

1 INDIANA CIVIL RIGHTS COMMISSION
2 INDIANA GOVERNMENT CENTER NORTH
3 100 NORTH SENATE AVENUE, ROOM N103
4 INDIANAPOLIS, INDIANA 46204-2255

5 IN THE MATTER OF:)
6)
7 INDIANA CIVIL RIGHTS)
8)
9 COMMISSION PUBLIC MEETING)

10 ORIGINAL
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14 A transcript of the Indiana Civil Rights
15 Commission public meeting held before me, Lisa M. Hobbs, a
16 Notary Public in and for the County of Johnson, State of
17 Indiana, at the Indiana Government Center South, Conference
18 Room 5, 402 West Washington Street, Indianapolis, on
19 November 18, 2005, commencing at 2:07 p.m., Alpha
20 Blackburn, Chairperson.
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24 WM. F. DANIELS d/b/a
25 ACCURATE REPORTING OF INDIANA
12922 BRIGHTON AVENUE
CARMEL, IN 46032

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A P P E A R A N C E S

COMMISSIONERS IN ATTENDANCE:

Chairperson Alpha Blackburn
Vice Chair David C. Carter
Commissioner John Garcia
Commissioner Barry Baynard
Commissioner Steven A. Ramos

FROM INDIANA CIVIL RIGHTS COMMISSION:

Executive Director Judge Gregory Kellam Scott
Deputy Director Christine Cde Baca
Robert Lange
Barbara Dobbins
Debra Bluitt
Da Mica O'Bryant
Dennis Richmond

Lisa M. Hobbs,
Court Reporter

November 18, 2005 2:07 p.m.

1
2 CHAIRPERSON BLACKBURN: The Indiana Civil Rights
3 Commission is now in public session.

4 There being no minutes this month to approve, and no
5 new business that I'm aware of -- is there any new
6 business?

7 (No response.)

8 CHAIRPERSON BLACKBURN: Hearing none, we'll go to the
9 financial report which Joan Essex has provided. Any
10 comments regarding it? Any questions about the report?

11 (No response.)

12 CHAIRPERSON BLACKBURN: Hearing none, and having no
13 consent agreements submitted this month, we have under Item
14 E in your agenda Findings of Fact, Conclusions of Law, And
15 Order, the case of Marquis v. Avis, and you have that.

16 May I have a motion regarding that case?

17 COMMISSIONER RAMOS: So moved.

18 CHAIRPERSON BLACKBURN: What are you moving?

19 COMMISSIONER RAMOS: Do you need a Motion? You need a
20 Motion?

21 CHAIRPERSON BLACKBURN: Yes. Do you move acceptance?

22 COMMISSIONER RAMOS: I move acceptance. Thank you.

23 VICE CHAIR CARTER: Second.

24 CHAIRPERSON BLACKBURN: All right. And all in favor?

25 (The entire Commission voted in favor.)

1 CHAIRPERSON BLACKBURN: Anyone opposed?

2 (No one opposed.)

3 CHAIRPERSON BLACKBURN: Thank you.

4 And there being no Other Orders, we'll go to the
5 Motions and Orders. There are six cases of no probable
6 cause, and I would entertain a motion to dismiss those.

7 COMMISSIONER GARCIA: I'll move such.

8 CHAIRPERSON BLACKBURN: Is there a second?

9 VICE CHAIR CARTER: Second.

10 CHAIRPERSON BLACKBURN: All in favor?

11 (The entire Commission voted in favor.)

12 CHAIRPERSON BLACKBURN: Anyone opposed?

13 (No one opposed.)

14 CHAIRPERSON BLACKBURN: Thank you. Those cases are
15 listed.

16 And there's only -- there are no cases over which we
17 lacked jurisdiction this month, but there were four,
18 whether failure to cooperate or failure to locate, and I'd
19 like a Motion to dismiss those, please.

20 COMMISSIONER GARCIA: I'll move that we dismiss.

21 VICE CHAIR CARTER: Second.

22 CHAIRPERSON BLACKBURN: All in favor?

23 (The entire Commission voted in favor.)

24 CHAIRPERSON BLACKBURN: Anyone opposed?

25 (No one opposed.)

1 CHAIRPERSON BLACKBURN: Thank you.

2 And the case was withdrawn due to settlement, consent
3 agreement, or mediation in three cases. May I have a
4 Motion to dismiss them?

5 VICE CHAIR CARTER: So moved.

6 COMMISSIONER GARCIA: I'll move that we dismiss.

7 VICE CHAIR CARTER: Second.

8 CHAIRPERSON BLACKBURN: All in favor?

9 (The entire Commission voted in favor.)

10 CHAIRPERSON BLACKBURN: Anyone opposed?

11 (No one opposed.)

12 CHAIRPERSON BLACKBURN: Thank you.

13 And no cases of probable cause submitted this month,
14 and no Other Motions.

15 We'll move to the report of commissioners on the
16 complainant appeals, and begin with Commissioner Baynard.

17 COMMISSIONER BAYNARD: Yes, Madam Chair.

18 In the case of Travis v. Kohl's Department Store and
19 Johnson v. TNT Logistics North America, Incorporated, I
20 recommend to the Council -- to the Commission that we
21 uphold the Director's Finding of No Probable Cause.

22 CHAIRPERSON BLACKBURN: May I have a Motion to accept
23 that recommendation?

24 VICE CHAIR CARTER: So moved.

25 CHAIRPERSON BLACKBURN: And a second?

1 COMMISSIONER RAMOS: Second.

2 CHAIRPERSON BLACKBURN: All in favor?

3 (The entire Commission voted in favor.)

4 CHAIRPERSON BLACKBURN: Anyone opposed?

5 (No one opposed.)

6 CHAIRPERSON BLACKBURN: Thank you.

7 I reviewed two cases, Vance v. Muncie Housing
8 Authority, and Sampson v. Franklin County Community Schools
9 Inc., and -- I forgot what my recommendation is. Hold on
10 just a minute.

11 In the case of Vance v. Muncie Housing Authority, I
12 move that we uphold the Director's Finding of No Probable
13 Cause. In the case of Sampson v. Franklin County Community
14 Schools, Inc., I move that we -- I mean, I recommend that
15 we uphold the Deputy Director's Finding of No Probable
16 Cause. May I have a motion to accept the recommendations?

17 VICE CHAIR CARTER: So moved.

18 COMMISSIONER BAYNARD: So moved.

19 VICE CHAIR CARTER: Or a second.

20 CHAIRPERSON BLACKBURN: All in favor?

21 (The entire Commission voted in favor.)

22 CHAIRPERSON BLACKBURN: Anyone opposed?

23 (No one opposed.)

24 CHAIRPERSON BLACKBURN: Thank you.

25 And the next commissioner to report is Commissioner

1 Carter.

2 VICE CHAIR CARTER: Yes, Madam Chair.

3 In the case of Randol v. Don Roberts School of Hair
4 Design, Gatling v. Alro --

5 COMMISSIONER BAYNARD: Steel.

6 VICE CHAIR CARTER: Steel -- yes -- Corporation, and
7 two cases that are not on the agenda, Eiler -- that's
8 E-I-L-E-R, v. Nelmet -- N-E-L-M-E-T -- Inc., and Eiler v.
9 Kelly Services, Inc., for all four of those cases I
10 recommend that we uphold the Director's -- or the Deputy
11 Director's No Probable Cause Finding.

12 CHAIRPERSON BLACKBURN: May I have a Motion to accept
13 that?

14 COMMISSIONER RAMOS: So moved.

15 CHAIRPERSON BLACKBURN: Second.

16 CHAIRPERSON BLACKBURN: All in favor?

17 (The entire Commission voted in favor.)

18 CHAIRPERSON BLACKBURN: Anyone opposed?

19 (No one opposed.)

20 CHAIRPERSON BLACKBURN: Thank you.

21 Commissioner Garcia.

22 COMMISSIONER GARCIA: Madam Chair, in the case of
23 Witherspoon v. Kevin Krulewitch and Ladywood Estates LLC, I
24 reviewed the case, and I concur with the Executive
25 Director's determination of no probable cause and recommend

1 as such.

2 CHAIRPERSON BLACKBURN: May I have a Motion to accept
3 that?

4 VICE CHAIR CARTER: So moved.

5 CHAIRPERSON BLACKBURN: And a second?

6 COMMISSIONER BAYNARD: Second.

7 CHAIRPERSON BLACKBURN: All in favor, please?

8 (The entire Commission voted in favor.)

9 CHAIRPERSON BLACKBURN: Anyone opposed?

10 (No one opposed.)

11 CHAIRPERSON BLACKBURN: Thank you.

12 Do we have a report from Commissioner Gibson?

13 COMMISSIONER RAMOS: Yes.

14 Madam Chairman, Commissioner Gibson was not able to
15 participate. He's provided his packet, has reviewed it.
16 His ruling is to -- recommends that the Commission uphold
17 the Deputy Director's Finding of No Probable Cause.

18 CHAIRPERSON BLACKBURN: May I have a Motion to accept
19 that recommendation?

20 VICE CHAIR CARTER: So moved.

21 COMMISSIONER GARCIA: Second.

22 CHAIRPERSON BLACKBURN: All in favor, please?

23 (The entire Commission voted in favor.)

24 CHAIRPERSON BLACKBURN: Anyone opposed?

25 (No one opposed.)

1 CHAIRPERSON BLACKBURN: Thank you.

2 Commissioner Ramos.

3 COMMISSIONER RAMOS: In the case of Mahuron and
4 Fayette County, I reviewed the case, Madam Chairman, and I
5 recommend that the Commission uphold the Deputy Director's
6 Finding of No Probable Cause.

7 CHAIRPERSON BLACKBURN: May I have a Motion to accept
8 that recommendation?

9 COMMISSIONER GARCIA: So moved.

10 VICE CHAIR CARTER: Second.

11 CHAIRPERSON BLACKBURN: All in favor, please?

12 (The entire Commission voted in favor.)

13 CHAIRPERSON BLACKBURN: Anyone opposed?

14 (No one opposed.)

15 CHAIRPERSON BLACKBURN: Thank you.

16 I'd like to assign to Commissioner Carter to review
17 the case of Egwunyenga v. Carrier Corporation. I'll spell
18 that name for you, E-G-W-U-N-Y-E-N-G-A.

19 THE REPORTER: Thank you.

20 CHAIRPERSON BLACKBURN: All right.

21 And next on your agenda is the administrative update
22 and the Director's report.

23 JUDGE SCOTT: In my report to the Commission today, we
24 have on the agenda a discussion briefly of -- regarding the
25 Voting Rights Act. And for purposes today regarding the

1 Voting Rights Act, it's generally -- to give some
2 background. The Commissioners have been provided with a
3 substantial amount of information in printed form. And
4 then in order to review that information, essentially
5 that's what the presentation will be today.

6 Also, however, on next month's agenda we will also
7 have a further report regarding the Voting Rights Act. Any
8 questions members of the Commission may have, I'd certainly
9 be happy to answer.

10 With respect to the Voting Rights Act, I'd just like
11 to make a statement, and I think the Voting Rights Act is
12 certainly evidence of that statement. And that is that we
13 have the capacity to change the future.

14 And if you can recall at the time of the Voting Rights
15 Act, it was signed into law by Lyndon Johnson who was then
16 president, and signed also by McCormick and Vice President
17 Hubert Humphrey.

18 The Voting Rights Act of 1965 had a purpose, to ensure
19 that no citizen's right to vote is denied or impaired
20 because of procedural or other barriers. And the Act also
21 combats instruments of disenfranchisement including
22 physical intimidation, harassment, use of literacy tests,
23 poll taxes, English-only elections, and racial
24 gerrymandering.

25 It's very much -- I know you've all heard the comedian

1 who would speak about the literacy test, and when a poor
2 person, African American or Hispanic, would arrive, they
3 would be asked to spell Albuquerque, and when someone who
4 was known well in the Community would arrive, they would be
5 asked to spell go.

6 And the question of how those bars are created,
7 whether it's English-only elections or racial
8 gerrymandering, those are the kinds of conduct over time
9 which the Act was intended to not only make illegal, but,
10 in essence, do away with.

11 The 1965 enactment followed several events that many
12 of us can recall more so than what are denominated here,
13 but certainly the 1963 murder of voting rights activists in
14 Philadelphia, Mississippi, which gained national attention,
15 and in particular, the March 7, 1965 unprovoked attack on
16 peaceful marchers at the Edmund Pettis Bridge in Selma,
17 Alabama.

18 Those events, and certainly there were many more,
19 caused President Johnson to call for strong voting rights.
20 One of the matters that was addressed with respect to
21 voting rights were poll taxes which became an instrument of
22 disenfranchisement, but they were not prohibited originally
23 in the original text of the Act.

24 But fortunately the United States Supreme Court in
25 1966 held that Virginia's poll tax was unconstitutional

1 under the 14th amendment.

2 During the period of 1965 to 1969, the Supreme Court
3 issued several decisions upholding the constitutionality of
4 Section 5 of the Voting Rights Act, and in particular the
5 Court wrote in the Katzenbaum case, after enduring nearly a
6 century of systematic resistance -- systemic resistance to
7 the 15th amendment, Congress might well decide to shift the
8 advantage of time and inertia from the perpetrators of the
9 evil to the victims of that evil.

10 Now, the Voting Rights Act has what are referred to as
11 permanent provisions, and it has what are referred to as
12 temporary provisions. One of those temporary provisions is
13 Section 5, and in 1970 and 1975, that section was extended.
14 And during the hearings, the focus was on gerrymandering,
15 annexations, adoption of at-large elections to prevent
16 newly-registered black voters from effectively using the
17 ballot. There was also testimony about discrimination
18 suffered by Hispanics, Asians, and Native American citizens
19 in our country.

20 In 1982, after a statement that the Bill would not be
21 signed if it was passed by Congress, President Reagan
22 signed a extension of the Bill that provided for 25 years
23 of extension. It also provided new standards for how
24 jurisdictions could terminate coverage under Section 4.
25 And Section 2 was amended to provide a violation of the

1 Section can be established without the proof of
2 discriminatory purpose.

3 And that provision, or the third item on this, was
4 actually necessary because the Supreme Court had construed
5 the statute as requiring the proof that a bar to voting was
6 adopted and carried out for discriminatory purposes. So
7 Congress modified that requirement.

8 Section 5 requires that State and local governments in
9 certain parts of the country obtain federal approval which
10 is referred to as preclearance before implementing any
11 changes in voting procedures.

12 With respect to those jurisdictions, there's several
13 states in their entirety, counties, or local governments
14 that must demonstrate that voting change does not have a
15 racially discriminatory purpose, and will not make minority
16 voters worse off than they were prior to the change.

17 Now, I think an interesting part of the statistics as
18 to the adoption of the Voting Rights Act in 1965, 74
19 percent of the Democrats voted in favor of the Act, 93
20 percent of the Republicans voted in favor of the Act for a
21 total Congressional approval of 80 percent in terms of
22 Senate. And you the same numbers in terms of those members
23 of the House of Representatives in the votes that were cast
24 for the passage of that law.

25 So it was clearly an Act that had bi-partisan support.

1 And in that, I think what that Voting Rights Act has done
2 in terms of the empowerment of individuals who are citizens
3 has created or assisted in creating the capacity to change
4 the future, which this Commission has certainly as its
5 mission so that the future is not the past.

6 I don't know if there are any questions that anyone
7 would have regarding the Voting Rights Act.

8 And we will address the George Will article which we
9 now have provided to you a full copy of that article, and
10 look to some of the issues that he raises in terms of what
11 would be the extension of the Act or what would be the
12 result of the Act as extended, and more so, really, his
13 supposition that certain facts suggest that the Act need
14 not be extended.

15 And I don't know if any of the commissioners have any
16 questions, but that is, in essence, the presentation.

17 Yes?

18 CHAIRPERSON BLACKBURN: How broadly do you judge the
19 George Will article to have been distributed? I mean, why
20 is his commentary of concern to us here?

21 JUDGE SCOTT: I think it has been -- it's been
22 distributed very widely because it was published in
23 *Newsweek*, and there are many who are raising the questions
24 that he has raised. And I think what is interesting is he
25 questions both political parties because both parties

1 appear to be supportive of the extension of that Act.

2 Now, it may be that there is no --

3 CHAIRPERSON BLACKBURN: And that's because -- well,
4 I'm sorry to interrupt you, but I think that's because
5 George Will thinks that they're all pandering and rolling
6 over within the media, pandering to black folks.

7 JUDGE SCOTT: Well, you know what's interesting? They
8 are, but they're also pandering to Hispanics.

9 CHAIRPERSON BLACKBURN: Well --

10 JUDGE SCOTT: Also, it's pandering to --

11 CHAIRPERSON BLACKBURN: In the broader sense, exactly,
12 anybody --

13 JUDGE SCOTT: And --

14 CHAIRPERSON BLACKBURN: -- who might be covered by the
15 extension.

16 JUDGE SCOTT: And --

17 CHAIRPERSON BLACKBURN: But -- okay.

18 JUDGE SCOTT: But even --

19 CHAIRPERSON BLACKBURN: I'm just think that his words
20 are not worthy of our overreaction because the assertions
21 that he makes are clearly to someone who reads it carefully
22 biased.

23 JUDGE SCOTT: Well, it may be. I'm not going to
24 suggest that it is or is not. However, I think your
25 statement really speaks to the power of the Voting Rights

1 Act. If the elected officials are pandering to individuals
2 that can vote, then the facts speak for itself in terms of
3 the importance of the Voting Rights Act.

4 That's kind of like even in the law we have a
5 statement that's used frequently in Latin, *res ipsa*
6 *loquitur*, which is essentially the facts speak for
7 themselves.

8 And if George Will is stating that Congress is
9 pandering to the citizens in extending that Act --

10 CHAIRPERSON BLACKBURN: Yeah, but your statement --

11 JUDGE SCOTT: In other words --

12 CHAIRPERSON BLACKBURN: -- presumes that all the
13 citizens vote.

14 JUDGE SCOTT: Well, there -- enough citizens probably
15 vote that it could make a difference to both parties, and
16 that's important. That's the power of the vote. And by
17 having that vote, that creates the capacity to change the
18 future. And if that makes politicians who might not
19 pander, pander, fine.

20 For example, there's only one Senator in the United
21 States that has never voted for an African American justice
22 of the Supreme Court, and that's Robert Byrd. Robert Byrd
23 led the filibuster when Thoroughgood Marshall was nominated
24 to be a justice of the court.

25 And so in terms of the power of the vote, now people

1 like to refer to him as the conscience of the Senate. I
2 have difficulty seeing him that way, but I've heard that
3 expression several times by commentators on TV. But that's
4 the power of the vote. And that is why I believe, anyway,
5 individually that the Voting Rights Act is so important.

6 And you have to keep in mind those jurisdictions that
7 are covered by the Act have the ability to withdraw if they
8 can establish through neutral arbitrators, either a
9 three-member district court in Washington D.C. or to the
10 Attorney General that they should not be governed, they
11 will then be removed from that list of jurisdictions that
12 are covered.

13 But I think the wonderful part about the Act, if it is
14 fully carried out -- and if it can't be fully carried out,
15 at least in terms of the spirit of the Act because maybe
16 the language isn't there, our nation has changed
17 demographically, and there may be jurisdictions that should
18 be added.

19 And I think that's an important attribute of that Act
20 that we should not lose sight of.

21 COMMISSIONER RAMOS: Is their question really let's
22 vote to extend it, or let's not because we've evolved
23 enough that we no longer need to have all these guidelines?

24 JUDGE SCOTT: That's the question George Will --

25 CHAIRPERSON BLACKBURN: That's --

1 JUDGE SCOTT: -- raises.

2 CHAIRPERSON BLACKBURN: -- George --

3 COMMISSIONER RAMOS: Yeah.

4 CHAIRPERSON BLACKBURN: That's George's --

5 JUDGE SCOTT: With the -- certainly a bias that the
6 latter portion of that question is where we should
7 conclude, and I find that difficult to believe today.

8 And, you know, the magical -- or at least not maybe
9 magical, but the interesting power of that Act is every
10 jurisdiction has the ability to withdraw and make Section 5
11 a nullity if, in fact, they do not bar access to the
12 polling places, they don't intimidate, they don't engage in
13 those kinds of conduct which for more than a hundred years
14 before the Act was adopted prevented African Americans and
15 many other citizens from voting.

16 And so if, in fact, George Will is correct that it's a
17 nullity today, in fact, within a couple of years it will
18 become a nullity because all those jurisdictions will be
19 able to withdraw from those temporary provisions.

20 CHAIRPERSON BLACKBURN: The reason I asked you if you
21 thought the impact of that journalistic commentary could be
22 in terms of the numbers of people it may have reached is
23 that I share with you the view that there's power in the
24 vote.

25 And the commentary, if broadly dispersed, has the

1 power to provoke public discussion. And therein, perhaps,
2 the hope that we can stimulate greater interest in voting,
3 because I think that all too few of us acknowledge the
4 power of the vote even though it's been fought for.

5 And so to that extent, I think there's virtue in his
6 having presented that commentary, but I also did want to
7 know what you thought our reaction should, could, might be
8 to the commentary.

9 JUDGE SCOTT: Can I defer an answer to that --

10 CHAIRPERSON BLACKBURN: Of course.

11 JUDGE SCOTT: -- to the next commission meeting?

12 CHAIRPERSON BLACKBURN: Yes.

13 JUDGE SCOTT: Because I only want to then speak after
14 you've really had an opportunity to read the Will article
15 and also when we provide the other information which you'll
16 receive well in advance of the meeting. And it will be in
17 the form of a Power Point, so it won't be as substantial
18 in terms of the time required.

19 And then we -- we'll have, I hope, a dialogue, because
20 I think there's several steps the Commission can make. It
21 can just have -- adopt a resolution, and then publish the
22 fact that it adopted a resolution. It could do that. It
23 can also write letters to the members of the Indiana
24 Congressional Delegation with copies going to the governor.

25 The Commission could also draft a response to the

1 George Will article and have that published, or the
2 Commission can decide that, you know, we don't need to do
3 anything. And so there's so many avenues and choices that
4 the Commission can, in fact, make.

5 CHAIRPERSON BLACKBURN: Well, I trust and I suspect
6 that maybe being of the same mind, you and I, on this
7 issue, that my comments that we needed to say something in
8 support of the public dialogue about this issue that
9 reinforces our support of the extension of the Voting Act
10 prompted this very informative presentation. So we thank
11 you.

12 JUDGE SCOTT: Thank you.

13 Any another questions or -- I need Dennis's help to
14 get this things turned off.

15 (Laughter.)

16 JUDGE SCOTT: It's good to have him here. I'd hate to
17 have to call a telephone number to get this turned off.

18 And actually in speaking of the -- we have the
19 capacity to change the future, I think the deputy director
20 also has a report.

21 DEPUTY DIRECTOR CDE BACA: I've -- as far as our
22 education initiative update in changing the future, I've
23 provided each of you with a copy of an editorial that was
24 published in the *Indianapolis Star* today. And the title of
25 that is, "Education remains the ticket out of poverty."

1 We -- I've mentioned in previous meetings that we do
2 have staff members that are on our education committee. We
3 have had two staff meetings -- or two education committee
4 meetings to date. We plan another one in December.

5 We have -- our staff has also attended several
6 workshops or functions at which education was either
7 presented in a workshop or the issue.

8 And we've attended two education roundtable meetings.
9 We have -- we also attended the IP Infusion -- the
10 Indianapolis Public Schools Infusion Conference and each of
11 us attended the different workshops and came back together.

12 And interestingly, at that conference, one of the
13 things that they talked about I think through every
14 workshop was courage and whether or not we have the courage
15 to change. And that brought me back to what we're doing
16 here because it is, I think -- you know, it does take
17 courage for us to take on this issue.

18 And so I want to thank the Commission for allowing us
19 at least be able to look at -- in this area of education.

20 One of the other things that we have done is we
21 attended the Social Status of Black Males conference. At
22 that conference we -- I had the opportunity to go to a
23 workshop that was provided by Russell Skeba from IU, and he
24 -- and then I have also met with another person from IU,
25 Sandy Washburn, and she is at the Center on Education and

1 Lifelong Learning at IU.

2 So we've also talked about how we can -- how we could
3 assist each other in this endeavor, because they've done a
4 lot of research, I think, which would help us with the
5 education initiative.

6 I am also chair of the Hispanic Latino Subcommittee on
7 Education. I have had an educational forum in East
8 Chicago. I plan on having an education forum in Fort Wayne
9 next week, and then one in Indianapolis in early December.
10 And -- because I think also helps us with what we're doing
11 with the education committee, bring all of that information
12 to the table, and then our committee -- like I said, our
13 staff committee will meet again in December.

14 Commissioner Ramos has also agreed to assist us in
15 that endeavor, and come to our meetings as well.

16 COMMISSIONER RAMOS: Who else is invited into the
17 sessions in Fort Wayne and Indianapolis?

18 DEPUTY DIRECTOR CDE BACA: We have -- that's through
19 the Hispanic Latino Commission, and Amy Mendoza sends out
20 agendas, and we invite -- we have the meetings at a time
21 where educators, parents -- so we have it after school so
22 that people from the Community can come and talk about the
23 issues within that particular community -- because I wanted
24 to have them statewide. I haven't scheduled one yet for --
25 any for the south -- the southern area of the state, but I

1 plan on doing that.

2 But we have them scheduled, and we invite community
3 members, parents, educators, anyone that wants to come to
4 those meetings.

5 And that's it. Does anybody else have questions about
6 our education initiative?

7 COMMISSIONER RAMOS: A question or potentially an
8 opportunity, December 2nd is -- they're hosting the United
9 Negro College Fund event here downtown Indianapolis
10 someplace, and, I mean, you might be able to get one seat.
11 They asked me, and I'm not able to participate. My wife
12 has an event that I must go to. So if either you, Judge,
13 or Christine or even Alpha, if you'd be interested in --
14 you may already be going to the event.

15 CHAIRPERSON BLACKBURN: I don't have a ticket yet, so
16 that'd be great.

17 COMMISSIONER RAMOS: Okay. I will -- it's through
18 State Farm. They've been very generous in hosting events.
19 So I'll call Maria Herrera and ask her if that seat's still
20 available.

21 DEPUTY DIRECTOR CDE BACA: Okay.

22 CHAIRPERSON BLACKBURN: You'll call and let me know?

23 COMMISSIONER RAMOS: Yes, I will.

24 CHAIRPERSON BLACKBURN: I'll mail you a check. That's
25 be great. Okay.

1 COMMISSIONER RAMOS: Well, they'll take care of your
2 costs and stuff.

3 DEPUTY DIRECTOR CDE BACA: Are there any other
4 questions regarding our current education progress on our
5 initiative?

6 COMMISSIONER GARCIA: You said you already had one in
7 East Chicago?

8 CHAIRPERSON BLACKBURN: We just want to cheer you on.

9 DEPUTY DIRECTOR CDE BACA: Yes, we did. We did.

10 CHAIRPERSON BLACKBURN: I'd be interested to know how
11 many people show up for the discussions.

12 DEPUTY DIRECTOR CDE BACA: We -- in East Chicago, we
13 had six community members show up, and it was a very -- you
14 know, they talked about the issues.

15 CHAIRPERSON BLACKBURN: Uh-huh.

16 DEPUTY DIRECTOR CDE BACA: And I should have brought
17 the -- I didn't bring the results of that. But all of that
18 information will be compiled into a report into the
19 Hispanic Latino Commission Annual Report. So once I get
20 all that information together, I will present it to you as
21 well.

22 CHAIRPERSON BLACKBURN: Okay.

23 JUDGE SCOTT: Also -- and I -- the purpose -- you know
24 there were two articles that were sent to you in the
25 supplemental materials. And it was not to say anything

1 about the director as much as it was to share with you the
2 response that was received from that Community.

3 At that time, we had -- it was the largest dinner
4 program that Madison County had had. There were over 250
5 people in attendance. But what was most striking for me
6 personally, there were two standing ovations, and the first
7 one that came was when I mentioned that the Civil Rights
8 Commission was considering an initiative dealing with
9 education.

10 And if you could have heard the response from the
11 Community, those individuals in the audience, many of them
12 parents or grandparents of children seeking an education,
13 you would have been overwhelmed. At least I was.

14 And it was just really -- you could hear it in the
15 audience, and their -- the individuals who were there --
16 the program was chaired interestingly by the superintendent
17 of schools, and the mayor of the City. Those were the
18 honorary chairs. And then the president of the NAACP and
19 others certainly worked, and the staff worked in terms of
20 preparation of the program.

21 But it was a cross-section of the Community. And it
22 was really a Community that has been seeking some
23 assistance, trying to find ways in dealing with education,
24 seeking assistance from the faith-based communities,
25 seeking assistance from teachers, seeking assistance from

1 administrators.

2 But then afterwards, having the opportunity to speak,
3 there were so many that came up and said we are so pleased
4 that the State recognizes what we have been struggling
5 with, and we are hopeful that at least someone will begin
6 talking about what we've been living with.

7 And that was the reason for sending those two
8 articles. And if you notice, the emphasis on those
9 articles was education, and that was the purpose for
10 sharing it with the commissioners.

11 And I do believe that this Commission, and I am
12 certain that with the staff that we have, we do have the
13 capacity to change the future.

14 CHAIRPERSON BLACKBURN: Okay.

15 DEPUTY DIRECTOR CDE BACA: Okay. No other questions
16 on education?

17 (No questions were asked.)

18 DEPUTY DIRECTOR CDE BACA: I will get to the case
19 processing and statistical report which you have in front
20 of you.

21 (A brief recess was taken for the court reporter.)

22 DEPUTY DIRECTOR CDE BACA: If you'll look in the
23 bottom left-hand corner of the October monthly production
24 report, you will see that in August we had -- why does it
25 have August? 400 -- last month we had 443 pending cases.

1 We had 47 additions. We had 14 dispositions during the
2 month of September.

3 And that number appears awfully low. The reason for
4 that low number of dispositions is because during October
5 up until November the 18th, the EEOC does not accept cases.
6 They have that time as -- they can't accept cases into
7 their database.

8 So we can -- during those -- during that time, we can
9 only do ICRC cases or HUD cases. We can't do dual-filed
10 EEOC cases. That's why there's such a low number.

11 But we have a num -- we have probably 40 cases that we
12 need to -- that we shipped to them today. So that's why
13 that number was so low as far as cases that went out in --

14 COMMISSIONER RAMOS: That's a technology problem?

15 DEPUTY DIRECTOR CDE BACA: I'm not -- their database
16 -- apparently they -- because the database is a national
17 database --

18 COMMISSIONER RAMOS: Oh.

19 DEPUTY DIRECTOR CDE BACA: -- and so they have to
20 review that across the nation. And we just -- we can't
21 send them any cases during that month.

22 JUDGE SCOTT: And we had several discussions with the
23 staffers because we were in somewhat dismay that there was
24 a period of several weeks where we could not close a case.

25 COMMISSIONER RAMOS: Right.

1 JUDGE SCOTT: But we had to hold the case until just
2 this week.

3 DEPUTY DIRECTOR CDE BACA: It doesn't mean that we
4 weren't working, because we were signing those cases. But
5 we signed them all as November 18th. And so we shipped
6 them all.

7 JUDGE SCOTT: Right. You'll see a lot on November
8 18th, and I don't want you to think the staffers were
9 holding an all-nighter.

10 DEPUTY DIRECTOR CDE BACA: And so as you see, we have
11 476 pending cases, which is one number different from the
12 number that's up in the box in the pending case inventory,
13 and I believe that was the -- that last month the database
14 printed out -- I believe that that was miscounted last
15 month. So there's one case different. But I went through
16 everything, and I couldn't find what that one case was.

17 So with regard to ADR, we've had 70 complaints settled
18 through mediation during 2005. Last month in October we
19 had four cases that were settled successfully.

20 And I also wanted to mention that two of those were
21 done by -- we just had Diane Graves of our office who has
22 been certified to do the mediations, and so she
23 successfully did two of those mediations last month. And
24 we commended her for being -- doing two successful
25 mediations during the month.

1 JUDGE SCOTT: And if I may mention, and it's kind of
2 like it -- you want to be careful in terms of political
3 correctness or not, but Diane Graves is sight-impaired.
4 And so she has carried out the mediation of a couple of
5 cases, and it's exciting for our office. And she's
6 performing very well.

7 CHAIRPERSON BLACKBURN: Speaking of which, I would
8 like to thank her. And I presume that the other
9 commissioners also received the printed booklet in large
10 type, which I didn't even really notice it was big type
11 until somebody told me. Shows you where my eyesight is.

12 (Laughter.)

13 CHAIRPERSON BLACKBURN: But I also appreciated
14 receiving the braille alphabet. I thought that was really
15 neat to have. And I've been showing it around for my staff
16 and people to acquaint themselves with. It was very
17 thoughtful of her to provide us with those materials.

18 DEPUTY DIRECTOR CDE BACA: We will let her know.

19 COMMISSIONER RAMOS: The book was very good.

20 CHAIRPERSON BLACKBURN: Questions about the ALJ's
21 report. I'm just curious if something's wrong with my
22 math, or I don't -- am not fully understanding. With the
23 beginning case load of 23, and you got rid of 5 cases and
24 only got 2 more, why is your ending load the same as the
25 beginning?

1 MR. LANGE: Well, it's not your math.

2 (Laughter.)

3 MR. LANGE: I don't know. I don't know which of those
4 things you should correct.

5 CHAIRPERSON BLACKBURN: Oh, okay.

6 MR. LANGE: Something in there --

7 CHAIRPERSON BLACKBURN: With luck, you have 20 cases
8 now --

9 MR. LANGE: Yeah, let's --

10 CHAIRPERSON BLACKBURN: -- instead of 23.

11 MR. LANGE: -- hope. Yeah.

12 CHAIRPERSON BLACKBURN: But --

13 MR. LANGE: Yeah. And I think that's right. But
14 I'll --

15 CHAIRPERSON BLACKBURN: Okay.

16 MR. LANGE: That says -- that was as of the end of
17 September, so a month and a half.

18 CHAIRPERSON BLACKBURN: Okay.

19 MR. LANGE: We'll try and get it fixed for October.

20 CHAIRPERSON BLACKBURN: Okay. Are there any
21 additional announcements?

22 MS. DOBBINS: Madam Chair, I would like to tell the
23 commissioners that our annual CLE is on the 7th of
24 December, and it's entitled -- "Civil Rights Update"?

25 MR. LANGE: Something like that.

1 MS. DOBBINS: Yeah.

2 MR. LANGE; Issues in Civil Rights.

3 MS. DOBBINS: Okay. It's the Civil Rights Update.

4 COMMISSIONER GARCIA: Current issues in Civil Rights.

5 MS. DOBBINS: We sent it out to all the attorneys --
6 as many attorneys in the state as we can, plus other campus
7 people here. State employees get in for \$50, and you guys
8 are on the pamphlet how much it costs to come from the
9 outside. And it gives them 6 credit hours.

10 And we do this every year. And it has been -- in the
11 past we've raised quite a bit of money with it to put into
12 the CLE budget and the administrative law judge budget.
13 This year is not going too well. I think it's because of
14 the economy and a bunch of other things. But hopefully --
15 so, Commissioners, if you want to come, you get a
16 continental breakfast.

17 COMMISSIONER RAMOS: Barbara, a little more detail on
18 that for me, or we can take it off-line if you want.

19 MS. DOBBINS: Yes.

20 COMMISSIONER RAMOS: And what all's covered there.

21 MS. DOBBINS: I will send you a brochure.

22 COMMISSIONER RAMOS: Thank you.

23 MS. DOBBINS: Is that okay?

24 COMMISSIONER RAMOS: Uh-huh.

25 MS. DOBBINS: All right.

1 CHAIRPERSON BLACKBURN: I'd like to announce that your
2 chair is being honored with the Hope Award December 7th,
3 but -- by the Multiple Sclerosis Association or Society of
4 Indiana. And in that I don't want them to be penalized by
5 honoring me, I hope some of you will come so that it won't
6 be empty.

7 (Applause.)

8 CHAIRPERSON BLACKBURN: That's December 7th.

9 Any other announcements?

10 (No response.)

11 CHAIRPERSON BLACKBURN: Hearing none, the meeting is
12 adjourned. Thank you --

13 JUDGE SCOTT: Wait a minute. One --

14 CHAIRPERSON BLACKBURN: Oh, sorry.

15 JUDGE SCOTT: One more matter.

16 CHAIRPERSON BLACKBURN: Sorry, one more.

17 COMMISSIONER RAMOS: I sent out -- you have a copy of
18 a document. It says -- shows at the top, "Champions, a
19 call to action." There's a couple of other pages missing,
20 so we'll send it out to each of the commissioners.

21 But on Monday I'm working with the Indiana
22 Commissioner of Higher Education. Stan Jones's
23 organization. We've been -- the organization that I also
24 work with is the National Society of Hispanic MBAs. And we
25 have -- this will be our second year of hosting an event

1 which we call the Hispanic Core 40. Core 40 being the
2 minimum requirements to get to college from the schools'
3 standpoint. And we put together an event that talks to
4 eighth graders, and it gets them -- I sent it out to -- you
5 won't get it all, but I sent it direct around the state
6 through my network of Latinos.

7 And the objective is to get into the 8th grade class,
8 and you talk to them about the importance of what they're
9 going to be doing in high school, and essentially for the
10 next four years of their life, the most important years of
11 their life as far as education and income is concerned
12 because if they don't do it right, they can sentence
13 themselves to a life of poverty.

14 So it gets into the classroom. And I encourage
15 anybody to do it. It -- what our organization does, we
16 target schools that have a higher percentage of Latinos,
17 but we don't take them out of the classroom. It's
18 whoever's in the classroom with them.

19 And we spend an -- we basically take over the class
20 for fifteen minutes, and we talk to them about their life
21 choices. We take them through a budget, what it's like.
22 Most eighth graders have never been through a budget.
23 Right? They don't know how much they have to pay for
24 electricity and rent and all those kind of stuff. And it
25 gives them a reality check and bases that on how much

1 income they make at \$7 an hour and the fact that they can't
2 make it.

3 And, in essence, it tells them that they have to be
4 smart about the classes they're signing up for. And we do
5 it -- we try and coordinate it two weeks or so before they
6 sign up for high school classes. So the timing's perfect.
7 The dialogue is very interactive. It's a lot of fun. And
8 you get to chat with eighth graders which is always
9 interesting, to say the least.

10 (Laughter.)

11 COMMISSIONER RAMOS: And so I encourage you, if you
12 have the opportunity, you can look at the information.
13 It's actually a state program. Again, our focus is for
14 Latinos, but you can do it for anybody, and it's a great
15 program. It's a -- as my memo says, a day of your life can
16 make a difference in a life, and I truly believe that.

17 DEPUTY DIRECTOR CDE BACA: See, and that goes along
18 with of the editorial that I passed out. You just tied
19 everything in.

20 (Laughter.)

21 CHAIRPERSON BLACKBURN: Well, thank you very much.
22 It's been stimulating and an interesting meeting.

23 And hearing no other announcements, the meeting is
24 adjourned.

25 (The meeting concluded at 2:53 p.m., November 18, 2005.)

