

## Threats and intimidation

By **BRANDON A. PERRY** | Posted: Thursday, July 28, 2011 11:37 am

A strong message was sent to residents of Indiana recently: You don't have to put up with discrimination that involves threats or intimidation.

In U.S. District Court in Indianapolis, Sheryl Small, 48, was sentenced on felony charges of threatening to burn down a rental property being viewed by two African-American women. She was given six months in federal prison, followed by three years of supervised probation.

The sentence was announced by Joseph Hogsett, U.S. Attorney for the Southern District of Indiana, whose office served as prosecution for the case.

"This type of behavior is not only morally unacceptable, but it is also illegal," Hogsett told the Recorder in an exclusive interview. "If anyone chooses to engage in it, they will be identified, investigated and fully prosecuted."

In September, 2009, Small, who is white, shouted racist remarks at a 55-year-old African-American woman and her 25-year-old daughter as they were being shown a house by a landlord in the 700 block of Mount Street on the city's near Westside.

"Ms. Small ran out of her house and leveled racial epithets not only at the women, but also at the landlord, who is an elderly white male," Hogsett reported.

Small then threatened to burn the house down if the two Black women moved into the predominantly white neighborhood.

The women and the landlord spoke to authorities about the incident. Following an investigation by the Indianapolis Metropolitan Police Department, the FBI and Civil Rights Division of the Department of Justice, Small was charged with a criminal violation of the federal Fair Housing Act.

Passed in 1968, the act prohibits individuals from threatening, intimidating, harassing or otherwise coercing other people from obtaining housing because of their race.

"It embodies the intent of Congress to eliminate housing discrimination and achieve integrated and balanced neighborhoods throughout the country," said John Trasvina, assistant secretary for Housing and Urban Development (HUD).

According to HUD, more than 2 million instances of housing discrimination occur each year, but fewer than 1 percent are reported to the agency and other authorities.

"Many people do not know that they have been victims of housing discrimination because they do not fully understand which activities are illegal under the Fair Housing Act," he said. "But if you think your rights to fair housing have been violated, help is available. Housing discrimination complaints can be filed with us."

Trasvina explained that illegal activities include refusing to rent or sell housing, making housing unavailable, providing different housing services or facilities, falsely claiming housing is unavailable for sale and using discrimination in setting terms, conditions and privileges for sale or rental.

In court during the Small trial, attorney Betsy Biffel of the Department of Justice spoke for the prosecution.

During her court appearance, Small, who was represented by a Black attorney, pleaded guilty to the charges against her. She also claimed to have apologized to the women the day after making her threats, and said she has changed her views on race relations since the incident.

Small could have received up to 14 months in prison, but was given 6 months in consideration of the guilty plea and the fact that she is the sole caregiver of her elderly father.

However, U.S. District Judge Tanya Walton Pratt, who presided over the case, gave a stern warning to Small in the event that her announcement of a change of heart was just for show.

Pratt said the sentence might not change Small's views if she is at heart a racist, but "it will show you that you must be responsible for your words and cannot make threats against people based on their race under any circumstances."

The younger African-American woman eventually moved into the rental property with her boyfriend, and ironically, the house did burn down. Police believe the fire was arson, but Small is not listed as a suspect in that incident, which is still under investigation.

Hogsett said the Small incident was the eighth case of racial discrimination involving threats of violence within the last five years to be brought to his office, which covers Central and Southern Indiana. All of the cases involved defendants who were sentenced to prison for making violent threats and violating federal civil rights laws.

The most high profile examples include three cross burnings that occurred in Muncie in 2007 and 2008 that were designed to chase minority families from various neighborhoods.

"It's unfortunate and sad that these type of incidents still occur," Hogsett said. "Our response is that we will continue to be vigilant in protecting Hoosier families and their right to live in peace, in safety, and be free from intimidation, threats and harassment."

Activist Wade Henderson said it is good that federal officials remain committed to enforcing the Fair Housing Act.

"Forty years after its passage, we've seen an erosion of housing rights in the sub-prime meltdown and the mortgage lending and housing crisis," said Henderson, president of the Leadership Conference on Civil and Human Rights. "The American dream of having a home must be reinvigorated because where you live affects so many aspects of life. Housing goes deeper than four walls - where we live can determine where our children go to school, where we work, and too often, our access to opportunity."

To report housing discrimination contact HUD at 1-800-669-9777, or visit [www.hud.gov](http://www.hud.gov).

