

Rising Racial Tensions in Logan County, West Virginia

**West Virginia Advisory Committee to the
U.S. Commission on Civil Rights**

August 1995

This report of the West Virginia Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in the report should not be attributed to the Commission, but only to the individual participants in the factfinding meeting where the information was gathered, to the other sources cited, or to the Advisory Committee.

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Letter of Transmittal

West Virginia Advisory Committee
to the U.S. Commission on Civil Rights

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The West Virginia Advisory Committee submits this report of its factfinding meeting on civil rights issues in Logan County, held in Logan City, the county seat, on May 5, 1993, and additional information collected prior and subsequent to the meeting. The Committee gathered information on equal employment opportunity in the coal mining industry, police-community relations, and racial tension in secondary schools from speakers representing divergent viewpoints, including minority community representatives, public officials, and industry representatives. Based on these information sources the Committee concludes:

- A decline in the number of black miners between 1960 to 1990, from 337 to 17, has been accelerated by discriminatory practices among mining companies and labor unions over time, discriminatory practices that continue today.
- Minority community trust that law enforcement policies and practices are administered justly as they affect racial minority groups has reached a distressingly low point; blacks in Logan County expressed to the Committee their fears of police and law enforcement officers.
- Racial tension in secondary schools in Logan County has been allowed to escalate because there is a general tendency among school officials to avoid problems involving racial differences until they reach crisis proportion.

To address these problems, the Committee calls on government policymakers, coal mine industry and labor union leaders, law enforcement officials and educators, as well as community groups and individual citizens to consider our findings and take appropriate measures to implement the recommendations in this report. We believe that the thrust of our recommendations will alert the public to the concerns of minority communities in Logan County and lead toward building racial harmony there and elsewhere around the State. The Committee has adopted its report in a unanimous vote of 11-0.

Respectfully,

A handwritten signature in black ink that reads "Marcia C. Pops". The signature is written in a cursive, flowing style with a large initial 'M' and 'C'.

Marcia C. Pops, *Chairperson*
West Virginia Advisory Committee

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Introduction

The West Virginia Advisory Committee to the U.S. Commission on Civil Rights held a fact-finding meeting on problems arising from racial discrimination against African Americans in Logan County, West Virginia, on May 5, 1993. Three panels of speakers addressed this topic, focusing on issues of equal employment opportunity in the coal mining industry, police-community relations, and racial tensions in secondary schools.

The following concerns prompted the fact-finding meeting. At the outset of the inquiry, Committee members received complaints from both present and former black coal miners that the mechanization and decline of the coal industry had affected black miners more severely than white miners. They attributed this difference, in part, to the effects of discriminatory practices by labor unions and coal companies that nearly eliminated black miners from the coal mining industry in Logan and neighboring counties.

Secondly, the Committee recalled suggestions heard from speakers at its earlier community forum in 1991, held in Huntington, West Virginia, that problems in police-community relations may have been widespread across the State. The Committee's concern about police-community relations in Logan County were kindled by reports of civilian complaints in January 1993. In a publicized incident, an 81-year-old black man, who lived alone, was killed in his bedroom by gunfire from West Virginia State Police troopers. Upon emerging from the deceased's house following the shooting, three troopers, who had been involved, were said to have given one another a "high five," while other officers outside the house reciprocated with loud cheers. Hearsay retelling of the event around the black community fueled assumptions that law enforcement officers had been cavalier with a black man's life and excessive in their use of deadly force. In another reported example of police misconduct, a black woman, who had been

approaching her home through a police barricade was forced to the ground and handcuffed by police officers at the scene. As a result of the force used by police to subdue her, the woman sustained a broken hip and required lengthy hospitalization. More details on these incidents have been included in chapter 2, Police-Community Relations in Logan County, as part of a discussion of allegations of police misconduct.

Lastly, the Committee was also familiar with reports of racial tension in secondary schools in Logan County. For several years prior to the Committee's factfinding meeting, the end of high school basketball season was marked by fights between white and black students. School tensions were especially high in February 1993. A school building at which Black History Month events had been scheduled was found ablaze the night before the opening day of the events. Many in the minority community suspected that the fire had not been coincidence but arson with a racial motivation. Their views were deepened following a police investigation that produced a white student who had been responsible for the fire. The student was punished with suspension from classes and restitution in cash for damages to the burned building. The Logan community's resolve to resist hate violence and racial prejudice traces, in part, to a demonstration in November 1991. An interracial group of hundreds of Logan County residents joined visitors from Ohio, New York, Pennsylvania, Maryland, Virginia, Georgia, and North Carolina in a peaceful march for racial acceptance through downtown Logan. A white minister speaking to the crowd of 400 said, "I stand here with you to celebrate a common purpose, racial harmony. . . . We must stand firm in our pursuit of the vision and dream of peace and justice."¹

With a background of such developments, the Committee decided that a factfinding meeting was needed to determine the status of local efforts and

1 "Logan Countians March For Racial Equality," *Logan Banner*, Nov. 24, 1991, p. A1.

gather information from minority community organizations and individuals on their concerns and perceptions of continuing problems. The Committee also believed that its public meeting would

serve the purpose of disseminating information about civil rights protection and clarify the commitments of government and coal industry officials to implementing civil rights laws.

Equal Employment Opportunity in Logan County's Coal Mining Industry

Historical Notes on the Southern West Virginia Coal Mining Industry

During the late 18th and early 19th centuries, southern West Virginia¹ underwent a dramatic transformation as a result of a rapidly expanding coal mining industry.²

Between 1887 and 1919, coal production in West Virginia increased nearly 800 percent, and in 1910 about 70 percent of the State's coal production came from the southern region. This industrial expansion was accompanied by the region's dynamic population growth, more than tripling from about 80,000 in 1880, to about 300,000 in 1910.³

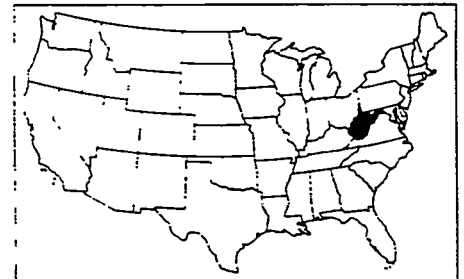
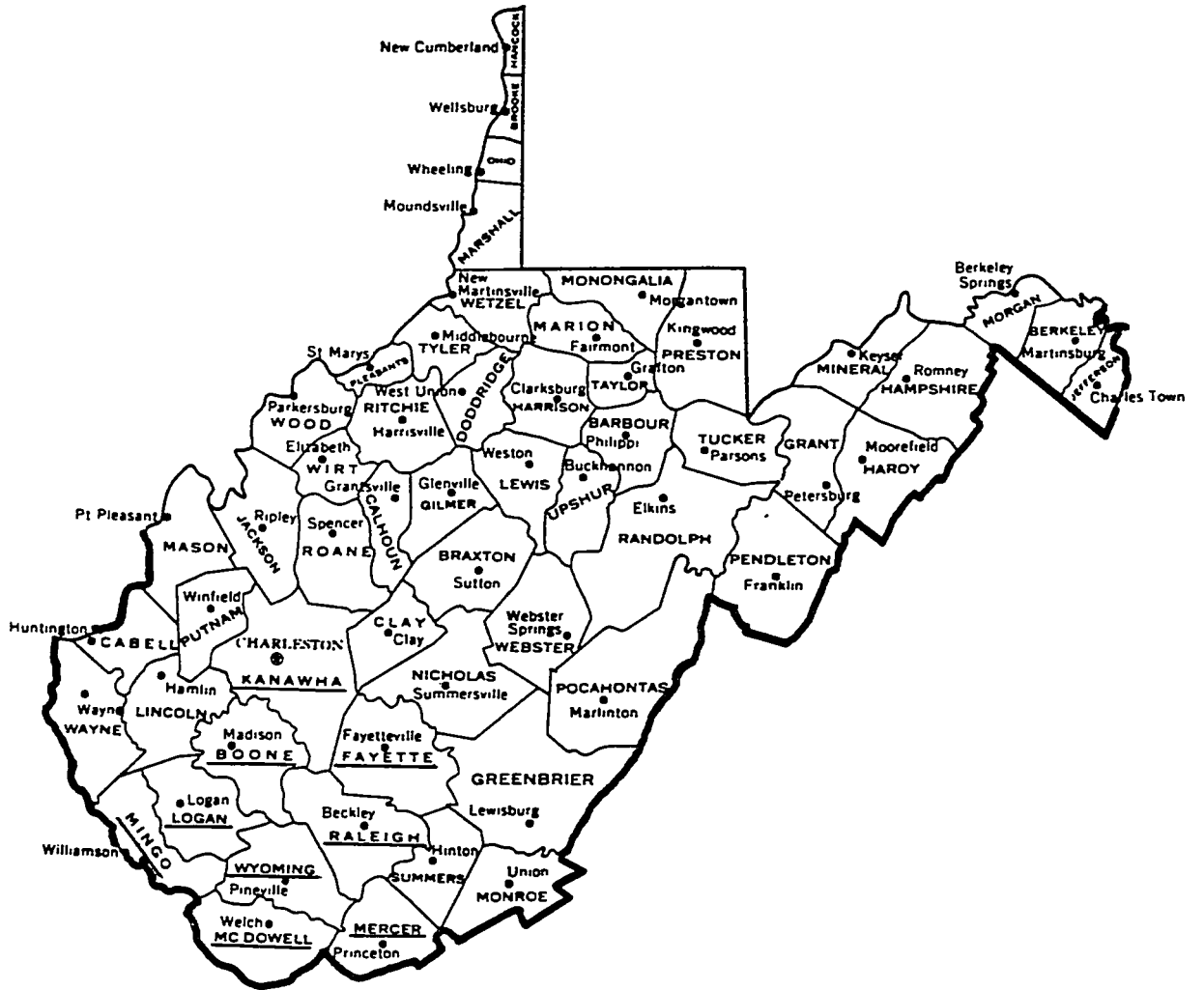
Although there were blacks who worked in coal mines as slaves,⁴ the emergence of a black community in southern West Virginia dates back to the 30-year period of expansion. Blacks migrated in large numbers from the South to southern West Virginia and its neighboring area, central Appala-

chia. Not only did labor recruiters, well-financed by coal operators, make the move irresistible, but to many rural blacks (85 percent of whom in 1880 were tenant farmers or sharecroppers trapped in an endless cycle of dependency and debt) the move seemed to offer a "man's chance in the world, a chance to educate their children, to live in decent homes."⁵ The black population in southern West Virginia increased 845 percent from 4,794 in 1880 to 40,503 in 1910, compared to a 370 percent increase in the overall population.⁶

Most miners, including the newly arrived, lived in company camps where law enforcement was either nonexistent or under the control of company guards. Coal companies maintained control over their workers through a policy of "judicious mixture," founded on a notion that an ideal labor force was composed of a particular mixture of native whites, blacks, and foreign workers.⁷ Frequently, coal companies "sought to play

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- 1 Southern West Virginia includes McDowell, Mercer, Mingo, Logan, Fayette, Kanawha, Raleigh, Boone, and Wyoming, nine counties joined contiguously from the State capital in Charleston to State borders with Virginia and Kentucky.
 - 2 The background portrait of Logan County and its neighboring coal-producing counties is drawn from Joe William Trotter, Jr., *Coal, Class, and Color: Blacks in southern West Virginia, 1915-1932* (Urbana, IL: University of Illinois Press, 1990), particularly chap. 1, pp. 1-38.
 - 3 Trotter, *Coal, Class, and Color*, pp. 10-11.
 - 4 Ronald L. Lewis, *Black Coal Miners in America: Race, Class, and Community Conflict 1780-1980* (Lexington, KY: University Press of Kentucky, 1987), see chap. 1 on slavery, pp. 1-12; Joe William Trotter, Jr., professor of history, Carnegie Mellon University, telephone interview, Mar. 16, 1994.
 - 5 Lewis, *Black Coal Miners*, pp. 126, 129.
 - 6 Trotter, *Coal, Class, and Color*, pp. 10-11.
 - 7 Each operator applied his own variation of the mixture formula but always to the end of achieving maximum control over labor and, hence, the costs associated with production. Lewis, *Black Coal Miners*, p. 134. For example, in 1909 mine workers in four southern counties (Fayette, Raleigh, Mercer, and McDowell) consisted of 40 percent whites, 32 percent blacks, and 28 percent foreign workers. *Ibid.*, p. 132.

Map of West Virginia Counties



Source: *State—Yellow Book*, vol. VI, no. 4 (Winter 1995), p. 912.

native-born whites, European-born whites, and blacks off against each other.”⁸

Blacks who migrated from Dixie and neighboring States were segregated into lower paying job categories, housed in segregated camps, and suffered abuse by security personnel. “Black families were generally relegated to the more dilapidated or poorly-constructed houses, yet paid the same rents as white miners.”⁹ Although the most blatant forms of racial discrimination were muted during the period of severe labor shortage, racist attitudes were prevalent among white employers and white workers.¹⁰

With the introduction of mechanization in the 1930s and 1940s, the coal mining industry reduced its dependence on labor. This transformation from a labor-intensive to high-tech industry made the shortage-prone labor supply a surplus, forcing large-scale layoffs. As a result, many families had to leave the region in search of jobs. Figure 1 depicts the resulting population decline by race for the entire State and the southern region. Over the 50-year period between 1940 and 1990, the total population of West Virginia declined by 6 percent while the population in the southern coal-mining region shrank by 31 percent. During this same period, however, the population of blacks declined by 52 percent statewide and 75 percent in the southern region. These figures clearly show that while mechanization adversely affected the southern region as a whole, its impact was harshest on blacks.

According to panelists at the Committee’s fact-finding meeting, during the prosperous days of the coal-mining industry, black communities in Logan County and neighboring counties had been thriving areas. Then, most blacks worked in the mines. Some panelists suggested that a decline in employment opportunities led to a precipitous loss of

jobs for blacks. In a declining labor market, blacks had been intentionally disadvantaged by preferential treatment for whites, who had been allowed to get essential training for new high-tech positions in the coal industry. Unemployment and an increasingly hostile racial climate forced many blacks out of the region.

The differential impact on black miners has been evident on a statewide level. Table 1 shows that the population of blacks employed in the coal mining industry in West Virginia peaked in 1930, constituting 22.6 percent of the total work force. Between 1930 and 1950 the total work force increased, but employment of blacks showed a steady decrease. After 1950, the white and black miner population had decreased, but blacks had continued a much steeper slide, falling to a 2.3 percent level in 1980.¹¹

Layoff statistics in Logan County are consistent with a charge that blacks have been overly identified for work layoffs. Between 1960 and 1990 the total number of coal mine workers in Logan County decreased from 5,708 to 2,445, a decline of 58 percent, while black miners decreased from 337 to 17, a 95 percent decrease. (These numbers are presented in table 2 and shown graphically in figure 2.) Thus, black coal miners have been affected more severely by the mechanization than white miners; they have been nearly eliminated.

Two contributing factors have been identified in the literature for this differential impact, namely, the historical practice of job segregation and the lack of new training opportunities.

Job Segregation

According to labor historians, the coal mining industry has long practiced discriminatory racial job segregation in West Virginia:

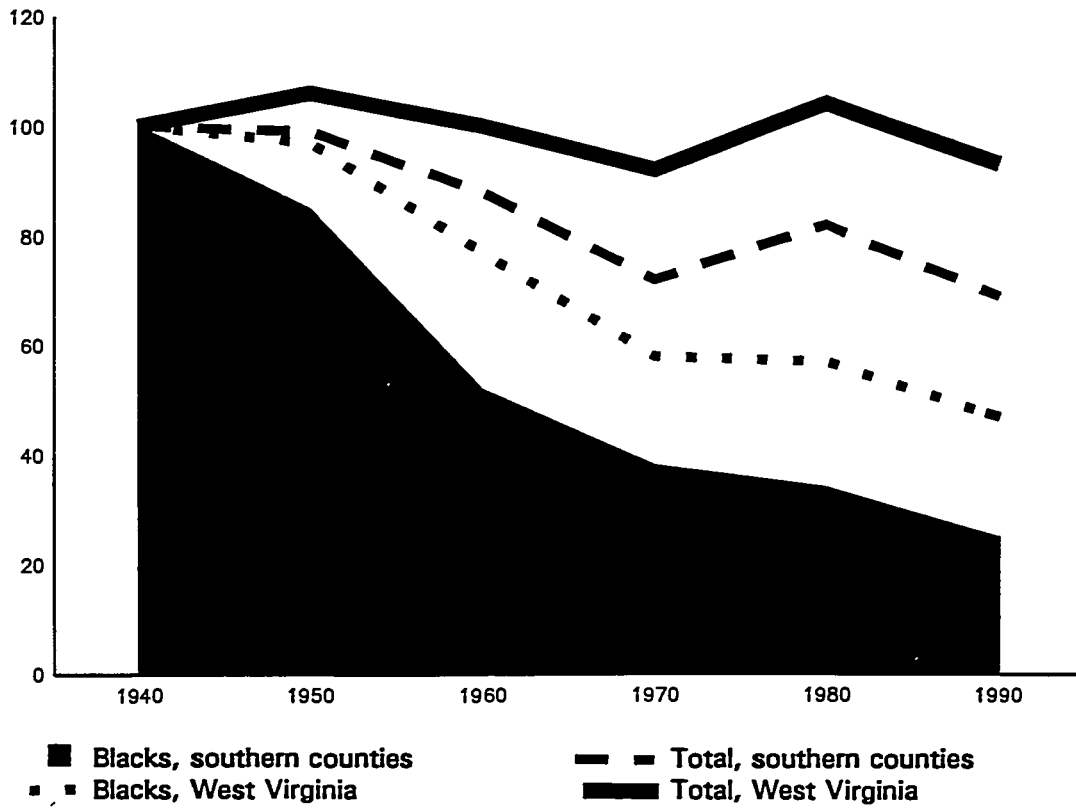
8 Paul J. Nyden, “Miners for Democracy: Struggle in the Coal Fields” (Ph.D. diss., Columbia University, 1974), p. 300 (hereafter cited as “Miners for Democracy”).

9 Nyden, “Miners for Democracy,” p. 306.

10 Lewis, *Black Coal Miners*, p. 143.

11 This trend was characteristic of all central Appalachia as well. The influx of blacks, which began in the late 1880s, continued through the 1920s, but after 1930 the number of African Americans began to decline steadily, accelerating after 1950 into an outright exodus. Lewis, *Black Coal Miners*, p. 181.

FIGURE 1
Relative Percentage Changes in White and Black Populations,
Statewide and Southern Counties, 1940-1990



Source: West Virginia Development Office, Research and Strategic Planning Division, March 1994.

TABLE 1
Employment of Whites and Blacks in the
Bituminous Industry in West Virginia,
1900-1980

	Total	Blacks	% Blacks
1900	20,797	4,620	22.2
1910	54,884	11,237	20.5
1920	87,728	17,799	20.3
1930	97,505	22,089	22.6
1940	105,915	18,351	17.3
1950	127,304	15,423	12.1
1960	59,098	3,919	6.6
1970	40,513	1,685	4.2
1980	62,098	1,439	2.3

Source: Ronald L. Lewis, *Black Coal Miners in America: Race, Class, and Community Conflict 1780-1980* (Lexington, KY: University Press of Kentucky, 1987). pp. 191-93.

TABLE 2
Employment of White and Black Miners in
Logan County, West Virginia, 1960-1990

	Total	Blacks	% Blacks
1960	5,708	337	5.9
1970	3,796	119	3.1
1980	4,858	98	2.0
1990	2,445	17	0.7

Source: West Virginia Bureau of Employment Programs, Office of Labor and Economic Research, Mar. 18, 1994.

- Management was all but closed to blacks. Between 1906 and 1925 there were only 9 blacks in a sample of 248 supervisors. In 1927, only three out of forty-four operators permitted blacks to be supervisors and two of them employed blacks to supervise only other blacks.¹²

- Prior to the introduction of mechanization, motormen were almost exclusively whites and mule drivers were black. Blacks could become brakemen, but had to work subordinate to the motormen . . . [The] brakeman's job was not only harder and [more] dangerous, but paid less than the motorman's.¹³

- An overwhelming majority of blacks worked inside the mines as coal loaders, pick miners, and laborers.¹⁴

This historical pattern of job segregation had a far-reaching impact. Since blacks were concentrated in the unskilled category of hand loading, the adverse impact of introducing mechanical loaders fell primarily on blacks. Furthermore, until the late 1940s miners were laid off according to a "classification" (i.e., within-job category) seniority ranking rather than overall seniority. If layoffs were to be made among the hand loaders, seniority counted only among hand loaders and did not extend to workers in other classification categories such as motormen or brakemen. As jobs were being eliminated, frequently black workers, who had more seniority, did not retain jobs over less senior workers in other job categories and were laid off despite their years of service. Since blacks were concentrated overwhelmingly in unskilled jobs¹⁵ and seniority was a retention factor only within classification, black employment became a casualty of mechanization. Extensive displacement caused many to suffer the hardship of unemployment.¹⁶

Racism is also alleged to have played a role in the demise of black work force participation.

12 Ibid., p. 143.

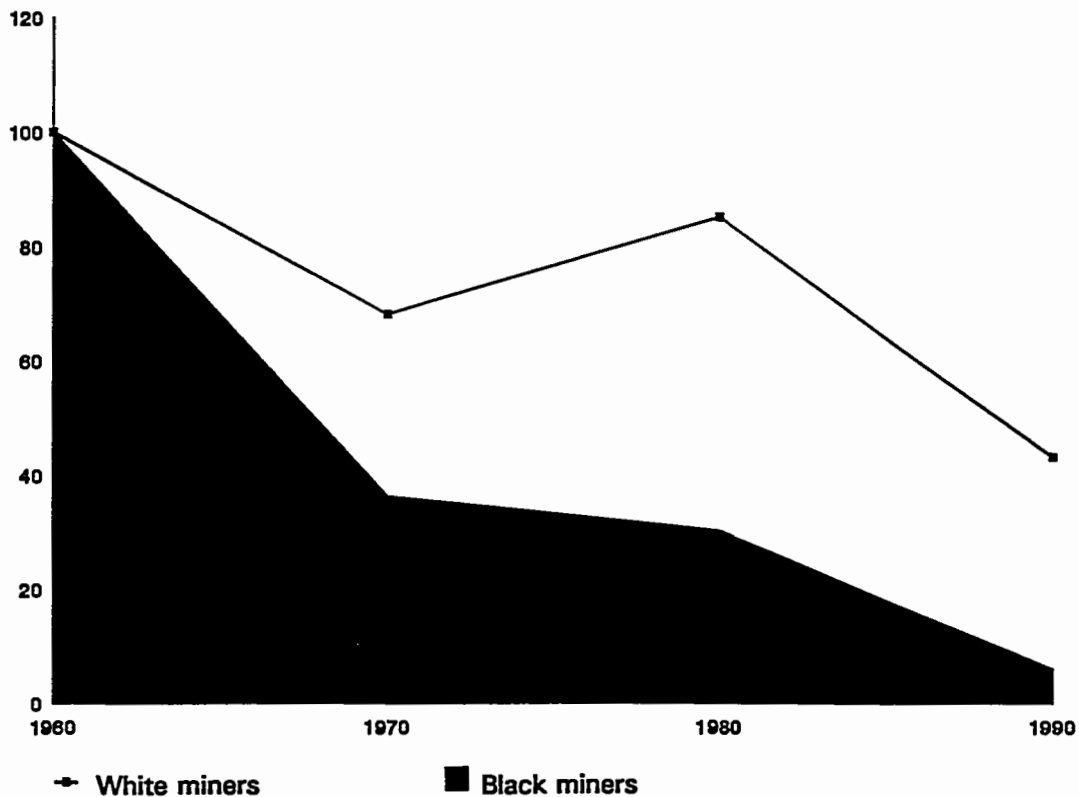
13 Ibid., p. 144.

14 Ibid., p. 145.

15 According to a 1936 survey, of the 2,411 black miners in West Virginia, 75.7 percent were coal loaders; 6.8 percent, brakemen; 5.5 percent, trackmen; 4.9 percent, motormen; 2.3 percent, machine men; 3.2 percent, outside workers, etc. Nyden, "Miners for Democracy," p. 305.

16 Lewis, *Black Coal Miners*, p. 170.

FIGURE 2
Relative Decline in Percentage of White and Black Miners, Logan County, 1960-1990



Source: West Virginia Bureau of Employment Programs, Office of Labor and Economic Research, 3/13/94.

Based on interviews and historical records, one researcher noted that many employers, perhaps most, believed that blacks were:

Either intellectually incapable of operating the new equipment or too unreliable to be depended upon. Such

inherently racist notions were more easily acted upon as the demand for labor in the industry declined.¹⁷

Sometimes supervisors removed all blacks from the machine jobs and replaced them with whites, or loaders were installed where blacks

¹⁷ Ibid., p. 179. In the words of another researcher, "When undercutting machines were introduced . . . , companies often refused to promote Black miners to machine jobs, believing they were incapable of doing anything but physical work and might damage machines if permitted to operate them." Nyden, "Miners for Democracy," p. 304.

were working, forcing the layoff of blacks.¹⁸ Occasionally, white mine workers forced management to discriminate against blacks by refusing to work when blacks were promoted to machine jobs.¹⁹

In providing equal protection for blacks against layoffs from mechanization, the United Mine Workers of America (UMWA) has been historically less than vigilant. The UMWA did “relatively little to protect black miners when coal companies laid them off in greater proportions than white miners.”²⁰ Very few grievances were ever filed on behalf of black miners who lost their jobs to machines or were passed over for upgrading.²¹ One historian observed that “if protection of black miners’ interests in the face of mechanization is the criterion for judgement, the UMWA failed the test miserably.”²²

Scarce Training Opportunities

Another obstacle confronting black miners during the period of reduced labor needs was racial segregation in institutions at which miners could learn skills for occupational upgrading. As manual processes were replaced by mechanization, it was essential for miners to learn new skills and become certified so that they could be hired as mechanics and electricians. Courses designed to train miners in technical skills and to prepare them for the technical revolution were offered by West Virginia University from 1913, but they were provided for white miners only. Blacks were excluded from such training opportunities until the schools in West Virginia were desegregated in 1957.²³ Without necessary training or an opportu-

nity for new training, black miners had little chance to survive the advent of mechanization.

Black miners were excluded from on-the-job training opportunities as well. Documented personal testimonies are illustrative of this point:

- An article in a black periodical reported in 1953 that the “biggest problem facing Negro miners is machinery” and charged that a few companies were “attempting to maneuver unskilled whites into skilled positions, so they won’t be fired when machinery is added.”²⁴

- In a 1971 interview, a black miner reported that, “They don’t bother to train black men to operate the modern equipment . . . [The operators] make the criteria so high that blacks can not qualify to operate it. One needs to get experience working with the equipment, but the companies permitted only whites to “tamper around with it, they don’t reach back and get the black men and say, ‘I want you to learn to run it,’ they just don’t do it.” He considered this “discrimination of the worst kind.”²⁵

- Blacks were considered qualified to operate machines only if the company could not find white men. The bosses got every white apprentice boy they thought could become a mechanic, but would never come to a black man and ask if he would like to be trained for a mechanic.²⁶

- Some miners went so far as to claim that blacks were barred from learning to operate the new machinery because the union and the companies were in collusion. Although the mines had been integrated previously, at the time of mechanization black miners were transferred into separate sections and then laid off *en masse*. It is alleged that this act was a deliberate maneuver by

18 Lewis, *Black Coal Miners*, pp. 171–72.

19 Ibid.

20 Nyden, “Miners for Democracy,” p. 300.

21 Lewis, *Black Coal Miners*, p. 171.

22 Ibid., p. 173.

23 In 1937 a black miner, Ulysses G. Carter, obtained State approval to offer an extension course on technical mining for black miners. Ibid., pp. 171–72.

24 *Our World*, vol. 8 (December 1953), pp. 22–23, 25 (cited in Lewis, *Black Coal Miners*, p. 180).

25 Bill Worthington, personal interview by Paul Nyden, Oct. 20, 1971 (cited in Lewis, *Black Coal Miners*, p. 180).

26 Lewis, *Black Coal Miners*, p. 180.

the company because management knew that the union would not fight very hard for aggrieved blacks.²⁷

The West Virginia Human Rights Commission has, among its powers, a responsibility to receive, investigate, and litigate complaints of discrimination against labor organizations. It can receive complaints when a union fails to process a grievance, or when a union fails to represent a member during the grievance process. It is a union's obligation to serve the interests of all bargaining unit members without regard to race, gender, or color.²⁸ In recent years, the West Virginia Human Rights Commission handled two class action cases involving a union. In the first case, a union, in collusion with a company, was found to have kept separate seniority lists for blacks and whites. Through litigation, the union was forced to pay attorneys' fees and back wages to black union members who had lost job opportunities because of the segregated seniority lists. Several years later, a union was found to have been doing basically the same thing and eventually corrected the problem.²⁹

Willie Anderson, a retired coal miner and a panelist, recalled that when he was a boy, the southern coal fields were 75 percent blacks, but now "black miners have become extinct."³⁰ Reiterating the demise of black miners, James Major, another retired black miner also on the panel, added that white laborers were brought in from the neighboring timbering and wood cutting counties, and then taught mining. Eventually "the

whites took over and the blacks were moved out."³¹

James Major, who before retirement was a safety and training instructor and also a union member for 17 years, recounted several pertinent episodes. When he was in the training and safety department of a coal company, he urged and pleaded with his employer to hire more young black men, but few were ever hired. Although the company had a total work force of about 1,300 men, there were only about 15 blacks. Across the five counties where he was involved as a safety and training instructor, there were two counties where no blacks were employed by coal companies.³²

In addition, Mr. Major, who is black, charged:

[In the 1960s] unions were determined not to let blacks work in the coal mines. . . . The coal companies were bad, but not as bad as the unions. . . . I know, you could see it, and anybody can tell you, that the big part of the discrimination came from within the union.³³

He claimed that he had seen people come to the coal mines without mining knowledge and receive training jobs because they were white. They were later hired as permanent workers to take the jobs they were trained for. On the other hand, when blacks had come for jobs or training, none was available for them. To make matters worse, if a black man applied for a coal mine job, the "white union brothers would say, 'if you hire him, we won't work',"³⁴ effectively preventing the hiring of

27 William Finley, personal interview by Paul Nyden, Oct. 20, 1971; Charles Bradshaw, personal interview by Bill Taft, June 21, 1973 (cited in Lewis, *Black Coal Miners*, p. 181).

28 Norman Lindell, deputy director, West Virginia Human Rights Commission, statement before the West Virginia Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Logan, West Virginia, May 5, 1993, transcript, pp. 100-01 (a copy of the transcript is on file at the Eastern Regional Office of the U.S. Commission on Civil Rights; hereafter cited as *Transcript*).

29 *Ibid.*, p. 103.

30 Anderson, *Transcript*, p. 110.

31 Major, *Transcript*, p. 111.

32 *Ibid.*, p. 112.

33 *Ibid.*, p. 113.

34 *Ibid.*

any black man. He concluded, "There are no blacks being hired for all this big, high wage being paid to coal miners. They are all white and it comes . . . from the union."³⁵

The United Mine Workers of America was criticized by Bethel Purkey, a white miner nearing his 20-year service eligibility for retirement and president of a local union. He complained of a secretive manner in which UMWA officials and coal companies have handled labor contracts. Recently, the Pittson Coal Company signed a union contract that deprives about 500 employees of their seniority rights. The company now has the "right to pick and choose whom they want to hire. . . . It is a bad situation because that really gives them a right to discriminate against anybody they want to."³⁶ Faced with the grim prospect of downsizing and potential discrimination, this local union president thinks that he ought to be familiar with the binding contract in order to serve his union membership and prevent possible acts of employment discrimination. However, even in his capacity as a union official he claims he cannot obtain a current copy of the labor-management contract. Instead of making a copy available to him, he says "they are telling me, you have got to believe us [as to] what is there [in the contract]."³⁷

Stephen Hairston, president of Kazin Coal, Inc., a 100 percent minority-owned mining business in Logan County, offered two reasons for the difficulty that blacks face in gaining employment in the coal mining industry.³⁸ First, being a UMWA signatory contract miner, Kazin Coal is obligated to hire only from selection panels as provided under his collective-bargaining agree-

ment. All employees laid off from the parent company as well as other affiliated signatory companies get placed on selection panels by seniority. Since employees at a parent or affiliated company are mostly white, the panels are similarly composed of whites. Unless a minority person is on the panel, a union company cannot hire him even if it wants to improve the racial composition of its work force.³⁹

Second, panels are said to be vulnerable to manipulation by employers and unions. In this connection, another panelist, Willie Anderson, claimed that making panels skill specific can result in placing a person with long years of service very low on a panel or off a panel, unless he has the specified skill. That is, one may make a questionable claim to possess certain skills and be hired because the veracity of claims is verified only at the discretion of companies or unions. "They can use a panel and manipulate it and discriminate against anybody."⁴⁰ As a witness to this claim, he brought with him a recently laid-off miner who had worked for "22 years in the mines but [had been considered] a brand new man as a result of a panel."⁴¹

The panel system can also be abused by whites who write qualifications to suit their purpose of selecting a particular person and assuring that their preselected choice is the person hired. Once hired, he can be transferred to other positions remotely related to the qualifications he was selected for from the panel.⁴² It is noteworthy that the panel system was introduced when black employment in the coal mining industry was down.⁴³

35 Ibid., p. 114.

36 Purkey, Transcript, p. 116.

37 Ibid., p. 118.

38 S. Hairston, Transcript, pp. 119-28.

39 Ibid., pp. 125-26.

40 Anderson, Transcript, p. 129.

41 Ibid., p. 128.

42 J. Major, Transcript, pp. 142-43.

43 Ibid., pp. 143-44.

The panel system was also alleged to have discriminated against women. Women dispatchers working at the mines used to make as much money as a male miner, but the "unions use[d] their panel to get rid of the women because they had the good paying jobs."⁴⁴

According to Stephen Hairston, president of a minority-owned mining business in Logan County, many able-bodied blacks in the area, who could work and who wanted to work, had been faced with an additional barrier. Having been excluded from panel pools, black workers could not penetrate the panel qualifications; moreover, white-owned coal companies did not have affirmative action programs that could have helped advance minority miners. His mining company has 62 persons on its payroll and only 4 are black. Three of these four miners were brought in by irregular means ("I honestly got them in hook or crook"⁴⁵). He wants to hire blacks or offer them on-the-job-training, but he is not allowed to do so under the current collective bargaining agreement with the mine workers labor union. Mr. Hairston commented:

I want to hire minorities, blacks. I want to see more blacks in this county working. But to me being a UMWA signatory company, if there is not anybody on the panel, I am just in trouble and 99 percent of the places you go, the panels are lily white. . . . I have tried to approach the UMWA with an affirmative action program so that I can hire some minorities. No way. No way. As far as I can understand, the United States Government will not make the UMWA have an affirmative action program.⁴⁶

The paneling requirement and the lack of affirmative action programs are not the only barriers keeping blacks out of the coal-mining industry. According to Hairston, another obstacle, more serious in some ways, is the prevalent hostility of the coal-mining industry towards blacks. He stated:

I had another company called Blacknight Energy on Kelly Mountain. I tried to do affirmative action to hire minorities. They said no. [But I was] going to hire them anyway. So I went nonunion and that company got destroyed literally.⁴⁷

Referring to the intimidation and harassment directed against him, he said:

Folks from the UMWA ran around looking for that nigger company up on Kelly Mountain. . . . Some union members say they are going to run me out. . . . And one of the officials of the UMWA told me they have heard a lot about the nigger-owned company up here.⁴⁸

Mr. Hairston claimed that he and his company continue to be targets of harassment and hostility, and his business has been seriously affected. His workers are harassed, intimidated, and sometimes physically taunted by outsiders, and he is flooded with frivolous grievance charges by the union. For each grievance charge, however frivolous it may be, he has to appear at the hearing and each day of absence from the mine is a loss for him. The situation has reached a point where his business survival is at stake, and he is now preparing a lawsuit against his harassers.⁴⁹

44 Ibid., p. 144.

45 S. Hairston, Transcript, p. 119.

46 Ibid., pp. 119-20.

47 Ibid., p. 121.

48 Ibid.

49 According to Stephen Hairston, his suit is based on the following claims: (1) from July 1992 until December 1993, the defendants filed 55 grievances as a means to keep the owner (Hairston) away from the mines and to slow down production; (2) the acts and actions of defendants were intended to impede plaintiff's (Hairston) ability to produce and mine coal for sale; (3) the president of the local union 8217 had vowed to "run the nigger out of the hollow" and from August 1992 had signed off on all grievances filed against Kazin; (4) the acts and actions of the defendants had been designed and intended to disrupt and force the plaintiff out of business as a coal operator. Stephen Hairston, telephone interviews, Mar. 25 and Apr. 5, 1994.

The alleged manipulations by the unions or companies and the alleged harassment of the black-owned coal mine are grounds for legitimate complaints that the West Virginia Human Rights Commission can investigate.⁵⁰

The UMWA official scheduled to be on the panel did not appear at the forum, and the allegations

regarding the UMWA in the foregoing pages were not addressed. The Advisory Committee subsequently offered the UMWA an opportunity to respond to the allegations. The UMWA officials' responses to the comments and allegations appear in appendices 1 and 2 of this report.

50 S. Hairston, Transcript, pp. 148-51.

Police-Community Relations in Logan County

Over the several months preceding the factfinding meeting, there were a series of incidents that concerned the Committee. An 81-year-old black man, living alone, was shot to death in his bedroom by three State troopers. When the troopers approached the house with a mental hygiene warrant that would have let them detain the man for a psychiatric evaluation, a gunshot came from the house in the general direction of the troopers and the man yelled at them to go away and leave him alone. When he barricaded himself inside the home, refusing to let the troopers enter, there ensued an over 8-hour standoff involving more than 18 of the State Police troopers. After using all the tear gas on hand, three troopers gained access into the home through a downstairs door at about 3:30 a.m.¹ Upon emerging from the house, the troopers, who had killed the man, reportedly gave a "high five" victory sign and other officers outside the house reciprocated with loud cheers.² Public reaction to the event and its fatal outcome for the civilian prompted two State senators to initiate a legislative inquiry. About 10 days thereafter the State's superintendent of public safety stepped down amid criticism of the troopers' apparent insensitivity.³

Since the Committee's meeting, a different account of the shooting incident has been provided for the Committee record by State law enforcement officials. According to State Police Superintendent Thomas L. Kirk and Sergeant P.D. Clemens, commander of the State Police Logan Detachment, the investigation of this incident by

the State Police Internal Affairs Department, the Federal Bureau of Investigation, and the Logan Prosecutor's Office "found no wrong doing." For details, see appendices 3 and 4 of this report.

In another incident that upset the black community in Logan County, a black woman, upon returning home one afternoon, found a big crowd and police cars in front of her house. As she tried to cross the street to her house, she was stopped by a police officer although she identified herself as the owner of the house within the restricted area. An argument ensued and shoving, and the police officer forced the woman to the ground and handcuffed her while she screamed of pain and a crowd watched. Police officers kept her face down on the ground for 30 minutes. She incurred a hip injury during the encounter and was later hospitalized in serious condition. A videotape made by sheriff's deputies showed "a deputy slamming the woman to the ground, breaking her hip."⁴

It was against this backdrop of black community perceptions of police excessive force and strained police-community relations that the Committee investigated the topic of police-community relations in Logan County.

In response to an urgently felt need to improve police-community relations in Logan County, community and church leaders formed the Community Law Enforcement Partnership (CLEP). David Chatman, one of CLEP's cochairs, summarized his assessment of the overall situation by saying, "Police-community race relations in Logan County are not very good. We have incidents that

1 Teddy Paynter, "Logan man dies in shootout with police," *The Logan Banner*, Jan. 4, 1993.

2 Joan Hairston, interview, Feb. 25, 1993.

3 Jack McNeely, "Two senators ask for Logan shooting data," *The Logan Banner*, Jan. 14, 1993.

4 "Mary Reynolds files suit against officials for fruitless drug raid," *The Logan Banner*, July 26, 1992.

support this.”⁵ In addition to the two incidents cited in the preceding pages, Chatman described recent incidents in support of his general assessment, including the following:

- An African American family living in the Holden area received many threats. They finally moved to Shamrock because of those threats.
- An interracial couple living in the Chapmanville area had their trailer burned by two white men.
- In November 1922 an African American man was driving down a lonely stretch of road. Two drunken white men rammed and turned over his vehicle with their truck and attempted to set it afire while he was still trapped inside. He narrowly escaped and was treated for knife wounds.⁶

He recounted several incidents that illustrated the alleged mistreatment of black citizens by law enforcement officials. The purpose of CLEP is to “assist the law enforcement [agencies] in carrying out appropriate, effective, and professional policing services to all constituents in Logan County.”⁷ Its first objective is to “increase knowledge of the total community, that is, all of its parts, by the sheriff’s department and increase knowledge of the sheriff’s department by Logan County residents.”⁸

Several themes emerged from the presentations by panelists at the meeting. They are distrust and fear of police by minority communities in Logan County, police misconduct and objec-

tional behavior, disparate treatment of blacks, and the need for training for law enforcement personnel.

Distrust and Fear of Police

Rev. Jeffrey Francis, of the First Presbyterian Church in Logan, observed that there is a “perception problem . . . on both sides, both in the community and on the law enforcement side.”⁹ These include the perception that minority persons are treated unfairly, that emergency calls from minority communities are responded to with less alacrity, that minority communities are a danger zone for law enforcement officers, and that minority youths are always suspected of some wrongdoing. These and similar prejudicial perceptions are in his view “responsible for emotional expression and behavior.”¹⁰ To the extent that these perceptions enter a causal nexus, it is secondary whether they are factually true or not. He believes that we must address these perceptions, be sensitive to them, attempt to understand how they have come about, and endeavor to change them.

Rev. David Bell, of Mt. Olive Baptist Church in Logan, cautioned that although these corrosive perceptions should be addressed, the harsh reality that may have given rise to the perception but also affects people on a daily basis should not be neglected. There is something drastically wrong when it takes more than 12 hours for police to respond to a call for assistance. It is more than a perception problem. He concluded:

We must come up with a plan for a safe community. We must address the facts along with the perception. Perception, yes. Facts, yes. Reality, that is not what it should be. If we don’t attack those things together . . .

5 David Chatman, statement before the West Virginia Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Logan, West Virginia, May 5, 1993, p. 9 (a copy of the transcript is on file at the Eastern Regional Office of the U.S. Commission on Civil Rights; hereafter cited as *Transcript*).

6 *Ibid.*, p. 10.

7 *Ibid.*, p. 11.

8 *Ibid.*

9 Francis, *Transcript*, p. 12.

10 *Ibid.*, p. 13.

the situation is not going to get better, it is going to get worse.¹¹

Drawing upon his experience as executive director of the West Virginia Human Rights Commission, as well as an instructor at the State police academy, Quewanncoii Stephens commented that there is a lack of trust between the minority community and the law enforcement community and that this lack of a trusting relationship is aggravating an already bad situation. When a minority person's request for police assistance receives an unduly slow response, it is likely to be construed as an act of deliberate, intentional discriminatory treatment by the police. Distrust of the law enforcement establishment breeds misconstruction or misinterpretation of neutral acts,¹² reinforcing the escalating cycle of interpretive quicksand. Distrust of the police is deep rooted. Because blacks traditionally have been victims of police misconduct and brutality rather than recipients of police protection, a black parent is likely to tell a child, "Don't trust that policeman because he is a bad guy or he will shoot you."¹³

The climate of distrusting the police seems widespread. Carolyn Johnson, a member of the audience, said during the discussion session: "You are let down lots of times . . . I certainly don't feel . . . that I can call an officer of Logan County and they would assist me. . . . You just don't feel like they'll help you."¹⁴ Distrusting the police and feeling unprotected, Ms. Johnson is planning to leave Logan County:

I'm here because I have a [son] that is getting ready to graduate, but I hope that in a couple of years I will be

out of this county. . . . It's not because of the people. It's because . . . [of] officers and the police department.¹⁵

Black residents of Logan County seem apprehensive and afraid of the police. Seven persons who were scheduled to come to the forum to voice their complaints about the police did not attend.

I am very concerned of the seven people who had complaints didn't show up today, which shows to me the fear of face-to-face confrontation with the police department. That is a concern I have.¹⁶

Police Misconduct and Harassment

Three issues under this topic were brought forth at the factfinding meeting, inattentive and neglectful police behavior, harassment of black youths by the police, and provocation of black youths by the police using the word "nigger."

James Major, the first black deputy sheriff in Logan County, observed that although making contacts and maintaining friendly relationships with members of the community is a basic element of good policing, deputy sheriffs or State troopers won't even get out of their cars when they come to black communities. They merely give a cursory look around and go about their business. Personal contacts in the neighborhood are essential, but "they just ride in their cruiser, turn around and go back out."¹⁷ Mr. Stephens, executive director of the West Virginia Human Rights Commission, also made a similar observation, "They don't have contact. A lot of times they will come by the cruiser and not get out of the car."¹⁸

Col. Tom Kirk, superintendent of public safety for the State of West Virginia, noted that he is "100 percent for getting out and talking to the public,"

11 Bell, Transcript, p. 15.

12 Stephens, Transcript, pp. 41-43.

13 Ibid., pp. 25-77.

14 Johnson, Transcript, pp. 83-84.

15 Ibid., p. 83.

16 Ibid., p. 58.

17 Major, Transcript, pp. 33-34.

18 Stephens, Transcript, p. 44.

but there is the other side.¹⁹ West Virginia is one of the few State police agencies that does not have wireless communications capability to enable an officer to remain in contact with the headquarters command away from the cruiser. He cited several incidents where leaving the cruiser without communications capability has led to fatal consequences. He stated that although "there is some hesitancy at times to get out of your vehicle away from communications, especially in threatening situations,"²⁰ efforts are underway to solve these situations so that a trooper "can leave his or her vehicle and get out in the community."²¹

The mother of a black student recounted the following incident. As her 18-year-old son was pulled off the road by a sheriff's car that was pursuing him, an officer, with pistol in hand, approached her son's vehicle, ordering him, "Throw your hands out the window. Don't move." Upon inspecting her son's papers, the officer proceeded to ask him if he knew of a certain young man who was a known drug dealer ("Do you know of anyone who lives in Ohio and drives a vehicle like this?"). Her son said to her: "Mom, I was so scared I was shaking. I felt like if I had moved or if I had just got out of the car or made one move, I just felt like he would have shot me."²²

He was let go eventually, but not a word of explanation or apology for the mistake was offered to the young man. The son protested to his mother, "Mama, how can he mistake me for this guy? Do I look like him? I wonder if they will stop me again?"²³ Besides being upset at the lack of courtesy and sensitivity, she was apprehensive because the drug dealer in question was an escaped drug dealer and wanted in the county, increasing

the prospect that black youths could be subject to mistreatment and unwarranted search by law enforcement officials.

The alleged use of the word "nigger" by law enforcement officials was a matter of grave concern to the factfinding meeting panelists as well as the audience. One mother said:

Most of us black mothers have true concerns when it comes to police officers and our sons. Is this word appropriate . . . when arresting somebody or even when just pulling somebody over? . . . We have had that done repeatedly here.²⁴

To illustrate the sensitivity and inflammatory nature of the n-word, Rev. David Bell elaborated:

If somebody called you that, you are going to react whether it's a police officer or whoever. And if you have the advantage, you are going to get the billy club or the gun or whatever. Call it resisting arrest or whatever, but it will initiate a response. . . . I know, specifically, of one occasion, when no violation of the law had occurred, or any wrongdoing, and it seemed as though the officers at the scene used the word "nigger" to intimidate or try to initiate a response from the youth. And that scares me!²⁵

What are law enforcement officials doing to address verbal abuse by the police? Both Sheriff Grimmer and Superintendent Kirk made it clear that the word "nigger" is offensive and its use inappropriate, and that they would consider appropriate disciplinary actions against the users of this word. The superintendent stated, "I would encourage any citizen that receives verbiage like that to respond immediately to my office."²⁶ These law enforcement officials were reminded by the

19 Kirk, Transcript, p. 47.

20 Ibid., p. 48.

21 Ibid., p. 47.

22 Transcript, p. 80.

23 Ibid., p. 82.

24 Joan Hairston, Transcript, pp. 58-59.

25 Bell, Transcript, pp. 27, 71.

26 Kirk, Transcript, p. 61.

Committee that it would contribute to improving police-community relations if they were to reiterate to their subordinates and the general public their policy regarding the use of derogatory terms.

Inadequate Service and Disparate Treatment

Two specific allegations were made at the factfinding meeting: First, Rev. David Bell of Mt. Olive Baptist Church suggested that dispatchers at the sheriff's and State troopers' offices provide inadequate, unprofessional responses to minority persons calling for assistance. Reverend Bell added that he remembered on one occasion "where it took law enforcement agencies more than 12 to 18 hours to respond to a call." Second, responses to requests for police assistance are different depending upon whether the call is coming from the black community, as opposed to the more affluent communities of Logan County, as suggested by panelist James Major.

One panelist recounted his recent experience. Early in the morning he called the law enforcement offices for assistance and was told that "there would be nobody on duty until 9 o'clock in the morning [State police]" and "there wouldn't be any deputies available until 8 o'clock [Sheriff's office]."²⁷ It is reasonable to assume that a call to law enforcement early in the morning represents an emergency and that immediate assistance is needed. He maintained that it is inadequate for a dispatcher to say curtly that nobody will be available until 8 o'clock or 9 o'clock without offering alternatives to the caller.

In response, Sheriff Grimmett explained that in the evenings there are three or four deputies on hand, two to three of whom are often transporting mental hygiene patients and youth offenders,

leaving only one deputy in the county. It takes time for one deputy to move from one corner to another part of the county and "we are working real hard on that right now to try to get a response a lot quicker."²⁸

Superintendent Kirk noted his troopers are paid for a 40-hour week. At the end of 40 hours he has to let them go home, unless he can pay them overtime. He tried, unsuccessfully, to get legislation passed that would allow him to pay for 160 hours for a 4-week period so that "calls could be answered during the night . . . and we could better schedule people."²⁹ As of now he is under the "Federal court mandate . . . to send [the troopers] home after 40 hours . . . and to discipline them for working . . . if they work more than 40 hours a week."³⁰ Usually there is only one trooper in the county available for night calls. He added, "we are working on a program right now where we can combine some counties so that we may have three or four people on a 24-hour basis in a three or four county area."³¹

The ensuing discussion clarified that "no one is available until . . ." is not an acceptable response to an emergency call and that the dispatcher should learn about the nature of the call and provide information as to when law enforcement assistance could be expected. Dispatchers should be more sensitive and more helpful.³² Both Sheriff Grimmett and Superintendent Kirk acknowledged that dispatchers should be trained or retrained to exercise an appropriate level of professional courtesy and helpfulness. Depending upon the seriousness of the case, State police dispatchers are supposed to contact one of the units. If the unit is too far out, the next thing is get the State police at a nearby station or call the sheriff's

27 Ibid., p. 28.

28 Grimmett, Transcript, p. 29.

29 Kirk, Transcript, p. 31.

30 Ibid.

31 Ibid., p. 32.

32 Ibid., pp. 40-45.

department. Similar procedures exist at the sheriff's office as well.³³

There is a persistent allegation that minority community requests for police assistance are responded to at a slower pace compared to the non-minority or affluent communities. The panelists agreed that any such disparate treatment should not be condoned and that the allegation reflects a serious perception problem. The State superintendent made clear his position on the issue:

I would be extremely disappointed in any State police officer that would respond to one community any quicker or any slower than any other part of the region. If that would happen, I need to be made aware of that.³⁴

The Committee learned that the State police keep a "duty log," which records the time the call came in, the nature of the call, and the time a trooper was contacted and dispatched to the scene. It is possible, according to the superintendent, to analyze the data in the duty log to determine empirically if the speed of police response is associated with the neighborhood demographic characteristics. During the ensuing discussion, the superintendent was urged to conduct such an analysis in order to determine the veracity of the allegation, and he agreed to take the urging under advisement.³⁵ See appendix 4 in this report for Superintendent Kirk's response.

33 Ibid., pp. 51-54.

34 Ibid., p. 33.

35 Ibid., pp. 55-57.

Chapter 3

Racial Tensions in Secondary Schools

There were incidents of racial tensions in secondary schools in Logan County. For example, in February 1993 the school building at which Black History Month events were scheduled was set afire the night before the opening day. The minority community suspected racially motivated arson. Over the past several years, the end of the basketball season at a local high school was always marked by fights between white and black students. These fights were said to have been caused by interracial dating. School officials, allegedly, did very little about the situation, and the overall racial climate was reported to be deteriorating. According to a newspaper account, the problem had to do with anger between black and white students, though no one could say definitely why the conflict was occurring. The sheriff was quoted as saying, "There has been bickering over there for years, . . . and the problem is deeper than surface indications."¹

Several panelists noted that racial tension in schools remains unchanged. Glynda Gooden, an official of the West Virginia Human Rights Commission, commented, "Things have not changed a lot since the seventies when I was in school [in this area]."² A mother whose three sons, as well as herself, are graduates of Logan High School observed: "There was racial tension in 1958 as inte-

gration was just beginning. Racial tension to this day is still a domineering factor in Logan County schools as it was then if not more so."³

A retired black high school teacher with 22 years of experience recalled that at the time of school integration in the early 1960s, students, teachers, administrators, and parents all went into a new environment unprepared for what they were going to encounter, and there were many problems. Because there was a strong principal who was willing to listen to black teachers, the principal and black teachers managed to overcome "not all, but quite a few of our problems. But we are now talking about 1993, and some of these problems are still in existence."⁴ Bob Lonker, principal of Logan High School, concurred that there always have been "some kind" of racial problems or tensions.⁵

Regarding the persistent racial tension in schools, John Myers, superintendent of Logan County Schools, made several observations. First, the economic hardship caused by the shrinking labor demand in the coal-mining industry is adversely affecting general race relations in the area.⁶ Second, the perceptions of racial tensions differ depending on where you live.⁷ Third, many of the problems students have in school are often related to "physical aggression" and frequently

¹ T. D. Kiger, "Students: Logan High in turmoil. Police say problems are race related," *The Logan Banner*, Oct. 25, 1992.

² Glynda Gooden, statement before the West Virginia Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Logan, West Virginia, May 5, 1993, p. 152 (a copy of the transcript is on file at the Eastern Regional Office of the U.S. Commission on Civil Rights; hereafter cited as *Transcript*).

³ *Ibid.*, p. 157.

⁴ *Ibid.*, p. 164.

⁵ Lonker, *Transcript*, p. 170.

⁶ Myers, *Transcript*, pp. 165-66.

⁷ *Ibid.*, p. 167.

“involve boy-girlfriend relationships.”⁸ He believed that:

Many problems that occur in the school as being racial tensions oftentimes do not originate as a racial problem at the beginning. Once individual problems spill over to other students . . . it unfortunately lines up many times as minority versus others; students from a particular area of the school district versus students from other areas; relatives or clans versus other clans, and on and on. When [a problem is characterized as] a minority problem, it tends to get a great deal of attention from our community and from the media. As the coverage grows, often the magnitude of the problem grows in proportion to the coverage, [making it] more difficult for school officials, students, and parents to work through these problems.⁹

In the ensuing exchange between the panelists, Committee members, and the audience, three issues received special attention: recognizing and facing up to racial problems, accepting and preparing for diversity as a fact of life, and alleged misconduct by teachers and school administrators.

Facing up to Racial Problems

Several speakers deplored the tendency to look away from the problems of racial tension, ignoring them until forced to by a crisis. In the school setting as in the larger societal context, Ms. Gooden noted, “We must face up to rather than ignore our growing racial problems.” Issues such as the perceived lack of concern by white teachers, the alleged disparate discipline of black students, stereotyping of black students by white teachers,

the lack of adequate counseling for minority students, and underutilization of minority teachers are all different facets of the underlying racial tension.¹⁰ James Hagood, a retired teacher, observed: “We are still having these problems and until the community, the church and the schools come together to resolve these problems, we are going to continue to have them.”¹¹ Alena Hairston, a recent graduate of Logan High School, added:

There is a myth that race relations are better, and if we assume there is no problem, then when outbursts of racial tensions come about, we are unprepared. And since we are unprepared to deal with these problems, we deny them.¹²

This theme was echoed by another panelist, Cora Hairston, who gave the following reason why racial tension is a persistent problem:

The leadership in the schools has not tried to deal with the issues at all. . . . Racial tension is ignored, not dealt with. . . . After the incidents cool down, they are forgotten until the next incident or the next big rumor comes again.¹³

Ms. Hairston is deeply concerned about the inaction of those who should play a more active role in resolving the problem of racial tension. A volcano serves as a metaphor for her apprehension of the explosiveness of the underlying racial tension:

Until the community of Logan County as a whole accepts the fact, . . . until we do something about these,

8 Ibid.

9 Ibid., pp. 167–68.

10 Gooden, Transcript, pp. 156–57.

11 Hagood, Transcript, p. 165.

12 A. Hairston, Transcript, pp. 186–87.

13 C. Hairston, Transcript, pp. 157, 158, 159.

racial tension will remain a constant belching volcano that erupts periodically.¹⁴

Preparing for Diversity as a Fact of Life

Ms. Gooden, an official of the West Virginia Human Rights Commission, observed that, in spite of specialized knowledge and intensive academic training, many public school teachers are not adequately prepared to deal with the diverse student body they face. They do not understand that students come to the classroom with different life experiences, social skills, and aspirations, resulting in a “gap between teachers and students.” This unfamiliarity with students “comes from not knowing the cultures of many communities and not accepting the legitimacy of those differences . . . in the school environment.”¹⁵ There are few minority teachers, and most of the white teachers do not grasp what it is like being a black student in a school where most of the teachers and students are white. Many minority students fail to receive adequate counseling and feel invisible and ignored.¹⁶

Centering on the theme of accepting diversity, Ms. Gooden made the following suggestions to reduce racial tensions in the school:

- Accept diversity and respect differences rather than allowing differences to become disadvantages. Avoid associating certain characteristics or traits with group membership, i.e., stereotyping.¹⁷

- Since black students are outnumbered in the school, perspectives of black students can be overshadowed by that of the majority students in classroom discussions. As a result, the contributions made by minority groups

are likely to be excluded or downplayed, and the minority students often end up feeling that their group had been marginal and insignificant in the making of our society. Against this dynamic imbalance, textbooks and teachers can serve as a counteractive device.¹⁸

- Racial and ethnic minorities have life experiences different from those of the majority, giving rise to a different value system or configuration of values. “It is this difference in values that creates misunderstandings. . . . Teachers often impose their own values on students. . . . Believing in and showing respect for others cannot be stressed enough.”¹⁹

With neither empathy nor comprehension of the black community, the school system does not provide black students with adequate guidance counseling.²⁰ There are no black counselors at Logan High School. Logan has three male black teachers but no female black teachers, and “there is nobody for a young black girl to go to talk to.”²¹

Allegations of Misconduct by Teachers and School Officials

Disparate discipline: Jamie, a 14-year-old black male student at Logan Jr. High School, took a BB gun (air rifle) to school and showed it to his friend who took it home. This friend brought the gun back to school the following day and triggered it, while it was empty of BB shots, on the school premises. Jamie was expelled from school in April for the rest of the school year for his role in the incident, even though he was not in possession of the BB gun. In a similar incident, a white male student brought a BB gun to school but received only a 9-day suspension.²²

14 Ibid., p. 159.

15 Gooden, Transcript, pp. 153–54.

16 Ibid., p. 156.

17 Ibid., p. 155.

18 Ibid., p. 156.

19 Ibid.

20 Ibid., p. 159.

21 Ibid., p. 175.

22 C. Hairston, Transcript, p.158.

Jamie's grandmother believes that the disciplinary disparity between these two incidents is race based. Jamie, at the beginning of the term, worked in the dean's office with a white girl who "was continuously kissing on him."²³ The dean called it sexual harassment by Jamie, who was given in-school suspension and eventually removed from the dean's office. According to Jamie's grandmother, the punishment given for the BB gun incident was "on account of [Jamie, a black student,] was going with this little white girl, . . . who was caught in my house all times of night."²⁴

This belief in a racial double standard in the school system and its disciplinary practice was shared by other participants as well.²⁵ One mother said, "We don't mind being hard. We don't mind discipline, but we want the same discipline for our children that the other children are given."²⁶ Both school officials present at the meeting were unfamiliar with the details of these incidents and could not respond to the alleged disparate disciplinary severity.

In another incident described at the meeting, a black female student "fights a teacher who calls her a racial name." The teacher was not reprimanded for the name calling, but the black female student was expelled for a whole year.²⁷

Alleged Racist Behavior by the Teachers:

A recent graduate of Logan High School, Alena Hairston, recalled an incident where she overheard a white teacher saying to another white teacher, "If we can just throw all the niggers in the ditch, we wouldn't have this problem."²⁸ Alena Hairston's mother vividly remembers how she felt upon hearing of the incident:

When [my daughter] came home [and told us about the incident], I was so angry I did all I could to keep from going down to that school and pitching [the teacher] in that creek they wanted to pitch the rest of the black people in.²⁹

Alena Hairston also observed that black students were "not tolerated, not respected, and not protected at Logan High School,"³⁰ recalling an incident that occurred during her 10th grade year:

I watched a white student mumble to his friend, "that damn nigger," in front of a teacher in the hall. I looked at that teacher to see if he would do anything, say anything. He just turned around and went aside to his classroom. You can't tell me there is no problem. There is!³¹

Open discussion of these incidents revealed related issues such as students' reluctance to report teacher misconduct to school authorities, the need for a mechanism of reporting infractions, and policies that would help improve race relations in schools. When asked if she reported these incidents to the administration, Alena Hairston replied no and offered this explanation why black students do not feel like going to teachers and administrators:

Because [black students] know nothing is going to be done about it. [Teachers and administrators] will talk . . . and give this long sermon. . . . As soon as [students] walk out the door, they may call the teacher in and they discuss and probably laugh about it. Nothing will be done about it. That is why [incidents] don't get reported.

23 Jean Turner, Transcript, p. 160.

24 Ibid., pp. 160-61.

25 C. Hairston, Transcript, pp. 158-59.

26 J. Hairston, Transcript, p. 199.

27 Ibid., p. 158.

28 A. Hairston, Transcript, p. 187.

29 J. Hairston, Transcript, p. 199.

30 A. Hairston, Transcript, p. 189.

31 Ibid., p. 190.

It's just like water off the duck's back. Nothing gets done about it.³²

In response, the superintendent assured the audience that although teachers, being a reflection of society, are sometimes part of the problem, such teachers are exceptions rather than a norm:

An awful lot of educators . . . would have been very offended [by such remarks.] I can assure you that there are a lot of educators in that school . . . who would have been highly critical of that remark . . . and would have addressed the problem. Unfortunately that person didn't [report].³³

Concerning the superintendent's point that an incident has to be reported before action can be taken, Deputy Attorney General for Civil Rights Mary Buchmelter made several cautionary observations. First, there ought to be a mechanism for reporting infractions that is clearly explained and widely publicized to the student body. Second, filing a complaint against a teacher could be too intimidating and overwhelming for a student. Even an attorney thinks twice and weighs carefully before filing a charge against a judge for fear of repercussions. Doubting if any 10th grader would have the nerve to report a teacher, she emphasized that the person designated to receive complaints ought to be a special kind of person, one who has credibility among students and whom students know well and trust, a guidance counselor, a human resource person, or someone who can offer the students a supportive atmosphere and trusting relationship.³⁴ The importance of a supportive or nurturing atmosphere in building a trusting relationship was underscored by

Quewanncoii Stephens, executive director of the Human Rights Commission, as well.³⁵

Asked if there were any guidelines or policy statements on teacher conduct regarding racial slurs or prejudicial behavior, school officials thought that some "Statements . . . are on the books at the present time, maybe not in specific terms, but in general terms that cover these areas."³⁶ When pressed to consider issuing an unequivocal policy statement regarding impermissible teacher behavior on racial matters, school officials emphasized the importance of setting exemplary behavior by administrators: "I still think there are deeds that are going to speak [louder] than written policies will. If there are written policies, people might conform to them [only] on the surface."³⁷

Here the school officials were referring to the futility of written policies that are not enforced, sidestepping the question posed. They were reluctant to recognize the value of a written policy as a necessary first step towards proscription of biased behavior. The principal of Logan High School stated that had the racial incidents described above been reported to him, he would have reprimanded the teacher with a copy to the superintendent.³⁸ But without a written policy it remains unclear what racist behavior might be subject to disciplinary action.

Furthermore, students are more likely to report a teacher's racist act if it is explicitly included in a list of prohibited acts. One panelist noted:

If the policy is written, if a student knows that they have got some protection, . . . if a student feels . . . comfortable in going to the principal . . . and say, "I just overheard

32 C. Hairston, Transcript, p. 191.

33 Myers, Transcript, pp. 192-93.

34 *Ibid.*, pp. 193-94.

35 Stephens, Transcript, p. 213.

36 *Ibid.*, p. 209.

37 *Ibid.*, pp. 241-42.

38 Lonker, Transcript, p. 210.

something so-and-so and so-and-so said" . . . then you will get somebody to come forward.³⁹

There was a consensus among the panelists that a valuable purpose would be served if the school system were to issue a clear policy statement. Panelists strongly urged the officials to issue a policy statement that sets a goal and spells out what is expected of the teachers in the school. In the words of the deputy attorney general:

Policy reflects your attitude, and it doesn't cost you anything. It lets people know where you are. . . . [It lets people know] they have recourse. . . . Now, you are right when you say that just because things are written down doesn't mean they believe in them. . . . A law can't make people change the way they think. That's true. But laws make people change the way they act, and so does policy.

And after people act a certain way long enough, they start learning that way.⁴⁰

Neither the principal nor the superintendent were surprised by these comments and responded that "those same kind of comments are made in society in general and the school is a reflection of society, unfortunately."⁴¹ The superintendent thinks that the school system or its teachers alone can accomplish little in resolving racial problems:

[As] somebody mentioned earlier, we are expected to be doctors, lawyers, counselors, I mean, the whole gamut for society. Schools are not going to be able to solve the problems of society. It's going to have to be a concerted effort. . . . But I am telling you, in the end when people decide to solve the problem, that's when problems are going to get solved.⁴²

39 C. Hairston, Transcript, p. 247.

40 Transcript, pp. 245-46.

41 Transcript, p. 202.

42 Kirk, Transcript, p. 204.

Findings and Recommendations

Finding 1

Coal miners in southern West Virginia and the neighboring coal-producing region all suffered from the mechanization of the mining industry and its decline, but the suffering of black miners was greater than would have been expected but for racially discriminatory factors. Although an increasing number of workers in the coal-mining industry are well-paid as they move into new technical positions, black participation in the work force is becoming almost nonexistent generally and especially among high-wage earners. Available data show that the excessive decline of black miners has been largely due to discriminatory practices in mining companies and labor unions over an extended period of time. Moreover, reports are continuing of discriminatory practices that keep black miners out of the mining industry. These include allegations of racially discriminatory employment practices by labor unions or mining companies, a less than vigilant protection of black miners by unions, and resistance by white union members, who intended to influence mine operators against allowing blacks advancement. These conditions have promoted a perception among whites and blacks that black miners are targets of a policy of racial exclusion by unions and coal companies. Such a perception further fuels an overall racial tension that exists between the communities of whites and blacks in the area. (Chapter 1, pp. 3–9.)

Recommendation 1.1

The United Mine Workers of America (UMWA) and coal companies should voluntarily gather and turn over to the West Virginia Human Relations Commission (WVHRC) all coal industry work force information on layoffs, new hires, and retraining and conduct internal reviews to ascertain whether or to what extent there are bases for allegations that black miners are affected by employment discrimination.

Recommendation 1.2

The West Virginia Human Rights Commission should investigate and resolve any currently opened employment discrimination complaint by mine workers, review the WVHRC's complaint handling process for its overall effectiveness, and implement all necessary improvements and regularly analyze work force statistics for the coal industry for patterns of discriminatory practice against groups protected under civil rights laws.

Recommendation 1.3

The UMWA and coal companies should develop plans to increase the numbers of black miners and integrate them into every level of the coal mining industry in Logan County.

Finding 2

The West Virginia State Advisory Committee finds there is a perception in the minority community that racial attitudes about whites and blacks have had a direct impact on the law enforcement practices of the Logan County Sheriff's Department and the West Virginia State police. Residents in minority and low-income neighborhoods have attributed to law enforcement officials a pattern of disparate treatment against blacks. The complaints include charges of insensitivity and physical and verbal abuse by law enforcement officers. As a result, police-community relations in Logan County had reached a low point at the time of the Committee's inquiry. Members of the minority community openly expressed their fear and distrust of law enforcement officers who police their communities. Furthermore, these problems are exacerbated by poor communication between law enforcement agencies and minority and low-income persons. Some minority residents believed that law enforcement officials have been uninterested in the concerns and needs of the minority community. (Chapter 2, pp. 14–18.)

Recommendation 2.1

Collaborative efforts between law enforcement and minority community leaders such as the recently formed Community Law Enforcement Partnership should be expanded. In addition, every effort should be made to restore public trust by demonstrating that the Logan County Sheriff's Department and the West Virginia State Police provide unbiased treatment similarly to minority, white, disadvantaged, or affluent communities. Reasons for mistrust need to be identified and addressed, and the law enforcement agencies should take the initiative in such ameliorative efforts.

Recommendation 2.2

Law enforcement personnel in sensitive positions dealing with the public should be required to receive in-service training to promote a better understanding of race relations and good community policing practices. They need to understand why they are perceived as adversaries by minority persons and what they can do to change the perceptions. Standards of police behavior must be made explicit: the superintendent of public safety and the Logan County sheriff should make it clear that racial slurs, including the word "nigger," are unacceptable and constitute grounds for disciplinary action. Dispatchers should be prepared to handle emergency calls for police assistance with sensitivity to community diversity and communications strategies.

Recommendation 2.3

State troopers and sheriff's officers in Logan County need to analyze the entries in their duty logs for any racial variance in the dispatches of police officers by geographic location and priority of police response to determine racial differences in the delivery of law enforcement services to communities. The police need to share the results of such comparison with the general public and especially the minority community in an overall effort to repair a declining trust in the law enforcement's commitment to an equitable delivery of services.

Finding 3

Racial tension has been persisting in Logan County schools. Some unintended racial incidents

may have originated as a typical high school student problem, involving physical aggression or boy-girl relationships. However, race-neutral incidents often have become framed and cast as racial problems, complicating solutions and further escalating racial tension. There is a general tendency among school officials to avoid problems of racial differences, ignoring them until a crisis occurs. Such problems, if allowed to persist, are likely to grow in magnitude.

Stereotypes of black students may have influenced the behavior of some white teachers, leading the black students to believe that some white teachers have been unconcerned about their welfare. Black students had also received more severe discipline than whites for similar offenses. Minority teachers, who had provided empathy and served as role models, have been underutilized in the school hierarchy. Many public school teachers had not been adequately prepared to deal with a diverse student body. They had not understood that minority students would be coming to the classroom with varying academic skills and different life styles and life experiences than their white counterparts. This unfamiliarity with the culture of minority communities created a gap between white teachers and black students.

Some white teachers appeared to have condoned racially offensive behavior of white students and to have engaged in racist acts themselves. Black students had not reported incidents of perceived teacher misconduct to school authorities because they believed that nothing meaningful would have been done. (Chapter 3, pp. 20–22.)

Recommendation 3.1

The superintendent of the Logan County School District should establish a race relations council with special emphasis on those schools with frequent racial problems. The council membership should include but not be limited to both white and black students, parents, community civil rights and religious leaders, and school officials. The council should be empowered to hear complaints from students and parents regarding racial tension, including teacher misconduct and disparate discipline, make investigations, and report to school authorities and the public.

Recommendation 3.2

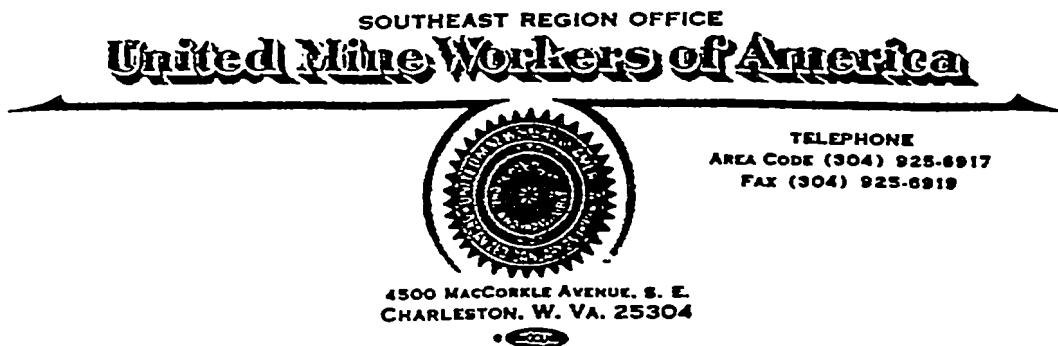
Logan County teachers should be given diversity training to develop intergroup sensitivities and enhance their understanding of community subcultures and historical experiences. There should be an exploration of diversity as a part of American life so that teachers become better prepared to educate students to be citizens of a diverse but harmonious society.

Recommendation 3.3

The superintendent should issue guidelines to make it clear to the teachers, students, and parents that racist behavior will not be condoned in the school system. Explicit guidelines will discourage teachers from engaging in impermissible behavior, including racial slurs, and motivate the students and parents to report teacher misconduct when it occurs.

Appendix 1

Response by Howard L. Green, International Board Member, United Mine Workers of America, District 17, Southeast Region Office



June 23, 1994

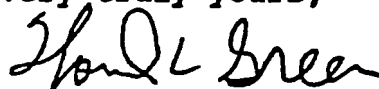
Mr. Ki-Taek Chun
Deputy Director, ERO
U. S. Commission on Civil Rights
624 9th Street, N.W.
Washington, D.C. 20425

Dear Mr. Chun:

Thank you for the opportunity to respond to statements made at a community forum in Logan, West Virginia, held during May 1993. I would also like to provide insights to how the UMWA has championed civil rights for all minorities. Thank you for the extension you granted to me on my response, because I wanted very much to address this important issue.

Attached is my response, as well as Exhibits that I feel will clearly show our Union's stance on Civil Rights. I would appreciate a copy of your final report on the Logan Forum.

Very truly yours,



Howard L. Green
IEB Member, UMWA District 17

HLG:kd

UMWA RESPONSE TO LOGAN FORUM OF THE W.VA. ADVISORY COMMITTEE
TO THE U.S. COMMISSION ON CIVIL RIGHTS

The UMWA does not do the hiring at America's coal mines. The coal companies themselves hire their workers -- both management and classified. Down through the years, our Union organized workers across the Southern West Virginia coalfields. Mine wars were fought between 1900 through the 1930's to try to organize workers to improve their way of life and their health and safety.

The UMWA organized black and white coal miners, as well as ethnic groups who could not speak English, but who all had one common goal, and that was to be treated with dignity and receive a decent wage for their work. I think you should include the movie Matewan into this report, for it showed the difficulties our Union had in its organizing efforts. We not only had to fight the coal companies, but we had to fight their thugs, the state government and the National government, as well. We are waging these same battles today with many of the same characters.

When John L. Lewis was faced with mechanization in the 1950's and 60's, we saw our Union lose hundreds of thousands of workers and many of our people moved to Cleveland, Ohio or to Detroit, Michigan to work in steel and automotive plants. Many parts of Southern West Virginia were turned into ghost

towns. Both black and white coal miners lost their jobs. My own wife's father, who lost one of his legs in a mine accident, worked in Wharton, West Virginia for Eastern Associated Coal Company, and served as the Local Union President. He lost his job when the company shut down their entire operations at their Wharton No. 1 Mine, and had to move out of the coalfields to obtain employment. Most people had to leave the area because of large scale layoffs, and job seniority rights, as we know them today, were not provided in the contract in those days. Those rights were not gained in our contracts until the late 60's and early 70's.

In regard to Willie Anderson's remarks, historically speaking, there were a large number of blacks in the southern coalfields, but at no time did they ever comprise 75% of the workforce. I feel that Mr. Anderson's remarks should be directed towards the coal companies who do the hiring. Mr. Anderson, who has run for International office in the Mine Workers, should be very aware of how much the UMWA has been in the forefront in promoting civil rights for all Americans. I also point out that when Mr. Anderson worked for the West Virginia Black Lung Association in the 70's, he was furnished offices and supplies (back when the Union had more money). He should have been very aware at that time of the many efforts this Union undertook on behalf of minorities.

I do not know Mr. James Major personally, but I have to disagree with his ill-founded statement that the Union was determined in the 60's not to let blacks work in the coalfields.

I also note for the record that Mr. Bethel Purkey, whose testimony was characterized as a black miner, is in fact a white miner. As of this date, Mr. Purkey, who is still a UMWA Local Union President in Logan County, WV, has been provided with copies of the Tower Mountain Agreement he discussed in his statement to the Logan Forum.

Mr. Stephen Hairston, the President of Kazin Coal, Inc., goes into much detail about having to honor mine panels. Mr. Hairston knew fully well prior to coming to work on the M&H Coal properties, that he would have to honor a Mine Panel that has been in existence since the 1950's or before. I was informed by Local Union President Jackie Barker and Vice President Bo "Andy" Griffith, that Mr. Hairston had a number of opportunities to hire blacks, but each time he hired only whites. The Local had to file a number of unfair labor practice charges against Mr. Hairston's company for failing to follow the contract's provisions on health insurance and other benefits. Additionally, I understand that Mr. Hairston has opened non-union mines where he had the opportunity to hire 100% black employees, but hired instead an almost

totally white workforce. The Union has had tremendous problems trying to get Mr. Hairston to follow the provisions of the contract as far as panel rights on the M&H properties. The National Labor Relations Board has upheld our unfair labor practice charges against Kazin Coal a number of times. I feel he has some self-serving motivation for the statements he made before your Commission.

District 17, which covers Southern West Virginia and Eastern Kentucky, has approximately 6,400 UMWA members. In 1979 the same area had 35,000 members, a tremendous drop as you can see. At the same time, the non-union mines in the same area have grown considerably. Their hiring practices have not, as far as we can ascertain, included blacks or other minority workers to any extent.

The UMWA would certainly like to see minority hiring done at both union and non-union operations. However, roughly guessing, there are probably over 30,000 coal miners, including blacks, women and other minorities, on Mine Panels in this area, to which most will never be re-called.

It's very sad for our folks to have to watch their kids, brother and sisters, and mothers and dads pick up and move into other states, such as North Carolina, South Carolina, and Georgia, to find work and jobs paying barely above

minimum wage with limited or no health care at all. It's frustrating to see whole communities empty out because of mechanization and new technology, while increased production and decreased workforce is destroying our communities.

I would like to state for the record that our Union, the UMWA, has always been there to fight for minorities, not just in this area only, but around the world. The UMWA has given much of its talents, monies and spirit to help all minorities, including blacks, to obtain freedom and decent paying jobs.

Attached as an Exhibit, is a Press Release, dated April 6, 1994, where the UMWA sent six of our members to South Africa to monitor elections. Even though there have been numerous layoffs in our Union, and we are suffering serious financial hardships, we felt it was very important to follow through on our actions that were begun over ten years ago on behalf of our fellow black mine workers in South Africa, starting with the Shell boycott. We have probably spent more than 3 million dollars on the Shell Boycott, fighting apartheid in South Africa. As a matter of fact, it was the UMWA who started the world-wide boycott against Shell.

Also, for a number of years we had two black South Africans working in our International Office in Washington,

D.C., to whom we paid their salaries and expenses.

The statements made by these individuals to the Logan Forum are not indicative of the true feelings of the black coal miners who are either working or have retired from our Union mines.

When we speak about members in our Union, we don't look at them as black, white, yellow, male or female -- we look at them as coal miners, deserving to be respected on an equal basis.

Our Union has set the highest standards in fighting for minorities. We have worked very hard with the Southern Leadership Conference, with Dr. Martin Luther King prior to his untimely death, and with the Reverend Jesse Jackson and the whole Rainbow Coalition. We will continue to work with such groups trying to improve the lifestyles of all Americans, including all minorities.

Never once has Willie Anderson or James Major brought to our attention problems with minority hiring, nor offered any suggestions. Nor have they ever offered assistance in our fights against apartheid in South Africa or when Reverend Jackson was working with us during the Pittston strike, fighting for health care.

It's very easy to criticize when one doesn't do anything. Our record is there -- it speaks for itself. We represent all workers and their families.

During the past several years, union companies such as Arch of West Virginia have had limited opportunities to hire minorities, but have not made much effort to do so. Arch Minerals' non-union arm, Catenary Coal, which has no Mine Panel could have hired minorities, but for the most part has not. Arch Minerals' Red Warrior non-union job will soon be West Virginia's largest surface mine, and should be checked for minority hiring.

Ashland Coal's Daltex and Hobet Mining have major mines which could have hired more minorities, including women, have not done so in any significant numbers. These are mines with no Mine Panels. Ashland Coal's large non-union Mingo-Logan Mine has hired hundreds of miners, but minorities have been left out of the picture, even though these mines received government super tax credits. These non-union mines discriminate against pro-union activists who try to protect minorities' jobs and benefits.

A.T. Massey keeps putting in non-union mines in Southern West Virginia and Eastern Kentucky. Their hiring practices

in relation to minorities, including union activists, have been very poor.

I recommend that your Commission look at the hiring practices at the following companies:

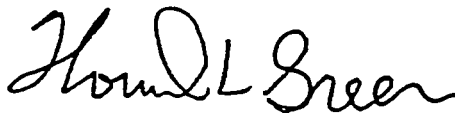
Daltex - Ashland Coal
Hobet - Ashland Coal
Mingo-Logan - Ashland Coal
A.T. Massey Coal Co.
Red Warrior Coal Co. - Arch Minerals
Hampden Coal Co.

Many Black, female and union activists could have been hired at many of these coal operations, but Corporate America has chosen to discriminate against minorities. The companies above hire very few local people. They hire people spread over a great geographic area where they will not get together during non-working hours. These companies do not want local people, because they tend to be union. Minorities, for the most part, have helped unions in many ways to stay in existence. Minorities tend to want unions and are very helpful in organizing unions.

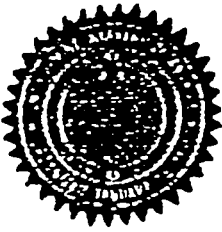
The Union has legal responsibilities under the law to protect Mine Panels, but I point out again that it is the companies who do the hiring. Many large non-union mines have

no panels and have jobs to which minorities can be hired. I think your Commission should take affirmative action on behalf of minorities at these companies. Don't forget union activists -- either black or white -- because they are the workers' only voice at the mine level on Civil Rights.

Our door is always open to you and your Commission. I hope this material will give you a more balanced view of our Union's role in civil rights. Thank you again for giving us this opportunity to respond.



Howard L. Green
IEB Member, UMWA District 17



News from the United Mine Workers of America, AFL-CIO, CI

UMWA

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Washington, DC 20004

Richard L. Trumka, Presi
Cecil E. Roberts, Vice Presi
Jerry D. Jones, Secretary-Treas

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Mine Workers Send Six to Observe South African Elections

For Immediate Release

WASHINGTON, D.C., April 6-- The United Mine Workers of America (UMWA) announced today that it will send six representatives to participate as international observers in the upcoming political elections in South Africa.

The UMWA representatives will be part of a 100-person delegation organized by the AFL-CIO in response to an invitation by South Africa's two labor federations, the Congress of South African Trade Unions and the National Council of Trade Unions. South Africa's Independent Electoral Commission, which is charged with running the first ever non-racial, democratic elections in South Africa's history, has requested international observers to help ensure that the elections, scheduled to take place on April 26-28, are free and fair.

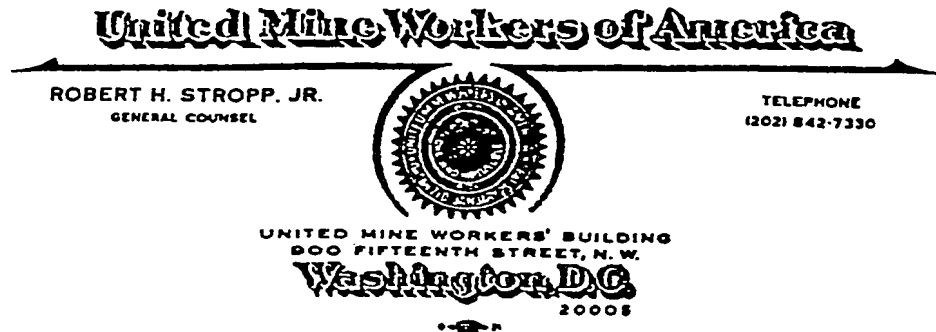
The six UMWA representatives are Clement Allen, Jr., a UMWA International Teller based in Washington, Pa.; James Gibbs, a UMWA International Representative and Local Union President based in southwest Virginia; William Keechel, Recording Secretary of UMWA local union 1702, District 31 in northern West Virginia; Alonzo Labraight, a UMWA pensioner based in southern West Virginia; Nick Molnar, President of UMWA District 2 in central Pennsylvania; and Russell Stilwell, a UMWA International Teller based in Evansville, Ind.

"We are very proud to be able to participate in this historic occasion," said Richard L. Trumka, UMWA President. "The UMWA has been fighting apartheid and supporting the miners in South Africa since 1947. It is entirely appropriate that our representatives be witness to apartheid's final demise. All people who care about justice have a stake in ensuring that these elections are free and fair."

For more information contact:
Kenneth Zinn (202) 842-7284

Appendix 2

Response by Robert H. Stropp, Jr., General Counsel, United Mine Workers of America



June 28, 1994

Ki-Taek Chun, Deputy Director
Eastern Regional Office
United States Commission on Civil Rights
624 Ninth Street, N.W. #500
Washington, D.C. 20425

Dear Sir:

Thank you very much for the opportunity to respond to the comments included in your draft report. Please excuse the tardiness in responding to your request for comments, but your letter was not received until after the date of requested return.

I would like to beg forgiveness in that Roger Caldwell of the UMWA Executive Board did not appear at the forum in Logan last month. He was hospitalized for by-pass surgery.

We would appreciate close attention to the record of the UMWA, as outlined below, rather than to the comments of individuals whose personal experiences reflect no more than their personal experiences--not UMWA policy. Unless otherwise indicated, the material that follows is drawn from United We Stand: The United Mine Workers of America, 1890-1990 by Dr. Maier B. Fox.

The United Mine Workers of America is--and has been since its inception--unalterably opposed to racial discrimination.

The UMWA was begun in 1890 as an amalgam of two older labor unions. Among the delegates to the founding convention were five miners who have been identified as African-Americans. One of those African-Americans, R.F. Warren was elected to the union's governing body, the National Executive Board.

Even more telling, the very first issue that the Committee on Resolutions brought

before the convention was racial discrimination. The delegates followed the recommendation of the committee and agreed "that no local union or assembly is justified in discriminating against any person in securing or retaining work, because of their African descent."¹ That has remained UMWA policy ever since.

Even a cursory review of American history reveals that the fifty-year period beginning in 1876 was one of increasing racism and discrimination in our country. Black Americans, particularly in the South, were subject to increasing discrimination under the "Jim Crow" laws that became pervasive. Asians suffered under the Chinese exclusion laws and various state rules designed to maintain them in a position of second-class citizens. Most immigrants from eastern and southern Europe were eventually barred from entry to the United States.

This is in stark contrast to the policy of the UMWA. During the 1890s, many African-Americans were prominent in the union: Richard L. Davis of Ohio served two terms on the national executive Board; William R. Riley was secretary-treasurer of the Tennessee-Kentucky district; three Black Americans were elected vice-president of the West Virginia district and J. J. Wren was also, briefly, president. Illinois miners elected Henry Rector vice-president. Then-despised immigrants from eastern Europe were welcomed into the union across the country, and many quickly assumed leadership positions in their Local Unions, just as Black Americans often did—whether or not they composed a majority of the Local membership.

The commitment of the UMWA to a color-blind union was reinforced in the first decade of the Twentieth Century. The rapidly growing Alabama coal fields became a key center of union organizing efforts. In the face of virulent racism and efforts by coal operators to divide the miners by playing the "race card," the UMWA established Local Unions that were open to, and joined by, whites and blacks alike. Moreover, Alabama's African miners were constitutionally guaranteed the district's vice-presidency and two of the five seats on the executive board.

The UMWA spoke out for racial justice outside of the mines as well as inside them. In 1904, the union's international convention voted to recommend to the American Federation of Labor that all of its affiliates be asked to end racial discrimination. They also voted to support universal suffrage without regard for race.

During the first twelve years of the union's existence, at least 20 African-American miners were provided space in the official UMWA publication to discuss issues and air grievances, just as this opportunity was afforded white miners. The UMWA Journal supported the aspirations of these (and later) African-Americans and condemned white miners whose adherence to the color line held back efforts to unify all miners. One editor explained the union position: "There has only been two races on this earth since the world began--the working race and the exploiting one." Even the coal operators admitted the honesty of the

¹ Proceedings of Joint Convention of N.P.U. and N.T.A. 135, K. of L.

union's position.

In Iowa, the union issued a circular condemning discrimination "against our colored brothers" and threatened to act against "any member culpably guilty of such practice." A modern researcher of discrimination by the operators and credited the union with enabling African-Americans to fit quickly into the life of communities that were previously all white.²

At about the same time, Wyoming miners, including Japanese immigrants, joined the UMWA. Previously existing was age discrimination against the Japanese was reduced in the first union contract and eliminated thereafter. When the UMWA entered British Columbia, Japanese miners, for the first time, were allowed to become union members--on the same terms as whites.

The number of African-Americans who were members of the UMWA in any period is uncertain--the union's color blind attitude precluded classification of members by color. It seems, however, that their numbers began declining about 1910. This had no impact on the union's policy. George Edmunds, an Iowa miner and union organizer, proudly reported to the UMWA Journal that, though African-Americans comprised only 10% of the state's miners, they worked in almost every mine and two held district-wide office. The 1916 Indiana convention resolved to fine any Local Union that discriminated--and then refused to support white miners who struck against appointment of a black supervisor. Kansas union leader Milton Reed, an African-American, proudly reported that all black miners in the Southwest were union members, for the UMWA was "the first organization of any magnitude that opened up its doors" to them.

As the quotations from Professor Lewis's book indicate, coal mine operators practiced discriminatory racial job segregation throughout the first quarter of the Twentieth Century--and longer. The disabilities suffered by African-American miners were intensified by mechanization and its attendant opportunities for further discrimination, beginning in the 1920s.

It was a period when the UMWA was unable to exercise its influence over any management practice because of the severe decline in the union's membership--part of a continuing effort by those same coal operators to destroy the union. As part of the union-busting effort, operators from Alabama through Kentucky and West Virginia to Western Pennsylvania "imported" black strike-breakers to disrupt the union.

The National Urban League studied a West Virginia strike and found that both races supported the UMWA, and that the UMWA executive boards in both southern West Virginia districts included African-American members. In the midst of the introduction of black strike breakers in western Pennsylvania. The African-American secretary of a Local Union replied to an Urban League questionnaire that "the United Mine Workers of America have done more to remove hatred and prejudice in the labor movement and to restore harmony

² John M. Robb, The Black Coal Miner of Southeast Kansas.

and good will between man and man than any other agency in the country."³ This was the heyday of the Ku Klux Klan in the United States and the UMWA repeatedly rejected its rising influence. In 1921 the Klan was named a proscribed organization--union members could not join it. This was deemed legally unenforceable and, in some places, leave the union liable for damages. In 1924, the union's leadership recommended the ban be rescinded--but the membership refused.

With the revival of the unions's strength beginning in 1933, African-American miners again flocked to the UMWA. The growth of the industry and the strength of the union helped to maintain stability and economic opportunity for all miners for two decades.

The union's commitment to equal treatment for all members continued. It was most notable in a new area, medical care. The UMWA negotiated a "Medical and Hospital Fund" when the federal government controlled the mines during World War II and transformed it into the "UMWA Welfare and Retirement Fund" in the first contract negotiated with the operators after they regained control of the mines.

For all practical purposes, the "Fund" was controlled by the union. As part of its program, the "Fund" devised a pioneering program to rehabilitate miners who had been crippled in the course of their mine employment. Because of the nature of the program, hospitals around the country wanted to take part in it. Regardless of the quality of the institution, however, the "Fund" would not allow it to participate if it practiced racial segregation. At least one major hospital reversed its discriminatory policy in order to participate.

Coal mine employment, and particularly employment in eastern underground mines, has been declining for three decades. This, of course, is not controlled in any sense by the UMWA. But the UMWA has made a continuing effort to protect members' jobs--regardless of color. The panel system was part of this effort. The original system of "work sharing" was vigorously opposed by the operators, and the panel system was negotiated to minimize opportunities for operators to play favorites.

The original panel system was a straight job seniority system. It was the system in which African Americans suffered most, as recognized in your report. To further aid members--which, after all, is the purpose of a labor union it has been explained repeatedly. Mine seniority replaced job seniority, modified only by the ability to perform the job, which is determined by experience, training and, sometimes, legal requirements. As time went by, "job bidding" rights were expanded to include additional mines and larger geographic areas. In each case, the changes were designed solely to expand members' job opportunities regardless of such extraneous factors as the color of a member's skin.

Recent UMWA contract negotiations have specifically addressed the need for retraining of members who lose their jobs, and the union insisted on the creation of a

³ National Urban League Papers.

training fund open to all members. This was not a new approach for the UMWA; in following a tradition proudly maintained for more than a century, the union remains color-blind and devoted to the welfare of all members.

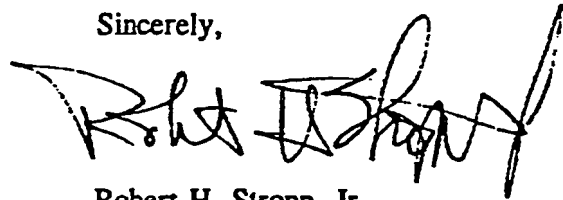
In closing, I note the presence in your draft report of much hearsay, and undocumented complaints by individuals whose credibility has not been scrutinized. therefore, I would ask the Commission, in its preparation of a final report to bear in mind two extremely relevant factors that cannot be disputed.

First, the long, proud history of the United Mine Workers of America, detailed above, in combatting the very racism and discrimination attributed to the institution in your draft report.

And second, the fact that under no circumstances does the UMWA choose its members. Union membership status is accorded in one of two ways: Either a unionized company hires a new miner at a unionized mine, who then by virtue of that employment becomes a member of the UMWA, or a group of nonunion workers organize, with or without the help of UMWA International or district representatives, and demand collective bargaining with their employer. In the first case, the employer chooses the union's members. In the second, the workers themselves choose to be represented by the UMWA.

Thank you for your attention and for the opportunity to present out response to the draft report of the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Stropp, Jr.", with a stylized, cursive flourish extending to the right.

Robert H. Stropp, Jr.

Appendix 3 Response by Sergeant P.D. Clemens, Detachment Commander, Logan Detachment, Division of Public Safety (West Virginia State Police)



Division of Public Safety
(West Virginia State Police)
725 Jefferson Road
South Charleston, West Virginia 25309-1698

Gaston Caperton
Governor

Logan, West Virginia 25601

Colonel Thomas L. Kirk
Superintendent

May 30, 1994

Ki-Taek Chun
Deputy Director, ERO

RE: DRAFT OF RACIAL TENSIONS IN LOGAN COUNTY

Dear Mr. Chun:

I am the Detachment Commander of the Logan Detachment and have been stationed here for fifteen years. During my time here, I have seen no police officer act in a prejudice manner toward anyone because of their race or ancestry.

The majority of problems involving racial issues that I have seen in this area between races, basically white American's versus black Americans, is at Logan High School. The majority of these incidents that we have been dispatched to have been caused by students angry over intra-racial dating. The only solution to this problem is more training probably at the lower grade levels of the educational system so that by the time these children really reach the fighting age they have already received some type of counseling.

I have also been dispatched to several calls involving people in the black community fighting other people in the black community. On over ninety percent of these calls, blacks end up calling each other the n-word, but it is not considered offensive by anyone and never has anyone complained about this. I really can't understand why the black race only considers it offensive when someone from the white race calls them the n-word.

I have read the draft that has been prepared by the West Virginia State Advisory Committee to the U.S. Commission on Civil Rights and feel there are several discrepancies.

I will first refer to Page 22 of the draft on Section II, first paragraph. I was present at the scene and I know what happened. The 81 year old black man was shot by two troopers, not three and only after he was told to put down his gun. The black man, with gun in hand, then turned toward the troopers and the troopers, one of which was almost shot in the head earlier by this

Ki-Taek Chun - May 30, 1994

Page Two
continued:

man, opened fire before the black man could shoot first. I do not feel it is a crime to protect yourself.

Secondly, the stand off lasted thirteen hours, not eight as reported. During this time, with the exception of one phone call, the black man refused to answer all efforts that were made to communicate with him. During the one phone call, he was told who was outside his residence and what was going on, but he chose not to come out and wanted us to go away and leave him alone. I do not feel this was feasible as he had already shot at police officers and was a threat to the community. Let's consider that we did leave, and he came outside and shot innocent people walking up and down the street or the first person who came to his door. You know as well as I do that the same people who feel we should have left would be chastising us for leaving and letting innocent people be harmed or killed.

Thirdly, we did not sneak through the downstairs door. We knocked and identified ourself to the black man. He chose not to answer, leading us to believe he was severely hurt or sick or even dead.

Also, when I emerged form the house I was too busy throwing up from the tear gas to give anyone a high five and I do not recall anyone cheering. The other two officers who were with me were also being affected by the tear gas in the same manner.

I do not recall Joan Hairston being there and I would like to know where she received her information. I feel that more than anything else this should be omitted as it is grossly untrue and I find it offensive.

I feel that before something such as this becomes official it should be at least investigated and see if it is true, but yet only the word of one woman was accepted and written as being true.

I also do not know where you received your information that the Superintendent of our Department was replaced over this incident. This is also a totally untrue statement.

I also feel that the fact that two other agencies, the local prosecutor's office and the Federal Bureau of Investigations investigated this matter and found no wrong doing should be mentioned.

I will now direct your attention to Page 26, of the draft, last paragraph before Police Misconduct and Harassment. James Major stated that seven people did not show up to voice complaints about the police because they are afraid of the police.

Ki-Taek Chun - May 30, 1994
Page Three
continued:

I feel that this is only Mr. Major's opinion. He did not bring in any evidence such as statements that they were afraid. I feel they didn't show up because they knew they didn't have valid complaints. There has never been a complaint made against any of our members that someone was threatened by them because they made a complaint nor do I know of a complaint against any member here doing something to someone because they were prejudice.

On Page 29 of the draft, under Inadequate Service and Disparate Treatment. The black community is not treated any different than other communities when responding to calls. The biggest problem we have here now is manpower. When I first came here in 1977, there was approximately 14 field troopers to respond to calls. There is now seven and July 1, 1994, there will only be six. This is to try and provide police coverage to all of Logan County seven days a week, twenty four hours a day. Because of this we are slow to respond to some calls. Calls are taken in priority of what is more important. A life or death matter is certainly more important than a routine call in all communities.

Finally, First Sergeant G. A. Ables who is the District Commander and has been here for over twenty years spoke at this meeting and stated if people had a problem they could call him at home and told them his number was in the book. He stated he felt he knew most people in the black community and considered himself one of them, but yet this is not mentioned anywhere in your draft.

Thank you for your time. If I can be of any further assistance or you wish to talk to me, feel free to call me at (304) 792-7200.

Sincerely,



P. D. Clemens, Sergeant
Detachment Commander
Logan Detachment

Appendix 4 Colonel Thomas L. Kirk, Superintendent, West Virginia State Police



West Virginia State Police
725 Jefferson Road
South Charleston, West Virginia 25309-1698
Executive Office

Gaston Caperton
Governor

Colonel Thomas L. Kirk
Superintendent

June 27, 1994

Ki-Taek Chun
Deputy Director, ERO
United States Commission on Civil Rights
624 Ninth Street, N. W.
Washington, D. C. 20425

Dear Mr. Chun:

I have reviewed your draft report of the May 1993 forum in Logan. I would like to make some personal observations. I have contacted Sergeant P. D. Clemens and I have included a copy of his report to me concerning the incident. Sergeant Clemens was not only present at the scene of the shooting but was also present at the forum.

I agree with his comments about the day of the shooting. Although this incident is in litigation, thereby keeping me from giving you specifics, a very thorough investigation of the incident by my Internal Affairs Department, the Logan Prosecutor's Office and the FBI has revealed that Sergeant Clemens' comments are factual.

You also footnote that Colonel Buckalew was replaced because of this incident. This could not be further from the truth. After speaking with the Colonel and the Governor, his replacement by me had nothing to do with this case.

The incident that you refer to on page 23 involving the Deputy Sheriff was investigated by the State Police and as a result of our investigation and the use of undercover officers, charges were brought upon the officer involved.

The concerns of slow response time can only be solved with the adding of additional Troopers. We are now at the lowest point that we have been in almost twenty-five years. This, coupled with the fact that until 1983 a Trooper worked until the task was accomplished and now overtime pay must be paid for anything over eight hours a day, has crippled us. The Governor has promised that he will increase our numbers to six hundred by the end of 1996. This will go a long way in solving the problem of slow response.

Mr. Ki-Taek Chun
June 27, 1994
Page 2

I have checked into the charge of a slower response time for black neighborhoods than for white neighborhoods and I find that allegation to be totally without merit.

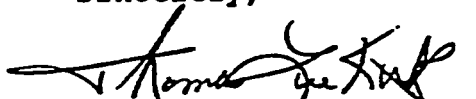
I also agree with Sergeant Clemens that First Sergeant Ables' plea to the community to come to him personally with problems should be mentioned in your report. He is a twenty year member of the community and works daily in all aspects of community policing and community activities.

In reference to police officers using the slang "nigger", this is not only against our Department Policy but would be dealt with on the most severe level if it occurred within the State Police.

Finally, after the meeting that day, I was approached by a young, single parent, a black lady who had heard me say that we were having a hard time finding and recruiting minorities. I personally sent her an application and she has worked for us at Headquarters for over a year.

The State Police continues to assist the community in all aspects of public service and will continue to do so. All allegations are investigated thoroughly. I personally know the Troopers who work the Logan County Detachment and I would have to go a long way in finding any better Troopers.

Sincerely,



COLONEL THOMAS L. KIRK
SUPERINTENDENT

TLK:pmc

U.S. COMMISSION ON CIVIL RIGHTS
Eastern Regional Office
624 Ninth Street, NW, Suite 500
Washington, DC 20425

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