told Tina Green and told her the same
21 thing. They never sent me back for that
22 interview; never sent me back. I mean, Logan
23 County, I played ball here, I graduated here,
24 I was state wrestler, All-State football

1 player, track star. I brought my family up
2 here. My son is well on his way to being an
3 All-Stater and my daughter is well on her way
4 to being -- I do not want to take my family
5 away from here because this is where my roots
6 are and I deserve to work here. I put in the
7 time, the effort and I don't know if you
8 people can, like you say, do anything or not,
9 but somebody, somewhere has got to step up
10 before the violence starts. And it's not far
11 from happening.

12 MS. ROPER: Are you suggesting that
13 welfare didn't want you to get the job, that's
14 why they didn't send you back to that---

15 MR. ELMORE: I can't say that they did or
16 didn't. On every other job they worked me
17 pretty much when it didn't cost them nothing.
18 I mean, when there was an opportunity for me
19 to get a job I wasn't sent back for the second
20 interview. You cannot go on your own after
21 you take the one interview, you cannot go on
22 your own and go back down there and approach
23 that man without a written authorization from
24 Tina Green to go back for the second

1 interview. So I was not called for the second
2 interview. I mean, you put two and two
3 together and, you know. I think what happened
4 was someone else was sent down there and they
5 was given that job. And I bet you money that
6 it wasn't black. I'm not very much of a
7 speaker, but I'm just speaking of what's
8 coming out of my heart.

9 MR. HINTON: You've done a fine job, Mr.
10 Elmore. You did a very fine job. You were
11 very articulate.

12 MR. ELMORE: I'm kind of nervous.

13 MR. HINTON: Well, you did an excellent
14 job and you've made it real clear as to what
15 the facts are. And, as a matter of fact, my
16 heart goes out for you. And I'm amazed how
17 patient you have been. And I hope you will
18 continue to be patient, because you said
19 "before the violence happens" and I don't know
20 what you suggest by that, but---

21 MR. ELMORE: It won't be on my part. I'm
22 just saying we've got a lot of young people,
23 you know---

24 MR. HINTON: I know. I know.

1 MR. ELMORE: ---we've got a lot of young
2 people that are coming out of school---

3 MR. HINTON: And when they start feeling
4 as hopeless as they are, something's soon
5 gonna happen.

6 MR. ELMORE: I mean, it's not to the
7 point that where, you know, you get -- I see a
8 young man sitting back here, you know, that
9 give everything he had to Logan County
10 basketball and Logan County, and for him to
11 come out of school with a kid, you know, and
12 that kid steps right into a job and then he
13 has to, you know, battle for the same kind of
14 position that this kid stepped right into,
15 it's kind of hard on our youth. You know, I'm
16 an older person, you know, and I've seen a lot
17 of stuff. And I won't let it affect me, but
18 somebody has to stand up.

19 MR. HINTON: Right.

20 MR. ELMORE: And I'm just hoping that me
21 standing up, maybe I can help somebody else
22 even if it doesn't help me. I mean, you know,
23 you've got 35 workers up there at the state
24 road garage and not any of them black. And

1 I'm sympathetic. There's only two women
2 secretaries. You know, there's no women
3 working out there.

4 MR. HINTON: Well, we want to thank you
5 for sharing your story with us, and we can
6 only wish you well. We're going to have a
7 series of meetings like this in other parts of
8 the state, but I'm finding out things are
9 worse here than I thought they were.

10 MR. ELMORE: Well, I just, I have one
11 question---

12 MR. HINTON: Yes, sir.

13 MR. ELMORE: ---which I don't know if you
14 can, anybody can answer it or not, but my case
15 that I do have, that was filed through the
16 Human Rights, when they were served, they were
17 served, you know, you have ten days to answer.
18 It plainly states that and they were served
19 September the 30th.

20 MR. HINTON: Well, Mr. Elmore---

21 MR. LINDELL: I'd have to look into it to
22 find out exactly what happened. Maybe they
23 have responded, I don't know. I can look into
24 it tomorrow when I get back to the office for

1 you.

2 MR. HINTON: Some of you suggested
3 earlier that you do extend them time.

4 MR. LINDELL: Sometimes they do and ask
5 for extensions, but if they were served in
6 September they should have responded by now.
7 But I'd have to look into that for you.

8 MR. ELMORE: Well, I, you know, in my
9 complaint it says that I should get something
10 back from them saying that they responded and
11 I have an issue with it. Why would you issue
12 ten days and then, you know---

13 MR. LINDELL: Extend it?

14 MR. ELMORE: Yeah, extend it.

15 MR. LINDELL: Well, a lot of times what
16 happens is they have to get information from
17 other parts, or other regions, it would take
18 some time to do that. The letter also says
19 that they're supposed to serve on you a copy
20 of what they serve on us. A lot of times the
21 companies don't do that and we have to get it
22 to you.

23 MR. ELMORE: I appreciate your time.

24 MR. HINTON: Thank you. And you said

1 there was one more?

2 MR. LINDELL: Right. Mr. Ross?

3 MR. HINTON: Please state your name for
4 the record?

5 MR. ROSS: My name is Kenneth Ross.

6 MR. HINTON: You've got to speak up, Mr.
7 Ross. You might use that microphone there, if
8 you would.

9 MR. ROSS: All right. I applied at the
10 regional jail, it's probably been about a year
11 ago, took my test, did everything they said,
12 and I've constantly been in contact with them,
13 but I mean, you still, you had -- I've had
14 experience, I've had seven and a half years
15 experience as a juvenile correction officer.
16 I resigned from a place and I returned to
17 Logan. And I had the interview when they
18 started, very first started, before they ever
19 opened the jail, and even with my experience I
20 wasn't hired. I was really never considered.
21 And I felt like to appease me they sent me
22 down to Charleston. I was also interviewed in
23 Charleston for the regional jail, and nothing
24 ever came of that. The gentleman there said

1 that he didn't, at the particular time, he
2 didn't want to hire too many people from Logan
3 because he knew he'd have some people
4 transferring back, and that wasn't his thing
5 to hire people for them to transfer back to
6 Logan.

7 MR. LINDELL: I don't understand you.
8 You say he said he knew there would be some
9 people transferring back.

10 MR. ROSS: Yeah. There were already some
11 people working in Charleston at the regional
12 jail.

13 MR. LINDELL: Oh, who would be coming
14 back from there to here?

15 MR. ROSS: Back to here. They were
16 originally from Logan.

17 MR. LINDELL: And he was saving jobs for
18 them?

19 MS. ROPER: He didn't want to hire them
20 when they would come back to Logan when they
21 had the opportunity.

22 MR. LINDELL: Oh, they would transfer to
23 the jail here, right?

24 MS. ROPER: Right.

1 MR. LINDELL: Is that what you're saying?

2 MR. ROSS: Oh, this was after the jail
3 had opened up here---

4 MR. LINDELL: Okay.

5 MR. ROSS: ---that they sent me down
6 there for a interview.

7 MR. LINDELL: Okay.

8 MR. ROSS: Also, I had another interview
9 after the jail opened, I had another interview
10 at the jail. And the gentleman told me at the
11 time that I had the interview, "Well, we found
12 some things on your application." And I was
13 asking him why I was having such a problem.
14 And he said, "Well, we found some things on
15 your application we don't agree with." One
16 being, he said, that I checked - I never had a
17 felony. I had a drug charge on me when I was
18 about 17 years old. I did a year and I had it
19 expunged off my record, actually, before I had
20 my interview. And so it was never supposed to
21 be on my record. And when he checked it down
22 at Charleston---

23 MR. LINDELL: You had a court order
24 expunging it?

1 MR. ROSS: I went into clerk of courts.

2 MR. LINDELL: Uh-huh.

3 MR. ROSS: And the bailiff, or the
4 gentleman down there, he took it off my
5 record. I went in front of the magistrate.
6 The magistrate---

7 MR. LINDELL: Were you convicted of a
8 drug felony?

9 MR. ROSS: No. I did six months
10 probation, and even at the time I was doing a
11 six-month probation, even though they never
12 found any drugs on me or anything, they
13 charged me, because the officers told me when
14 I went, "Either you say you had it or we're
15 gonna charge you with more." So I---

16 MR. LINDELL: So you pled guilty to
17 whatever they charged you with.

18 MR. ROSS: Yeah.

19 MR. HINTON: And that's the conviction,
20 but was it a misdemeanor or felony that you
21 pled guilty to?

22 MR. ROSS: A misdemeanor.

23 MR. LINDELL: What was the charge?

24 MR. ROSS: For having---

1 MR. LINDELL: Possession?

2 MR. ROSS: ---possession.

3 MR. HINTON: Possess?

4 MR. ROSS: I don't know if I was charged
5 or if it was just no contest. But I checked
6 "no" on the thing, even after I had it
7 expunged. When I went back to the courthouse
8 the lady claimed that it had never been taken
9 out of the record; that's the reason it showed
10 up.

11 MR. HINTON: Okay.

12 MR. ROSS: And I checked "no" on the
13 application cause they asked for a felony and
14 it wasn't a felony, it was a misdemeanor. So
15 that was one of their excuses. Anything they
16 had I went and I corrected it. And I spoke
17 with the First Sergeant up there, First
18 Sergeant Robins, he's a black gentleman. And
19 he told me when I spoke with him, he said,
20 "Well, I don't see a reason why we're not
21 hiring you. We're hiring people that have no
22 experience." And he's told me several times,
23 "I don't see a reason why we're not hiring
24 you." I spoke with the gentleman that's down

1 at Charleston, which is Mr. Plair. He was
2 helping me up to the point where all of sudden
3 he left and went to another job, you know.
4 And my problem is that I also, the gentleman
5 that was at the regional jail, he's now over
6 all the regional jails in West Virginia, I'm
7 assuming, he's over all of them, Mr. King.
8 And I really don't have no hope of him helping
9 me. He wouldn't hire me when he was up here.
10 He said he didn't see no particular reason why
11 that I, at that time, I just wasn't the best
12 candidate. The other thing was that when I
13 filled out that application I filled out what
14 pertained to that job. And he was telling me,
15 "Well, I feel like you're lying on this
16 application because you didn't put where you
17 had worked since the time you came out of high
18 school." And like I told you, I hadn't filled
19 out an application in seven years and I didn't
20 see - I must have misread the application, I
21 wasn't trying to lie to the gentleman, but I
22 didn't see where me working at a pizza place
23 had anything to do with what I was applying
24 for there.

1 MS. ROPER: When you're a black male, you
2 must have spent some time in jail if you
3 didn't put what you did from high school.

4 MR. HINTON: Yeah, for a blank spot.

5 MS. ROPER: I mean, it seems like a
6 problem. It's automatically assumed. I'm
7 speaking for you.

8 MR. ROSS: Yes, ma'am.

9 MS. ROPER: I don't mean to speak for
10 you, but is that what you're saying; that
11 because you're a black male, young black male,
12 if you have blank spaces on your resume' you
13 automatically, you know, spent time in jail?

14 MR. ROSS: Yes, ma'am. On the
15 application I think it said fill out every job
16 you've ever had or something, and I just sorta
17 overlooked or over read it, and I had never
18 seen that on an application before.

19 MS. ROPER: I have never seen that on an
20 application for a job.

21 MR. ROSS: If it was on there, I didn't
22 do it intentionally. And I explained that to
23 the gentleman that, you know, and I went on to
24 give him everything that I had. And I told

1 him about it, you know, I apologized for that
2 and that I didn't do it intentionally.

3 MR. HINTON: Are there any present
4 openings or upcoming openings that you're
5 aware of there that you could apply for again?

6 MR. ROSS: Yes. I've talked to the
7 gentleman that's took over now, Mr. Scott. He
8 told me that he would look into my application
9 and what went on. Mr. King, from down in
10 Charleston, has also spoken with him, and what
11 he's told him I don't know. He told him, I'm
12 assuming -- I'm not going to assume what he
13 told him.

14 MR. HINTON: Well, I'm suggesting that
15 you might want to file a brand new application
16 and put all that in there. I mean, if
17 somebody else had a problem with it I wouldn't
18 rely on the old application. I'd go ahead and
19 submit a brand new one.

20 MR. ROSS: I mean, but they have that
21 information. I mean, he was there, I told him
22 everything.

23 MR. HINTON: You correct that one
24 already?

1 MR. ROSS: I corrected it during the
2 interview when he was asking me about it.

3 MR. HINTON: You told him. Yeah. Yeah.
4 But I wouldn't take the chances on that paper.
5 I would ask for a brand new application, fill
6 it out completely, and to the extent that you
7 have little right to say no, say no on that
8 one question.

9 MR. ROSS: Uh-huh.

10 MR. HINTON: But those pizza jobs you
11 had, put them down. You know, you may have
12 clarified it at the interview, but oftentimes
13 the left hand won't tell the right hand what's
14 going on. Get the paper and begin again.

15 MR. ROSS: I know. But these particular
16 gentlemen who were over this, they were in
17 there.

18 MR. HINTON: I understand. I understand.
19 Yeah. But memories are short, you know.

20 MR. ROSS: I mean, there's no doubt in my
21 mind this man's memory ain't short about me.
22 I've talked to him almost every day.

23 MR. HINTON: Mr. Ross, I know. But as a
24 lawyer, we're good about documenting things,

1 you know. And I would not let it be said,
2 "Well, I told him", you know. I'd get an
3 application, I'd fill it out, and if you're
4 allowed to take it with you and then turn it
5 back in, I'd take it, I'd fill it out and I'd
6 make a copy of it, and submit a brand new one.

7 MR. ROSS: Okay. Honestly, I'd like to
8 know, what help are you all? What help are
9 you all and due to the fact, I mean, we have
10 people here in the NAACP and whatever their
11 mission's supposed to be? Their families, I
12 mean, I'm talking everybody.

13 MR. HINTON: Our help may take a long
14 time and it may be very indirect. What we
15 have, cause you know we have the president of
16 the United States of America, we all know
17 that, and there's a U. S. Commission on Civil
18 Rights, which advises the presidents about
19 civil rights in the country. And the Civil
20 Rights Commission has a state advisory
21 committee. And that's exactly what we are; we
22 are the West Virginia Advisory Committee to
23 the U. S. Commission on Civil Rights. They
24 advise the president about civil rights in the

1 country and we advise them about civil rights
2 in West Virginia, to the extent that he may
3 impact upon Congress and get legislation
4 passed or whatever; that may help, it may not,
5 who knows. But one of the things that we have
6 found that is the practice is that often when
7 people know that the Civil Rights Commission
8 is coming to Logan or coming to wherever
9 they're coming, people think that we have more
10 power than we actually do. Okay. We have no
11 power, but we're just advisory.

12 MR. ROSS: And is this your first time to
13 Logan?

14 MR. HINTON: No, we were here back in
15 1993. There's a copy of the report that we
16 filed, dealing with the police-community
17 relations. You might want to get a copy of
18 it.

19 MR. ROSS: Yes, sir.

20 MR. HINTON: And Rev. Hairston talked
21 about, you know, he's mentioned that report.
22 And we submitted a report to the commission
23 and they adopted our report as their report.
24 And it was circulated around the whole

1 country.

2 MR. ROSS: I understand when you're
3 talking about Rev. Hairston. Rev. Hairston is
4 on the board. His family has a few jobs. I
5 mean, that's what's I'm talking about;
6 anything that goes on in Logan County it's a
7 family thing. Rev. Hairston's family, they
8 have a few jobs since he's been on the board.

9 MR. HINTON: Right.

10 MR. ROSS: I mean, too, he ain't looking
11 out for the people who don't have a job, he's
12 looking out for his family, too.

13 MR. HINTON: Well, you're probably right.

14 MR. LINDELL: Let me suggest something to
15 you. If you think you've been the victim of
16 discrimination because of your race then you
17 need to file a charge either with the state's
18 Human Rights Commission or the United States
19 Equal Employment Opportunity Commission.

20 MR. HINTON: Who can do something.

21 MR. LINDELL: Who can do something.
22 Well, we would investigate and if we find that
23 we believe you may have been the victim of
24 discrimination, we can then try to do

1 something for you.

2 MR. ROSS: Yes, sir. I understand that,
3 but I'm not only talking about myself. A few
4 minutes ago I heard you say that you didn't
5 know that things were that bad in Logan.

6 MR. HINTON: I knew things were probably
7 bad here, but I'm hearing individual stories
8 that were worse than I thought they would be.
9 I mean, this last story with Mr. Elmore, I
10 mean, I just find it regrettable that that man
11 could have worked that hard for that long and,
12 you know, spend 32 hours a week working for a
13 company, hard labor, and take home \$29 and
14 some change, you know, plus his welfare check.
15 I mean, that's just absolutely disgusting, you
16 know.

17 MR. ROSS: I mean, this is Logan County.

18 MR. HINTON: And the newspaper article is
19 almost two years old, and the man still hasn't
20 got a job. I find that reprehensible. I
21 mean, only in American this kind of thing
22 could happen.

23 MR. ROSS: No, more than likely, only in
24 Logan County.

1 MR. HINTON: Well.

2 MR. ROSS: I mean, Logan County is that
3 bad. I mean from top to bottom.

4 MR. HINTON: Well, I mean, America is a
5 pretty bad place, too, though.

6 MS. ROPER: Logan's worse than other
7 places.

8 MR. ROSS: Logan is the worst place
9 you've ever been. You don't have to live
10 here.

11 MR. HINTON: And that's what I said
12 earlier, it's worse than I thought it was.

13 MR. ROSS: I mean from top to bottom,
14 from the police down to the most unscrupulous
15 people you can find is bad.

16 MR. HINTON: Uh-huh.

17 MR. ROSS: I mean, as far as a young
18 black man, I mean, right now I've been pushed
19 to the point, which I won't do, I'm just
20 saying I'm pushed to the point - I'm like Mr.
21 Elmore, I mean you've got a choice. You've
22 got a choice and go in and live and take
23 somebody's job from them or grow up with other
24 people and sell drugs to survive for your

1 family.

2 MR. HINTON: Sure.

3 MR. ROSS: Or to look for a job, like a
4 man should do. I mean, when you do that and
5 nobody is ever considering you, you pretty
6 much know, you feel defeated before you get
7 there.

8 MR. HINTON: File your complaints, too.
9 Because like I say, we have no authority, you
10 know, but there's agencies that do.

11 MR. ROSS: But I mean, if they're in
12 Logan County, and you file with them, you're
13 not doing yourself no good. I'm telling you
14 it's that bad. If you file on anything with
15 anybody in Logan County, you can bet, like Mr.
16 Elmore was saying just a moment ago, they're
17 family, their cousins, their dad, their uncle,
18 somebody along that trail is gonna catch that
19 paper and it's gonna stop right there. You
20 can guarantee you that. I mean, you cannot
21 deal with somebody in Logan and expect things
22 to get better.

23 MR. HINTON: You may be right, but one
24 thing's for sure, if you don't file nothing

1 will ever happen. I mean, you might take the
2 chance that something can happen. I mean, but
3 if you don't give them the chance, nothing
4 will happen. You've got nothing to lose but a
5 little bit of time.

6 MS. ROPER: Well, we'll definitely make
7 sure that what we've heard, how bad it is here
8 in Logan County, gets sent up as far as the
9 report and to the president, as far as West
10 Virginia is concerned. I mean, I think it is
11 as bad down here.

12 MR. ROSS: Oh, I understand you. He was
13 saying that they were here in '93. I'm
14 thinking, there ain't been much improvement.

15 MR. HINTON: Well, one thing did happen,
16 and she can tell you. When we were here in
17 '93 and we got that report that was filed,
18 things did get better, but only for a short
19 time. I mean, things went back to the
20 business as usual, but it did have some
21 impact.

22 MR. ROSS: Yeah?

23 MR. HINTON: Yeah.

24 MR. ROSS: But not much. Not enough to

1 make a difference.

2 MR. HINTON: Well, we've got to keep
3 trying. We just can't quit.

4 MR. ROSS: Well, I mean, my thing is,
5 where you quit trying, the young black kids,
6 they have nothing to look forward to.

7 MR. HINTON: Right.

8 MR. ROSS: I mean, what do they have to
9 look forward to when their parents aren't
10 working and they can't show them no work
11 habits or can't show them anything, or instill
12 in them that, well I'm doing the best that I
13 can do. I mean, what do you tell them? I
14 understand what you're telling me.

15 MR. HINTON: Right.

16 MR. ROSS: But how do I go back and tell
17 my kids this; that your dad can't work because
18 certain people won't let him, or they're
19 hiring all their family members, or it's been
20 political favors.

21 MR. HINTON: Sure.

22 MR. ROSS: Now, right off the bat I'm
23 telling you, that regional jail, from the day
24 it opened, from the time the election started,

1 that's been one political thing, favor. I
2 don't know when are they gonna get through
3 with the favors so they can hire some regular,
4 normal people.

5 MR. HINTON: Uh-huh. Yeah.

6 MR. ROSS: Yeah.

7 MR. HINTON: And they can put us in those
8 jails, but they can't get us a job working for
9 those jails.

10 MR. ROSS: Yeah, pretty much. I mean,
11 that's basically what I feel. They're just
12 waiting for a chance to get me there.

13 MR. HINTON: Yeah. Yeah. Yeah.

14 MR. ROSS: And then that'll be it.

15 MR. HINTON: I wish we could do more, you
16 know, but I have to be honest with you. We're
17 gonna compile a report and we're here to get
18 information to file a report.

19 MR. ROSS: Okay. Thank you.

20 MR. HINTON: Okay. Thank you.

21 WHEREUPON, the forum concluded.

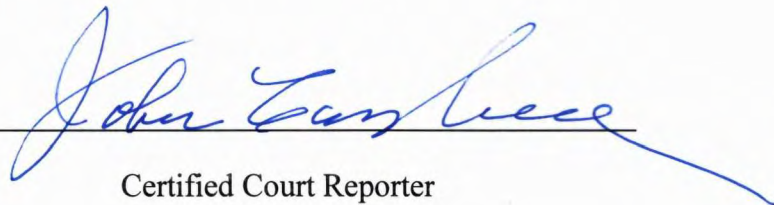
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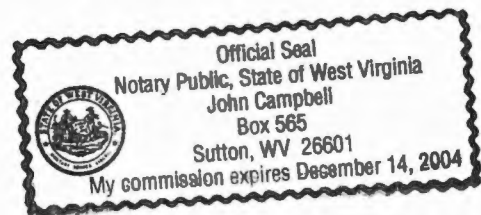
STATE OF WEST VIRGINIA,
COUNTY OF LOGAN, to-wit:

I, JOHN CAMPBELL, a certified court reporter and notary public for the state and county aforesaid, hereby certify that the foregoing is a transcript of the proceedings reported by me, or under my supervision, and herein translated into the English language.

I certify further that I, nor anyone under my supervision, am neither counsel to nor attorney for any of the parties herein and have no pecuniary interest in the outcome of same.

DATED: Saturday, November 28, 1998
TIME: 9:00 PM


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