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INDIANA
CIVIL RIGHTS COMMISSION

BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF MARCH 22, 2013

ORIGINAL

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, David C. Carter and
Alpha Blackburn, Chairs, taken before me,
Lindy L. Meyer, Jr., a Notary Public in and for
the State of Indiana, County of Shelby, at the
Indiana Government Center South, Conference
Center, Room A, 402 West Washington Street,
Indianapolis, Indiana, on Friday, March 22, 2013
at 11:07 o'clock a.m.

- - -

William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Alpha Blackburn, Chairperson
4 David C. Carter, Chairman
5 John E. Garcia
6 Barry Baynard
7 Tehiji G. Crenshaw
8 Charles D. Gidney

9 INDIANA CIVIL RIGHTS COMMISSION
10 By Akia Haynes, Dep. Director
11 Indiana Government Center North
12 100 North Senate Avenue, Room N103
13 Indianapolis, Indiana 46204
14 On behalf of the Commission.

15 OTHER COMMISSION STAFF PRESENT:

16 Paula Barnett
17 Pamela Cook
18 Marco Deckard
19 Debbie Rincones-Chavez

20 ALSO PRESENT:

21 Erbie Price
22 Brenda Stewart
23 Sarah Cudahy

- - -

1 11:07 o'clock a.m.
2 March 22, 2013

3 - - -

4 CHAIRMAN CARTER: I'd like to call
5 the Indiana Civil Rights Commission March meeting
6 to order. We have a quorum. We will proceed
7 until our Chairperson arrives, at which time we
8 will take a brief hiatus.

9 And we have the minutes from two months
10 ago, I believe. We didn't have a meeting last
11 month, because of the weather. If you have any
12 comments, now is the time; otherwise, I will
13 entertain a motion to accept the minutes.

14 COMM. GIDNEY: So moved.

15 COMM. CRENSHAW: Second.

16 CHAIRMAN CARTER: All in favor?

17 COMM. CRENSHAW: Aye.

18 COMM. GARCIA: Aye.

19 COMM. BAYNARD: Aye.

20 COMM. GIDNEY: Aye.

21 CHAIRMAN CARTER: Aye. Thank you.

22 Old Business, Report by Commissioners on
23 Complainant Appeals. And I guess I go first,
since I'm first on the agenda.

1 (Discussion off the record.)

2 CHAIRMAN CARTER: Okay.

3 Comm. Baynard has informed me that in one of his
4 cases, the person wishes to address us, and that
5 person has not arrived yet, and so we'll see what
6 happens when we get to the bottom of this list.

7 In the case of Gerald Harsh versus
8 Honeywell Aerospace and Travis Story versus The
9 Judge Group, I recommend we sustain the Deputy
10 Director's no probable cause finding. May have a
11 motion to accept that recommendation?

12 COMM. GARCIA: So moved.

13 COMM. CRENSHAW: Second.

14 CHAIRMAN CARTER: All in favor?

15 COMM. CRENSHAW: Aye.

16 COMM. GARCIA: Aye.

17 COMM. BAYNARD: Aye.

18 COMM. GIDNEY: Aye.

19 CHAIRMAN CARTER: Aye.

20 Opposed?

21 (No response.)

22 CHAIRMAN CARTER: Okay.

23 Comm. Crenshaw.

1 COMM. CRENSHAW: Do you have a second
2 one, Travis Story? Did you already --

3 CHAIRMAN CARTER: I --

4 COMM. CRENSHAW: Oh, I'm sorry.

5 CHAIRMAN CARTER: I did them both.

6 COMM. CRENSHAW: I didn't hear.

7 In the case of Tiffini Vance versus
8 Steak 'n Shake Restaurant, I would like to make a
9 motion that we remand this case for further
10 investigation, and the basis is that the case has
11 some information presented from a former employee
12 that included a letter stating this particular
13 ex-employee was granted, on multiple occasions,
14 to work one day a week while pursuing other
15 employment opportunities.

16 CHAIRMAN CARTER: Okay. I don't
17 think we need to vote on remanding, but it
18 wouldn't hurt. May I have a motion to accept the
19 recommendation to remand?

20 COMM. GIDNEY: So moved.

21 COMM. BAYNARD: Second.

22 CHAIRMAN CARTER: All in favor?

23 COMM. CRENSHAW: Aye.

1 COMM. GARCIA: Aye.

2 COMM. BAYNARD: Aye.

3 COMM. GIDNEY: Aye.

4 CHAIRMAN CARTER: Aye.

5 COMM. CRENSHAW: And in the case of
6 Annette Polk versus James Management Group, I'd
7 like to make a recommendation we uphold the
8 Deputy Director's finding of no probable cause.

9 CHAIRMAN CARTER: May I have a motion
10 to accept that recommendation?

11 COMM. GARCIA: So moved.

12 COMM. GIDNEY: So moved. Second.

13 CHAIRMAN CARTER: All in favor?

14 COMM. CRENSHAW: Aye.

15 COMM. GARCIA: Aye.

16 COMM. BAYNARD: Aye.

17 COMM. GIDNEY: Aye.

18 CHAIRMAN CARTER: Aye.

19 Do we have cases from Comm. Ramos?

20 MS. RINCONES-CHAVEZ: No.

21 CHAIRMAN CARTER: No; okay. Those
22 will be continued until next month.

23 And Comm. Blackburn is expected, so

1 presumably we will hear from her about that at
2 the time.

3 Comm. Baynard, would you like to wait a
4 little while for your -- or you can tell us about
5 the one case.

6 COMM. BAYNARD: Yes. In the case of
7 Dominique Smith, I would like to wait until she
8 arrives. I guess she's going to speak on her
9 case.

10 And in the case of Terry Lymon, I'd
11 like -- it's my intent to reverse that decision,
12 based upon the fact that -- well, just for some
13 background, this is a -- this person was a U.S.
14 auto worker, and he was represented by the UAW as
15 a union, and he claims that he was discriminated
16 against by the UAW.

17 And I found that he presented two
18 comparators that showed that he wasn't treated
19 the same as -- or there was disparate treatment
20 in this case, and he was not given the
21 opportunity to appeal his firing is what -- is why
22 he was represented by the UAW in that, because
23 when they notified him of his -- their decision

1 on his grievance, that time had elapsed so he
2 couldn't appeal that decision, where other
3 workers weren't given -- or they were given
4 notice that they could appeal their case.

5 So, with that, I would like to reverse
6 this.

7 CHAIRMAN CARTER: Okay. May I have a
8 motion to accept that recommendation?

9 COMM. GIDNEY: So moved.

10 COMM. CRENSHAW: Second.

11 CHAIRMAN CARTER: All in favor?

12 COMM. CRENSHAW: Aye.

13 COMM. GARCIA: Aye.

14 COMM. BAYNARD: Aye.

15 COMM. GIDNEY: Aye.

16 CHAIRMAN CARTER: Aye.

17 Okay. So, we have two more cases to wait
18 and see about. While doing that, Assignment of
19 New Appeals. I will --

20 MS. RINCONES-CHAVEZ: Comm. Carter,
21 you skipped over the Financial Report.

22 CHAIRMAN CARTER: Oh, I'm sorry. It
23 was hidden up there. We can come back to that,

1 Financial Report.

2 I'm sorry, Ms. Cook.

3 MS. COOK: That's okay. Good
4 morning.

5 COMM. CRENSHAW: Good morning.

6 MS. COOK: You've had a chance to
7 review both the January and February Financial
8 Reports in your packets. We have received our
9 third quarterly disbursement of the HUD
10 Partnership funds in the amount of \$62,500, and
11 we do anticipate receiving the fourth quarter
12 disbursement before the end of the fiscal year.

13 And if you have any questions regarding
14 the report, I would be happy to answer them at
15 this time.

16 CHAIRMAN CARTER: Any questions?

17 (No response.)

18 CHAIRMAN CARTER: Thank you. Hearing
19 that, hearing no questions on that, we will
20 assign those appeals. I will take Daniel Trick
21 versus Gary Myers and Thomas McCarthy versus
22 Clary Crossing Senior Villas; Comm. Gidney, if
23 you would review Robin Dabner versus Van Rooy

1 Property Management and Heather Rosier versus
2 C.R. England, Incorporated; Comm. Baynard, Joe
3 Trump versus Waterscape Homeowners Association
4 and Lisa Browning versus Brown & Brown of
5 Southwest Indiana; Comm. Garcia, if you will
6 review Anibal Hernandez -- Anibal, maybe --
7 versus BJD Landscaping Services and Carlos
8 Cuadrado versus Indiana Marine Products;
9 Comm. Crenshaw, Gary Bernard versus Dr. Pepper
10 Snapple Bottling Group and Heather N. Ward versus
11 Graebel Van Lines and Hubbard Trucking; and
12 presumably, Comm. Blackburn will make it in order
13 to take Martha Rashedi versus Consumer Credit
14 Counseling Services of Northwest, Incorporated,
15 and if she, for some reason, doesn't make it, I
16 will take it.

17 We have a Findings of Fact, Conclusions of
18 Law and Order, Cathey Hall versus Pollution
19 Control Industries, and if I may have a motion to
20 accept that, please.

21 COMM. GARCIA: I'll move we accept
22 it.

23 CHAIRMAN CARTER: A second?

1 COMM. BAYNARD: Second.

2 CHAIRMAN CARTER: All in favor?

3 COMM. CRENSHAW: Aye.

4 COMM. GARCIA: Aye.

5 COMM. BAYNARD: Aye.

6 COMM. GIDNEY: Aye.

7 CHAIRMAN CARTER: Aye.

8 Okay. And we have presumably arrived at
9 the point where we can take a pause, or are you
10 prepared for the --

11 MS. HAYNES: I can do the --

12 CHAIRMAN CARTER: -- Administrative
13 Update?

14 MS. HAYNES: Yes, we can do that.

15 Well, good afternoon, everyone. As you
16 can see from the Executive Report, we've been
17 quite busy so far, and I wanted to highlight a
18 few of the following. First, April is Fair
19 Housing Month, so we have an event called Equal
20 Housing is Still the Issue. We'll have numerous
21 panelists there from throughout the state and
22 country, and a photography exhibit featuring rare
23 photography from the MLK era. So, we encourage

1 you all to come out and participate in this
2 event. We think it'll be very interesting and
3 good for the community.

4 Also, on April 10th is the Holocaust Day
5 of Remembrance as well as Memorial and Youth
6 Summit, and the Day of Remembrance is from noon
7 to 1:00, and we ask that you guys confirm your
8 attendance if you would like to attend. We --
9 it's going to be a very popular event and we all
10 encourage you to attend.

11 On the administrative side of things, we
12 have posted the ALJ position -- we anticipate
13 posting it soon, so we'll have a new ALJ. And
14 moving right along to our EEOC as well as HUD
15 contracts, we're well on the way on both of
16 those. The EEOC contract, we actually had it
17 scheduled. I want to give kudos to our
18 Employment Unit. We're doing great on that one.

19 And HUD is moving right along. We also
20 anticipate filling this contract by the end of
21 the time period, and we wanted to thank our team
22 for the hard work on that as well.

23 Do you guys have any questions about any

1 of that?

2 COMM. GIDNEY: No.

3 MS. HAYNES: Thank you so much.

4 CHAIRMAN CARTER: Thank you.

5 Now what? What do we do?

6 MS. HAYNES: We can take a recess.

7 CHAIRMAN CARTER: A recess?

8 MS. HAYNES: Yes.

9 CHAIRMAN CARTER: So, we will take a
10 brief recess and resume when I'm told to resume.

11 MS. HAYNES: Thank you.

12 CHAIRMAN CARTER: The perks of
13 chairing the meeting.

14 (Recess taken.)

15 (Comm. Blackburn arrived.)

16 CHAIRPERSON BLACKBURN: Hello,
17 everyone. My apologies for interrupting the
18 meeting in progress.

19 We have a couple of other items on the
20 agenda to cover this morning, and we are
21 delighted to have some speakers this morning. I
22 must ask, in advance of calling on any of you who
23 wish to make a statement this morning, that you

1 restrict those statements to three and a half
2 minutes. Why do I say three and a half? Because
3 I know you're going to push it to maybe four.
4 So, if you would please do that, in the interest
5 of our Commission's time, to make your comments
6 brief.

7 We have to have a Report from Appeals from
8 yet Comm. Barry Baynard.

9 COMM. BAYNARD: Yes, Madam Chair. In
10 the case of Dominique Smith, I thought that she
11 was going to come to represent herself, but it
12 looks like she's not going to make it today, so
13 my recommendation to the Commission is that we
14 uphold the Director's finding of no probable
15 cause.

16 CHAIRPERSON BLACKBURN: May I have a
17 motion to accept that recommendation?

18 COMM. CARTER: So moved.

19 COMM. CRENSHAW: And I'll second.

20 CHAIRPERSON BLACKBURN: And all in
21 favor, please.

22 COMM. CRENSHAW: Aye.

23 COMM. GARCIA: Aye.

1 COMM. BAYNARD: Aye.

2 COMM. GIDNEY: Aye.

3 COMM. CARTER: Aye.

4 CHAIRPERSON BLACKBURN: Okay. Anyone
5 opposed?

6 (No response.)

7 CHAIRPERSON BLACKBURN: Okay. And I
8 would like to report on the case of Darlene
9 Sharpe versus Kroger Food Store and recommend
10 that we uphold the Director's finding of no
11 probable cause. May I have a motion to accept
12 that recommendation?

13 COMM. GARCIA: So moved.

14 COMM. CARTER: Second.

15 CHAIRPERSON BLACKBURN: All in favor?

16 COMM. CRENSHAW: Aye.

17 COMM. GARCIA: Aye.

18 COMM. BAYNARD: Aye.

19 COMM. GIDNEY: Aye.

20 COMM. CARTER: Aye.

21 CHAIRPERSON BLACKBURN: Anyone
22 opposed?

23 (No response.)

1 CHAIRPERSON BLACKBURN: Thank you
2 very much.

3 The Assignment of Appeals has been made, I
4 think --

5 COMM. CARTER: Yes.

6 CHAIRPERSON BLACKBURN: -- already,
7 and we will entertain now comments from our
8 guests in the audience. If you will, one by one,
9 step to the podium, identify yourself and the
10 cause to which you're speaking, and then your
11 time will start, in any order.

12 MS. STEWART: Good morning.

13 CHAIRPERSON BLACKBURN: Good morning.

14 COMM. CARTER: Good morning.

15 MS. STEWART: My name is Brenda
16 Stewart. I'm a parent here in Indianapolis,
17 Indiana, and I'm basically not impressed with
18 what I see right now, that my son's life, his
19 education, was in the hands of people before you
20 that may have handled my son's case, which I have
21 many, many questions as to what took place.

22 My son has a hearing disability, and the
23 findings that I was given by Sandra Leeks

1 indicates the response request -- or response was
2 they provided my son the services under the state
3 statute. Well, how can you provide speech
4 services to a child who is hearing impaired and
5 that's all he gets, and you offer no
6 accommodations?

7 So, that tells me specifically that
8 whoever handled my son's case -- Sidney Garden
9 was the investigator here who handled my son's
10 case. Evidently she did not know state law
11 regarding special education, and she was not
12 knowledgeable about federal rights concerning a
13 child with disability.

14 I filed my case under race discrimination,
15 sex discrimination, disability discrimination and
16 retaliation, to find out, in 2012, it was placed
17 under public accommodations, that the information
18 I got was from Melissa Deering, who identified
19 herself as the Governor's liaison.

20 This is ridiculous that a conflict of
21 interest here regarding a state school system,
22 and you have an entity such the Indiana Civil
23 Rights Commission, also being a state entity,

1 would cause a conflict of interest. What has
2 happened to my son is beyond, beyond what anybody
3 could imagine. The abuse that he suffered, and
4 to write him off as to say he didn't matter.

5 This is ridiculous. This is ludicrous
6 that I'm sitting here before you all, who
7 probably didn't have nothing to do with my son's
8 case, but to see that there's no legal
9 background. Any of you attorneys? And I never
10 even had a conversation with the supervising
11 attorney. How was this case even handled?

12 It raises the question in my mind, what
13 they did to him from the New Albany Floyd County
14 School District, which has a history of
15 discrimination. How was my son's case denied?
16 And I'm being told to get over it? We're talking
17 about life.

18 I wish the whole City of Indianapolis
19 could come down here and to see the number of
20 cases that have no probable cause, that are
21 dismissed, without any real investigation. I saw
22 no paperwork from Sidney Garden. I was not able
23 to access the files that was given from the

1 Respondent, and they lied through their teeth,
2 changing educational records, committing perjury,
3 telling the state that they were not violating
4 his rights, and you all -- and the Indiana
5 Commission accepted that.

6 I asked Judge Kellam Scott back in 2005 to
7 revisit the issues concerning racism in special
8 education, concerning black boys. He was on the
9 Amos Brown show and he said he would do a
10 Director complaint. That was in 2005. It is now
11 2013. Under Indiana state statute it states that
12 there does not have to be a complaint, but you
13 can't argue the point on public policy, and this
14 is a public policy issue.

15 No, I only have three and a half minutes,
16 and it's not enough. It doesn't even give me the
17 amount of justice that I deserve. For those
18 people who went forward to deny me and my son his
19 educational rights, based on prejudice, bias, and
20 the state's ongoing denial to provide children,
21 black boys, the right to an education. This is
22 historic information, and they have known it for
23 years.

1 So, tell me how this one piece of paper
2 decided my son's fate, that he should get justice
3 or no justice. And to me, he's not more than a
4 slave, a boy with no rights. That's what it
5 comes down to, a boy with no rights in this
6 state.

7 Now, it hurts my heart. For 15 years I've
8 been trying to get educational justice for my
9 son. I've gone to the Councils on Disability
10 right here in the State of Indiana, the
11 Governor's Councils on Disability, to be told no.
12 The Indiana Civil Rights Commission, no. The
13 Indiana State Department of Education, no. Every
14 door that I've tried to go into has been no, no,
15 no, no, no.

16 But history has told us that Indiana has
17 known about this problem for decades and has done
18 nothing about it, while we're losing our boys
19 through to educational process. Race
20 discrimination, sex discrimination, disability
21 discrimination, all of these isms that come up in
22 education, and we don't see it happening.

23 But then we question what is happening to

1 our children, black children, specifically young
2 black boys. I'm ashamed. I am shamed that my
3 baby had to go through this, and we listened to
4 the perpetrators who told the Indiana Civil
5 Rights a bunch of lies, and I had no right to due
6 process? That's not democracy.

7 I am not the one that put in my son's
8 records African-American, bald-headed, dreadlocks
9 around his shoulder, by throwing the child broke
10 down. This document was given to Sidney Garden,
11 who was supposed to be the investigator. She
12 said she spoke with her supervising attorney. I
13 never seen him. I never heard him.

14 So, where was she getting her facts from?
15 From the perpetrators who were abridging my son's
16 educational rights, who have a history of racial
17 discrimination. You all know about New Albany,
18 Indiana. You all know about them. They have a
19 history of racial discrimination. My son came
20 through that pipeline.

21 (Alarm sounded.)

22 MS. STEWART: Is that my time?

23 CHAIRPERSON BLACKBURN: It is. Do

1 you want another minute --

2 MS. STEWART: Yes, I do.

3 CHAIRPERSON BLACKBURN: -- to
4 conclude your remarks? Please do.

5 MS. STEWART: This is my concern. It
6 started from the New Albany Floyd County School
7 District, and here's a letter I want to read real
8 quickly. This is from someone you all know very
9 well. His name was Sam Jones. He was the
10 President of the Indiana Urban League.

11 Dear Ms. Stewart: I'm writing to respond
12 to your letter dated July 24th, 2002. Having
13 read your very detailed letter, it is apparent to
14 me that you have experienced a great deal of
15 frustrations in trying to address the educational
16 challenges experienced by your 13-year-old son.
17 It is unfortunate that your difficulties
18 following your relocation to Indianapolis from
19 New Albany -- that's retaliation.

20 In my complaint I put retaliation, but in
21 my -- in the findings, there's no reference to
22 retaliation. There's no reference to his hearing
23 disability. So, how was he going to get access

1 to due process? How was that going to happen?

2 It says, the Indianapolis Urban League
3 does not have the power to reverse the decisions
4 recorded by the Indiana Civil Rights Commission,
5 but I have endeavored to research this matter to
6 the best of my ability. The bulk of your
7 allegations regarding disparate treatment of your
8 son focused on lack of compliance with state and
9 federal guidance, laws and regulations governing
10 exceptional learners. I have included copies of
11 frequently asked questions regarding Article 7,
12 Indiana's established mechanism for addressing
13 needs of exceptional learners.

14 And it goes on to say, after consulting
15 several people and utilizing multiple resources,
16 including the State -- Indiana State Teachers
17 Association, I have forwarded a copy of your
18 letter to Mr. Robert A. Merritt, Associate
19 Superintendent of Indiana Department of
20 Education. Mr. Merritt oversees issues of
21 compliance with state and federal laws,
22 regulations regarding exceptional learners.

23 This is what Mr. Merritt said to me. When

1 I contacted him and asked him, "Did you receive
2 this courtesy copy from Mr. Sam Jones?" and asked
3 him what his thought was, he said it was a matter
4 of opinion. A matter of opinion.

5 But yet the conversation I had with
6 Mr. Bob Merritt, who was the Director the State
7 Special Education system form the State of
8 Indiana, I had said to him, "You know the
9 conditions of the young black boys in special
10 education."

11 "I'm aware of them." He said, "I'm aware
12 of them," but did nothing to stop the bleeding.
13 Every part of Indiana acknowledged what is going
14 on in special education. They're lynching our
15 black children, and we say nothing.

16 And that -- again, I want to say this: On
17 the Indiana Civil Rights Commission's letterhead,
18 it says -- let me read what it says real quick,
19 because this is the most disturbing part of all.
20 "Morality cannot be legislated, but behavior can
21 be regulated," Martin Luther King, Jr. I don't
22 feel morality. I don't feel that. The Indiana
23 Civil Rights Commission served my son on a plate

1 for the state to abuse him, to deny him, and
2 eventually lynch him. I call it educational
3 lynching.

4 Now, we can either sit here and talk about
5 the Holocaust, or we can look at what is
6 happening to black children in our city and
7 state, so we can stop the bleeding. It's not
8 going to stop until the Indiana Civil Rights
9 Commission do what they say they're going to do.
10 Judge Kellam Scott didn't do it. He promised
11 that he would file a Director's complaint.

12 What I'm looking for, and I'm not going to
13 back out, there needs to be a federal
14 investigation, and if the Indiana Civil Rights
15 Commission cares anything about black children,
16 you should partner with the U.S. Department of
17 Education, Office of Civil Rights and the
18 Department of Justice to come in here and do a
19 federal investigation as to what's been happening
20 to black children, black boys, in our special
21 education system, right here, right now.

22 And that's all I have to say, but I hope I
23 have an opportunity to sit with you all once more

1 to hear everything, to look over the paperwork
2 which I'm being denied. I'm being denied through
3 the Indiana Civil Rights Commission.

4 CHAIRPERSON BLACKBURN: I want to
5 thank you for taking the time to pursue your
6 rights through all of the efforts that you have
7 explained, and thank you for making your comments
8 before this Commission.

9 I would entertain any questions that
10 Commissioners have at this time.

11 COMM. BAYNARD: I just have one
12 question: This happened how many years ago?

13 MS. STEWART: It happened in '98,
14 when I first --

15 COMM. BAYNARD: '98?

16 MS. STEWART: -- filed my complaint,
17 and this is what your Governor said at the time,
18 Governor O'Bannon, when I met him for the very
19 first time, and I also met Sandra Leeks: "If I
20 filed a complaint against the Indiana -- against
21 the Indiana -- New Albany Floyd County School
22 District, what would happen with it?" She said,
23 "More than likely there would be retaliation."

1 It took me two months to file that
2 complaint, but the Governor, he says -- he's from
3 Corydon, Indiana, and he cannot conceive of
4 racial discrimination happening in the New Albany
5 Floyd County School District, and they're arm's
6 length to each other. How is that possible, when
7 we know Indiana has been the home of the Ku Klux
8 Klan? And I'm down in New Albany, right across
9 the bridge from Kentucky, where that's where the
10 Klan live at.

11 COMM. BAYNARD: How old was your son
12 at the time?

13 MS. STEWART: He started at six years
14 old in the New Albany Floyd County School. He
15 couldn't even get out -- I had to take him out of
16 the New Albany Floyd County School twice to try
17 to protect him. And then we got to Pike
18 Township. Oh, that's when the lynching took
19 place. New Albany, just like the letter from Sam
20 Jones, it followed me here. Any time you stand
21 up for your rights, this is what they do, they
22 cut you off at the knees. So, my son was a
23 sacrificial lamb to shut me down. You know, it

1 ain't shutting me down. It's made me more wise,
2 it's made me more concerned about what's not
3 going on, and I'm not backing off.

4 And until the State of Indiana recognizes
5 that special education serves only one thing, and
6 that's deny black children their right to equal
7 access, label them, get rid of them, feed them
8 into the juvenile justice system -- because
9 that's what's happening. It's called the
10 school-to-prison pipeline. Get the data. That's
11 all you've got to do, get the data. I was told
12 by the Urban League, "We don't have enough cases
13 to warrant a federal investigation." I don't
14 think that's true.

15 COMM. BAYNARD: How is your son
16 today?

17 MS. STEWART: Well, he works, but he
18 has to carry the scars, like we all do, when you
19 have been treated this way. They don't go away.
20 Because now, where you're struck as a child, you
21 just don't automatically catch up. That's why
22 you've got schooling for 12 years. It don't get
23 easier, it gets harder, especially as a young

1 black male. We all know that. Everyone one of
2 us in here know that, so let's not pretend. It's
3 a disgrace. It is a disgrace.

4 CHAIRPERSON BLACKBURN: Are there any
5 other questions?

6 (No response.)

7 CHAIRPERSON BLACKBURN: If not, I
8 thank you very much for your stance.

9 Do we have another speaker?

10 MR. PRICE: My name is Erbie Price.
11 I am a disabled veteran. I served my country for
12 24 years, and I also participated in the Civil
13 Rights movement back in the '60's for people to
14 send us audits where you would have Civil Rights,
15 and then in 1976 I moved to the State of Indiana.
16 After serving my country in Hawaii, I come back
17 here thinking that I'm going to have a better
18 life.

19 That was not my case. I got a janitorial
20 job at the Indiana National Guard. I put in for
21 a White House position. At that time I had close
22 to 20 years of experience. They gave it to a
23 white kid not even graduated from a high school.

1 The only thing that they -- that I found out was
2 that he was getting ready to go into the Indiana
3 National Guard.

4 And the state does not recognize disabled
5 veterans. Joe Blow can walk right off the street
6 and get a job before I can get one out there. I
7 worked for the State of Indiana for 17 years as a
8 janitorial -- as a janitor. I've been called the
9 "N" word. I've been through so much h e l l out
10 there that I almost had a heart attack.

11 A friend of mine had to take me to the
12 emergency room at Methodist Hospital, and I think
13 it was in 2005, because of the mistreatment that
14 I was going through on my job. They have wrote
15 me up for not attending a mandatory meeting in
16 Camp Atterbury.

17 I gave them two months of advance notice
18 that I had an appointment at the Veterans
19 Hospital here in Indianapolis, Indiana. I don't
20 know if anyone in here is a veteran or not that
21 deals with the appointments at the Veterans
22 Hospital. When you get these appointments, you
23 have to take them, because if you don't, they

1 would put you at the -- below -- it may take you
2 three years to -- for you to address this
3 problem; okay?

4 I turned that notice in to my supervisor.
5 She approved it. She took it to the personnel
6 department out there on the job. They approved
7 it. But when this mandatory meeting came up,
8 they told me that I had to attend this mandatory
9 meeting at Camp Atterbury.

10 In the bylaws out there, it states that if
11 you let the State Controller or the Human
12 Resources out there know that you've got an
13 appointment or you've scheduled a vacation at
14 this time of this meeting, you will be excused.
15 I was wrote up, and they used their write-up to
16 terminate me.

17 But -- I forget the administrator's name
18 that was appointed by Judge Daniels at that time,
19 I think it was O'Bannon -- not O'Bannon, but -- I
20 forget who it was, but anyway, he decided in my
21 favor. He made them pay me for three days that I
22 had turned in that I was supposed to not attend
23 this meeting at Camp Atterbury. I was paid for

1 supposed to be at work." I said, "They know that
2 I'm on my vacation, and they approved it"; okay?
3 They wrote me up again. They used that
4 write-up -- and I proved that I was on vacation;
5 okay? The state department made them pay me for
6 two weeks; okay?

7 So, then when I come down here to file a
8 complaint of discrimination, I was told that it
9 was not a probable cause. I was cleaning four
10 buildings to -- one building that has six
11 white -- I mean the lengths has six people, three
12 on each side up here. I cleaned four buildings
13 by myself; okay? But they say that's not
14 discrimination; okay?

15 And then for them to say that -- I went to
16 put in that paperwork for -- to take a vacation
17 and stuff, when it's right there in black and
18 white, and that's not a probable cause? I have
19 went through h e l l since 2007 because I cannot
20 find a job, because it's going to be hard for me
21 to prove that I was still applying for --

22 (Alarm sounded.)

23 MR. PRICE: -- the state that is

1 MR. PRICE: -- and I've never in my
2 life been associated with so many blacks that I
3 have here in Indianapolis, Indiana that would
4 agree to the harassment and the mistreatment that
5 I have endured since I've been in this state.

6 Thank you for your time, and God bless you
7 all.

8 CHAIRPERSON BLACKBURN: Thank you
9 very much. It is poignant and heart wrenching to
10 hear of the inadequacy that every day we have to
11 consider in terms of the extent of the law and
12 the powers of this Commission, but I pledge to
13 you that each of us here will try to give our
14 best efforts, and thank you for being here to
15 remind us of the importance of this work.

16 COMM. GARCIA: I have a question.

17 CHAIRPERSON BLACKBURN: Yes.

18 COMM. GARCIA: When did you file your
19 complaint?

20 MR. PRICE: I think I filed it in
21 2005, I think.

22 COMM. GARCIA: Okay.

23 MR. PRICE: I filed it with the

1 Indiana Civil Rights movement -- I mean the Civil
2 Rights Commission, and then it was -- I was told
3 there was no probable cause, but then they sent
4 it over to the EEOC, which had a -- which had an
5 agreement with the state, and the Federal
6 Government was paying them -- I mean the state
7 government was paying the EEOC to handle some of
8 their complaints and stuff; okay?

9 I was told by -- I think I filed my
10 charges over there; okay? I was told by a young
11 lady by the name of Alpha Horner -- I had put it
12 in writing that I wanted a substantial pay
13 review. I was denied that request; okay? I had
14 to write -- put in writing to have a meeting with
15 the director. I was denied that request.

16 And then they sent me a right-to-sue
17 letter that -- you have to put in writing that
18 you want them to give you a right-to-sue letter.
19 I never put it in writing for this right-to-sue
20 letter; okay?

21 Then I talked to an attorney that's in the
22 Legal Department at the EEOC in Washington, D.C.
23 Her name is Ms. Williams. I forget her first

1 name because it's been so long ago, but her last
2 name was Williams. I never will forget.

3 COMM. GARCIA: Yeah, I -- you're
4 getting into too much detail, but I just wanted
5 to know if this was a current case.

6 MR. PRICE: Okay.

7 COMM. GARCIA: But it was 2005, you
8 say?

9 MR. PRICE: Right.

10 COMM. GARCIA: Okay. Well, thank
11 you.

12 MR. PRICE: Yes.

13 CHAIRPERSON BLACKBURN: Are there any
14 announcements to be made before we concluded this
15 meeting, any issues?

16 (No response.)

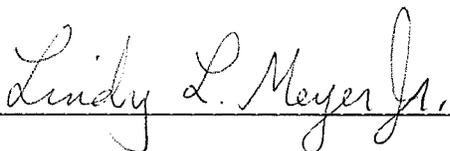
17 CHAIRPERSON BLACKBURN: Hearing none,
18 I hope you will take note of the meeting dates
19 for the rest of 2013, and this meeting is now
20 adjourned. Thank you very much.

21 - - -
22 Thereupon, the proceedings of
23 March 22, 2013 were concluded
at 11:54 o'clock a.m.
- - -

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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Friday, March 22, 2013 in this matter and transcribed by me.



Lindy L. Meyer, Jr.,
Notary Public in and
for the State of Indiana.

My Commission expires October 27, 2016.

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