

STATE OF MICHIGAN

DEPARTMENT OF CIVIL RIGHTS

MICHIGAN CIVIL RIGHTS COMMISSION PUBLIC HEARING
Cadillac Place, 3054 West Grand Boulevard
Detroit, Michigan - Wednesday, January 11, 2006

- BOARD MEMBERS - MARK BERNSTEIN, J.D. - Chairman
- MOHAMMED ABDRABBOH, J.D. - Vice-Chairman
- MARGARET VAN HOUTEN, J.D. - Secretary
- ALBERT CALILLE, J.D. - Commissioner
- KELVIN W. SCOTT, J.D. - Commissioner
- MATTHEW WESAW - Commissioner
- LINDA V. PARKER, J.D. - Director
- RON ROBINSON, J.D. - Case Counsel
- TAJ WILLIAMS - Timekeeper

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Rachel Sunde, CER 6538

1 Detroit, Michigan

2 Wednesday, January 11, 2006 - 6:05 p.m.

3 MS. PARKER: My name is Linda Parker, and I am
4 the Director of the Michigan Department of Civil Rights.
5 The public hearing that is being held tonight is being
6 convened by the Michigan Civil Rights Commission. The
7 Civil Rights Commission is an eight member, non-partisan
8 public body that is charged with the protection of civil
9 rights of the people of the State of Michigan.

10 We are unique here in Michigan in that our Civil
11 Rights Commission, this commission right here, derives its
12 power from the Michigan Constitution rather than by a
13 simple statute or law in the state. Unlike a statute which
14 is the product of the legislature, the Constitution is the
15 direct act of the people. And so in 1962, the people of
16 Michigan spoke and they spoke through their vote. And they
17 made it very clear that the protection of civil rights was
18 of such paramount importance that the duty and obligation
19 to protect those rights would be enshrined in and empowered
20 by the State Constitution.

21 Article V, Section 29 of the State Constitution
22 requires the commission to secure the equal protection of
23 the people's civil rights and to investigate alleged
24 discrimination against any person in the enjoyment of such
25 civil rights. It is with this Constitutional authority

1 that this hearing will proceed. I turn over the
2 proceedings to Commissioner Mark Bernstein, Commission
3 Chair.

4 MR. BERNSTEIN: I want to call this special
5 hearing of the Michigan Civil Rights Commission to order.
6 My name is Mark Bernstein. I'm an attorney from Ann Arbor,
7 Michigan. I'm the chair of the Michigan Civil Rights
8 Commission. And I want to welcome everyone to these
9 extraordinarily important proceedings this evening.

10 This hearing is about really two things when we
11 get down to it. One is about conduct. We are talking
12 tonight about allegations of voter fraud by a group working
13 to ban affirmative action in Michigan. These are
14 allegations that involve the conduct of circulators, not
15 the content of the ballot proposal, and how these
16 signatures were gathered to obtain a place on the November
17 ballot.

18 Secondly, it is about being responsive to
19 Michigan citizens. It's about listening to these
20 profoundly important and serious allegations. I believe
21 that to ignore these allegations would be simply to ignore
22 the obligations and responsibilities and the duties of this
23 commission.

24 Tonight we are simply doing our job. Let's be
25 clear about what we're talking about tonight. We're

1 talking about the civil rights of Michigan voters. And
2 there is nothing to me, and I would submit to this
3 commission, that is more central or more sacred to the
4 mission of this commission than an individual's voting
5 rights period.

6 Today we live in a time I believe of increasing
7 cynicism about issues of public interest. I believe that
8 this cynicism, this distrust, flows less from the content
9 of public policy but more from the conduct of public
10 policymakers or those who attempt to influence public
11 policy. Voters may decide the fate of affirmative action
12 on the November ballot. And I believe that we owe it to
13 ourselves and to future generations, many of whom are
14 represented in this room who will be affected by that, who
15 will live with the impact of these decisions. And we have
16 to treat this issue and each other in a way that is honest,
17 that is fair, and that is responsible.

18 And so I call the special hearing to order.

19 I'll

20 ask members of our commission to introduce themselves.
21 I'll then go over some of the ground rules of this evening,
22 and then we'll call our witnesses. So why don't we just
23 begin from my right with Commissioner Matt Wesaw.

24 MR. WESAW: Thank you for introducing me.

25 MR. BERNSTEIN: I'm trying to save time. You
26 know we're moving along here.

1 MR. WESAW: Commissioner Matt Wesaw out of Holt.

2 MR. SCOTT: Commissioner Kelvin Scott.

3 MS. VAN HOUTEN: Commissioner Margaret Van
4 Houten, Dearborn Heights.

5 MR. ABDRAHBOH: Commissioner Mohammed Abdrabboh,
6 Dearborn, Michigan.

7 MR. CALILLE: Commissioner Al Calille.

8 MR. BERNSTEIN: Okay. Great. Thank you. We
9 are

10 holding this hearing -- I want to just go over three very
11 important housekeeping administrative items. We're holding
12 this hearing for one purpose, and it's to hear testimony on
13 alleged voter fraud. Therefore, this commission will not
14 be addressing other individual civil right complaints. The
15 Civil Rights Commission covers a very broad spectrum of
16 civil rights issues. We will not be addressing those
17 issues this evening, but I do encourage anybody who is here
18 to talk about those issues to go to the service center
19 tomorrow. From Monday to Friday, it's open from 8:30 to
20 5:00. It's on the third floor of this building. And there
21 are service centers across the state.

22 Secondly, this hearing has to conclude at around
23 8:30. The public space of this facility closes at around
24 that time. And so we're going to do everything possible to
25 move through this quickly and efficiently. Speakers are
26 going to be called to the table in front of me. And we

1 will only recognize those who are on the witness list or
2 who have submitted a speaker request form. Anyone wishing
3 to give testimony needs to fill out and complete a speaker
4 request form. There are representatives of the Michigan
5 Department of Civil Rights who are circulating, and you can
6 find one of them. If they could just raise their hand, and
7 if -- anybody from the Department of Civil Rights. You can
8 find them. They'd be happy to take your form, and they'll
9 make sure that we get it up here. And we'll do everything
10 we possibly can to make sure that your voice is heard this
11 evening.

12 And the theme to this evening, as I said, is
13 about listening and it's about conduct. And it's about how
14 we discuss issues of consequence in this state. So we need
15 to respect each other in this room, whether or not you
16 agree or disagree with those opinions. That's what this
17 meeting in many ways is all about. And so I urge everybody
18 and I remind them that the person sitting at the witness
19 stand in front of us or up at this table have the floor.
20 And nobody else will be recognized. So please show respect
21 for people who are testifying this evening.

22 Each speaker will be given five minutes to
23 provide their testimony. Members of the commission are
24 free to ask questions if they wish. Taj Williams, who is
25 sitting to my right, probably has the most difficult job in

1 the room this evening. He's our official timekeeper, and
2 he will be giving people a warning when they're about a
3 minute away from the end of their five minutes. So please
4 keep an eye on him. And we will also do our best to try to
5 keep your comments to a minimum; the minimum amount of time
6 being five minutes at the maximum.

7 So here's how this hearing is going to proceed.
8 We will call witnesses at the beginning up until about 8:00
9 o'clock or a little bit after 8:00 o'clock. And all these
10 individuals on the witness list are individuals who have
11 either signed a petition, were approached to sign a
12 petition, or were involved in the petition process as a
13 circulator. We will then end going through the witness
14 list no matter how far down we are at about 8:00. And at
15 that time we will open this meeting to a public comment
16 period which we're required to do under the Open Meetings
17 Act, but also because we do want to hear your voices on
18 this. And that will run until the conclusion of this
19 hearing. If we can't get to everybody this evening -- and
20 I have a suspicion we probably will not be able to get to
21 everybody this evening. There are a large number of people
22 here -- we will make every effort to hear your voice in
23 another hearing, at another venue, in some other way. So I
24 just want people to know that and to hear that.

25 So we will begin -- one other reminder. I want

1 to ask everybody, if possible, to turn off their cell
2 phones. I was just reminded of that. If you could check
3 your cell phones and put them on vibrate at a minimum? So
4 I'm now going to call our first witness, Ruthie Stevenson.
5 Ruthie, would you please come to the witness table? And
6 every one of our witnesses are going to be sworn. And
7 Ruthie, if you could remain standing while our court
8 reporter swears you in, please?

9 REPORTER: Do you solemnly swear or affirm that
10 the testimony you're about to give will be the whole truth?

11 MS. STEVENSON: I affirm.

12 RUTHIE STEVENSON

13 having been called and sworn:

14 MS. STEVENSON: First of all, speaking real
15 quickly, I'd like to commend this body, the Michigan Civil
16 Rights Commission, for allowing us as citizens, as Paul
17 Harvey would say, to have a venue for the rest of the story
18 about the signatures that were garnered by the MCRI and in
19 using lies, deceptions, and paper practices on signatures.

20 My name is Ruthie Stevenson. I'm president of
21 the Macomb County branch of the NAACP. To set the tone for
22 this evening, I will be reading a signed affidavit by Mr.
23 Noah Felix, who is an 86-year-old resident of the City of
24 Mount Clemens as well as a community activist.

25 "My name is Noah Felix. I reside at 83

26 Robertson

1 Street in the City of Mount Clemens. I am an -- I'm
2 86-years-old and a long-time supporter of the NAACP.
3 One morning during the summer of 2004, I encountered a
4 black man who appeared to be in his early 30's at the
5 post office on Main Street in Mount Clemens. He asked
6 me to sign a petition for a ballot initiative. He
7 said it would make affirmative action better, and he
8 said that the president of the NAACP backed it. I
9 personally know Ruthie Stevenson, the president of the
10 Macomb County NAACP, and so I asked him who the
11 president was. He said her name was Ruthie Stevenson.
12 I did not let anything get me mad, but I did not like
13 what he said. I did not like him using the name NAACP
14 and Ruthie Stevenson's name to lie to people. I told
15 him right to his face that I did not believe him. I
16 told him that I knew Ruthie Stevenson and talked to
17 her regularly. I refused to sign the petition. And
18 for about 20 minutes after that, I stood there next to
19 him. This man asked more people to sign, and he told
20 each one that the president of the NAACP supported it.
21 I told the people I would not sign it and that I knew
22 Ruthie Stevenson personally and she did not support it
23 and the NAACP did not support it. Most people
24 listened to what I said, but also about five people
25 signed it."

1 That was a statement that was given to me by Mr.
2 Felix. Also -- let me get this right. I was also
3 approached in summer of 2004 as well outside the Mount
4 Clemens Post Office. I happened to be going in, and I was
5 approached by this Caucasian male. And he asked me would I
6 like to sign a petition. And I said, you know, "In
7 reference to what?" And he said, "To make civil rights
8 fair for everybody." And, you know, I'm just asking
9 questions because I knew what it was about. And he stated
10 it was about affirmative action. And he then stated that
11 Ruthie Stevenson, president of the Macomb County branch of
12 the NAACP, was in agreement with it. And I did one of
13 those, ha, laughs, you understand.

14 I started to dig in my purse, and as I was
15 digging in my purse, he said that he had a pen. And I
16 said, no, it's not about a pen, and I handed him my card.
17 And he then looked at the card and I said, "I'm Ruthie
18 Stevenson, and I'm not in support of this divisive
19 initiative." And at that point, he turned and walked away
20 and I shouted at him, "Stop using my name to garner
21 signatures," and I went on into the post office.

22 I was appalled that he so blatantly used the
23 name
24 of the NAACP and mine also to lie to people to get
25 signatures. Some weeks later, Mr. Felix called me to tell
26 me the same thing had also happened to him. If we sit and

1 don't speak out against these kinds of deceptions
2 perpetuated on the citizens of this state by petitioners of
3 this ballot, we deserve what we get. I hold our Secretary
4 of State, Ms. Terri Lynn Land, who is in charge of
5 elections processes and procedures and Attorney General
6 responsible for sitting and not doing anything in this
7 situation. If it had been any other ballot proposal or
8 initiative, it would have been investigated.

9 We, the NAACP and concerned citizens of this
10 state of every hue and nationality, will work aggressively
11 to defeat this proposal. And, again, I commend this body
12 for allowing us as citizens to have a public venue to state
13 so everybody can understand and know the depths and lengths
14 that was went to to get signatures in a deceptive manner
15 from citizens in this state. Thank you so much.

16 MR. BERNSTEIN: Ms. Stevenson, I just have a few
17 quick questions. Do you recall the time and day of your --
18 when the circulator approached you?

19 MS. STEVENSON: The exact day -- actually, you
20 know, how I put it -- because we were working on the
21 election at that time, and it had went through my mind. I
22 had read Mr. Morelli's bio because he was running for
23 something in Clinton Township. He was over the affirmative
24 action piece. So that was after the primary, and I know it
25 was in the month of August. But to tell you the exact

1 day -- and I know it was in the afternoon.

2 MR. BERNSTEIN: And the location?

3 MS. STEVENSON: Mount Clemens Post Office.

4 MR. BERNSTEIN: Okay. If there's no other
5 questions, we'll call the next witness. Thank you very
6 much, Mrs. Stevenson. The next witness on our witness list
7 is Kathryn Blake and her daughter Yvette Bobo. Are they
8 present?

9 MS. HEATHER MILLER: Yeah, I just talked to her.
10 There's a whole group of Flint coming down, and Kathryn is
11 the vice-president of the NAACP. They're on their way.
12 They're about 20 minutes away.

13 MR. BERNSTEIN: Okay. Okay. Thank you very
14 much. The next person I have on my list is Turquois King
15 and Bernita King. Are they present?

16 AUDIENCE: Yeah. They're right here.

17 MR. BERNSTEIN: Okay. Would you please come
18 forward? And while she's coming forward, I also want to
19 say something I should have said at the top and I want to
20 make very clear that everybody hears this. We want to
21 emphasize that this is an open and balanced hearing. It is
22 our intention and it's our obligation to hear every voice
23 on this issue. And so we invite representatives from the
24 Michigan Civil Rights Initiative, if they're present, to
25 participate in this hearing. And if there's anyone who

1 wishes to speak on behalf of the MCRI, please find one of
2 our department representatives anywhere in this room --
3 again, they raised their hand before. I'd like them to
4 raise their hands again -- who will make sure that you are
5 afforded an opportunity to testify this evening or at any
6 other time if we have other hearings.

7 Our next speaker -- the next individual who we
8 plan to bring before us for testimony is Allison Kranz. If
9 she's available or if she's here if she could just be ready
10 to go next? Okay. So if you could please state your name
11 and your -- I'm sorry. Go ahead.

12 REPORTER: Do you solemnly swear or affirm that
13 the testimony you're about to give will be the whole truth?

14 MS. TURQOIS WISE-KING: Yes.

15 MS. BERNITA KING: I do.

16 MR. BERNSTEIN: If you could please both state
17 your names?

18 MS. TURQOIS WISE-KING: Good evening. My name
19 is
20 Turqois Wise-King.

21 MR. BERNSTEIN: Thank you. Welcome.

22 MS. BERNITA KING: Good evening. My name is
23 Bernita King.

24 MR. BERNSTEIN: Okay. Great. The floor is
25 yours.

26 MS. TURQOIS WISE-KING: Thank you.

1 TURQOIS WISE-KING

2 having been called and sworn:

3 MS. TURQOIS WISE-KING: My name is Turqois
4 Wise-King. I live at 16661 Woodingham in the City of
5 Detroit. I am a 12th grader at Mumford High School and an
6 organizer with BAMN, the coalition to defend affirmative
7 action, integration and immigrant rights and fight for
8 equality By Any Means Necessary.

9 I joined BAMN in February 2005. They came to my
10 school when I was in 11th grade, and they did a
11 presentation to my class. This was very important to me
12 because this was the first time anyone came to my class to
13 talk about affirmative action. I learned that it would
14 affect my chances into getting into a good college. I
15 always wanted to go to college to become a veterinarian,
16 and I wanted to get into Michigan State University. When I
17 found out that they used affirmative action and this would
18 affect me, I wanted to fight for it.

19 I thought it was really wrong how MCRI lied to
20 other Detroiters. If you want somebody to sign something,
21 don't lie about it; be honest about it. I was determined
22 when I heard about it, and I didn't want them to get away
23 with it. I felt it was my duty to do something and not
24 just watch this fraud get on the ballot. When I found out
25 how many people who were lied to, it really shocked me.

1 During a BAMN meeting, we were looking at lists
2 of people who signed the MCRI petition. And I looked at my
3 own zip code which was 48221. When I saw my mom's
4 signature, it was too shocking for words. I knew that she
5 was a strong supporter of affirmative action, and she
6 supported BAMN. She supported the cause and sold T-shirts,
7 and cooked food for the students. It shocked me and even
8 made me more determined to fight. I knew that they had
9 lied to people, but this time they did it to my mom. And
10 no one gets away with lying to my mom and using her for
11 anything. She is a great woman, and I know she would never
12 sign anything to hurt me or against me.

13 After I found out my mom signed it, I teamed up
14 with some BAMN members and we looked at the 48221 area
15 code. I found 25 people on my block who had signed it. It
16 was shocking because I got to see where MCRI actually went.
17 They had been to the Sav-On grocery store, the Dollar
18 Store, credit union, places that were near my street. So I
19 organized on my block, and I got a few people to come to
20 the hearing. We got plenty of support. Those who couldn't
21 make it said they supported BAMN and the cause as well.

22 We contacted five people. They each signed
23 affidavits. When they saw their names on the petition,
24 their faces were lit with horror. And before I could
25 finish what I had to say, they would say, "Oh, my God. I

1 would never ever sign anything against affirmative action,"
2 because of my son, or my daughter, or my grandson, niece or
3 nephew. "I want them to prosper and get a good education.
4 I'm going to fight on your side. Give me an affidavit and
5 I'll see you on the 11th and I will testify."

6 This is about the signatures and about the
7 fraud.

8 But even more, it's about the young people like myself.
9 When I talk about this to people in my classroom at my
10 school, they are angry, and they say things like, "Nobody
11 is going to keep me out of college. Nobody is going to
12 stop me from achieving my goals."

13 My mom always told me that she doesn't want me
14 to
15 work in a factory and she doesn't want me to work in fast
16 food. She always told me to get a good education. I
17 already work hard enough because I'm black. And we are a
18 minority, you have to work twice as hard. I think this is
19 total voter fraud. What makes MCRI think they can come --
20 what makes MCRI think they can come into the City of
21 Detroit where it's mostly black and get thousands and
22 thousands of signatures and think they can get away with
23 it?

24 I want you, the commission, to do an
25 investigation because in the City of Detroit the word is
26 getting around and people are talking about it. And if you

1 don't investigate, it's just going to get bigger and

1 bigger. And you know it is the right thing to do, and you
2 must investigate. Thank you.

3 MR. BERNSTEIN: Thank you. Bernita, please.

4 BERNITA KING

5 having been called and sworn:

6 MS. BERNITA KING: My name is Bernita King. I
7 reside at 16661 Woodingham in Detroit, Michigan 48221.
8 About three weeks ago my daughter Turquois, a BAMN
9 organizer, informed me that my name was on the MCRI
10 petition. I was livid because there's no way that I would
11 affiliate myself with anything against affirmative action.
12 I am for affirmative action and so is my daughter. In
13 fact, I myself have sold BAMN T-shirts to support the
14 cause.

15 As a retired UAW Local 262 member from American
16 Axle, I have always been a strong supporter of the Civil
17 Rights Act. I grew up in Mississippi, and I have seen a
18 lot of discrimination. My daughter is my life. I would
19 never, never do anything to insult the struggle and the
20 fight that has been passed on from one generation to
21 another. I stand behind my daughter, and I stand behind
22 the cause of affirmative action and equal opportunity. If
23 we don't stand up for something, we will fall for anything.

24 I was deceived to believe that the petition was
25 for affirmative action, not against it. As parents of

1 Turquois, Thomas Wise and myself, we are proud of her
2 accomplishments and her future with BAMN and the civil
3 rights movement.

4 Ward Connerly is not worthy to walk in the shoes
5 of a black person. Our people have struggled for 400 years
6 against oppression and brutality. We have given our blood,
7 our sweat, our tears, and our lives so that people like
8 Ward Connerly can be what he is today. It saddens me in
9 2006 the fight against the white man is really against a
10 group that has manipulated Ward Connerly for greed and love
11 of money and betrayed his own people.

12 I am still furious about the audacity of the
13 situation. My name is on the petition -- excuse me. My
14 name is on the petition to ban every opportunity we fought
15 for. I'm not wealthy, and affirmative action could benefit
16 my daughter. God forbid they remove it. I demand my name
17 be removed from this petition and that this petition should
18 never see the light of day or a ballot.

19 MR. BERNSTEIN: Thank you very much for your
20 testimony. If there's anybody on the commission that has
21 any questions? I'd like to just remind people to please
22 refrain from clapping or making any noise during this
23 proceeding. This is an important and a very sober
24 proceeding. We have to maintain order here. It's very
25 important. But thank you very much for your testimony.

1 Are there any --

2 MR. CALILLE: Mr. Chairman, I just had a
3 question.

4 MR. BERNSTEIN: Please.

5 MR. CALILLE: I wasn't clear from your
6 testimony.

7 Do you recall signing the petition or not signing it?

8 MS. BERNITA KING: Well, no, I don't.

9 MR. CALILLE: You don't recall if you signed it
10 or not?

11 MS. BERNITA KING: No, I don't. But my name was
12 on the list.

13 MR. CALILLE: I'm just trying to clarify the
14 nature of the fraud. Are you saying that you absolutely
15 didn't sign it and somebody forged your signature, or are
16 you saying you didn't recall signing it? Or are you saying
17 you may have signed it but under false pretenses?

18 MS. BERNITA KING: I never affiliated myself
19 with
20 the petition; never. And since my name is on the list, I
21 still don't affiliate myself with that petition.

22 MR. SCOTT: Did you or someone else see your
23 signature on a petition?

24 MS. BERNITA KING: My daughter.

25 MR. SCOTT: Did she recognize that as being your
26 signature? Is the daughter --

1

MS. BERNITA KING: You can ask her. She's here.

1 MR. SCOTT: It's the daughter that's with you
2 right here?

3 MS. BERNITA KING: This is my daughter.

4 MR. SCOTT: Did you recognize that as your mom's
5 signature?

6 MS. TURQOIS WISE-KING: I saw my mother's name
7 on
8 a list of zip codes. She says that she doesn't recall that
9 she signed this petition. So that means there had to be
10 some kind of fraud that someone probably used her name.

11 MR. SCOTT: Did you see her signature on the
12 petition?

13 MS. TURQOIS WISE-KING: No, I didn't.

14 MR. SCOTT: Okay.

15 MR. BERNSTEIN: Thank you very much.

16 MS. BERNITA KING: Okay. Thank you.

17 MR. BERNSTEIN: Allison Kranz, are you present?
18 John Riehl will be the next person on the witness list if
19 you could just be ready to go. Thank you. Allison, if you
20 could remain standing. Thank you.

21 REPORTER: Do you solemnly swear or affirm that
22 the testimony you're about to give will be the whole truth?

23 MS. KRANZ: I do.

24 ALLISON KRANZ

25 having been called and sworn:

26 MS. KRANZ: Good evening. My name is Allison

1 Kranz. I'm from West Bloomfield, Michigan. I'm a recent
2 graduate of Grand Valley State University, so for the last
3 couple years I've been in Grand Rapids, Michigan.

4 I wanted to talk about my experiences with the
5 canvasser from the Michigan Civil Rights Initiative. This
6 event took place on September 12th, 2004, in Grand Rapids,
7 Michigan outside of Calder Plaza which is in downtown Grand
8 Rapids. I know that it happened on this date because this
9 was the last day of the Hispanic festival that annually
10 happens in Grand Rapids and I attended with some friends.

11 A woman right outside the festival, a Hispanic
12 woman, stopped me and asked me if I wanted to end racism
13 and if I cared about civil rights. I said, "Absolutely,"
14 and I stopped. She was collecting signatures, a petition,
15 so she could have this referendum on the ballot. The name
16 of the initiative sounded familiar to me, and I had a very
17 basic understanding of it. I asked her if this was the
18 same initiative that could impact affirmative action, and
19 she said no, that was something else. And, again, this
20 didn't really sound right to me because I thought I had a
21 basic understanding of what was going on.

22 And so I asked her if I could see her pad of
23 signatures. I asked her if I could see her pad of
24 signatures to read the statement on the top. Again, it
25 looked basically familiar to me. And I said, "Are you

1 sure?" And she said, "No, that's something different." In
2 the meantime, two other people had come out of the festival
3 and she asked the same question to them; you know, do they
4 want to stop racism; do they believe in civil rights. They
5 said yes.

6 And she explained to them what she explained to
7 me which was that, if this was passed, it would just be a
8 basic -- it would reaffirm the practices that were already
9 continuing on in the state in terms of -- I'm sorry. What
10 would happen was that this initiative would ban all types
11 of discrimination against minorities. So these two people
12 signed the petition. And again I asked the canvasser, "Are
13 you sure this has nothing to do with affirmative action?"
14 And again she told me I was mistaken.

15 I thought perhaps we had different
16 understandings

17 of what affirmative action was. And so I said, "Are you
18 familiar with the U of M case that had to do with race and
19 point systems?" She said yes, she was. I said, "So if
20 this referendum had already passed -- it was already in the
21 State Constitution at this time -- how would it have
22 affected that case?" She said that case would have never
23 happened because this referendum would reinforce the
24 state's current practice of college admissions, hiring, and
25 overall stop the discrimination against minorities.

1 At this point the woman seemed to be a little
2 bit

1 defensive, and I questioned her if she was absolutely sure
2 about everything she was telling me. Once again, she
3 confirmed what she had previously told me and the two other
4 people who are now listening to our conversation. I told
5 her that I could be mistaken but what she was saying did
6 not match what I understood of this initiative. I said the
7 media had even called it controversial.

8 All of us; the canvasser and the two people from
9 the festival and myself; were about to part when the people
10 said that they wanted their names taken off the signature
11 pad. I also said that I would not sign because what she
12 said seemed a little too simple to me. The woman quickly
13 turned away and she walked away. And as the two people
14 said, "No, hang on, I want to take off my signature.
15 Stop," she continued to even walk faster down the street.

16 I know for a fact that those two signatures
17 should not have been on that pad, and I know for a fact
18 that they were probably counted. I personally believe that
19 any group or person has any right -- has whatever right to
20 bring forward anything that they choose if they do it
21 legally and if they follow the rules. I know for a fact
22 this group did not follow all the rules because this one
23 woman lied to me straightforward. I even went so far --
24 and I suggested that the woman that night go and research
25 in case she had been lied to. That night I did my own

1 research, and I can honestly say that 100 percent I was
2 lied to about the purpose of this initiative.

3 MR. BERNSTEIN: Thank you. Let me just clarify
4 one of the things that you said.

5 MS. KRANZ: Sure; sure.

6 MR. BERNSTEIN: You indicated that the
7 circulator

8 said that this would not impact affirmative action; is that
9 correct?

10 MS. KRANZ: Correct.

11 MR. BERNSTEIN: And did you ask any other
12 questions specific to affirmative action, whether or not
13 this would overturn affirmative action, if this was in
14 favor of affirmative action, if this was going to ban
15 affirmative action?

16 MS. KRANZ: I asked how it would affect any type
17 of affirmative action in general, how it would affect the
18 state's current practices of affirmative action. And she
19 said I was thinking of a different initiative, I was
20 thinking of a different referendum.

21 MR. BERNSTEIN: Okay.

22 MR. CALILLE: Just one question. Did you ask
23 the
24 canvasser what they meant by affirmative action when they
25 made that statement?

26 MS. KRANZ: I did make the comment, "Maybe you

1 are thinking of different definitions of affirmative

1 action." That's when I brought up the U of M case.

2 MR. SCOTT: Did you ever actually read any of
3 the
4 language on the petition?

5 MS. KRANZ: I read the above statement that I
6 believe would be on the ballot this fall if it was taken.
7 That was on the top of the petition.

8 MR. CALILLE: I have one follow up. Do you
9 recall if that same statement about affirmative action was
10 made to the two individuals who did sign the petition?

11 MS. KRANZ: They were there when the comment was
12 made. I'm not sure if they were paying attention or not.
13 Right after -- when I first asked, "Does this have anything
14 to do with affirmative action," I asked to see the pad.
15 When I was reading the pad, that's when she said, you know,
16 "Do you believe in civil rights? Do you want to stop
17 racism?" They said, "Yes." They were automatically going
18 to sign it, and they did automatically sign it. But they
19 stayed there as we finished our conversation.

20 MS. VAN HOUTEN: Did you happen to get the names
21 of the two people who signed it or the person who was
22 circulating?

23 MS. KRANZ: No, I didn't.

24 MR. BERNSTEIN: And do you recall the date?

25 MS. KRANZ: It was September 12th, 2004.

26 MR. BERNSTEIN: Are there any other questions?

1 Thank you.

2 MS. KRANZ: Thank you.

3 MR. BERNSTEIN: Mr. John Riehl. And with John
4 Riehl -- I neglected to mention this -- I don't know if Mr.
5 Mulholland, Michael Mulholland, Mr. Lawrence Fears, Lynn
6 White will be available. If you could all please remain
7 standing while we swear you in please?

8 REPORTER: Do you solemnly swear or affirm that
9 the testimony you're about to give will be the whole truth?

10 MR. RIEHL: Yes.

11 MR. MULHOLLAND: Yes.

12 MR. GRAY: Yes.

13 MR. JACKSON: Yes.

14 MR. BRYANT: Yes.

15 MR. FEARS: Yes.

16 MR. BERNSTEIN: And if I could get each of your
17 names, please?

18 MR. RIEHL: My name is John Riehl.

19 MR. BERNSTEIN: John, thank you.

20 MR. MULHOLLAND: My name is Michael Mulholland.

21 MR. JACKSON: Kelvin Jackson.

22 MR. BERNSTEIN: I'm sorry. Could you say that
23 again?

24 MR. JACKSON: Kelvin Jackson.

25 MR. BERNSTEIN: Thank you, Kelvin.

1 MR. BRYANT: Mark Bryant.

2 MR. FEARS: Lawrence Fears.

3 MR. BERNSTEIN: Actually this microphone here on
4 the table is the functioning microphone. That's a press
5 microphone, so it's not amplifying.

6 MR. GRAY: My name is Ken Gray.

7 MR. BERNSTEIN: Welcome Ken. Anybody else?
8 Okay. Thank you. If you could please proceed?

9 JOHN RIEHL

10 having been called and sworn:

11 MR. RIEHL: Thank you, Commissioner. My name is
12 John Riehl, president of AFSCME Local 207 Detroit. We're
13 the workers who fix your water mains when they break and
14 supply your water service and your sewage treatment
15 service. We have about 1100 members in our union.

16 We started last week when we learned, by doing a
17 database analysis between our membership list and the BAMN
18 research on those people who signed the MRCI fraudulent
19 petition, that approximately our estimate was around 125 of
20 our members' names and addresses matched the MRCI
21 petitions.

22 We're very angry about this. We're very angry
23 about the fraud, and we decided to do something about it.
24 We started investigating, and we started talking to our
25 members. I went around and spoke to our members on this

1 list. Of course, we're very busy in negotiating contracts
2 and trying to defend people's jobs, but we were able to
3 find some time to do this. I collected over the last -- me
4 and my other union officers collected over the last week 27
5 affidavits which we have turned into the commission
6 already. I'll read one, and we'll move forward from there.
7 Affidavit of Gary O. Wesson.

8 "My name is Gary O. Wesson. I reside at 1450
9 Ferry Park in the City of Detroit. On 1-5-06 I was
10 contacted by John Riehl, president of my union AFSCME
11 Local 207, informing me my signature appears on a
12 state ballot initiative entitled Michigan Civil Rights
13 Initiative whose aim is to eliminate affirmative
14 action programs in the State of Michigan. I am a firm
15 supporter of affirmative action and equal opportunity
16 and would never knowingly sign a petition to end
17 affirmative action. The only way I would have signed
18 such a petition, if the petition circulator
19 misrepresented it to me. I have not seen a copy of
20 the petition, so I cannot determine whether my
21 signature is on it. I hereby request my signature be
22 removed by -- from the MCRI petition. Gary Wesson,
23 1506."

24 I've got a stack and the committee has got them
25 too. We're very upset with this. First, in many ways it's

1 identify theft the way they've been treating people's names
2 and what they believe as a mere political game to be
3 playing on our citizens of Michigan. We in Detroit have
4 lost the residency rule so affirmative action rules in our
5 union contract are very, very important. And in the future
6 when Detroit hires more workers, we will have to use those
7 affirmative action rules to keep black Detroiters in the
8 payroll instead of like what we saw with the fire
9 department recently. They hired 32 young; all men, all
10 white except for one nonblack Detroiters, no Detroiters, and
11 one Asian person. No black people from Detroit got hired.
12 That's the kinds of problems we have.

13 We want to remind the commission that Detroiters
14 are very concerned about their voting rights. Many of our
15 members participated in the Vote No on E campaign getting
16 the election of school board members back in Detroit's
17 hands and we're very proud of that. And we marched
18 together as a union in Cincinnati on affirmative action
19 twice, April 1st, 2003, in Washington; put a lot of effort,
20 took our vacation time to run out to Washington to make our
21 point. And we fortunately won that battle.

22 If you cut off the rights and the right to
23 redress for citizens, conflict will happen; chaos can
24 happen; riots can happen; strikes can happen.

25 We think the committee has a very clear

1 responsibility to have a stay put on by the State Supreme
2 Court to stop this ballot proposition until you guys do
3 your investigation. You have subpoena power. You can find
4 the facts to stop Mr. Drolet's claims that Detroiters are
5 nothing but liars. Remember, he's the person that's trying
6 to take over our water department. There's a double-edged
7 sword here. You can expose the racism behind Ward
8 Connerly. You can make a difference, and I would request
9 that you do that. And you'll hear testimony from my fellow
10 union brothers on this issue. Thank you.

11 MR. BERNSTEIN: Thank you.

12 MICHAEL MULHOLLAND

13 having been called and sworn:

14 MR. MULHOLLAND: Again, my name is Michael
15 Mulholland. I'm the secretary/treasurer of our local,
16 Local 207. How dare anybody call 40,000 Detroiters, or at
17 least those who have had a chance to see that their name is
18 on these lists, liars or imply that they're too stupid to
19 read. I was lied to.

20 I was in -- it was December 27th, 2004. I was
21 in
22 Eastland Mall in Harper Woods. And a man came up to me and
23 tried to get me to sign a petition, and I was naturally on
24 this like a radar screen. And I said, "What is that?"
25 "It's for affirmative action," he said. I looked at it and
26 said, "No, it's not." And then before I started something

1 with him, I left. So I know from my own personal
2 experience that people are being lied to out there.

3 If this was a tax measure, if I was circulating
4 something saying I want to raise the taxes and later found
5 out -- people found out that the people that were
6 circulating with me lied and said, "Oh, no, it's to lower
7 taxes," you know this would never end up on the ballot.
8 This is only ending up on the ballot because of the
9 disregard and disrespect for black people in this country.

10 Local 207 members have fought hard for
11 affirmative action. The current slate of leaders of 207
12 were elected twice with a central tenant of our program,
13 the fight for affirmative action. Members marched with bad
14 knees down through cold, rainy weather in Cincinnati twice.
15 We gathered money from our own pockets, donated some from
16 our treasury, went down to Washington in 2003 to march,
17 staying up all night on the buses because we thought it's
18 important.

19 Some people are under the illusion that
20 Detroiters are just victims, passive victims. Do not
21 believe that. If somebody is telling you that there will
22 be no consequences for this and that this was something
23 that, okay, it's a bad thing but it will pass, it will not
24 pass. It may theoretically pass in the -- on the ballot,
25 but it will not pass with the people of Detroit. We will

1 organize. We will fight. We won't let it happen and stay
2 happening. We proved that when they took our school board
3 from us. We didn't let up for five years until we got it
4 back.

5 This commission has a moral and political-legal
6 responsibility to act now. If they do, they will secure
7 their place in history. Each and every one of you will
8 have to make up your mind what your place in history is
9 going to be. If you don't act or if you pretend to act or
10 if you act in a way that's sure to result in failure, that
11 also will be a legacy. One last thing, the civil rights
12 movement fought hard for gains such as affirmative action.
13 But finally, truthfully, it took 1967 for the country to
14 wake up and institute and really put in place some
15 affirmative action. And I hope that this commission does
16 not wait for another 1967 to stand up for what is right.
17 Thank you.

18 MR. BERNSTEIN: Thank you. What I'd like to do
19 is, I'd like to just remind everybody providing testimony
20 to please restrict your comments specifically to the issue
21 of whether or not you were misled by a circulator, if you
22 are a circulator, related to the specific issue of an
23 allegation of voter fraud. We need to get through a lot of
24 people this evening and that would help us do that. Thank
25 you very much. Also, if anybody on the commission has

1 questions for any of these gentlemen, we will -- please
2 reserve those until they complete as a group their
3 statement and then we'll allow for questions. Go ahead,
4 sir.

5 MR. GRAY: Good evening, ladies and gentlemen.

6 MR. BERNSTEIN: Could you please state your name
7 one more time?

8 KEN GRAY

9 having been called and sworn:

10 MR. GRAY: Yes. My name is Ken Gray. John

11 Riehl

12 contacted me recently about the faulty signatures that were
13 placed on this ballot. Back during the summer I ran for
14 city council in the primary. I was approached by a young
15 black man who was interested in, you know, signing my
16 petition, but he also had a petition as well. He stated
17 that this was to keep affirmative action going. And it was
18 plain and simple, yes, to sign this because, you know, I
19 come from the south and I've seen segregation and
20 prejudice. I've seen where people have had to go to the
21 back of the building to drink water, get a glass of water,
22 or drink water out of a well. This young man assured me
23 that this was a legitimate petition that he was passing
24 around, so I signed it.

25 I didn't even know until John contacted me just
26 recently that my name was on this petition for something

1 else other than what I thought it would be. So I'm here
2 tonight, not only with Local 207 but to represent myself
3 and say take my signature off that ballot. It was -- first
4 of all, they used the young man as a smoke screen to
5 bamboozle the majority of us that were there signing that
6 petition. Second of all, you know, who has -- who in their
7 right mind being black would sign that petition? Does
8 anybody in this room know anybody that is that crazy?

9 Now, mine is short and sweet. I just want to
10 say

11 take my name off that petition, and you guys make a
12 difference in this. You know, we've got enough crooked
13 politicians doing backhanded deals going every day. So
14 let's cut this right at the quick. You know, let's stop
15 this. And that's all I have to say. Thank you.

16 MR. BERNSTEIN: Thank you.

17 KELVIN JACKSON

18 having been called and sworn:

19 MR. JACKSON: Good evening. My name is Kelvin
20 Jackson. I work for Waste Water, Detroit, Michigan. I'm a
21 union member Local 207. I was approached by Michael
22 Mulholland last Tuesday in January about this ballot
23 proposal that I allegedly had signed back in 2004, the
24 summer of 2004.

25 I thought it was for a school millage for
26 Detroit

1 Public School system because I am a homeowner in Detroit.

1 And I was alleged that we was trying to get more money for
2 the Detroit Public School system. And that's the only
3 reason I signed the ballot. I had no idea it was for an
4 anti-affirmative action initiative until last week. So I
5 would like the committee to take my name off the list on
6 this ballot to end affirmative action. Because me being a
7 black man living in Detroit, Michigan for 46-and-a-half
8 years, I have experienced racism myself in employment,
9 education, and just doing business with people throughout
10 Michigan. So for my grandkids who are 2, 3 -- I got 2, 5,
11 I would like to see them be able to go to the University of
12 Michigan, the U of D without having to say, "Well, no, you
13 can't go here because it's mainly for people that are white
14 only, not for people that are minorities."

15 MR. BERNSTEIN: Thank you.

16 MR. JACKSON: Thank you.

17 MARK BRYANT

18 having been called and sworn:

19 MR. BRYANT: How are you doing? My name is Mark
20 Bryant. I'm a senior water systems mechanic in Detroit
21 City. All right. On election day, 2005 -- all right -- I
22 was stopped by this guy coming out of the -- because I
23 wouldn't sign it going in. There was a bunch of people
24 standing outside trying to give you stuff; you know, take
25 this, and vote for this person, and whatnot. All right? I

1 MR. FEARS: I work at the waste water treatment
2 plant. I'm a sewage plant operator. I reside at 20441
3 Spencer, Detroit, Michigan 48234. In the summer of 2004, I
4 was going to the credit union. I work afternoons so I was
5 going to the credit union around 12:00 o'clock. I was in a
6 hurry. And when I got up there, I seen the lady with the
7 petition. I went on and told her I'd see her when I come
8 back out. I went in, took care of my business, came out,
9 and she asked me to sign a petition for affirmative action.
10 I said, "Wait a minute." I said, "Are you sure this is not
11 what Connerly is trying to put forth?" She said, "Oh, no.
12 It's not about what Connerly is doing. It's trying to keep
13 affirmative action in." I said, "Okay." I signed it.

14 And as I was signing it, I told people standing
15 around me, I said, you all better watch what you all
16 signing because you all got these snakes out here that's
17 trying to lie to you all. I didn't know I was talking to a
18 snake at the time. But I signed it. Okay. I was rushing.
19 But after I got in the car, I noticed the clipboard she had
20 looked like it was padded or something. This was after I
21 left her. I wished I hadn't of signed it once I left.

22 But anyway, when John called me and told me --
23 well, Mike called me Monday and told me I signed this
24 thing. I said, "No, Mike." I said, "I'm watching out for
25 these people. How could I sign that?" He said, "Your name

1 is on there." I said, "Okay."

2 And I value my voting rights, you know, because

3 I

4 know people died for me to be able to do this. You
5 understand? That's why I value it. And I could have had a
6 beautiful career in the military had it not been for
7 racism. That's why I got educated with racism and
8 prejudice. I wasn't the kind of person to take orders from
9 a person that didn't like me because of my color. I just
10 had a problem with that.

11 I was raised if a person lie, he don't have no
12 business doing it in the first place. That's the way I was
13 raised. I don't know how these other people was raised,
14 lying to folks and thinking it's okay. But if you listen
15 to the Free Press, the Free Press, they can tell their lies
16 and it's not illegal. I guess it ain't illegal. But why
17 would somebody orchestrate this just to lie? That means
18 it's not right in the first place if you've got to lie
19 about it. The truth is what I thought set you free, not to
20 lie. So I would like my name off of this. I'm very upset
21 about this.

22 Like I say, I know people died for me to be able
23 to vote. So it ain't no joke when I go to that poll. It
24 upsets me when people don't vote, especially black people
25 in this country that don't vote. That really hurts me to
26 my heart. They're spitting on the graves of their

1 ancestors. I guess that's about all. Thank you.

2 MR. BERNSTEIN: Thank you. Are there any
3 questions from the commission? I'd just like to ask a few
4 questions, Mr. Fears, of you if you don't mind. You
5 mentioned to me, to the commission, to the people here that
6 someone approached you and they said that to please sign
7 this petition to "keep affirmative action in" were I
8 believe the words that you used. What do you mean by that,
9 and what do you believe the circulator meant by that?

10 MR. FEARS: I didn't know what she meant.

11 That's

12 when I asked. I said, "Is this against what Ward Connerly
13 is doing." She said, "Yeah."

14 MR. BERNSTEIN: And she said "yes"?

15 MR. FEARS: Yes, it was against what he was
16 doing. All I know is Ward Connerly is a snake. Okay?
17 Whatever he for, I'm not for. When she told me it was
18 against what he was doing, I signed it. And I told other
19 people to watch for snakes, like I said. Watch what they
20 sign.

21 MR. BERNSTEIN: Mr. Bryant, also I want to just
22 clarify your statement. You said that somebody approached
23 you and they said that this is "for affirmative action."

24 MR. BRYANT: Right.

25 MR. BERNSTEIN: When they said "this is for
26 affirmative action," what did you believe that to mean?

1 MR. BRYANT: This is for affirmative action.
2 Affirmative action like is for the -- you know, you want to
3 go to college or something like that.

4 MR. BERNSTEIN: That it was preserving
5 affirmative action?

6 MR. BRYANT: Right.

7 MR. BERNSTEIN: Or that it was just about
8 affirmative action?

9 MR. BRYANT: No. It was pre- --

10 MR. BERNSTEIN: Preserving? Is that what you
11 mean?

12 MR. BRYANT: Yeah; affirmative action. It's
13 been
14 in the news -- all right -- that they want to kill
15 affirmative action for the college or something.

16 MR. BERNSTEIN: And Mr. Jackson, you indicated
17 that you believed it to be related to a school millage; is
18 that correct?

19 MR. JACKSON: That's correct.

20 MR. BERNSTEIN: And did the circulator -- the
21 circulator that approached you, did that person present it
22 to you as a school millage proposal?

23 MR. JACKSON: Yes, they did. It was on 6 Mile
24 and James Couzens at the Mobil gas station. I remember
25 signing something, but I never heard anything else about it
26 until last week when Mike Mulholland, Local 207 treasurer,

1 told me about it -- secretary, excuse me.

2 MR. BERNSTEIN: And what date was that; do you
3 recall?

4 MR. JACKSON: I know it was in the summer. It's
5 possible it may be like June, July, you know, summertime.

6 MR. BERNSTEIN: And do you recall what time of
7 day?

8 MR. JACKSON: Not really. But I know, you know,
9 it was in the day. It wasn't dark.

10 MR. BERNSTEIN: During the daytime?

11 MR. JACKSON: Right; yes.

12 MR. BERNSTEIN: Mr. Mulholland, you indicated
13 during your testimony a minute ago also that a circulator
14 said -- correct me if I'm wrong -- but it's "for
15 affirmative action." And I just want to clarify that
16 phrase. When they said to you "it's for affirmative
17 action," did you take that to mean that it was about
18 affirmative action, or that it was in support of
19 affirmative action?

20 MR. MULHOLLAND: No. I took it, I think, in the
21 more commonsense. If it's for something, that it's in
22 favor of it.

23 MR. BERNSTEIN: Okay. Thank you.

24 MR. CALILLE: I just have one question for
25 everybody. Do you recall if the petition that you signed,

1 at least with regards to those that signed the petition, if
2 the ballot proposal was on the same piece of paper that you
3 were asked to sign? Do you recall that?

4 MR. RIEHL: Yup.

5 MR. CALILLE: It was? You do recall that?

6 MR. RIEHL: It was one piece or two pieces is
7 your question?

8 MR. CALILLE: Well, the piece I'm asking is
9 whether or not the petition that you were asked to sign
10 included a copy of the resolution or the proposed
11 amendment, the language of the proposal? Still confused?

12 MR. BRYANT: No, because I didn't read it. It
13 was covered with a white piece of paper. It had names
14 under it. Right? And then they approach you saying this
15 is for affirmative action. All right? "We're trying to
16 get petitions to keep affirmative action going. Would you
17 sign this petition?" All right? Of course, you're going
18 to be like, okay, let me sign this. You see other names
19 there. All right? But on the top of this paper, you know,
20 you see the fine print. I didn't -- me, I didn't bother to
21 read it. I was tired. I was just getting off of work. I
22 want to say, let me run down here to vote when I got off of
23 work. I'm tired and ready to go home.

24 MR. FEARS: I remember the lady that asked me to
25 sign it, and I tried to read it. But the clipboard looked

1 like it was padded. And it had like it was covered -- I
2 thought about this after I got in the car. But I asked
3 her, I said, "You ain't got this up there." And she told
4 me something like they didn't have enough room to put it up
5 there, to that effect. I said, "Okay." I'm believing the
6 lady. You know, I ain't saying I'm that naive, but I
7 believed it. If it's for affirmative action, I'm going to
8 sign it anyway. So that's -- when I got to the car, I
9 wished I hadn't have signed it for some reason.

10 MR. BERNSTEIN: So on your particular petition,
11 on the clipboard -- was it a clipboard that was being used?

12 MR. FEARS: It was a clipboard.

13 MR. BERNSTEIN: There was or there was not a
14 copy
15 of the proposal that was being -- for which you were being
16 asked for your signature?

17 MR. FEARS: They had a copy on the top, but you
18 couldn't -- there was some papers up under this copy, but
19 you couldn't lift it up. It was like it was taped down.

20 MR. BERNSTEIN: Did you ask to see the language?

21 MR. FEARS: They had a few words up there. She
22 said just wasn't no room for them all. That's what she
23 told me, and I was in a hurry going to work too. So I said
24 okay and I kept going.

25 MR. RIEHL: Can I wrap up?

26 MR. MULHOLLAND: With me, all I could see was

1 that it said the Civil Rights Initiative -- Michigan Civil
2 Rights Initiative, that he had that. And then I started
3 seeing red, and I said something unkind to him and I left.

4 MR. BERNSTEIN: Okay.

5 MR. ABDRABOH: I have a question.

6 MR. BERNSTEIN: Yes; go ahead.

7 MR. ABDRABOH: I had a question for you
8 gentlemen. About from the time of the incident up until
9 your testimony today, have any of you filed any complaints,
10 written to MCRI, called, and have you gotten any responses
11 if you've done so?

12 MR. RIEHL: I don't believe anybody has because
13 we just started bringing people's attention to it starting
14 on Thursday out of our Local; Thursday, Friday, and Monday
15 particularly.

16 MR. BERNSTEIN: Okay. Now I understand that you
17 have affidavits; correct?

18 MR. RIEHL: Yes. We'll turn in a stack of 27.

19 MR. BERNSTEIN: If you don't mind, I'd like to
20 enter those as exhibits? If you could hand those to me?

21 MR. RIEHL: There's another copy. Sure.

22 (Exhibit 1 marked)

23 MR. RIEHL: And to thank the commission for your
24 good work. I do think this hearing is valuable. The truth
25 is going to come out. More hearings around the state,

1 particularly I understand a lot could be learned from
2 having a hearing in Flint. And we could get more
3 information from more of our members also because we are
4 able to do that because we're an electronic database.

5 MR. BERNSTEIN: Thank you. Thank you very much.
6 The next witness will be Emily Kunze. Is she present?
7 Thank you, Emily.

8 REPORTER: Do you solemnly swear or affirm that
9 the testimony you're about to give will be the whole truth?

10 MS. KUNZE: Yes, I do.

11 MR. BERNSTEIN: Okay. And if I could just

12 remind

13 you, we have a number of -- a very full room here with a
14 number of people who have been here for a long time. I
15 think everybody is doing a better job sitting still than I
16 think I am. But again, I want to remind everybody to
17 please remain quiet during these proceedings. It's
18 difficult to hear. This is a large room. And we greatly
19 appreciate it. So if we could please have order in this
20 room. Again, over here on my left. Excuse me. Thank you.
21 All right. Please proceed.

22 EMILY KUNZE

23 having been called and sworn.

24 MS. KUNZE: Hello. My name is Emily Kunze. I'm
25 president of AFSCME Local 2920. I've been president since
26 2002, and I'm serving my second term. I represent clerical

1 workers at the City of Detroit's water, public lighting,
2 and human resources department. My membership is
3 predominantly black women residing in the City of Detroit.
4 I was elected and re-elected because of the firm stance
5 I've taken around our union issues but also because I am
6 prepared to fight against the racist segregation and second
7 class treatment that black people suffer in the City of
8 Detroit. I've committed to my members, and I will fight
9 and organize against the racist discrimination and
10 oppression they suffer every single day.

11 Our local has been involved in the fight to
12 defend affirmative action for many years. When affirmative
13 action came under attack in the 1990's by the lawsuits
14 filed against the University of Michigan, our local made
15 the fight to defend affirmative action a top priority. We
16 have had countless discussions in our membership meetings
17 about the need to defend affirmative action. We've
18 distributed educational literature to our members, had
19 speakers attend our meetings, and we've supported efforts
20 and events to support and defend affirmative action.

21 Our union send members in buses to the march
22 on --

23 MR. BERNSTEIN: Ms. Kunze, I don't mean to
24 interrupt you, but if you could please restrict --

25 MS. KUNZE: I'm getting to it.

1 MR. BERNSTEIN: -- your testimony to issues
2 related to circulator activity. Thank you.

3 MS. KUNZE: I'm getting to it.

4 MR. BERNSTEIN: Okay.

5 MS. KUNZE: We sent our members on buses to
6 Washington D.C. April 1st, 2003, to protest in favor of
7 affirmative action, in defense of it when it was in front
8 of the Supreme Court. My members have given money and time
9 to defend affirmative action. We do not want to go back to
10 a system that further oppresses black, Latinos, and other
11 minorities and all women. We don't want to see our
12 children barred from opportunities for higher education or
13 decent jobs and promotions.

14 Last week, I compared my membership list to the
15 60 percent of the MCRI petition signatures afforded to
16 BAMN. I found that seven percent of my membership had
17 signed that petition. If I was afforded the other 40
18 percent of the petition signatures, I'm sure that number
19 would proportionately increase to about 12 percent. Every
20 last member that signed that petition was black and almost
21 all women. Every member I approached to see if they
22 intended to sign the petition denied signing a petition to
23 upend affirmative action. And I have affidavits here also
24 that I want to present.

25 Every member I approached signed the affidavit.

1 Members were confused and angry that their names were on a
2 petition that wanted to ban affirmative action. I had a
3 chief steward, an officer, an executive board member, a
4 leader in our union that is very abreast of the racist
5 nature of the petition, conned into signing the petition.
6 I had a member that signed the petition stating that she
7 couldn't believe she had signed it because she's very aware
8 of the attacks of affirmative action and spoke about that
9 she's been following affirmative action since the
10 California Bakke Ruling in 1978. After talking to my
11 members, it became absolutely clear to me that the MCRI
12 conducted a conscious, concerted campaign to misrepresent
13 the contents, purpose, and effect of the measure they
14 propose to put on the 2006 ballot.

15 In 2004, your commission had its 40th
16 anniversary

17 and put out a booklet describing your history. And you
18 talked about how progressive Michigan was. For instance,
19 in 1867, Michigan passed legislation prohibiting racial
20 segregation in education. In 1885, Michigan passed
21 legislation barring discrimination in public
22 accommodations. And in 1890, the Michigan Supreme Court
23 rejected the notion of separate but equal.

24 You play a really important responsibility in
25 creating and maintaining equal opportunity and treatment.
26 You also play a role in preventing hate crimes and curbing

1 racial tensions. If this proposal gets on the ballot only
2 because the petition signatures were obtained through
3 vicious lies and no one does anything about it and then it
4 passes in Michigan, a state that's overwhelmingly white,
5 the social effects will be devastating. We already know
6 that there will be a decline in minority enrollment in
7 learning institutions, the gender and race gap will
8 increase in the work force, and segregation will deepen in
9 Michigan. We will also experience an increase in racist
10 and sexist violence in our state.

11 You can be sure the message sent from Lansing
12 will be that our government had a chance to investigate the
13 fraud and stop this travesty of justice but refused to.
14 Black and other minority citizens will be assured that our
15 government doesn't care about their rights at all. There
16 will be a clear understanding that our government will do
17 nothing to stop racism and sexism in our state. It will
18 become crystal clear that a black person has no right to a
19 fair and equitable election system.

20 And you can be sure there will be a massive
21 reaction from the black community in this state,
22 particularly in Detroit. There will be fight back as black
23 people fight to defend the gains they've won over the last
24 50 years. There will be an organized resistance. The
25 black community of Detroit will be heard. We have never

1 sat back. We know how to fight back. We won't, we can't
2 endure further segregation, poverty, unemployment, crime,
3 and hunger. We won't let our kids be denied the
4 opportunity to be educated, succeed, and contribute to our
5 society.

6 Another thing that I read from your booklet that
7 you put out in 2004 was, quote, "The commission has over
8 the years had a profound effect on shaping civil rights
9 policy in Michigan including many court decisions that
10 began with the commission's ruling," end quote. Today the
11 commission has a historic responsibility to the citizens of
12 Michigan. You have a duty to investigate the fraud
13 committed upon thousands of voters who sign this racist
14 petition. The commission must call upon the Michigan
15 Supreme Court to get a stay to keep this proposal off the
16 ballot until you have a full opportunity to investigate the
17 voter fraud perpetuated by MCRI in their attempts to
18 further segregate the State of Michigan and further
19 subjugate the black citizens particularly in the City of
20 Detroit, the most segregated city in the United States. If
21 you don't stand up for the integrity of our system now,
22 there will be no need for your commission at all.

23 MR. BERNSTEIN: Thank you. Ms. Kunze, you
24 indicated that you had affidavits; is that correct?

25 MS. KUNZE: Yes, I have affidavits from the

1 members I was able to approach in the last week. And I
2 also have a flyer that we sent around to our membership
3 back in November 2003 trying to educate people. So I just
4 wanted to give you an example of what we've been trying to
5 do in our local to let people know. And people were still
6 defrauded.

7 MR. BERNSTEIN: I have some questions for you.
8 And I would like to enter these affidavits into the record.
9 And not the flyer, but I would like to see that.

10 MS. KUNZE: Sure.

11 MR. BERNSTEIN: Question. The affidavits that
12 you have that you plan to provide to us, do any of them
13 discuss the comment of a circulator? Do any of them
14 discuss the conduct of a circulator? In other words, do
15 they touch on whether or not the statements made by a
16 circulator, whether or not this was presented as something
17 that was supportive of affirmative action or that was
18 attempting to ban affirmative action?

19 MS. KUNZE: No. The affidavits are basically
20 saying that they never signed a petition to ban affirmative
21 action, and they want their names removed. Most of the
22 people I talked to did not remember signing any petition
23 and were absolutely appalled that their name was on the
24 list and would never sign it. And so all I could assume is
25 if their name was on the list, if their signature is there,

1 that they were told that this was a civil rights measure to
2 support. And they took it as a pro -- a civil rights
3 initiative in the historic sense that's, you know,
4 progressive to black people, women, and other minorities.

5 MR. BERNSTEIN: Thank you. Any questions from
6 the commission?

7 MR. SCOTT: Did you only see a list of names, or
8 did you see actual signatures?

9 MS. KUNZE: No. I saw a list of names.

10 MR. BERNSTEIN: Thank you very much. If you
11 could hand me the affidavits, we'll enter those.

12 (Exhibit 2 marked)

13 MR. BERNSTEIN: Next person on the witness list
14 is the Honorable Archie Hayman. Is he present? Judge
15 Hayman? Is he present? I'm sorry. Okay. We're going to
16 move along then to Martha Cuneo. Is she present? Okay.

17 AUDIENCE: (Inaudible)

18 MR. BERNSTEIN: Okay. Well, let's begin with
19 Martha Cuneo. If she's present, I'd like to call her as a
20 witness, please. Is she available? Is she here? Okay.
21 Then we're going to move on then --

22 MS. CUNEO: I'm here.

23 MR. BERNSTEIN: Okay. Great. If Judge Hayman
24 is
25 here, we'd like to call you as the next witness, but you'll
26 go after Ms. Cuneo. Thank you.

1 REPORTER: Do you solemnly swear or affirm that
2 the testimony you're about to give will be the whole truth?

3 MS. CUNEO: I do.

4 MARTHA CUNEO

5 having been called and sworn:

6 MS. CUNEO: Good evening. I have my
7 granddaughter with me. I have three grandchildren. I want
8 a level playing field for all the grandchildren; all of
9 them. My name is Martha Cuneo. I reside at 29340 Bon Mar
10 Drive in Warren. I'm a board member of the National Lawyer
11 Guild of Detroit.

12 And in the fall of 2004, my husband and I were
13 approached by a young lady, a young black woman, in Royal
14 Oak at the foot of the steps of the main post office. I
15 said, "What have you got there?" She had petitions. There
16 are lots of petitions in Royal Oak at the post office. She
17 said, "This is for affirmative action." I said, "Does it
18 have to do with the Ann Arbor case?" She said, "Yes, it
19 does." I said, "Are you in support?" She said, "Yes." I
20 said, "Fine." My husband was nearby. I said, "C'mon, we
21 should sign this," and he did. My husband and I have been
22 active in Civil Rights since --

23 MR. BERNSTEIN: Excuse me. I don't mean to
24 interrupt you. If you cannot remain quiet during these
25 proceedings, you will be asked to leave. Thank you.

1 Proceed.

2 MS. CUNEO: -- for a very long time. He longer
3 than I. Neither of us would ever, ever have signed a
4 petition that was the kind of thing that this thing turned
5 out to be. And when I realized what I had done, I was
6 pretty mad at myself. I'm mad at the people who committed
7 this, what amounts to fraud on me. I resent it enormously.
8 I feel like the right to petition of a citizen has been
9 perverted. I simply can't understand, really, why anybody
10 would do that. I was never informed that the petition's
11 aim was to limit or end affirmative action. I saw the
12 circulator approaching other people and saying similar
13 things to them before we were able to, both of us, get
14 away.

15 I want my name off this petition. I don't know
16 whether you have the power to do that or not. But if you
17 do, I implore you to take my name off this petition. It's
18 profoundly embarrassing to me. I can't understand how so
19 many people could have signed this petition in error
20 without some kind of encouragement such as I was given.

21 I understand that the only recourse in the state
22 for people who want to maintain the rights that are being
23 talked about here today is this body. You're the only
24 ones. You're the ones that can investigate. There's
25 something wrong with this. I can't imagine why you

1 wouldn't want very much to investigate this, and I implore
2 you to do so. Thank you.

3 MR. BERNSTEIN: Thank you. I have a few
4 questions, Ms. Cuneo.

5 MS. CUNEO: Oh, sure.

6 MR. BERNSTEIN: Again, I just want to clarify
7 your statement regarding the circulator's presentation to
8 you.

9 MS. CUNEO: Yes.

10 MR. BERNSTEIN: If you could just -- you stated
11 to me -- or you stated to the commission you asked the
12 circulator, "Does it have to do with the Ann Arbor case";
13 correct?

14 MS. CUNEO: Yes, I did.

15 MR. BERNSTEIN: And the circulator's response
16 was
17 in the affirmative?

18 MS. CUNEO: It was in the affirmative. I said,
19 "This thing is in support," or something to the effect of
20 "This is in support of affirmative action?" She said, "Oh,
21 yes." She was a very attractive lady in her 30's,
22 African-American, very credible lady.

23 MR. BERNSTEIN: In your affidavit that you
24 submitted, includes the date and time?

25 MS. CUNEO: It was fall 2004. It was a
26 beautiful

1 day. I remember the sun was shining, but I had a coat on.

1 I don't know what day it was.

2 MR. BERNSTEIN: This was the Royal Oak Post
3 Office, is that what you said?

4 MS. CUNEO: Yeah; yeah.

5 MR. BERNSTEIN: Are there any other questions
6 for

7 Ms. Cuneo? Thank you very much.

8 MS. CUNEO: Thank you.

9 MR. BERNSTEIN: The next witness that I'd like
10 to

11 call will be Ms. Shanta Driver, who also I believe has some
12 affidavits to present. So, please, if you could remain
13 standing while you take --

14 REPORTER: Do you solemnly swear or affirm that
15 the testimony you're about to give will be the whole truth?

16 MS. DRIVER: Yes, I do.

17 SHANTA DRIVER

18 having been called and sworn:

19 MS. DRIVER: Thank you. What I'd like to do is
20 just begin by describing a little bit about the process of
21 this investigation because I think it might help to clarify
22 the various ways that people were -- have been sought out
23 around the question of the voter fraud.

24 MR. BERNSTEIN: And if I may just remind you to
25 please limit your remarks to the conduct of circulators.

26 MS. DRIVER: It is on that.

1

MR. BERNSTEIN: Thank you.

1 MS. DRIVER: It's the -- I'm one of the national
2 spokespersons for BAMN. We became aware -- we heard all
3 through the circulation of the MCRI petition -- and I had
4 three instances where I was approached myself by petition
5 circulators, including at the Detroit Medical Center where
6 I work, where the circulator was very confused about what
7 it was they were circulating. And in every instance where
8 I was approached, each of the circulator said, "This is a
9 petition to defend affirmative action. This is a petition
10 to increase educational opportunity for minority students
11 across the state." And I did not sign it each and every
12 time because I'd been involved in the Grutter Case and I
13 understood the nature of things. And I kind of felt at the
14 time that I was being approached that perhaps my experience
15 was not the experience that was generalized in Detroit.

16 We began investigating the circulation and why
17 it
18 was that people signed this petition when the State Board
19 of Canvassers selected a random sample of 500 signatures to
20 determine whether or not this measure should go on the
21 ballot. When we got those 500 signatures, we did have --
22 and I know that this was a question that Mr. Scott has
23 had -- the actual original petitions that people had
24 signed; copies of them. We went door to door in Detroit,
25 first and foremost, to see if the experience of people who
26 had signed it had been like my experience and like so many

1 other people that we had heard about. And we found in our
2 investigation of that 500 person sample that there was not
3 a single person in Detroit that we located that had
4 knowingly signed a petition opposed to affirmative action.

5 Now, I just want to say this: If you see the
6 language of the petition, nowhere on it did it mention the
7 term "affirmative action." In fact, the language was
8 purposely conceived of to deceive people. If you look at
9 the language of the petition that people were signing, it
10 says -- it makes it sound exactly like the protections
11 provided by the Civil Rights Act of 1964 and by the civil
12 rights protection in the Michigan State Constitution except
13 that it has the words in it "or preferential or giving
14 preferential treatment," something like that. And to many
15 people, including a number of the circulators that I
16 encountered, they thought preferential treatment meant that
17 you had more money, that you were more able to go to
18 college, that this was going to level the playing field in
19 some way. And it's just to say that term is a loaded term
20 and it's a legal term of art. It's not a laymen's term
21 that anyone who read the petition would understand meant
22 the banning of affirmative action.

23 That's why I think so many people signed the
24 petition. If they read the language, they wouldn't have
25 known it meant a ban on affirmative action. If they asked

1 the petition circulator what was the meaning of the words,
2 the petition circulator said, as they did to me time and
3 time again -- and I have over 140 affidavits to give you,
4 some of which describe in very great detail the individual
5 experience of people being lied to. But they would have
6 been told as I was told, this is pro-affirmative action.

7 The problem that we're facing is really twofold.
8 First, when we went to the State Board of Canvassers and we
9 said, "You have to do a full scale investigation of this,"
10 we were told by the Attorney General and by the State Board
11 of Canvassers and then by an appeals court that the State
12 Board of Canvassers lacked the authority to investigate the
13 fraud in this process. We know that by -- as Linda Parker
14 said, by constitutional decree, you have the power and the
15 duty to investigate these allegations. I would say to you
16 that there are three different types of fraud and three
17 different reasons, three different kinds of investigations
18 that really meld into one that we would ask you to
19 investigate.

20 First, twice as many black people signed these
21 petitions as white people. And I have a document that will
22 make that clear from what we've been able to do with the
23 sample that we received.

24 MR. WILLIAMS: Please note the time. You have
25 one minute remaining.

1 MS. DRIVER: Okay. That there were 24 percent
2 black signers of this petition, and only 12 percent of the
3 population of Michigan is black means that there was
4 racially targeted fraud in the gathering of these. Black
5 petition gatherers were hired in the City of Detroit and
6 other majority black areas to lie to people to get them to
7 sign it.

8 Second thing, as you heard from Ms. Cuneo and
9 many of the other affidavits that I have support what she
10 says. You'll see that in suburban areas people were lied
11 to also by many of those same black circulators that were
12 shipped out to the suburbs to tell the lie that this was
13 for affirmative action, not against it. So there was
14 widespread voter fraud. To us --

15 MR. BERNSTEIN: Do you have affidavits that you
16 wish to submit to the commission?

17 MS. DRIVER: I do.

18 MR. BERNSTEIN: Okay. If I could ask you to
19 conclude those remarks and present the affidavits to the
20 commission? How many affidavits do you have?

21 MS. DRIVER: I have about 140.

22 MR. BERNSTEIN: Okay. So if you could just hand
23 those affidavits to me, we'll enter them into the record.
24 We'll give them to the court reporter.

25 MS. DRIVER: And I would just say this: We

1 really appreciate this commission having this hearing.
2 It's a huge step forward. It's the first time -- it's the
3 first time that it's been possible to get the truth out.
4 But unlike the State Board of Canvassers, you really have
5 the authority to stop this fraud from going forward and to
6 protect the voting rights of the people of Michigan. And
7 we ask that you ask the Supreme Court to enter a stay so
8 that that investigation can take place before this is
9 placed on the ballot and not afterwards. Thank you.

10 MR. BERNSTEIN: Okay. Thank you.

11 (Exhibit 3 marked)

12 MR. BERNSTEIN: Thank you very much. Okay.
13 We're going to next call Ms. Felicia Skinner-Parker. Is
14 she here? Ms. Parker, please? Thank you.

15 REPORTER: Do you solemnly swear or affirm that
16 the testimony you're about to give will be the whole truth?

17 MS. SKINNER-PARKER: Yes, I do.

18 MR. BERNSTEIN: Now, Ms. Parker, do you have a
19 statement that you'd like to make?

20 FELICIA SKINNER-PARKER

21 having been called and sworn:

22 MS. SKINNER-PARKER: Yes. I'm here for not just
23 myself. My husband and I went to a store called Kessel in
24 Flint, Michigan, on Corunna Road some time ago, about 2004.
25 And I'm going to let my husband tell the story because he's

1 the one that signed. But they did approach me and asked me
2 to sign.

3 MR. BERNSTEIN: Is your husband here right now?
4 Oh, well, please, why don't you could join us? And if you
5 could state your name also, and if you could be sworn in as
6 well.

7 REPORTER: Do you solemnly swear or affirm that
8 the testimony you're about to give will be the whole truth?

9 MR. PARKER: Yes, I do.

10 MR. BERNSTEIN: If you could please state your
11 name, sir?

12 MR. PARKER: My name is David Parker.

13 MR. BERNSTEIN: David, thank you. Proceed,
14 please.

15 DAVID PARKER

16 having been called and sworn:

17 MR. PARKER: Okay. Around the summer of --

18 MR. BERNSTEIN: I'm sorry. If you could move

19 the
20 microphone a little bit closer? Thank you.

21 MR. PARKER: Okay. Around the summer of 2004,
22 like my wife said, we were up at Kessel's. She went out to
23 get a cart. A man approached me with a -- what do you call
24 those? -- forms to sign up for civil rights. They said,
25 "Would you like to sign a form to" --

26 MR. BERNSTEIN: Again, if you could please speak

1 into the microphone? I'm sorry.

2 MR. PARKER: I'm sorry. I just speak soft.

3 MR. BERNSTEIN: All right. Okay.

4 MR. PARKER: He approached me with a form saying
5 that it's for civil rights for your kids to go to school.
6 Well, thinking of my back then 2-month-old daughter, I
7 said, "Well, I would like to have an equal chance." And he
8 assured me, well, if this bill passes that your daughter
9 will have a chance to go to college. So I signed it.

10 Shortly after my wife came out there, and he
11 approached her. And my wife didn't sign, but she was
12 asking him -- she had questions. But in all the questions
13 that my wife was asking, he was answering. But the more
14 she asked, the more kind of aggressive or upset he got to
15 the point where you could see his knuckles turn white
16 holding the clipboard. And my wife told me, "You didn't
17 sign that, did you?" I said, "Yes, I did." She said, "We
18 need to talk about it." So she told me how they changed
19 two little words to basically -- what it would do if it
20 passes would abolish civil rights -- or I'm sorry --
21 affirmative action. And ever since there, I kind of
22 regretted the decision I made. So I'm just asking the
23 commission, if you would, please, take my name off the
24 list. It's something I can't support.

25 MR. BERNSTEIN: Let me just clarify that. This

1 commission has no authority to remove, add, or remove names
2 from a petition list. This is clearly and solely an
3 exercise in listening to concerns from citizens about this.
4 But I appreciate your comments. And I didn't want to
5 interrupt you. I just wanted to clarify that. But a
6 number of individuals have made that comment. And this is
7 not the appropriate agency to do that, nor the appropriate
8 forum. However, this is the appropriate place to voice
9 your concerns about this issue. So I appreciate you being
10 here about that. I didn't mean to interrupt you about
11 that. But do you have anything else that you'd like to --

12 MR. PARKER: No, that's it, Mr. Bernstein.

13 MR. BERNSTEIN: Do you have anything? Ms.
14 Parker, go ahead.

15 MS. SKINNER-PARKER: The same man had approached
16 me. And by training in profession, I'm an interpreter for
17 the deaf, which is another group that have benefitted from
18 affirmative action because some of the things they have now
19 they couldn't have got it without affirmative action. So I
20 had recently interpreted a TV show, and they were talking
21 about the U of M, Ann Arbor case. And I remember some
22 things but not all. So when I was approached with the
23 clipboard and the man -- he was a tall Caucasian man with
24 dark hair -- I asked him a few questions like, "Does this
25 have to do with the case in Ann Arbor," and "Is this about

1 affirmative action" because I remember them saying that
2 things were being flipped so that it would not assist
3 anybody who's a minority, but it would hurt them. So when
4 I asked him -- and the more I asked him questions, the more
5 upset he got. So I declined to sign the petition at that
6 time.

7 About a week or so ago, I interpreted Kwanzaa,
8 which is where I heard about various other things about the
9 list of names of people. And after Kwanzaa, I did see part
10 of the list and I just wanted to make sure that nobody from
11 my family would sign it because we have an 8-month-old
12 daughter. I want to make sure she has full access to
13 everything. And I found my mother's name. And if you
14 like, I could have her call and have her verify. She told
15 me to come and tell you her story.

16 She had went to the grocery store, and she was
17 approached by someone with a clipboard asking her to please
18 sign this petition because it would help affirmative
19 action. It would make sure that her children and
20 grandchildren went to college. So my mother, she signed it
21 because she was up from the south. She was born and raised
22 in the south but came north. She knows about
23 discrimination.

24 So when I called her -- I found her name on the
25 list. I called her. I said, "Mom, I found your name on

1 this list." She said, "What list?" I said, "You signed to
2 help destroy affirmative action." She said, "No, I didn't.
3 I wouldn't sign anything like that." I'm like, "Mom, yes
4 you did. I just saw your name." She said, "No way." I
5 said, "Did you go to a grocery store on 7 mile?" She said,
6 "Yeah, but that was about a summer ago," yadda-yadda. I
7 said, "Well, Mom, that was the person. That person -- when
8 they told you it was for affirmative action, that was the
9 person trying to destroy affirmative action. You signed
10 it. I just saw your name, address, phone number,
11 everything."

12 She said, "Well, I don't want my name on that
13 list. You got to do something." So my mother asked me to
14 let you know if she could change anything for sure, she
15 would not have signed that petition. She did not want her
16 name on that list. She wants us to have full access to
17 everything as well as her granddaughter.

18 MS. VAN HOUTEN: Mr. Chairman?

19 MR. BERNSTEIN: Yes.

20 MS. VAN HOUTEN: Do you know the approximate
21 date

22 when your mother was approached? And also what's your
23 mother's name?

24 MS. SKINNER-PARKER: My mother's name is Evelyn
25 Mary Skinner.

26 MS. VAN HOUTEN: Evelyn?

1 MS. SKINNER-PARKER: Evelyn, E-v-e-l-y-n, M she
2 puts, she doesn't like the Mary, Skinner, S-k-i-n-n-e-r.
3 And I don't remember if she told me the specific day, but
4 she did say it was at the grocery store and she ran in to
5 get some things and come out.

6 MS. VAN HOUTEN: A month, a year, anything?

7 MS. SKINNER-PARKER: About last summer sometime.

8 MR. BERNSTEIN: Now, in your affidavit you
9 indicated that you were asked to sign a petition in support
10 of affirmative action; that is correct?

11 MS. SKINNER-PARKER: He asked me to sign it. I
12 declined because I knew the case.

13 MR. BERNSTEIN: And the circulator, the person
14 asking you to sign the petition, that individual said that
15 it was in support of affirmative action?

16 MS. SKINNER-PARKER: It was for affirmative
17 action to, you know, make sure everything was okay. And
18 then when I asked him about the case, he said, "Yeah, it is
19 about the case." And the more I asked him, the more he
20 clutched that clipboard.

21 MR. BERNSTEIN: And I know I've asked this of a
22 number of people, but I think the wording is important.
23 When he said "for affirmative action," did you take that to
24 mean in support of affirmative or that it was about
25 affirmative action?

1 MS. SKINNER-PARKER: Not to obliterate
2 affirmative action.

3 MR. BERNSTEIN: Okay. Thank you.

4 MS. PARKER: Mr. Parker, sir, excuse me. Could
5 you please repeat your name for the record? The court
6 reporter did not hear it the first time.

7 MR. PARKER: Oh, I'm sorry. It's David Parker.

8 REPORTER: David?

9 MR. PARKER: Correct.

10 MR. BERNSTEIN: Any other questions from the
11 commission? Thank you very much. Mr. Wayne Bernard, is he
12 present?

13 MR. BERNARD: Right here.

14 MR. BERNSTEIN: Mr. Bernard, would you like to -

15 -

16 and after that we will call Mr. Sammy Williams, if he's
17 present if he could just be ready to come up next.

18 REPORTER: Do you solemnly swear or affirm that
19 the testimony you're about to give will be the whole truth?

20 MR. BERNARD: Yes, it is the truth.

21 MR. BERNSTEIN: Thank you, Mr. Bernard. Yes,
22 it's the microphone again to your left; yeah. Thank you.
23 And again, I'd ask you to limit your comments specifically
24 to conduct of circulators. Okay. And again, I want to
25 remind everybody to please remain quiet during these
26 proceedings. It's difficult to hear. There's a lot of

1 people speaking. Thank you. Go ahead.

2 WAYNE BERNARD

3 having been called and sworn:

4 MR. BERNARD: Good evening. My name is Wayne
5 Bernard. Bernard is spelled B-e-r-n-a-r-d.

6 MR. BERNSTEIN: Go ahead, Mr. Bernard.

7 MR. BERNARD: I was approached with the
8 petition.

9 But the petition I was approached with was about race
10 discrimination, not affirmative action, race
11 discrimination. And the person that approached me was a
12 young lady. I guess she was still in school. She said she
13 wanted to stay in school, and she said she needed money to
14 stay in school. And that's why she was circulating this
15 particular petition, because she was being discriminated
16 against, not affirmative action, race discrimination.

17 And then I read this saying preferential
18 treatment for race, origin, creed. You have 85 percent of
19 the people in Detroit laid off. If black people getting
20 preferential treatment, I would like to know who's getting
21 the better treatment. I would have never signed anything
22 like this because 85 percent of the people in my job where
23 I work at the Detroit Board of Ed are laid off, terminated,
24 losing their homes. Why would anyone sign anything like
25 this knowing this?

26 But I feel sorry for the young lady that

1 circulated this because apparently she didn't know because
2 I didn't know. And they said my name ended up on a list.
3 So if I signed it, it was out of pity because I want young
4 people to go to school because that's the only thing out
5 here because there's nothing in the street for them. But I
6 signed something saying race. It was not -- nowhere on it
7 saying affirmative action. It was worded different, I'm
8 telling you. Check.

9 MR. BERNSTEIN: Do you recall when you signed
10 the
11 petition and where you signed the petition?

12 MR. BERNARD: I think it was signed back in
13 November in Roseville.

14 MR. BERNSTEIN: Of last year?

15 MR. BERNARD: In Roseville. I was in Roseville
16 at a Wal-Mart, as a matter of fact.

17 MR. BERNSTEIN: Okay. Great. Are there any
18 other questions from the commission? Thank you very much.
19 I'd like to call next Mr. Sammy Williams. Is he here? Mr.
20 Williams? Okay. Thank you.

21 REPORTER: Do you solemnly swear or affirm that
22 the testimony you're about to give will be the whole truth?

23 MR. WILLIAMS: I do.

24 SAMMY WILLIAMS

25 having been called and sworn:

26 MR. BERNSTEIN: Now, I understand, Mr. Williams,

1 that you were a circulator; is that correct?

2 MR. WILLIAMS: That's correct.

3 MR. BERNSTEIN: Okay. If you could again speak
4 into that microphone? Go ahead if you want to provide a
5 statement.

6 MR. WILLIAMS: My name is Sammy Williams, and

7 I'm

8 from lower Michigan down in Benton Harbor. I was too -- I
9 was a circulator for this petition. And I think I was --

10 MR. BERNSTEIN: Again, I'm sorry. I'm having
11 difficulty hearing you. If you could maybe -- if you don't
12 mind, if you move that microphone a little bit closer to
13 you. Thank you.

14 MR. WILLIAMS: I was contacted probably the 1st
15 of November because I did a lot of my petitions at the
16 election.

17 AUDIENCE: Could you talk louder?

18 MR. BERNSTEIN: Okay. If you could please speak
19 up? I'm sorry. There's some people who can't hear you. I
20 apologize, but it's a big room. Thank you.

21 MR. WILLIAMS: I said I did a lot of my

22 petitions

23 at the election.

24 MR. BERNSTEIN: Okay.

25 MR. WILLIAMS: Some guy contacted me and asked

26 me

1 to do so. And when he explained to me what it was about,
2 it was in my best interest to do so. But unfortunately I

1 misled people telling them what he told me, that it was for
2 affirmative action, and in reality it was not. And as soon
3 as I found out it to be such, I stopped. So I guess it was
4 some negligence on my part of misleading people like I was
5 misled. I apologize for that, but I never would have had
6 nothing to do with it had I known. So that's about the --

7 MR. BERNSTEIN: Mr. Johnson, (sic) I have a few
8 questions for you. You indicated that you were a
9 circulator for the Michigan Civil Rights Initiative for a
10 period of time; is that correct?

11 MR. WILLIAMS: No.

12 MR. BERNSTEIN: Did you gather signatures for
13 this ballot proposal?

14 MR. WILLIAMS: Yes, I did.

15 MR. BERNSTEIN: Okay. And for how long did you
16 do that? A week, a month, a few days?

17 MR. WILLIAMS: Probably a few weeks.

18 MR. BERNSTEIN: Okay. Who contacted you to
19 employ you as a circulator? Who asked you to be a
20 circulator?

21 MR. WILLIAMS: I don't recall. I don't recall
22 who it was. Some guy called me and met me and brought me
23 the paperwork --

24 MR. BERNSTEIN: Okay. And what --

25 MR. WILLIAMS: -- to work with. Pardon me?

1 MR. BERNSTEIN: What kind of training did they
2 give you? Did they give you any materials to tell you to
3 prepare you for your role as a circulator?

4 MR. WILLIAMS: Well, a little bit. But, see, I
5 had been a circulator prior to that. So when they told me
6 what it was about, I just carried it on through.

7 MR. BERNSTEIN: And what did they tell you this
8 was about?

9 MR. WILLIAMS: It was for affirmative action and
10 to see to it that our kids would have a chance to go to
11 college anywhere across Michigan that they choose to.

12 MR. BERNSTEIN: And did they say to you that
13 this
14 was in support of affirmative action?

15 MR. WILLIAMS: Correct.

16 MR. BERNSTEIN: They did not tell you that it
17 was
18 to ban affirmative action; is that correct?

19 MR. WILLIAMS: No, they did not. Had they said
20 that, then it would have stopped right then.

21 MR. ABDRABOH: How many signatures did you
22 obtain?

23 MR. WILLIAMS: I don't recall exactly how many
24 there was. I did it for awhile, a few weeks.

25 MR. ABDRABOH: About a few weeks. Do you know
26 what city that person was in that you, I guess, reported

1

to?

1 MR. WILLIAMS: That contacted me?

2 MR. ABDRABBOH: Yes.

3 MR. WILLIAMS: I am not sure. I believe
4 Kalamazoo, I believe it was.

5 MR. ABDRABBOH: Did you ever meet that person?

6 MR. WILLIAMS: Yes, I did. He brought me the
7 material.

8 MR. ABDRABBOH: Okay. How many times did you
9 meet with him?

10 MR. WILLIAMS: Probably once. Then I turned
11 some
12 material in. That's about the extent of that.

13 MR. ABDRABBOH: Was this a volunteer, or were
14 you
15 paid?

16 MR. WILLIAMS: I was paid.

17 MR. BERNSTEIN: Did they pay you per signature,
18 or did they pay you an hourly rate?

19 MR. WILLIAMS: Per signature.

20 MR. BERNSTEIN: And how much are you -- did they
21 pay per signature; do you recall?

22 MR. WILLIAMS: I think it was about \$1.50
23 thereabouts.

24 MR. SCOTT: Do you recall how much total you
25 were
26 paid?

1 MR. WILLIAMS: Pardon me?

2 MR. SCOTT: How much were you paid?

1 MR. WILLIAMS: About \$1.50 per signature.

2 MR. SCOTT: How much total were you paid?

3 MR. WILLIAMS: I'm not sure. It's been awhile.

4 MR. SCOTT: Were you told by anyone what to say
5 in order to get people to sign these petitions?

6 MR. WILLIAMS: Not exactly, other than it was

7 for

8 affirmative action.

9 MR. SCOTT: Did someone tell you to tell people
10 that this was for affirmative action in order to get them
11 to sign the petition?

12 MR. WILLIAMS: They didn't say to say it to get
13 them to sign it. They said that's what it was for.

14 MR. SCOTT: And so what did you tell people then
15 who you wanted to sign this petition?

16 MR. WILLIAMS: I told everyone that it was in
17 support of affirmative action.

18 MR. WESAW: Mr. Williams, I understood you to
19 say
20 that someone called you and asked you if you wanted to do
21 this?

22 MR. WILLIAMS: Yes, they did.

23 MR. WESAW: And that person was or wasn't a
24 previous acquaintance of yours?

25 MR. WILLIAMS: No, he was not.

1 MR. WESAW: Okay. The person who brought you
2 the
3 petitions, the material to pass out, do you know if that

1 was the same person who called you?

2 MR. WILLIAMS: No, I'm not sure. That was a few
3 days later before I got the material.

4 MR. WESAW: Okay. The person who brought you
5 the
6 material to pass out and get signatures on, was that the
7 person who gave you any kind of information on how to
8 present the material that you were using, or was that
9 someone else?

10 MR. WILLIAMS: I think he told me about what the
11 material was for. And after telling me that, then I could
12 present it myself.

13 MR. WESAW: Okay. So you essentially had
14 contact
15 with one individual from the organization that had
16 contacted you to present these petitions for signatures?

17 MR. WILLIAMS: I was contacted, then I was met.
18 Whoever it was that contacted me, a few days later it was
19 arranged that I meet this guy to get my material to work
20 with.

21 MR. WESAW: You had indicated that you are
22 familiar with the process because you have done it in the
23 past?

24 MR. WILLIAMS: I have done petitions before, not
25 that particular one.

26 MR. WESAW: No. But you have circulated

1 petitions for signatures in the past?

1 MR. WILLIAMS: Exactly.

2 MR. WESAW: Do you recall how you came to do
3 those other petitions? Were they cold calls like this
4 appears to be, or is there some --

5 MR. WILLIAMS: Most of them were.

6 MR. WESAW: Cold calls?

7 MR. WILLIAMS: Uh-huh (affirmative).

8 MR. WESAW: Okay. Thank you, Mr. Williams.

9 MR. CALILLE: I just have a -- did you read the
10 petition?

11 MR. WILLIAMS: I did read it, but apparently I
12 didn't understand it just as a lot of other folks didn't.

13 MR. CALILLE: Did individuals that you asked to
14 sign the petition have an opportunity to read it?

15 MR. WILLIAMS: Yes, they did. A lot of them did
16 read it.

17 MR. CALILLE: And did some individuals who read
18 the petition decide not to sign it?

19 MR. WILLIAMS: Well, yes. That happens all the
20 time.

21 MR. BERNSTEIN: Did the instruction that you
22 received, did they urge you or instruct you to have
23 individuals whom you were speaking with read the language?
24 Did they tell you that you should get people to read the
25 language before they signed it?

1 MR. WILLIAMS: They didn't say that I insist
2 that
3 they do.

4 MR. BERNSTEIN: Okay. They did not say that you
5 insist that they read the language; is that correct?

6 MR. WILLIAMS: No. They made it available.

7 MR. BERNSTEIN: Are there any other --

8 MR. WESAW: Just a comment, Mr. Chairman. Mr.
9 Williams, I want to thank you for driving the great
10 distance to come over and make these comments. I think
11 that took a lot of boldness on your part to do that. Thank
12 you.

13 MR. WILLIAMS: Thank you very much.

14 MR. CALILLE: Just a question. Were you paid in
15 cash or by a check?

16 MR. WILLIAMS: I think I was paid by check.

17 MR. CALILLE: Thank you.

18 MR. BERNSTEIN: Thank you very much. I'd like
19 to

20 call next Ms. Kathryn Blake. Is Ms. Kathryn Blake here?

21 Ms. Blake? Thank you. Robert Johnson will be next.

22 REPORTER: Do you solemnly swear or affirm that
23 the testimony you're about to give will be the whole truth?

24 MS. BLAKE: Yes.

25 MR. MAYS: Yes.

26 MR. BERNSTEIN: If you could please state your

1 name too, sir?

1 MR. MAYS: Eric Mays.

2 MR. BERNSTEIN: Eric; is that correct?

3 MR. MAYS: Yeah.

4 MR. BERNSTEIN: And again, that microphone is
5 not
6 amplifying so please use that. Thank you. Go ahead.

7 KATHRYN BLAKE

8 having been called and sworn:

9 MS. BLAKE: My name is Kathryn Blake. I'm the
10 second vice-president of the NAACP Flint branch. I am UAW.
11 I am the Coalition of Labor and Union Women. And there is
12 no way that I would have signed it. And I have been an
13 advocate in the City of Flint for the community not to sign
14 it. And when I saw my daughter's name on this list, her
15 words to me was, "Mama, I would not have signed that
16 knowing how hard you have worked for this."

17 She said the man told her -- he approached her
18 in
19 the summer of 2004 at the Family Dollar store. He was a
20 black man, and he told her which -- he asked her would she
21 sign this petition about preferential treatment. He told
22 her he was from the Michigan Civil Rights Initiative. In
23 her mind, civil rights to a black person means civil rights
24 for black people. So when she heard the words
25 "preferential treatment," he made it sound like
26 preferential treatment towards white people. So, yes, she

1 said, "I will sign this because preferential treatment has

1 been given to white people from day one." And it is time
2 for black people to have something also, so she signed it.
3 I asked her and I told her, "I seen your signature on here
4 to ban affirmative action." She said, "Mama, no, I didn't
5 do that." I said, "Your name is here, dear." So, yeah,
6 she did sign an affidavit to remove her name from the list.

7 I have went to several -- I have contacted
8 several citizens in Flint and talked to them, those that
9 have signed the petition, and they have told me the same
10 story. Katherine Williams, (phonetic) who is the CEO and
11 founder of the Museum of African Ancestry and Research
12 Center -- we had an African festival in the summer of 2004,
13 and there was a petitioner there. And he told her that he
14 was with the Civil Rights Initiative, the Michigan Civil
15 Rights Initiative. She also signed it. Now, she is a
16 person that would never, never sign a petition to ban
17 affirmative action. She gave him permission to solicit the
18 people that were at the festival. And now everyone is
19 really upset that they would come to an African festival to
20 ban affirmative action, to have people sign a petition to
21 ban affirmative action. And she also signed an affidavit
22 and a few others signed affidavits to have their names
23 removed from the list. It was fraudulent. I have talked
24 to several, several community citizens that want their
25 names removed in the City of Flint.

1 MR. BERNSTEIN: Thank you. Do you have
2 affidavits with you, or have you submitted them? You have
3 already done so?

4 MS. BLAKE: They were turned in by Shanta
5 Driver.

6 MR. BERNSTEIN: Okay. Thank you. I appreciate
7 it.

8 ERIC MAYS

9 having been called and sworn:

10 MR. MAYS: Yeah, my name is Eric Mays. And if I
11 may real quick, I've got the Eric Mays show on public
12 access in Flint, Michigan. When they came to me, we did a
13 show about this. And then we ran everybody's name in Flint
14 who had signed. And from that show, we received numerous
15 calls about people being misled. And I would like to
16 conclude by saying we're willing to provide you -- and
17 those names are already submitted to you. And I know the
18 Honorable Archie Hayman, who is the Chief Circuit Judge for
19 Genesee County as well as the Chief Judge for the District
20 Court. You've got both of them, very astute. He wants his
21 name off as well.

22 So the point that I make is this: I've
23 orchestrated in the City of Flint and Genesee County
24 petition drives for money. When you mix money in, you're
25 going to get some fraud. When money is mixed in petition
26 drives, you're getting fraud. That's what I found from my

1 experience as a circulator who paid people to circulate
2 petitions. I've had to go back out and chastise my
3 petitioners for giving people wrong information because the
4 motivation of the money and the almighty dollar.

5 So it does not confuse me or it does not take a
6 rocket scientist if you've had experience managing
7 circulators. And as the person who starts it out, I had to
8 be careful that I gave them the right information over and
9 over before I cut them loose.

10 I will conclude by saying this: In the State of
11 Michigan when I've ran into fraud and election fraud -- and
12 I looked at MCLA600.4545 -- guess what I found out? The
13 Attorney General or the prosecutor of that county or any
14 citizen by special leave of the court -- this is the
15 toughest thing to prove and get into court because a
16 citizen can't do it. I don't know if you all can do it,
17 but we know that the Attorney General or a prosecutor of a
18 county can come in, get the investigation done and did it.
19 So fraud is tough in Michigan. Fraud is alive and well.
20 We hope that you all can get this to the Attorney General
21 and the prosecutor.

22 MR. BERNSTEIN: Thank you. Okay. We are going
23 to have one more individual from our witness list. We will
24 then begin our public comment period. The last person will
25 be Robert Johnson. Is Mr. Johnson present? Is Mr. Johnson

1 here? Okay. Is he here? I'm sorry. I can't --

2 AUDIENCE: (Inaudible)

3 MR. BERNSTEIN: I recognize that. Thank you.

4 We

5 have about 50 affidavits -- we have over hundreds of -- we
6 have hundreds of affidavits. We are not going to be able
7 to get to everybody on our witness list obviously. We need
8 to conclude this. We need to conclude this at around 8:30
9 this evening. So we will do everything we can to hear
10 every voice here. It may not occur this evening. We are
11 going to do everything we can, again, to do that.

12 MR. SCOTT: Mr. Chairman, I'd like to make a
13 motion to continue this hearing past tonight so that we can
14 hear as many people as possible and get the testimony of
15 people who are either here and waiting and also those
16 people who did not -- who were not able or chose not to
17 show up tonight, some of the invited folks that were --
18 that chose not to show up. So I'd like to make that
19 motion.

20 MR. BERNSTEIN: Is there a second for that?

21 MR. ABDRABOH: Support.

22 MR. BERNSTEIN: Okay. I'd like to -- excuse me.

23 I just want to clarify that. That is a motion to -- or
24 you've expressed the idea that we continue this, have
25 additional hearings so that other voices can be heard
26 perhaps in other locations and at different times; is that

1 correct?

2 MR. SCOTT: That's right.

3 AUDIENCE: Up in Flint.

4 MR. BERNSTEIN: Commissioner Van Houten has
5 indicated that this may not be the appropriate venue in
6 which to make that decision of this commission and that we
7 will make that decision in executive committee. I will
8 say, however, that I do believe that we should do that, and
9 I hope that we will do that. And we will inform people who
10 were unable to provide testimony this evening the time and
11 the place of the next meeting or meetings, if they are to
12 occur. What I'd like to do now is turn to the -- again, if
13 I could have order? We only have another roughly 30
14 minutes. I'm told that the buses are here and therefore --
15 for the Malcolm X Academy. And so we're going to take a
16 two-minute break so that those students are able to depart
17 from these proceedings, and then we'll resume at that time.
18 Thank you.

19 (Off the record from 7:57 p.m. until 8:11 p.m.)

20 MR. BERNSTEIN: Thank you very much. We're
21 going
22 to call this hearing back into session. A long two
23 minutes, but necessary. And again, I want to thank
24 everybody who remains here this evening. I would like
25 to -- I know that we indicated we were going to go into a
26 public comment period. There are two individuals who are

1 on the witness list and who I would like to allow an
2 opportunity to provide testimony. The first is Mr. Louis
3 Jones. Is he available? Is he here? Sir, please.

4 REPORTER: Do you solemnly swear or affirm that
5 the testimony you're about to give will be the whole truth?

6 MR. JONES: Yes.

7 LOUIS JONES

8 having been called and sworn:

9 MR. JONES: Good evening. I think what I'd like
10 to do is a little bit different. It's to read an e-mail
11 that I wrote to Hester Wheeler who was here today, the
12 executive director of the NAACP and a friend of mine. And
13 I wrote this --

14 MR. BERNSTEIN: Sir, would you mind, again,
15 speaking into the microphone?

16 MR. JONES: Okay. I wrote this e-mail to him
17 about a half hour or so after I was approached like many
18 other people in this room were approached. And I say this
19 here,

20 "I was outside Wayne student center building
21 just
22 a short while ago and noticed two black women trying
23 to get me to sign a petition. The one woman who
24 approached me said it was a petition to ensure that
25 affirmative action stay around in Michigan. But I
26 read the thing, and it sounded like just the opposite.

1 I got the impression that these two young ladies had
2 been duped. I noticed that at the bottom of one of
3 the petitions was a name and contact information of
4 the organization for which these two young ladies
5 worked.

6 It is the Michigan Civil Rights Initiative
7 Committee located at PO Box 1398, Southgate, Michigan
8 48195 with a website at
9 www.michigancivilrights.org.

10 Now, I've been around the block enough to know that
11 just because you call yourself a civil rights
12 organization and have black folk working for you to
13 get others to sign petitions doesn't necessarily mean
14 that you are for issues like affirmative action.

15 Well, I went to the website listed above to
16 confirm what I suspected. The one woman that I spoke
17 to said she was going to check into the matter. When
18 I say the one woman, I'm talking about the woman that
19 approached me. She said she was going to check into
20 the matter, and I sensed some sincerity in her voice.
21 But right after I warned her about what she was doing,
22 I noticed her efforts to get others to sign. She said
23 that she was told during her training that by signing
24 the petition folks would be helping the cause of
25 affirmative action out. I told her that it appeared
26 she had been bamboozled. I don't know if there is

1 much the NAACP can do about this, the deception part
2 of it at least. But I thought you'd want to know."

3 And that's on the form that I filled out before

4 I

5 came in here that I could ask a question. And I just have
6 a very simple question. Is fraud a criminal act? This is
7 one question. I'm not talking about anything that's going
8 on here. Is fraud a criminal act?

9 MR. BERNSTEIN: It could potentially be. But
10 it -- it could potentially be. But again, that's not at
11 all what we're looking at at this point in time at all.
12 What we are looking at right now is the conduct of
13 circulators in the process of gathering signatures.

14 MR. JONES: I mean -- but I saw -- again, on the
15 form it said I could ask questions. That's why --

16 MR. BERNSTEIN: That's the answer.

17 MR. SCOTT: We've answered your question. It

18 can

19 be.

20 MR. BERNSTEIN: Right; right.

21 MR. JONES: It can be.

22 MR. BERNSTEIN: Okay. Thank you. Does anybody
23 have any question for Professor Jones?

24 MS. VAN HOUTEN: Mr. Jones, did you actually

25 sign

26 the petition? I wasn't clear.

1 MR. JONES: No, I did not sign the petition. It
2 was pretty clear to me that it was something other than

1 what was being represented.

2 MR. BERNSTEIN: Okay. Thank you. I'm going to
3 call Courtney who's been here, and the Chair would like to
4 recognize you, please.

5 (Exhibit 4 marked)

6 REPORTER: Do you solemnly swear or affirm that
7 the testimony you're about to give will be the whole truth?

8 MS. MORRISON: I do.

9 COURTNEY MORRISON

10 having been called and sworn:

11 MS. MORRISON: My name is Courtney Morrison. I
12 reside at 16162 Woodingham in the City of Detroit. On
13 December 30th, 2005, I was contacted in person by a member
14 of Operation King's Dream, Turquois Wise-King, who informed
15 me that my signature appears on a state ballot petition
16 entitled the Michigan Civil Rights Initiative, whose aim is
17 to eliminate affirmative action programs in the State of
18 Michigan.

19 When I heard my name was on the petition to ban
20 affirmative action, I was so hurt and angry I almost cried.
21 Sometime in September or October 2004, I was approached at
22 Liberty grocery store on McNichols between Meyers and
23 Wyoming. I had taken my tenant from the downstairs flat,
24 Sakina Lowery, to the grocery store. Two black middle-aged
25 circulators; one woman, one man; were there. I recognized

1 both of them because I had seen them in the neighborhood
2 buying drugs from a local dealer. The woman approached me
3 and asked me to sign. I told her to wait until I came out.
4 On my way out, she stopped me again and asked me to sign.
5 I remember her telling me that a city council member who
6 was for affirmative action was for this petition. That's
7 why I signed.

8 I am a firm supporter of affirmative action and
9 equal opportunity and would never knowingly sign a petition
10 to end affirmative action. If it is possible, I hereby
11 request or ask there be made a way where my name could be
12 withdrawn from this petition.

13 And I just have one comment. I just wanted to
14 say, you know, this was a total lie and I didn't know it.
15 And, you know, it hurts me now, you know, just knowing what
16 I did, you know. I thank God -- I wish everybody who did
17 it hadn't have done it. But, you know, this is a total
18 lie. And the devil is the father of lies. And those who
19 know and know the power of prayer, I believe that this is
20 the time that we should get together on one accord, pick a
21 time -- we don't have to be in the same room -- and pray
22 that this action can be -- there will be action taken
23 against these people who circulated these petitions because
24 on the petition I saw at the bottom, Michigan Civil Rights
25 Initiative. And I figured okay, this is okay to sign. But

1 after the fact, I mean, it really hurts my heart. I have a
2 daughter. I have 18, 16, 7, and 2 year olds, and, you
3 know, I want them to have a future. I can't afford to send
4 them to college myself.

5 MR. BERNSTEIN: Let me ask you a question,
6 please. You indicated that -- let me ask you this: Did
7 any circulator approach you indicating that this ballot
8 initiative was in support of affirmative action?

9 MS. MORRISON: Yes.

10 MR. BERNSTEIN: They said that this was in
11 support of affirmative action; is that correct?

12 MS. MORRISON: Yes.

13 MR. BERNSTEIN: Okay. They did not say that it
14 would ban affirmative action?

15 MS. MORRISON: No, they did not say it would ban
16 affirmative action. She said it was a petition -- she
17 said, "Would you like to sign this petition?" And I said,
18 "What is it for?" She said, "It's for affirmative action."

19 MR. BERNSTEIN: And you took it -- the phrase

20 "it

21 is for affirmative action" to mean that it was supporting
22 affirmative action?

23 MS. MORRISON: Positive; yes.

24 MR. BERNSTEIN: Okay. Are there any other
25 questions by the commission?

26 MS. VAN HOUTEN: Do you know when this took

1 place? Did you say that earlier?

2 MS. MORRISON: Yeah; September or October of

3 2004

4 at a grocery store.

5 MR. BERNSTEIN: Any other questions from the
6 commission? Okay. Thank you very much.

7 MS. MORRISON: Okay. Thank you.

8 MR. SCOTT: Mr. Chairman, I'd like to renew my
9 motion. I believe we have a quorum. This issue is right
10 for a vote by this commission right now; the motion being
11 that we continue these hearings past tonight, possibly in
12 other locations around the state to take as much testimony
13 as is necessary to flush this issue out.

14 MR. BERNSTEIN: Is there support for that?

15 MR. ABDRABBOH: Support.

16 MR. BERNSTEIN: All in favor? I'm sorry. Go
17 ahead.

18 MS. VAN HOUTEN: Mr. Chairman, I just -- this is
19 not an official meeting of the commission. At the time of
20 adjournment of the public hearing, if we wish to adjourn to
21 a future date, we can at that time. We're not in official
22 motion mode. This is a public hearing. I'd just object to
23 the procedure.

24 MR. BERNSTEIN: Well, your objection is noted,
25 Commissioner Van Houten. I have been informed that we do,
26 in fact, have a quorum and, therefore, we are able to make

1 this decision. And so we will entertain this motion. In
2 fact, I'd like to see just a show of hands in support of
3 the motion.

4 MR. WESAW: (indicating)

5 MR. SCOTT: (indicating)

6 MR. BERNSTEIN: (indicating)

7 MR. ABDRABBOH: (indicating)

8 MR. BERNSTEIN: Four in support. Is there any
9 opposed? Any abstentions?

10 MS. VAN HOUTEN: (indicating) Yes.

11 MR. BERNSTEIN: Okay. Let the record reflect
12 that we have supported the motion and that there will be
13 additional hearings related to this issue. Okay. We are
14 now going to -- we are now going to enter a public comment
15 period which is required under the Open Meetings Act.
16 There are, as you can see, dozens of forms. We will, of
17 course, not be able to get to all of them. But again, we
18 will be having future hearings. There will be more
19 opportunity for public comment. And we will welcome
20 everybody of all views related to this issue at those
21 hearings. We will make the information about those
22 hearings public, and we look forward to everybody's
23 attendance. So I would just like to begin. I will call
24 first Sean Novak from the NAACP, Central Michigan
25 University. Is he in attendance right now? Mr. Novak?

1 And again, if I could just remind you to please try to keep
2 your remarks to a minimum, there's a number of people who
3 want to speak. Thank you. Welcome.

4 MR. NOVAK: Hi, my name is Sean Novak. I'm a
5 member of the NAACP, Central Michigan University chapter,
6 student up there as well. And I was approached on two
7 occasions by circulators up at Central Michigan University.
8 The first time was in front of the student activity center
9 at Central Michigan University in Mount Pleasant, Michigan.
10 I was approached by a young white man who was there with a
11 young black man as well who was circulating these
12 petitions. He asked me like straightforward, "Do you
13 support civil rights? Sign here." As he did this
14 (indicating) number. So I asked him what it was about, and
15 he said it was to eliminate preferential treatment.

16 So then right there I kind of knew what it was
17 about because I was kind of informed about what had been
18 going on, and this was a common misleading language to
19 people who were on this anti-affirmative action initiative.
20 So I told him, I said, "No, thank you." And as I walked
21 away he said, "So you believe in preferential treatment?"
22 And I said to him -- I was kind of being sarcastic, and I
23 told him I was. And I asked if he would pass out another
24 petition that would end white privilege as well as I walked
25 in.

1 And then on another occasion in front of the
2 Bovee University Center at Central Michigan University,
3 there was a young black male. I think he was in his late
4 20's. He just simply asked me do I want to end racial
5 quotas, sign here. So I asked him at that moment -- I had
6 already knew what was going on. So I asked him if him or
7 anyone affiliated with their initiative would be interested
8 in sitting on a panel discussion that two other
9 organizations I'm involved in, the Nonviolence Coalition
10 and Collective Action for Cultural Unity. We were putting
11 on a -- we were putting on a program the week after that,
12 basically a panel discussion on affirmative action. We
13 wanted a balanced panel. We wanted people for and against
14 it so we could have an honest discussion on what we were
15 going to vote on.

16 So I asked him, and he declined and he said that
17 he would be leaving. I think he said he was going to
18 Detroit, going back to Detroit that day or the next day.
19 So then I asked him if he thought anyone else would be
20 interested, and I gave him some contact information. But
21 he really seemed like he was trying to avoid conversation
22 with me, and it appeared -- at least it appeared so to me.
23 And he really appeared to have no clue what he was doing or
24 what he was passing out. Obviously, that's my opinion.

25 And I guess other than that, I wanted to know --

1 as a student leader at Central Michigan University, I
2 wanted to know what we can do because this is not an
3 isolated thing, just me. I have, you know, a fellow
4 colleague here that witnessed similar. But I can only
5 speak for myself obviously. What can we do up there to
6 gather more evidence for you as far as affidavits to send
7 to you to let you know this isn't an isolated situation,
8 that it was a continuous thing over time? And that's all I
9 have to say. Thank you.

10 MR. BERNSTEIN: Thank you very much.

11 MR. SCOTT: I'm sorry. Mr. Novak, did you speak
12 to the woman that I pointed out to you in order to get the
13 address?

14 MR. NOVAK: Yeah, I've got it.

15 MR. SCOTT: Great. Thank you.

16 MR. BERNSTEIN: Hester Wheeler, representing the
17 Detroit NAACP. Mr. Wheeler?

18 MR. WHEELER: I asked Korey Hall if he would
19 join
20 me. Korey is my colleague at the Detroit Branch NAACP. He
21 serves as our public policy coordinator.

22 MR. BERNSTEIN: Would you mind speaking into the
23 microphone?

24 MR. WHEELER: I asked Mr. Korey Hall if he would
25 join me under this public comment section. He's my -- he
26 serves as our public policy coordinator on behalf of the

1 Detroit branch NAACP. Let me say good evening to all of
2 you commissioners and Madam Director. I simply want to say
3 on behalf of Reverend Wendell Anthony who serves as our
4 president and the 52,000 plus members of the Detroit branch
5 NAACP that this hearing is excellent. I applaud you for
6 exercising your authority as a Civil Rights Commission and
7 to hold such a fact finding, creator of a public record
8 about something that is so very, very important.

9 Let me also say this: The name Michigan Civil
10 Rights Initiative, in and of itself, is deceptive. This is
11 an anti-Michigan Civil Rights initiative. We who work in
12 civil rights have never seen Mr. Wardell Connerly. We've
13 never seen Mr. Leon Drolet. We've never seen any of these
14 perpetrators of this anti-civil rights initiative. We've
15 never seen them at a civil rights discussion. They have
16 been missing in action on issues relevant to voter
17 intimidation. They have been missing in action on issues
18 relevant to election protection. They have been missing in
19 action on issues relevant to predatory lending, racial
20 profiling, prison expansion. This is the worst kind of
21 fraud. So we applaud this body for hosting such an
22 important public discussion.

23 And I also want to say very succinctly that
24 whatever you do, you have to do -- whatever you can do, you
25 have to do. In addition to this education and this public

1 discussion, we have to take the next legal steps. And you
2 have the authority to do that as a Civil Rights Commission.
3 And I applaud you tonight. Thank you. Korey Hall.

4 MR. HALL: Yeah, I'd just like to say that we as
5 the NAACP know that if this issue was about around the
6 issue of taxes and there was some deceptive means used
7 in -- if we thought that our taxes were going up or going
8 down and in fact they were going up, this issue wouldn't
9 have gotten this far. It would have not even gotten this
10 far. It would have been iced. It would have been done
11 with. And so since we know that this issue is about race,
12 it's gone further than it should. And so we, again,
13 implore you to take every action necessary to make sure
14 that this goes away.

15 Secondly, I'd just like to talk about a personal
16 experience that Mr. Wheeler and I had. We didn't get a
17 chance to talk about it in the testimony. But late last
18 January, Mr. Wheeler and I were approached at the Farmer
19 Jacks on Jefferson in the City of Detroit. She was in her
20 40's, and she asked us to sign a petition that would keep
21 civil rights in the State of Michigan. We did not identify
22 ourselves as NAACP. We wanted to hear what she had to say.
23 I informed her that this proposal would, in fact, eliminate
24 affirmative action. She stated that she was getting paid
25 up to \$2 per signature and was told to say whatever she had

1 to say to get signatures and that she needed her money and
2 that she was going to continue to do what she had to do.
3 As we tried to broach the subject with her further, she
4 quickly gathered her things and walked away. So the
5 circulator also stated that she was not aware of the issue,
6 but, again, the fact that she needed the money.

7 MR. WHEELER: Thank you very much.

8 MR. BERNSTEIN: Thank you. There are some
9 students here and I spoke with their teacher at the very
10 beginning of this before the hearing began. And we
11 discussed having one or two students who were interested in
12 speaking come before us. I don't know. I think you're the
13 teacher who I spoke with. Do you know who is interested in
14 speaking? I just want to make sure that they have an
15 opportunity to speak.

16 MS. MILLER: (Inaudible)

17 MR. BERNSTEIN: Would you like to provide a
18 public comment on their behalf? You don't have to. It's
19 not --

20 MS. MILLER: Mari, why don't you come on up?
21 Mari is a U of M student and a graduate of Cass Tech. She
22 did some of it. Mari, you did some of it; come on.
23 La Quay, come on up. You did some of the home calling.
24 Come on up. And any student in here whose relatives were
25 lied to and signed the position, come on up.

1 MR. BERNSTEIN: Welcome. I appreciate you being
2 here. Thank you. If you could just state your name and
3 then make, again, brief comments. There's other people
4 that we want to have provide public comment.

5 MS. MILLER: My name is Heather Miller, and I'm
6 a
7 Detroit teacher and a parent of a Detroit Public School
8 student. You guys should introduce yourselves.

9 MS. JOHNSON: Yes, my name is La Quay Johnson.
10 I
11 attend Crocker Technical High School.

12 MR. BERNSTEIN: I'm sorry. La Quay, could you
13 please spell your first name; please?

14 MS. JOHNSON: Oh, L-a, Q-u-a-y. There's a space
15 between the A and the Q.

16 MS. CRUZ-LOPEZ: And my name is Mari Cruz-Lopez.
17 I'm a student at the University of Michigan.

18 MS. TATUM: My name is Shanae Tatum, and I'm a
19 student at Mumford High School.

20 MR. BERNSTEIN: Okay.

21 MS. MILLER: Yeah, I came here today --

22 MR. BERNSTEIN: Shanae, I apologize. The court
23 reporter wanted to get the spelling of your name.

24 MS. TATUM: Shanae, that's S-h-a-n-a-e, last
25 name
26 Tatum, T-a-t-u-m.

1 MR. BERNSTEIN: Okay. Go ahead.

2 MS. MILLER: I came here today after working a

1 full day teaching 5th graders at Marquette Elementary
2 Middle School. And I spend day in and day out looking in
3 the faces of those young people and thinking about teaching
4 them science, social studies, and math. But every day I
5 think to myself, what is the purpose of teaching this if
6 when they turn 17 years old the doors of opportunity are
7 closed in their face because that's the truth of it. You
8 want us to talk about the substance of the matter here
9 today, and that is the substance of the matter.

10 You are a Civil Rights Commission, and you are
11 endowed with the power to protect the civil rights of
12 citizens of this state. And I can think of no citizens
13 lives that are more precious than my students that I see
14 day in, day out. And this attack is directly an attack on
15 their futures, on their lives, on their parents, on their
16 families, and we will have none of it. We are here today
17 several hundred strong, could have been several thousand
18 strong because we are making a statement loud and clear.
19 There was fraud, deception, lies that were targeted to
20 black people, Latino people, overwhelmingly women, in this
21 state to take away their rights. And we are not going to
22 allow it to happen.

23 And I just want to say one thing. When we
24 started this campaign, there was an individual who worked
25 with us with BAMN, a young man, a college student. His

1 name was Joe Wagner. And Joe and I and Joe and Mari and
2 Joe and many people in this room spent hours and hours in a
3 car, on a phone, in strangers' homes talking to them about
4 this issue. And Joe lost his life last summer at a church
5 that he was at because he wanted to organize. He went to
6 the church. He went to the priest, and he asked them if
7 they could hold a hearing like this about the fraud that we
8 knew as soon as we started this campaign. And Joe went to
9 that church. The priest said, "Why don't you come on
10 tonight? We're having a carnival. You can come to the
11 carnival." And Joe lost his life that night at the
12 carnival. And Joe gave his life for this cause. He was
13 21-years-old. He was a white man from Eastern Michigan
14 University, and he was a fighter for civil rights. And the
15 people in this room who knew Joe and the people who worked
16 in this room who are still working are fighting in the
17 spirit that Joe gave us and in the spirit that everyone in
18 this room has that we cannot allow this fraud to go
19 forward.

20 We are not going to allow people to hide behind
21 so-called laws or so-called rules and regulations. That's
22 all garbage, and we know it. If we sat around in 1954 and
23 said that we had to hide behind laws or be afraid of young
24 people, where would we be today? We wouldn't be in this
25 room today, that's for sure. We are here today because we

1 are fighting for something that is more precious than
2 anything in the world. It is that the young people in this
3 state have opportunities to make their lives great and
4 wonderful; opportunities that were afforded to me because
5 of affirmative action as a woman. And those opportunities
6 are not going to be denied. And we are going to fight.
7 And we are not going to stop fighting. And we are not
8 going to allow this fraud and deceit on the ballot. Thank
9 you.

10 MR. BERNSTEIN: Thank you. Go ahead.

11 MS. JOHNSON: My name is La Quay Johnson. And I
12 am --

13 MR. BERNSTEIN: If you wouldn't mind -- I'm
14 sorry -- speaking into the microphone?

15 MS. JOHNSON: I'm sorry. My name is La Quay
16 Johnson, and I am a sophomore at Crocker Technical High
17 School. And being a sophomore and knowing what's going on
18 right now, it's pressuring me to just stop, to just stop
19 all the hard work I done, to just throw all away all the
20 4.0's I done got, to just throw away everything that I have
21 accomplished because every time I take a step forward I get
22 pushed back two because it seems like don't nobody care.
23 And, of course, in school I have learned civil rights is
24 not what people is making it out to be. It's more. It is
25 much more. It's much more to me and everybody who sits

1 behind me that believes in this cause.

2 And I have only been with BAMN for a couple of
3 months since '05. And it has taught me a lot. And I
4 have -- we have made phone calls in the past and not one
5 person, not one person that I talked to said that they
6 would have signed this petition if they would have known
7 the truth; the t-r-u-t-h, the truth. Not one. And it
8 pains me, it really pains me because I am a proud
9 African-American female who has come so far yet to try to
10 gain so little from what is coming. And I can't even say
11 nothing. I can't even say nothing.

12 MR. BERNSTEIN: Thank you.

13 MS. CRUZ-LOPEZ: My name is Mari Cruz-Lopez.
14 That's M-a-r-i, C-r-u-z. I didn't get a chance to spell it
15 out for you.

16 MR. BERNSTEIN: Thank you. Welcome.

17 MS. CRUZ-LOPEZ: Thank you. I graduated just
18 this June from Cass Technical High School in Detroit. And
19 now I'm a freshman at the University of Michigan in Ann
20 Arbor. So I can definitely say that affirmative action
21 helped me there.

22 And I was one of the students who was doing
23 phone
24 calls to people the first time that we started
25 investigations against the Michigan Civil Rights Initiative
26 for voter fraud. So I was one of the people who took the

1 random 500 sample from their petition signatures and called
2 people all around the State of Michigan to verify that they
3 had signed what they believed to be an anti-affirmative
4 action petition.

5 And I got very, very few people who knew that
6 that's what they were signing, especially people in
7 Detroit. They told me specifically that they signed a
8 petition in support of affirmative action or that they
9 signed a petition that would help their high school
10 children get into college or something of that nature. And
11 about 85 percent of the people I called all around the
12 State of Michigan, not just limited to Detroit obviously,
13 but all around the State of Michigan told me that they
14 believed to have signed something for civil rights, for
15 affirmative action, and anything like that.

16 And at that time, I was a senior in high school.
17 I was in 12th grade. And I myself and about a couple other
18 students as well, we were doing these phone calls. Now,
19 this is in like April of that year. Around that time,
20 students are applying to colleges. I was applying to the
21 University of Michigan at the time. I was doing my college
22 applications. Me and other students were studying for a
23 test such as the ACT and the SAT; biased, racist,
24 standardized tests that we know would have kept us out of
25 the colleges that we so diligently were applying to, hoping

1 to get in. And because of affirmative action, not because
2 of our scores on the test regardless of what they were,
3 because of affirmative action, I am where I am now.

4 And I did an informal investigation on the
5 Michigan Civil Rights Initiative. So you, you the Michigan
6 Civil Rights Commission, Michigan Department of Civil
7 Rights -- I'm reading it right from that banner -- you can
8 do a formal investigation to keep this off the ballot
9 because targeted voter fraud. They targeted black people.
10 They targeted Latino people, people who support affirmative
11 action. They knew who they were asking when they presented
12 those petitions to.

13 So you guys, you cannot tell me that you cannot
14 conduct an investigation to keep this from getting on the
15 ballot because if people don't know what they were signing
16 and if people were lied to -- just that simple fact.
17 People were lied to in order to get this on the ballot.
18 You need to address that issue. So if I can do an informal
19 investigation while I'm trying to apply to college, so can
20 you. You can do a formal investigation, a thorough
21 investigation. If I can Google in a person's name just to
22 get their phone number, you can -- I mean, you just have so
23 many more resources than we do.

24 MR. BERNSTEIN: May I ask you --

25 MS. CRUZ-LOPEZ: Yes.

1 MR. BERNSTEIN: -- how many people did you
2 contact during your work?

3 MS. CRUZ-LOPEZ: This was last year. I really
4 don't remember. But I know it was somewhere around 50 to
5 80 by myself.

6 MR. BERNSTEIN: And these were individuals who
7 were across the state, not in one --

8 MS. CRUZ-LOPEZ: Yes, across the state.

9 MR. BERNSTEIN: -- particular location?

10 MS. CRUZ-LOPEZ: Not limited to any single city.

11 MR. BERNSTEIN: Thank you very much.

12 MS. CRUZ-LOPEZ: No problem.

13 MS. TATUM: Okay. As I stated earlier, my name
14 is Shanae Tatum. I'm a senior at Mumford High School, and
15 I first got involved with BAMN. I've been involved since
16 October 2005.

17 I was also one of the students that looked on
18 the
19 list of names and phone numbers. And the amount of people
20 that I found, not only on my street and not only on my
21 grandmother's street and one of my best friend's street,
22 these were people that I knew for a fact would never sign a
23 petition to ban affirmative action; to ban something that
24 affects them so directly without being lied to.

25 So like everybody else, I called these places.
26 There was not one single person that I talked to -- and I

1 talked to about 30. There was not one that wanted to ban
2 affirmative action. My very best friend had four family
3 members who signed the petition without really knowing what
4 it was, and I had an opportunity to talk to one.

5 And from what she told me, she said that there
6 was a young man outside of a CVS right across the street
7 from me actually on -- right on Schaeffer. And he told her
8 that it was to keep affirmative action, and it was to help
9 minorities get into college and get scholarships and have a
10 equal chance. And once I explained to her what the
11 petition was actually saying, she was outraged. She was
12 like, you know, why would they try to do something like
13 this?

14 And as I stated earlier, I'm a senior. I'm
15 about
16 to go to college in June. It upsets me just like everybody
17 else to think that I may not be able to get into a college,
18 not based on my grades, not based on behavior, not based on
19 anything else other than the fact that I'm a minority. And
20 that makes no sense whatsoever. It's so plain in sight.
21 And as she just said, if we can sit up here and do this
22 investigation while I'm still in high school -- I still
23 have work to do. I still have a homecoming to plan for. I
24 still have prom. I still have all these other things, and
25 yet I still manage to find time to contact about 35 people,
26 all of which said they wanted to keep affirmative action.

1 This not only affects me. This affects my kids.
2 This affects my grandchildren. This affects my
3 great-grandchildren. This affects a lot of people. And
4 it's wrong to sit up and try to deny the fact that these
5 people were being lied to. Why else would a minority sign
6 something to ban a program for minorities? That makes no
7 sense, and it does not take a rocket scientist to figure
8 that out. It doesn't at all. I was able to figure it out
9 the first time that I reached for the sheet and I started
10 calling people's houses. And it makes no sense the fact
11 that they were lied to. And yet, they're saying, "Oh, it
12 doesn't matter if they were lied to. They signed it. Oh,
13 well." I mean, that's a slap in the face. That's like
14 saying, "Okay. They were too ignorant to actually do their
15 job right so go ahead and kick them out of college if they
16 want to."

17 MR. BERNSTEIN: Well, I think you all are making
18 your teacher very proud tonight, and I want to thank you
19 for being here. Do any of the commissioners have questions
20 for this panel? Okay. Thank you very much.

21 MS. MILLER: Thank you.

22 MR. SCOTT: Mr. Chairman, as you know, we -- as
23 you know, we invited the Michigan Civil Rights Initiative
24 and their representatives to be here tonight as well as
25 State Representative Leon Drolet. They all refused.

1 However, today the commission received the statement of
2 Jennifer Gratz, Executive Director of the Michigan Civil
3 Rights Initiative, and it's addressed to the Michigan Civil
4 Rights Commission. I'm not sure if all of the members of
5 the commission have had a chance to see the letter, but we
6 will provide it.

7 I won't read the entire letter, but I want to
8 enter it into tonight's record so that at least her
9 statement is here tonight.

10 I just wanted to say on behalf of myself that
11 I'm
12 pleased that my colleagues made this bold step out of the
13 zone of relative anonymity into the fray of one of the most
14 important issues in our state and in our state's history.

15 The allegations regarding the ways in which the
16 MCRI obtained these signatures are very, very serious
17 because the MCRI's ultimate goal is radical and
18 extraordinary and it's rare. Having been defeated in the
19 United States Supreme Court, they now have turned to
20 attempts to amend our state's Constitution. And we've got
21 to understand what a serious and rare occasion that is.

22 But perhaps more importantly, the allegations
23 that we heard tonight are that they are attempting to amend
24 our Constitution by means of fraud, deceit, and outright
25 lies. Not only that, they have taken to aggressive public
26 criticism of anyone who attempts to shed any light on these

1 allegations as evidenced by the letter that I'm having
2 entered into the record.

3 They would prefer that anyone who would be
4 critical of their tactics remain silent and retreat in
5 fear. However, I'm proud of the majority of this
6 commission who has not been intimidated and believes in
7 letting all sides be heard. And again, we did invite the
8 Michigan Civil Rights Initiative and others to be present
9 here tonight.

10 The citizens of this state deserve to hear the
11 testimony that's been offered here tonight. The MCRI and
12 others have chosen to boycott these proceedings. However,
13 we encourage them to come before this commission in the
14 future if indeed they have something to offer and nothing
15 to hide.

16 If these hearings achieve nothing more than to
17 provide the public with information, they will be
18 considered a great success. We want the citizens -- we
19 want all the citizens of this state involved in this
20 process before going to the polls to hear the information
21 before they decide if we are going to remain a state that
22 values diversity, fairness, equality, and equal opportunity
23 for all its citizens through the programs that have been a
24 part of this society for the past 40 years and that have
25 been repeatedly sanctioned by the U.S. Supreme Court or go

1 back to a system where the rights of minorities are
2 ignored. Thank you.

3 MR. BERNSTEIN: Thank you. Are there any other
4 commissioners that want to make any concluding statements?
5 Okay. I want to thank everybody for being here. We are
6 going to conclude this hearing and adjourn until future
7 meetings. Thank you.

8 (Exhibit 5 marked)

9 (Hearing concluded at 8:47 p.m.)

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