

STATE OF MICHIGAN

DEPARTMENT OF CIVIL RIGHTS

MICHIGAN CIVIL RIGHTS COMMISSION PUBLIC HEARING

University of Michigan, Flint

Harding Mott University Center

303 East Kearsley Street

Flint, Michigan - Wednesday, February 8, 2006

BOARD MEMBERS - MARK BERNSTEIN, J.D. - Chairman
MOHAMMED ABDRAHBOH, J.D. - Vice-Chairman
KAREN STOKES - Commissioner
KELVIN W. SCOTT, J.D. - Commissioner
MATTHEW WESAW - Commissioner
LINDA V. PARKER, J.D. - Director
RON ROBINSON, J.D. - Case Counsel
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1 Flint, Michigan

2 Wednesday, February 8, 2006 - 6:19 p.m.

3 MR. BERNSTEIN: I want to welcome everybody here.
4 I'm going to call this special hearing of the Michigan
5 Civil Rights Commission to order. This is the second
6 hearing that we've conducted on this very important matter.
7 The first hearing, as many of you may know, some of you
8 were in attendance, was in Detroit about roughly three
9 weeks ago. Let me introduce myself. I'm an attorney from
10 Ann Arbor. I'm the chair of the Michigan Civil Rights
11 Commission. And I want to welcome everyone here, everyone
12 here to these extraordinarily important proceedings.

13 This hearing is about conduct, about allegations
14 of voter fraud by a group working to ban affirmative action
15 in the State of Michigan. These allegations involve very
16 specifically -- and this is important for anybody who will
17 be testifying this evening. These are allegations that
18 involve very specifically the conduct of circulators
19 working to obtain signatures necessary to put that
20 initiative on the ballot. And secondly, it's about our
21 commission being responsive to Michigan citizens. As
22 Director Parker stated a second ago, it's about listening
23 to these profoundly serious allegations. To ignore these
24 voices, very simply, would be to ignore the
25 responsibilities of this commission. Tonight we are simply

1 doing our job.

2 Let's be clear about what we're talking about
3 tonight. We're talking about the civil rights of Michigan
4 voters. And there is nothing more central, more sacred to
5 the mission of this commission than an individual's voting
6 rights. Today we live in a time of increasing distrust and
7 cynicism about issues of public interest. And I believe
8 very strongly that that debilitating paralyzing cynicism
9 comes less from the content of public policy, less from
10 what's in the laws than by the conduct of people who are
11 making the laws or who are attempting to influence public
12 policy. So that's why this is extraordinarily important
13 this evening. It's about much more than the activities of
14 a ballot circulator.

15 I believe we owe it to ourselves and to future
16 generations who will live with the impact of this decision,
17 whether or not we choose to keep or ban affirmative action,
18 to treat these issues and each other in a very honest,
19 fair, and responsible way. And so I'm going to conclude my
20 remarks. I'm going to ask the members of the commission to
21 introduce themselves. If they have anything they'd like to
22 say, they're welcome to do so at this time. And we'll just
23 start all the way on my far left with Commissioner Wesaw.

24 MR. WESAW: Good evening. Thank you all for
25 coming. Matt Wesaw, looking forward to hearing your

1 comments.

2 MR. SCOTT: Good evening. Kelvin Scott,
3 likewise.

4 MR. ABDRABBOH: Good evening. Mohammed
5 Abdrabboh, I'm an attorney from Dearborn. I'm glad to be
6 here. I look forward to hearing the comments.

7 MR. ROBINSON: Ron Robinson, Assistant Attorney
8 General, counsel to the Civil Rights Commission.

9 MR. BERNSTEIN: Thank you. I just want to go
10 over some important ground rules before we begin calling
11 witnesses. Three important housekeeping items; number one,
12 this is a hearing that is specific to the issues that we
13 just talked about, specific to the allegations of voter
14 fraud by the Michigan Civil Rights Initiative. We are not
15 addressing any other matters that the Civil Rights
16 Commission is addressing or that the department is
17 addressing.

18 There are representatives from the department
19 throughout the room. If any of our department
20 representatives, if you could raise your hand identify
21 yourself. If you want or have an issue that you want to
22 bring to the attention of the department, please seek any
23 of these individuals out. There's a table out in the
24 hallway. You're welcome to fill out a form, and we will
25 follow up with you at another time. But we have very

1 limited amount of time, and it's critical that we get
2 through and address the specific issues that we're here to
3 do this evening.

4 Also, this is a hearing that we intend to
5 conclude at approximately 8:30 tonight. There are a large
6 number of people who want to speak tonight. We were only
7 able to get through a small fraction of the number of
8 people who wanted to speak at the hearing in Detroit. And
9 we want to get through as many people as possible this
10 evening. So anyone wishing to give testimony, you must
11 produce an orange public comment form. Again, there's
12 representatives from the department who are circulating
13 around the room. If you want to fill one of these out,
14 obtain a form, fill it out, and they'll make sure it gets
15 up to me or other members of the commission to make sure
16 that you're able to speak.

17 Again, the themes to this evening are listening,
18 and also about conduct. So please, this is an issue that
19 is very controversial. There may be people who speak that
20 you disagree with. But please respect every voice, every
21 opinion, every position on this this evening. It's
22 critically important in order for us to move through this,
23 and it's actually what this is all about.

24 Each speaker will be afforded five minutes
25 maximum. Doesn't mean you have to use five minutes, but

1 you have five minutes. We have our timekeeper who probably
2 has the toughest job this evening, Keesha Garrett, who's
3 sitting over here to the right. She's going to hold up a
4 sign that says "One minute remaining." When that sign goes
5 up, please draw your comments to a close. That's
6 critically important. Also, please do not applaud, clap,
7 cheer during a person's presentation or at any point in
8 this proceeding, that's important.

9 We are going to call witnesses first who allege
10 the voter fraud. These are individuals who either -- one
11 of three things occurred. They either signed a petition,
12 they were approached to sign a petition, or they were
13 involved in the petition process as a circulator. Those
14 are the people that we want to listen to first and
15 foremost. There will be a public comment period at the
16 end; albeit, a very abbreviated period of time, where other
17 individuals who have other ideas or views that they wish to
18 share regarding this issue are welcome to come forward.

19 We make take a short recess; we may not. We did
20 one in Detroit. It was like herding cats getting everybody
21 back into the room. So we may try to just roll through
22 this. With that -- oh, and one last thing. If you do have
23 a cell phone, please turn it off or at least put it on
24 vibrate while you're in the room here. It's distracting
25 for our court reporters who will be taking this down and

1 making a record, and it's just disruptive to the general
2 proceedings.

3 So without any other delay, unless I'm forgetting
4 anything else --

5 MS. PARKER: I was just going to comment, Mr.
6 Commissioner, that there perhaps is a fourth category of
7 person who we're interested in hearing from. And those
8 would be those individuals who know that they did not sign
9 the petition but have reason to believe that their name has
10 been submitted as being an individual who has, in fact,
11 signed.

12 MR. BERNSTEIN: And finally I'd like to say
13 before we begin -- and we said this at the Detroit meeting
14 and I want to say this again very clearly right now. We
15 have invited representatives from the Michigan Civil Rights
16 Initiative to speak, to participate, to share their views.
17 We would welcome their views. We would respect their
18 views. We want to hear their views. If there's anyone
19 from the MCRI who wishes to participate, if you will please
20 identify yourself to one of the department and fill out a
21 form, we'll make sure that you're able to present your
22 views and your opinions and provide you with an opportunity
23 to provide testimony.

24 So without any other delay, unless there's
25 anything else from any other commissioner, I'm going to

1 call our first witness which is Mr. Woodrow Stanely who's
2 the former mayor of the City of Flint and a current
3 commission member. And again, please no applause or any
4 cheering during these. Mr. Mayor, thank you for being
5 here. And if you could please stand, we're going to ask
6 every witness to take an oath.

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

9 MR. STANLEY: I do.

10 WOODROW STANLEY

11 having been called and sworn:

12 MR. STANLEY: Mr. Chairman, members of the
13 commission, let me first -- I want to thank you and welcome
14 you to our community. And as it relates to the no applause
15 rules, I can tell you, having held public office for over
16 20 years, I'll take applause wherever I can get them. But
17 I understand for decorum sake.

18 I was one of those folks that was approached to
19 sign the petition. But obviously -- and maybe not so
20 obviously given the fact there were a number of folks who
21 signed, I knew what the petitions were. And I was
22 approached quite frankly more than once to sign. And you
23 know, the -- I see now why a number of folks probably just
24 signed because individuals were using words like civil
25 rights and affirmative action. And probably at a cursory

1 kind of notice, those folks were thinking, hey, I'm doing
2 everything I can to support affirmative action.

3 But the one comment that I wanted to make -- and
4 I want to be very brief -- I think the hearings are
5 productive. And I want to again just underscore my thank
6 you to the commission for taking on this effort. But I'm a
7 realist. You know, I'm pragmatic about this. And I know
8 that if, in fact, you know, the legal groundwork that you
9 all are laying and what may come of it, if that does not
10 bear fruit, we have another much larger effort on our
11 hands.

12 And so I -- quite frankly, I'm a person that's
13 dealing with what I see as a pragmatic reality. And that
14 is, that we've got to take the issue of affirmative action
15 out of the context of being just about black folks because
16 that's the way a lot of folks see it, and not about the
17 fact that white women have been one of the biggest
18 beneficiaries of affirmative action. And, that, in fact, I
19 think that the playing field has been leveled for all
20 people, black and white, as a result of having affirmative
21 action programs.

22 And so I hope that those who speak understand
23 that we have work to do beyond this hearing. When you all
24 leave here, and if this in fact is an item that's on the
25 ballot later this year, we have to mobilize our community,

1 and I'm talking about the Michigan community as we've never
2 done before because this about more -- this is about
3 dividing our community for the political ends of some other
4 folks. And I know that's not the purpose of the
5 commission, but that's what this is all about.

6 Again, let me thank you for the opportunity to
7 come and share briefly with you.

8 MR. BERNSTEIN: Thank you. Does anybody on the
9 commission have any questions?

10 MR. SCOTT: I was just curious about some more of
11 the details about how you were approached and where you
12 were approached. Did you get any information about the
13 person who asked you to sign the petition?

14 MR. STANLEY: I didn't get any information. I
15 was approached, I think, both times were at -- no, maybe
16 three times; one at the supermarket -- both times at a
17 supermarket, and then at some kind of outdoor event. I
18 don't know if it was a concert or some outdoor event. It
19 may have been downtown Flint at the River Bank Park. I
20 don't recall at this point.

21 But, you know, I just -- I think in one case I
22 recognized the person. I don't remember who it is right
23 now. But I actually recognized the person who was
24 circulating. And he was quite insistent that I should sign
25 this. And I won't use the language, because this is a

1 family show, that I used to explain why I -- and I don't
2 use that language except on Wednesdays and Thursdays.

3 MR. SCOTT: This person that you know, what race
4 is that person?

5 MR. STANLEY: Black. Well, all of the folks who
6 approached me were black.

7 MR. SCOTT: Okay. If you think about who that
8 person was, that person's name, could you get that to the
9 department?

10 MR. STANLEY: Sure.

11 MR. SCOTT: Great.

12 MR. BERNSTEIN: Were any representations made to
13 you by the circulators when they approached you that it was
14 an initiative to support affirmative action or that it was
15 for affirmative action or that it was just -- when they
16 approached you, what did they say or what did they do?

17 MR. STANLEY: Mr. Chairman, as I recall -- and
18 again, I cannot recall verbatim what their pitch was. But
19 clearly the pitch was that this was an effort to support
20 affirmative action. Clearly, you know, that was what the
21 pitch was. And I don't remember the exact words, but I
22 know the pitch was not, "Do you want to sign a petition to
23 get rid of affirmative action?" That is not what was said
24 on either of the three occasions when I had an opportunity
25 to encounter circulators.

1 MR. BERNSTEIN: As a member of the community who
2 speaks with many people in your daily life, your work, are
3 there other people -- is your story unusual or rare, or is
4 it common?

5 MR. STANLEY: I think it's quite common because
6 they were -- on the occasions where I encountered them,
7 they were at places where there were a lot of folks; at the
8 supermarket, very busy supermarket two occasions, and at an
9 outdoor concert or something where there were a lot of
10 folks.

11 And, Mr. Chairman, and members of the commission,
12 the one thing that I know from just years of circulating
13 various proposals and my own petitions and so forth, I know
14 this: People sign any and everything without
15 contemplating, without considering. A lot of times they
16 sign as a sort of a, well this will get them away from me
17 so I'll just sign this. And I just -- because when I
18 didn't sign, he would walk over to someone else, and
19 halfway through his pitch, they were signing.

20 MR. BERNSTEIN: Thank you. We're going to next
21 call Kathilaine A. Butler. And if you could please come
22 forward? Thank you. After this witness, Eric Mays will be
23 next. So I'm just going to give folks a heads up who's on
24 deck. It will make things move a little faster.

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

3 MS. BUTLER: I do.

4 KATHILAINE BUTLER

5 having been called and sworn:

6 MR. BERNSTEIN: Welcome.

7 MS. BUTLER: Hi.

8 MR. BERNSTEIN: Please proceed. Do you have a
9 statement that you'd like to read or anything you'd like to
10 say?

11 MS. BUTLER: No. If you'd like me to tell my
12 story?

13 MR. BERNSTEIN: I would, please.

14 MS. BUTLER: Okay. I was approached at the
15 Kroger store near my house in Ann Arbor, Michigan. I'm not
16 exactly sure when this was. It was a few months ago at
17 least. It was a black person that approached me. It's
18 very busy in front of this Kroger store. And they said
19 they were from the Civil Rights Initiative, and it was
20 something about affirmative action. And because I am
21 definitely for affirmative action, I probably filled in for
22 that person and said, "Oh, is this a petition to keep
23 affirmative action?" And they probably said yes. I don't
24 remember exactly the wording that was involved. But I
25 signed it. I would say I probably signed it and didn't

1 read it because the person was black. I actually believed
2 that because the person was black, they couldn't possibly
3 be not for affirmative action. And that's my mistake.

4 MR. BERNSTEIN: Do you recall the approximate
5 date or time of that interaction?

6 MS. BUTLER: No, I'm afraid I can't. I can't.

7 MR. BERNSTEIN: Do you know anyone who had
8 similar experiences; friends or neighbors?

9 MS. BUTLER: I don't myself. I have been told
10 that there are people in my complex who have. I live in a
11 cooperative housing in Ann Arbor. It's federally funded
12 cooperative housing. It's called Arrowwood Hills. It's
13 not a neighborhood you'd live in if you did not believe in
14 affirmative action for many reasons.

15 I'm very upset that I was duped into signing this
16 petition. I feel like I was lied to, deliberately lied to.
17 I never, ever would sign a petition like this.

18 MR. BERNSTEIN: So the individual who approached
19 you indicated that it was a petition related to affirmative
20 action, that it was for affirmative action, that it was in
21 support of affirmative action; do you recall?

22 MS. BUTLER: Like I said, I don't know exactly
23 what the wording was. I can't remember if they said "for"
24 or if I said "for." They could have said "regarding
25 affirmative action." They brought up the topic of

1 affirmative action, of course, and I may have filled in and
2 said, "Oh, is this a petition to keep it?" or "Is this a
3 petition for it?" But if that is the case, they would have
4 had to say yes in order for me to sign it.

5 MR. BERNSTEIN: And in no instance there was no
6 representation that it was to ban affirmative action?

7 MS. BUTLER: No, there couldn't have been.
8 There's no way I would have signed it if it was.

9 MR. BERNSTEIN: Okay. Any other questions?
10 Thank you very much.

11 MS. BUTLER: Thank you.

12 MR. BERNSTEIN: Mr. Mays. Elizabeth Jordan who
13 filled out a form with be after this. If you could still
14 remain standing while you take an oath, please?

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

17 MR. MAYS: I do.

18 ERIC MAYS

19 having been called and sworn:

20 MR. BERNSTEIN: Can each of you please just state
21 your name?

22 MS. HORTON: Sally Horton.

23 MR. IRVIN: Sherman Irvin.

24 MR. MAYS: Eric Mays.

25 MR. BERNSTEIN: Welcome.

1 MR. MAYS: Thank you. I would start out by
2 saying, first, I would like to thank the BAMN organization
3 for calling it to my attention. And I would like to thank
4 Kathryn Blake with the Flint branch of the NAACP.

5 Once they called to my attention what I had been
6 reading about, I have a local public access show so I
7 started talking about it on my cable show. And as a result
8 of that, I got calls from people, and I started looking at
9 the issue more closely. Once I looked at it closer and I
10 looked at the petition language -- I had heard all the talk
11 about affirmative action -- and the petition language
12 clearly talks about discriminating against, prohibiting
13 discrimination.

14 And so once I looked at the list of circulators,
15 I seen people who I know because I do a lot of petition
16 work on other things here locally and I had seen some of
17 the same circulators who have worked with me before. One
18 of them to my right is Sally Horton; the other one was
19 Sherman Irvin. These are two that is here tonight, but
20 I've talked with others.

21 And when I talked with them, I asked them
22 privately, "Did you really realize what this was?" And I
23 guess you'll hear from them tonight as to whether they did
24 or not, but they told me no. Sally explains to me today
25 she's still sorting it out from what I'm telling her now.

1 But they were paying.

2 And I've had a lot of experience with paid
3 petitioners. And even though the law requires you -- that
4 you can be paid -- I found out from a campaign with Mayor
5 Stanley; we had a saying that said we have the best
6 volunteers that money couldn't buy. I found out from
7 working with Mayor Williamson when you throw money in there
8 you've got a lot of mess.

9 So I'm here to tell you that I know these people
10 from growing up. They were circulators. I know from
11 talking to them privately what they were trained to do,
12 what they wasn't trained to do, what they understood and
13 what they didn't understand. And I think you're going to
14 get some interesting testimony.

15 Before I concede because the one minute card
16 ain't went up yet, I would say that when I looked at the
17 law closely, I seen a term of actual fraud defined in a
18 case of Supreme Court of Michigan case Goodrich versus
19 Miller. The cite was 314 MICH 456, 22 NW 2nd, 862. And it
20 defined actual fraud as "An intentional fraud which
21 consists of deception intentionally practiced to induce
22 another to part with a property right or to surrender some
23 legal right which accomplishes the end design." And then
24 what was most interesting, I seen the term constructive
25 fraud. Constructive fraud is a "Breech of legal or

1 equitable duty which irrespective of moral guilt of the
2 fraud feator, the law declares fraudulent because of its
3 tendency to deceive others." And that's what I'm seeing.

4 Even in the language, I see constructive fraud.
5 Even in the way that circulators were purposely or
6 intentionally not trained, I see some constructive fraud.
7 And then finally when I looked at Michigan law, I spoke in
8 Detroit of MCLA 600.4545. Now I want to talk about MCLA
9 600.4501 because -4545 says, if we evidence this fraud,
10 then 30 days after the election I want the results set
11 aside because fraud have effected the outcome. If -4501
12 allows the attorney general to proceed prior, then that's
13 what I request.

14 And so I've drawn up an application that I would
15 like to tender to your counsel as I leave. It's an
16 application from a private citizen asking the Attorney
17 General to intervene up under statute. Now, I'll let you
18 hear from Sally Irvin -- or Sally Horton. I knew her as
19 Irvin.

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

22 MS. HORTON: I do.

23 SALLY HORTON and SHERMAN IRVINE

24 having been called and sworn:

25 MR. BERNSTEIN: Ms. Horton, welcome. Thank you

1 for being here.

2 MS. HORTON: Thank you.

3 MR. BERNSTEIN: You were a circulator for the
4 Michigan Civil Rights Initiative; correct? Gathering
5 signatures; is that correct?

6 MS. HORTON: Yes.

7 MR. BERNSTEIN: How long did you work as a
8 circulator approximately? A week, a month, a few days?

9 MS. HORTON: As long as the petition was paying,
10 I was working.

11 MR. BERNSTEIN: And what were they paying per --
12 how did they pay? Was it per signature?

13 MS. HORTON: Per signature that checked out to be
14 a registered voter.

15 MR. BERNSTEIN: And what was the amount that they
16 paid per signature; do you recall?

17 MS. HORTON: \$1.

18 MR. BERNSTEIN: \$1?

19 MS. HORTON: Yeah.

20 MR. BERNSTEIN: What did they tell you -- how did
21 you learn about this opportunity to work for the Michigan
22 Civil Rights Initiative?

23 MS. HORTON: Probably through my younger brother
24 who's not here.

25 MR. BERNSTEIN: And what did you know about it,

1 or what were you told about it?

2 MS. HORTON: I didn't really know that much about
3 it. I don't think it was really explained enough to me to
4 go out and take the signatures.

5 MR. BERNSTEIN: And where did you pick up the
6 materials before you went out to conduct your circulating
7 activities? Did someone mail them to you or drop them off
8 at your house, or did you go and pick them up?

9 MS. HORTON: No, I think we went to -- where did
10 we go pick them up at? Was that on -- I can't remember.

11 MR. BERNSTEIN: Don't remember. Okay. Do you
12 remember, Mr. --

13 MR. IRVIN: I was saying that I picked it up on
14 the streets from somebody. I don't even remember who it
15 was; you know, just somebody else that was doing the
16 petition.

17 MR. BERNSTEIN: Okay. He handed or she handed
18 you additional clipboards and pens and paper and the
19 material that you needed?

20 MR. IRVIN: Right; right, and got me started;
21 yeah.

22 MR. BERNSTEIN: Who did you return -- and I'll
23 ask both of you this question. Ms. Horton first, who did
24 you return your completed petitions to? Was it an office?
25 Did you mail them to somebody?

1 MS. HORTON: An office, yeah.

2 MR. BERNSTEIN: An office.

3 MS. HORTON: I think it was downtown around by
4 the Salvation Army; around there.

5 MR. BERNSTEIN: And how many signatures do you
6 think that you obtained approximately?

7 MS. HORTON: I can't remember.

8 MR. BERNSTEIN: Was it a small number? Was it
9 10? Was it 100? Was it 5?

10 MS. HORTON: Well, I was pretty good at
11 collecting signatures.

12 MR. BERNSTEIN: You were good, huh. So what does
13 good mean? Is good many?

14 MS. HORTON: Yeah, I didn't know. Many; many.

15 MR. IRVIN: Many.

16 MR. BERNSTEIN: More than 100 signatures?

17 MS. HORTON: Yes.

18 MR. BERNSTEIN: More than 1,000 signatures?

19 MS. HORTON: Yes.

20 MR. IRVIN: Yes.

21 MR. BERNSTEIN: More than 5,000 signatures?

22 MS. HORTON: No.

23 MR. IRVIN: No.

24 MR. BERNSTEIN: So approximately 1,000, give or
25 take?

1 MS. HORTON: Yeah, give or take.

2 MR. BERNSTEIN: Mr. Irvin, same questions for
3 you.

4 MR. IRVIN: Same thing.

5 MR. BERNSTEIN: Same thing? You were a good
6 circulator too?

7 MR. IRVIN: Exact same thing. I was a good
8 circulator.

9 MR. BERNSTEIN: You were a good circulator.

10 MR. IRVIN: And they paid good.

11 MR. BERNSTEIN: Now, what did they -- I don't
12 want to get you in trouble. What did they pay you per
13 signature?

14 MR. IRVIN: Same thing, \$1 per signature.

15 MR. BERNSTEIN: Same thing, \$1 per signature.
16 Okay.

17 MR. IRVIN: \$1 for every signature.

18 MR. ABDRABBOH: How often did you get paid?

19 MR. IRVIN: I think it was -- what? -- once a
20 week. Wasn't it Sally?

21 MS. HORTON: They gave you a check -- you turned
22 them in. If you turned them in on a Monday, they check
23 them out Tuesday, and they pay you that following
24 Wednesday. So about two to three days.

25 MR. ABDRABBOH: Would they mail you a check, or

1 would they --

2 MS. HORTON: No. You come into the office and
3 pick the check up.

4 MR. ABDRAHBOH: Did they always pay by check?

5 MS. HORTON: Yes.

6 MR. BERNSTEIN: Did they provide you with any
7 materials, any training materials, any information about
8 what this --

9 MS. HORTON: No; no. Well, there was a sheet
10 that was given to us. They highlighted a little area, and
11 they said, "This is what you want to tell the people it's
12 mainly pertaining to." And that was it basically.

13 MR. BERNSTEIN: Were you aware or -- did you
14 approach people -- when you approached people to obtain
15 their signature, when you went up to somebody walking into
16 a grocery store or a drug store, what would you say to
17 them?

18 MS. HORTON: I thought it was actually against
19 affirmative action. So that's basically what I told the
20 people.

21 MR. SCOTT: You thought it was against
22 affirmative action, to end affirmative action, or you
23 thought it was for affirmative action? I'm asking you.
24 You've got to answer for yourself. What did you think?
25 You can't answer for her.

1 MR. MAYS: Discrimination and affirmative --
2 MR. SCOTT: I'm asking her.
3 MR. MAYS: -- action are still being cleared up,
4 that's why I'm --
5 MR. SCOTT: I'm asking her though. You can't
6 answer for her.
7 MS. HORTON: That's what I'm saying. I don't
8 understand the word "affirmative action." That's why I
9 have to ask Eric.
10 MR. SCOTT: I'm sorry?
11 MS. HORTON: I have to ask him because I didn't
12 understand the word against -- or whether it was against
13 or -- I wouldn't be against my own, you know --
14 MR. SCOTT: Well, that's what I was asking. What
15 did you understand? Did you understand it to be against or
16 for affirmative -- what did you understand at the time that
17 you received the petition?
18 MS. HORTON: I don't know.
19 MR. BERNSTEIN: And it's okay if you didn't
20 understand. Was it unclear?
21 MS. HORTON: I didn't understand it; right. And
22 I still don't understand it.
23 MR. BERNSTEIN: Okay. Okay.
24 MR. SCOTT: Are you personally for or against
25 affirmative action?

1 MS. HORTON: (No verbal response)

2 MR. ABDRAHBOH: If I can just jump in for a
3 second? To make it easier, what did you think the petition
4 was for? How about that?

5 MS. HORTON: I thought the petition was for --

6 MR. SCOTT: Would you please speak into the mike?

7 MS. HORTON: Yeah, I thought it was against
8 discrimination.

9 MR. BERNSTEIN: Okay. Any other questions from
10 the members of the commission? Anything else that you'd
11 like to add?

12 MS. HORTON: Had I known it wasn't for, I don't
13 think I would have did it.

14 MR. BERNSTEIN: Thank you very much.

15 MR. ABDRAHBOH: Mark, one question. Ma'am, do
16 you have the piece of paper that was given to you to
17 explain --

18 MS. HORTON: The one that they gave us there?

19 MR. ABDRAHBOH: Yes.

20 MS. HORTON: No. As a matter of fact, I moved
21 since I did the petition. I didn't keep anything. If I
22 seen it again -- if you had a form, I could show it to you.
23 But, no, I didn't keep it.

24 MR. ABDRAHBOH: Do either one of you have any
25 names or phone numbers of people that, I guess, would maybe

1 be your supervisor or contact person?

2 MS. HORTON: No; no, because once they do, once
3 they get their signatures they move on. They don't give us
4 a way to get in touch with them.

5 MR. ABDRABBOH: Thank you.

6 MS. HORTON: You're welcome.

7 MR. BERNSTEIN: Thank you very much. Ms. Jordan,
8 Elizabeth Jordan. Sherry Bell will be next after Ms.
9 Jordan. Thank you.

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

12 MS. JORDAN: Yes.

13 ELIZABETH JORDAN

14 having been called and sworn:

15 MR. BERNSTEIN: I'll let you present your -- if
16 you have a prepared statement or anything that you'd like
17 to say.

18 MS. JORDAN: Thank you. I was approached twice
19 for my signature over the last summer within about a two or
20 three week period. The first time it happened was just
21 outside the Value City in Flint. And it was two young
22 white women who approached me. And they asked me -- I
23 can't remember their exact words, but it was essentially,
24 you know, "Are you in favor of civil rights?" And I said,
25 "Well, yeah." And they said, "Well, then would you like to

1 sign this petition?" And I said, "What's this about?" And
2 they said, "Well, are you in favor of making entry into
3 college equal?" And of course I am in favor of that.

4 But I think I had heard a report on the radio
5 some weeks prior stating that there was going to be this
6 petition drive coming to Michigan. And so it kind of
7 tickled the back of my mind. And before I signed I said,
8 "Oh, is this about affirmative action?" They never used
9 the term "affirmative action." But when I asked that and I
10 asked, "Is this against affirmative action," she said,
11 "Well, yeah." And I got really offended at that point
12 because that's not at all what I would have believed if I
13 hadn't specifically thought to ask that question. And so I
14 said, "Absolutely not. I'm not going to sign this." And
15 she was kind of persistent for a moment. But I said, "This
16 is not what I'm in favor of. I'm not going to sign it."
17 And I ended up going into the inside of the store with my
18 mother. And we got the store manager who asked the young
19 women to leave because they hadn't had any permission to be
20 there.

21 And then a couple of weeks later at the Meijers
22 on Center Road, a very similar process happened again. And
23 again I went inside to get the store manager, except for by
24 that time when they came out, the two women had already
25 left. So that was my experience.

1 MR. BERNSTEIN: So do you recall the approximate
2 time of day and specific location?

3 MS. JORDAN: Right. Both times it happened in
4 the afternoon. I'd say earlier in the afternoon on the
5 first occasion which was at Value City on Fenton Road. The
6 second occasion was at Meijers probably later in the
7 afternoon on Center.

8 MR. SCOTT: Did you recognize either of the
9 signers on either occasion or either of the petition
10 gatherers on either occasion?

11 MS. JORDAN: I hadn't seen them before.

12 MR. SCOTT: You said each time they were two --
13 they were both white women?

14 MS. JORDAN: Yes. I think they were two
15 different pairs possibly, but they were all white.

16 MR. ABDRAHBOH: What would be, I guess, the
17 misleading part or the fraudulent part of it if you asked
18 them how this relates to affirmative action and they told
19 you? How were you --

20 MS. JORDAN: I think that the part to me that is
21 misleading is that the onus was on me to remember that I
22 had heard a report several weeks earlier that there was
23 this initiative coming to Michigan, and, therefore, it put
24 me on the lookout for it. If I hadn't heard that report, I
25 would have never thought to ask that question. And so I'm

1 sure for other folks who didn't have that background
2 information already -- when I was a public policy major,
3 this is what I studied. I knew the question to ask. And
4 if I hadn't had that background, I wouldn't have asked that
5 question, I would not have been informed, and I would
6 likely have signed it.

7 MR. BERNSTEIN: Any other questions? Thank you
8 very much.

9 MS. JORDAN: Thank you.

10 MR. BERNSTEIN: Ms. Bell. Kim Peterson, if
11 you're here, will be next.

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

14 MS. BELL: Yes.

15 SHERRY BELL

16 having been called and sworn:

17 MR. BERNSTEIN: Welcome, Ms. Bell.

18 MS. BELL: Hi.

19 MR. BERNSTEIN: How are you?

20 MS. BELL: It's cold.

21 MR. BERNSTEIN: You should be up here. It's a
22 little hotter up here. I'll give you an opportunity to
23 make a statement if you'd like.

24 MS. BELL: My name is Sherry Bell. And I can't
25 quite remember if I was approached at Value City because I

1 was approached twice. And I'm very leery, working for the
2 federal government you become very leery. So I read the
3 petition, and I thought it was for affirmative action. And
4 I signed it and asked some questions about it. And they
5 said that it was because of what was going on in Lansing
6 with the students and things, that it was about affirmative
7 action and that they were trying to get rid of it. And I
8 thought it was that guy who was with Mays. That's who it
9 looked like the petition I signed for, but I wasn't for
10 sure.

11 MR. BERNSTEIN: So when someone approached you to
12 obtain your signature, could you explain what did they say
13 to you? What kind of interaction did you have with that
14 individual?

15 MS. BELL: They said that -- they asked would I
16 like to sign a petition. And I said what was it about.
17 And they said it was about affirmative action. So I took
18 it from them and read it. And the wording seemed like it
19 was for affirmative action, and I signed it.

20 MR. BERNSTEIN: And what made you believe that
21 the wording was supportive of affirmative action?

22 MS. BELL: I can't quite -- the way it was worded
23 that it was to keep them from taking our affirmative action
24 away from what I can remember.

25 MR. BERNSTEIN: Do you recall the time and place

1 of this interaction?

2 MS. BELL: Like I said, it was two places I was
3 approached. And I had told the second place that I had
4 already signed the petition. So I'm thinking it might have
5 been in the late afternoon, early evening.

6 MR. BERNSTEIN: Any other questions from members
7 of the commission? No?

8 MR. SCOTT: Looked like you had something else to
9 say?

10 MS. BELL: No; no.

11 MR. BERNSTEIN: Thank you very much. Kim
12 Peterson if you're here? Heather Miller will be next.

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

15 MS. PETERSON: Yes, I do.

16 KIM PETERSON

17 having been called and sworn:

18 MR. BERNSTEIN: You have an opportunity to make a
19 statement if you'd like.

20 MS. PETERSON: Yes. It was probably the summer
21 of 2004. I was walking downtown walking past the district
22 court, the McCree Building and --

23 MS. PARKER: Could you push the mike closer to
24 you, Ms. Peterson?

25 MS. PETERSON: I was walking downtown Flint, and

1 a male approached me, a black male approached me. And he
2 had the petition, the clipboard, and he asked me to sign a
3 petition. He said it was -- he said if I didn't want to
4 have discrimination -- you know, more or less pushing it in
5 that direction. So I asked him to see it and read it for
6 myself. And the reason why I read it and didn't just sign
7 it is because I had been hearing about them trying to ban
8 affirmative action. And then I'm very leery about
9 petitions because the petitions I've seen in the past few
10 years are always misleading with the wording and that's a
11 concern of mine.

12 So I did read it. And it took me awhile to read
13 it because it's always just some word in there that will
14 change the meaning. So after reading it and completing it
15 until I figured out I fully understood what it said, I came
16 to the conclusion that it was against affirmative action
17 and I did not sign it.

18 And I just looked at the guy, and I handed it
19 back to him and I was very appalled. To this day I regret
20 not asking him why he was passing that out especially in a
21 like area that I felt like was high traffic for black
22 people. And I felt like him being black -- not saying that
23 you have to be for affirmative action because you're black,
24 but I was wondering like how much are they giving you to
25 sell your soul.

1 And then so what happened was, it just so
2 happened that yesterday I was walking in this building, and
3 I just happened to see the information about tonight. So
4 that's how I got here today. And so I spoke with someone
5 over the phone about this. And on my lunch hour today, I
6 happened to just run home, only had a couple of minutes,
7 and I got on the internet to the website, the BAMN.com
8 website.

9 And so it said, you know, like if you have been
10 approached or if you know someone -- which I didn't know
11 anyone, but I did just put in my last name. And I put in
12 different zip codes around Flint. I saw an uncle, David
13 Peterson, Olive E. Peterson his wife, a cousin Patricia
14 Nyoki (phonetic) Peterson, and an aunt JoRuth Richmond. I
15 happened to call her on my way back to work and just ask
16 her did she vaguely recall it. She said vaguely, but she
17 said under no way would she have signed it had she known.
18 And me just speaking for the other relatives, I know they
19 would not have signed that. So that's basically it.

20 MR. BERNSTEIN: How many names did you see on
21 that? Are you done with your statement? I didn't mean to
22 interrupt you.

23 MS. PETERSON: Uh-huh (affirmative).

24 MR. BERNSTEIN: How many names did you see on
25 that list when you checked on the web approximately that

1 you knew?

2 MS. PETERSON: You mean as far as that I
3 recognized?

4 MR. BERNSTEIN: That you recognized, yeah.

5 MS. PETERSON: Four and a possible five.

6 MR. SCOTT: You only contacted one of those
7 people? You only had the opportunity to --

8 MS. PETERSON: Just one; just one. And I
9 probably will contact the others.

10 MR. BERNSTEIN: In your interaction with the
11 circulator, did that circulator present to you that this
12 was supportive -- that their initiative was supportive of
13 affirmative action or that it would, in fact, ban
14 affirmative action?

15 MS. PETERSON: He leaned more towards support it.
16 He was vague with that he was saying -- how he said it too
17 was like, "Do you want to" -- he said do you want to keep
18 discrimination out of like -- as far as like, entry into
19 college, you know, university, and things of that nature.
20 And he said like to keep affirmative action going. That's
21 how he put it, you know, to that extent.

22 MR. BERNSTEIN: So did he say, "This is a
23 petition that's for affirmative action"?

24 MS. PETERSON: Yes.

25 MR. BERNSTEIN: Okay. And when he said, "This is

1 a petition for affirmative action," did you take "for" to
2 mean that it was supportive of affirmative action?

3 MS. PETERSON: That's what I took it to mean.

4 MR. BERNSTEIN: Not that it was for, it was
5 dealing with the subject of affirmative action?

6 MS. PETERSON: The subject; the subject.

7 MR. BERNSTEIN: Let me clarify. So you took it
8 to mean that when he said this is "for" -- or this
9 individual indicated to you that it was "for affirmative
10 action," that they were -- that the content was supportive
11 of affirmative action, or that it was --

12 MS. PETERSON: The content was regarding.

13 MR. BERNSTEIN: Was regarding affirmative action?

14 MS. PETERSON: Regarding.

15 MR. BERNSTEIN: Okay.

16 MR. ABDRAHBOH: Well, I had a question. What
17 evidence do you have that, you know, this man was doing
18 this intentionally?

19 MS. PETERSON: You said intentionally?

20 MR. ABDRAHBOH: Yeah. Maybe -- what evidence do
21 you have either way that you can point to that shows that
22 this man wasn't defrauded himself?

23 MS. PETERSON: I don't. But now just listening
24 to other people's testimony, there's very well that
25 possibility.

1 MR. ABDRABBOH: So you really don't know either
2 way?

3 MS. PETERSON: I don't.

4 MR. ABDRABBOH: You don't know if he was taking a
5 political position, or he didn't know what he was doing and
6 he --

7 MS. PETERSON: Up until today I didn't possibly
8 give that a thought, but now I do. But at that point, I
9 didn't look at it that way. I assumed he knew what he was
10 doing and what he was representing.

11 MS. STOKES: And you said that he said it was
12 against discrimination? Are those the words that you used?

13 MS. PETERSON: Yes, to keep out -- yes.

14 MS. STOKES: That this would be something to
15 support anybody that's against discrimination?

16 MS. PETERSON: Correct.

17 MR. BERNSTEIN: Any other questions? Thank you
18 very much. Ms. Miller. Reverend Hill, if you're here,
19 will be next.

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

22 MS. MILLER: Yes, I do.

23 M. HEATHER MILLER

24 having been called and sworn:

25 MS. MILLER: Yes, my name is M. Heather Miller.

1 MR. BERNSTEIN: Ms. Miller, before you begin, I
2 know you testified at the Detroit hearing. So I don't want
3 to do anything that duplicates or that's redundant. Do you
4 have any new information that you wish to present?

5 MS. MILLER: Yes; yes, I do.

6 MR. BERNSTEIN: Go ahead.

7 MS. MILLER: I'd like to start by letting people
8 know I am a Detroit teacher and also letting people know I
9 got my 35th, fifth grader today in school. And we have all
10 of two bathrooms to serve the whole third, fourth, and
11 fifth grade students in my school just to give you an idea
12 of what the day is like.

13 I've done extensive research on this, on the
14 affirmative action, the anti-affirmative action petition
15 drive here in Flint. I've taken a number of days of leave
16 from my job without pay. I actually spent the last three
17 days, the weekend here, researching, talking to people,
18 talking to -- literally I think since the beginning of this
19 talking to hundreds of people.

20 I have in front of me five sworn statements,
21 affidavits from five circulators who represent many, many,
22 many Flint signers. I don't even know how many, but my
23 guess is it's well over a thousand Flint signers. And I'd
24 just like to tell you my experience with speaking with
25 those people who I spent quite a few hours talking to these

1 five individuals.

2 The first one is Christi Lynn Sanders. She's a
3 white woman. She's married to a black man. Her two
4 children she referred to herself as two black children.
5 She circulated for only about two days. She went in front
6 of a store which seems to be the common thing here in
7 Flint. They were very -- circulating a lot in front of
8 little like Dollar Stores and Kessell seems to be a big
9 place where people circulated. She was circulating in
10 front of a store, and she kept getting yelled at and she
11 didn't understand why. She had no understanding of why
12 they were doing that. She was telling people it was for
13 affirmative action. She couldn't understand why people
14 would be so opposed to that.

15 She went back another day, her second day
16 circulating, and she was with her daughter, a teenage
17 daughter at the time. And she started -- a woman came up
18 to her. I believe it was a woman came up to her and
19 started screaming at her, "How could you do this? How
20 could you do this to your daughter?" And she was
21 completely confused and upset. And it dawned on her. She
22 finally realized that what she was doing was lying to
23 people. She was telling them to sign a petition for
24 affirmative action to help their children get into college
25 when the exact opposite is true. It dawned on her. She

1 quit immediately.

2 We asked her if she remembered who it was she
3 hooked up with, who were the people that got her this job.
4 She said she found a little card, a little advertisement in
5 a telephone booth that she called. We asked her where did
6 she go to pick up the petitions and get her money. She
7 said the place always changed. She was told to go to the
8 Halo Burger and then it changed to the Flint Library, and
9 then it changed to the Arby's or the Hardee's in town. It
10 was a real -- you know, a real shady kind of operation that
11 was going on. And that's Christi Lynn Sanders. I have her
12 statement.

13 I talked to two women, June Scroggins and Yvonne
14 Moore. They both live in the same public housing together.
15 They're both black women. They petitioned a lot. They got
16 a lot of signatures. And Yvonne and June petitioned a lot
17 together. They did a lot in front of the courthouses. And
18 I asked what was their pitch. Like you were saying, what
19 did they say to people. And the big thing they said that
20 they got the most signatures for was telling people that it
21 was for affirmative action, to end discrimination, and to
22 help them get their children into college, and to stop
23 racism. Those were the things that they said that they
24 found were most successful.

25 June petitioned all over the place, got a lot of

1 signatures. I think on the 500 sample that the Board of
2 Canvassers or the elections commission did, her name showed
3 up as a circulator quite a number of times. Her building
4 manager after quite some time came up to her and said, "Do
5 you realize what you're doing?" And she said, "Yeah, I'm
6 circulating a petition to end discrimination." She said,
7 "No, you're circulating a petition to end affirmative
8 action." And it finally sunk in to her as well, and she
9 quit after that.

10 Yvonne Moore, her friend, same thing, same pitch,
11 same story. Only Yvonne has a unique situation. She quit
12 after the November election when she and two other black
13 women were put into a van. A white man who was
14 circulating, who was head of the circulators it seems to be
15 in Flint -- which would be a nice thing for your
16 organization to do to find out who these people were who
17 organized this in Flint -- got these three black women in a
18 van, drove them to Jackson to work the polls on election
19 day. And I remember election day. I worked the polls that
20 day as well, and it was a rainy, cold day all day. She was
21 there from opening to closing. She called the man on her
22 cell phone. She was done, needed a ride back to Flint. He
23 did not answer the phone. She was left in Jackson by
24 herself.

25 She's a very -- one of the reasons why she's not

1 here tonight, she's one of the most shyest persons I've
2 ever met. I'm wondering how she even was able to approach
3 people to petition. She stood there until midnight
4 absolutely confused, not knowing what to do. Finally, a
5 police officer drove up said, "What are you doing here?"
6 She was in tears, "I don't know. I was left here. I can't
7 get ahold of these people. They won't come back and get
8 me." And he drove her to the bus station. She took a bus
9 back home. Nothing was ever said to her, no phone call was
10 ever made to her. She quit after that.

11 We talked to Elitha Marie Shumpert who was
12 petitioning and had an altercation with the people who
13 also -- all of these people have the same story. They had
14 to go to Arby's, Hardee's, Halo Burger. They had to go to
15 all these different places every time to drop off their
16 petitions and pick up checks just like personal checks.
17 They weren't like paychecks. There were no pay stubs.
18 Sometimes they were even paid in cash.

19 Elitha went in and said, "People are yelling at
20 me. They're telling me this is against affirmative action.
21 Is this against affirmative action?" Again, a white man
22 told her, no, it's not against affirmative action. And she
23 made this emphatically to me when she spoke to me. Not at
24 all, it's not against affirmative action; not at all. She
25 went back out again petitioning. And again, realized --

1 she has teenage children herself. Realizing she was -- I
2 think she used the word going against her own people, she
3 quit. She went in. She said, "You lied to me." She
4 wanted her petitions back. She wanted to throw them away.
5 They called the police on her for doing that. That's
6 Elitha Marie Shumpert.

7 And then Lerwonja Summers who is her sister; same
8 idea. She went around petitioning, telling people it was
9 for affirmative action when indeed the exact opposite is
10 the truth. It was against affirmative action. And between
11 these five women, they got thousands of signatures on the
12 basis of lies and deceit. And they themselves were lied
13 to.

14 And what we have found in Flint is overwhelming.
15 I think even more so than what we've seen in Detroit.
16 There was a definite concerted effort to racially target
17 the people of Flint to take away their young people's
18 rights to go to college. And we are here today to say --
19 the people in this room -- that it cannot go forward on the
20 basis of lies and deceit. And you as a body representing
21 and protecting the civil rights of the people of the state
22 have a duty and an obligation to prevent this from going
23 forward on the basis of lies and deceit.

24 And I have -- I literally don't get paid. I take
25 days off from work where I have lost hundreds of dollars of

1 my own money to do this research. This is something that
2 your body needs to be doing across the state. We have
3 nonpaid -- or in my case, taking-money-away people going
4 out and doing this research. And it's got to be done. The
5 level of deceit is immense. It is immense. And I think
6 it's got to be researched.

7 The last thing -- I know I'm out of time. The
8 last thing I want to say is we have a list of Flint
9 students who are from Northern High School, which I just
10 went to the other day, which needs affirmative action,
11 believe me. And there are eight students here, many of
12 whom have looked on lists and found relatives of theirs on
13 the lists and talked to those relatives. They want a
14 chance to come up and speak as a group and tell you what
15 they felt like when they saw their family's names; mothers,
16 aunts, uncles on that list and what this means to them.
17 And I'm going to give you this list of names for them to
18 speak.

19 MR. BERNSTEIN: Thank you. What we'll do is
20 we'll work to get them involved in during the public
21 comment period of time. I have some questions, if I may.
22 You have been involved in looking into the activities of
23 the circulators and other pieces of the puzzle. And you
24 have alluded to this, but how does Flint compare to Detroit
25 or compare to Jackson or Grand Rapids or Ann Arbor?

1 Conceptualize it a bit.

2 MS. MILLER: I can say that I've done about equal
3 amount of research in Detroit as I have in Flint. And the
4 one thing we found in Flint much moreso than in Detroit --
5 first of all, the circulators. We found many, many more
6 circulators willing to come forward because they feel
7 themselves so angry. They were lied to. The two
8 circulators who were here today were scared to death, and
9 they clearly were confused themselves. There was no
10 training. There was no -- nothing of that sort. The only
11 training whatsoever was when they came back, they said,
12 "No, it's for affirmative action so go back out and do your
13 job."

14 The other thing I found in Flint is, if you ask
15 the people here, most people are testifying aren't saying
16 they were approached one time. We were approached, two,
17 three, four times. We were approached outside our church.
18 There's hopefully -- I think there's someone here from Foss
19 Avenue Baptist Church. There was a revival at Foss Avenue
20 Baptist Church where they petitioned. They asked the
21 pastor if they could circulate a petition in support of
22 affirmative action. The pastor didn't really read it; said
23 sure. An attorney read it, and the attorney saw what it
24 really was about, went and talked to the pastor. They went
25 up and said, "We want those petitions back. You lied to

1 us. We don't want our names on there." The petitioner
2 refused to do that. They had to call the police to get
3 those petitions back, and stories like that.

4 People in Flint I think -- the reason why I think
5 they were much more targeted in Flint is because Flint is a
6 smaller community, and people here have fought very hard.
7 They just recently have gone through a lot of local
8 turmoil. They know what it means to fight politically. So
9 they took advantage of that in Flint.

10 MR. SCOTT: Could I ask you a question?

11 MS. MILLER: Sure.

12 MR. SCOTT: Did you ask or inform -- any of the
13 five affiants, did you inform any of them about tonight's
14 proceedings?

15 MS. MILLER: I did. I did awhile ago. And
16 they're -- other than one of them, you know, they have no
17 transportation. They're -- you know, they're quite -- I
18 mean, a lot of these circulators are living on the edge and
19 it's very difficult for them. Sometimes we can't even get
20 ahold of them. You know, they move from place to place.
21 So I did make an effort to try to get them to come. And I
22 think if we have -- I think Flint needs more hearings. We
23 could get them to come to other hearings.

24 MR. BERNSTEIN: Ms. Miller, was it your
25 impression that it was a -- this is inappropriate, loose

1 phrasing -- but a pyramid scheme? In other words, there
2 was a person, there was a group of circulators who are out
3 obtaining signatures in the trenches, so to speak, and then
4 immediately above them is an individual who is responsible
5 for a group of people. And the personal check comment was
6 curious to me. And that they're just aggregating up and up
7 and up into this pyramid to the top where they're all
8 finally, you know, bound together and submitted. Did you
9 get --

10 MS. MILLER: Yeah, I definitely think -- and
11 that's the other thing about Flint. We have the impression
12 from the people that we've spoken to that it's actually a
13 very small group in Flint. And they were white. It was --
14 from everyone I spoke to, it was a white couple, a man and
15 a woman, and they had a van, a white van. And believe me,
16 we've been trying to find out who these two people are.
17 And it sounds like they hired a number of these
18 petitioners.

19 And I would even guess -- and I know I'm on
20 record here so I don't know for sure. But I would guess by
21 the fact that they were paid in cash and personal check --
22 that we know that people were paid per signature. And I'm
23 guessing that they subcontracted that work out, which I
24 think is -- there's got to be something illegal about it.
25 That they subcontracted the work out and they themselves

1 got 2 or \$3 a signature, but the petitioners got \$1 a
2 signature because almost everyone we spoke to said they got
3 \$1 a signature. But we know that they were getting paid 2
4 and even \$3 a signature because they had to do it in the
5 fall instead of in the summer, which is the ideal time to
6 be petitioning. They had to do it in the fall and the
7 winter when it's harder to get people to petition.

8 So I honestly think there was -- other than just
9 racially targeted fraud which is vast and widespread, I
10 wouldn't be surprised if there was tax fraud and all kinds
11 of other money laundering schemes going on because we have
12 the sense -- and we've had different names: Dan, Gary; some
13 people I think actually we have their names in the
14 affidavits. But it's a white couple that seems to have
15 subcontracted the work out, most of the work in Flint. And
16 the fact that people were paid in cash and personal check
17 makes me think that those people made off like bandits and
18 paid the generally poor black people in the city very
19 little money.

20 MR. ABDRAHBOH: I have a question. It's kind of
21 a follow-up to one of your comments. You were talking
22 about the white van, and you'd like this body to find it.
23 You were in Detroit. We've heard a lot of testimony that
24 seems consistent. But, you know, unless my memory is bad,
25 I haven't heard anything -- and maybe you can provide it

1 and maybe everyone else that's coming up can keep this
2 question in mind. Does anybody have any names, telephone
3 numbers, addresses, copy of a check? Can you provide that?

4 MS. MILLER: We've tried all of that. We've
5 tried all of that. They weren't paid like I get paid.
6 When I get paid, I have a whole check stub that has my --
7 all my information on it. They got -- from what I
8 understand, they got like a check that I write when I pay
9 off my, you know, Visa bill. It's my understanding that's
10 how they got paid.

11 And we've asked. We've asked every -- we asked
12 Christi Lynn Sanders who found a little card in the phone
13 booth. We said, "Can you find that little card" because
14 she thought she had it. She couldn't find it. They never
15 went to an established office. You know, they never went
16 to -- like, you know, if you have some kind of company, you
17 go to an established office. They were always working out
18 of some fast food restaurant or something like that.

19 So we did ask. And we got some names. And I
20 haven't looked at these affidavits in awhile. But if you
21 could look through the affidavits, we've got some names.
22 But no one could remember anything specific about a first
23 and a last name.

24 But my question is, can't you as a body subpoena
25 MCRI's records and find out who these people were? I mean,

1 there has to -- they have to have kept records. This was a
2 business; right? They paid people millions of -- this must
3 have cost millions of dollars. Can't we subpoena and find
4 out who those people are? And we could go back to the
5 circulators with some names and say, "Are these" -- and
6 they'll find them. They'll find out who these people are.

7 And then I really think you look into this -- if
8 this gets looked into, you are going to find not only
9 racially targeted fraud, but you are going to find tax
10 fraud. You are going to find people who were making money
11 by other people doing the work, and they certainly weren't
12 declaring it if they're paying them in cash.

13 MR. BERNSTEIN: I'd just like to keep this on the
14 topic of circulation and circulator activity. Is there
15 anybody else that has a question on the commission?

16 MR. WESAW: I have one more. You mentioned twice
17 during your presentation that the police were called. Do
18 you have the ability to kind of narrow down the dates when
19 that may have occurred?

20 MS. MILLER: Kathryn Blake is here. She many
21 know the -- it was the Foss Avenue Baptist Church revival.
22 And my guess is they know when the date was. They have to
23 know when that date was. I don't. I just heard the story
24 the other night.

25 AUDIENCE: It was downtown.

1 MS. MILLER: It was downtown on the river front.

2 MR. SCOTT: We want a date.

3 MS. MILLER: I don't know. I could probably get
4 that for you. But I'm sure there's a record. There's
5 probably even a police record of it. And then the other
6 one with Ms. Shumpert, I don't know the date on that. I
7 don't.

8 MR. WESAW: If at some point you come up with
9 those dates, I would be very interested in getting them.

10 MS. MILLER: Sure; sure. Okay. Can I give you
11 the names of the students?

12 MR. BERNSTEIN: Yes, please. And I'd also --
13 unless there's other additional questions, I'd like to
14 enter the affidavits that you were referring to into the
15 record.

16 MS. MILLER: Yeah, I got them.

17 MR. BERNSTEIN: So if you could bring those up
18 please, that would be helpful. Why don't you just give
19 them to the court reporter? Thank you. And thank you very
20 much.

21 (Exhibit 1 marked)

22 MR. BERNSTEIN: Reverend Hill. Welcome.

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

25 MR. HILL: I do.

1 WILLIE HILL

2 having been called and sworn:

3 MR. HILL: I am Reverend Willie Hill. I was
4 approached at Giant Supermarket on Saginaw Street, and he
5 asked me did I want to sign a petition to keep affirmative
6 action in support. And I said I would sign it because I
7 thought he was saying that he wanted to keep it in support.
8 So I signed it. But I went back -- I go back a couple of
9 more weeks, he was still there. There was two guys. And
10 they just stayed there signing people. I went in and come
11 out, and they were still out there.

12 So one thing about it, I would never have signed
13 it if I had known that it was against affirmative action
14 because I know how hard it was to get things going in them
15 days because I'm an old timer. I come from the old school.
16 I know what it took for us to get anything. I come from
17 Mississippi. I couldn't even vote. I didn't vote until I
18 got here. And my name, my integrity have been mistreated.
19 I don't like that. I'm an upright man. I believe that
20 someone should tell me the truth. He told me a lie. He
21 said it was -- this supports affirmative action to keep it
22 in -- because I asked him a second time.

23 MR. BERNSTEIN: So let me ask you some questions
24 here. You were approached by an individual who said that
25 the petition was in support of affirmative action; is that

1 correct?

2 MR. HILL: To keep affirmative action. I asked
3 him again, to keep affirmative action and support.

4 MR. BERNSTEIN: And when you asked him, did he
5 say that it supported affirmative action, or did you ask
6 him if it support affirmative action?

7 MR. HILL: I asked him.

8 MR. BERNSTEIN: And what answer did he give to
9 you?

10 MR. HILL: He gave me the same --

11 MR. BERNSTEIN: He said it does support
12 affirmative action?

13 MR. HILL: Yes; yes, supports affirmative action.

14 MR. BERNSTEIN: And this individual approached
15 you, you said multiple times or just one time?

16 MR. HILL: It was about one time.

17 MR. BERNSTEIN: Do you recall where this
18 occurred?

19 MR. HILL: I said Giant Supermarket on Saginaw
20 Street; Great Giant.

21 MR. BERNSTEIN: Great Giant. Were there other
22 members of your congregation who have similar -- that had
23 similar experiences?

24 MR. HILL: At Antioch we got a lot of people that
25 signed it. I don't know where they signed it at. Pastor

1 always taught us against signing your name, you know. But
2 they had to tell us the same thing they told them for that
3 many people to sign those petitions.

4 MR. BERNSTEIN: And the individual, the
5 circulator, this person, was it a man or a woman?

6 MR. HILL: He was a man; two men.

7 MR. BERNSTEIN: Two men. And did they say that
8 it would ban affirmative action?

9 MR. HILL: No, never said ban.

10 MR. SCOTT: Did you recognize either of those
11 individuals?

12 MR. HILL: No, I don't know them. I've never
13 known them.

14 MR. BERNSTEIN: Any other questions from the
15 commission? No? Thank you very much. Next is Mr. Fred
16 Anthony if you're here, please. And then Mr. James Edwards
17 if you're present, you'll be 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. ANTHONY: Yes.

21 FRED ANTHONY

22 having been called and sworn:

23 MR. BERNSTEIN: Welcome.

24 MR. ANTHONY: Thank you. My name is Fred
25 Anthony, Junior. And I was approached at Kessell's, and

1 the guy told me that it was to -- for affirmative action
2 because I would have never signed anything that said
3 banning affirmative action.

4 MR. BERNSTEIN: When the circulator approached
5 you and said, as you said, for affirmative action, did you
6 take that to mean that it was in support of affirmative
7 action?

8 MR. ANTHONY: Yeah, because he said it was for
9 affirmative action, to keep it on the ballot.

10 MR. BERNSTEIN: And did you ask him any questions
11 about what he meant by that, or did you just trust his
12 statement?

13 MR. ANTHONY: No. I mean, when he said it was
14 for affirmative action, I'm like, yeah, okay, no problem.

15 MR. BERNSTEIN: Do you recall what time of day
16 and where, what approximate date this was?

17 MR. ANTHONY: It was early afternoon.

18 MR. BERNSTEIN: On a weekday or a --

19 MR. ANTHONY: It was during the week.

20 MR. BERNSTEIN: During the week?

21 MR. ANTHONY: Yeah. And the guy was out there --
22 okay. Because I went into the store because he asked me to
23 do it before I went in. I said no because I got to do the
24 shopping right quick, and I'll sign it when I come back
25 out. And when I came back out maybe about 45 minutes to an

1 hour later, he was still there.

2 MR. BERNSTEIN: And did you observe any other
3 activity by this individuals? Did he approach other
4 individuals with the same --

5 MR. ANTHONY: Yeah, he approached everybody that
6 came out of the store or was going into the store.

7 MR. BERNSTEIN: And do you hear him say anything
8 to those people?

9 MR. ANTHONY: The same comment, that this was to
10 support affirmative action to keep it on the ballot. See,
11 I'd have never signed anything like that.

12 MR. BERNSTEIN: Are there any other questions
13 from the commission? Anything else you'd like to say, sir?

14 MR. ANTHONY: Nope.

15 MR. BERNSTEIN: Okay. Thank you very much. Mr.
16 Edwards. Ms. Theresa Anthony will be next if you're here.

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

19 MR. EDWARDS: I do.

20 JAMES EDWARDS

21 having been called and sworn:

22 MR. BERNSTEIN: Welcome, Mr. Edwards.

23 MR. EDWARDS: Thank you.

24 MR. BERNSTEIN: Do you have anything you'd like
25 to say as a statement preliminarily?

1 MR. EDWARDS: Yes. I -- let's see. Where were I
2 when I signed it. It had to be at Landmark Great Giant
3 where I signed it at.

4 MR. SCOTT: I'm sorry. Sir, could you pull the
5 mike closer to you?

6 MR. EDWARDS: What day it was? I don't recall
7 what day it was. Anyway, I know I signed it. It was for
8 affirmative action, not to abolish affirmative action. If
9 I'd known it was going that way, I never would have signed
10 it. But he told me it was for affirmative action.

11 MR. SCOTT: Do you recall the words that he
12 actually used?

13 MR. EDWARDS: To keep affirmative action going
14 because they was trying to ban it. I told him, "Okay.
15 Well, I'll sign it if it's going to keep it going."

16 MR. SCOTT: Did you ask him any questions?

17 MR. EDWARDS: No. Only thing he told me it was
18 for affirmative action, to keep affirmative action going,
19 not to abolish affirmative action.

20 MR. SCOTT: Can you describe the individual who
21 was the petition gatherer?

22 MR. EDWARDS: No, I can't; no.

23 MR. SCOTT: It was a male?

24 MR. EDWARDS: Yeah, --

25 MR. SCOTT: Black or white?

1 MR. EDWARDS: -- black male. Black male. I was
2 approached two or three times, and I told him, "I signed it
3 already."

4 MR. SCOTT: Two or three times by the same person
5 you were approached?

6 MR. EDWARDS: No, it wasn't the same person. It
7 was a man and a woman one place, and I told them I had
8 signed it already. Wherever that was, I don't know.
9 Landmark or Great Giant, one of the two.

10 MR. BERNSTEIN: And when these individuals
11 approached you, sir, on multiple occasions as you just
12 stated, they had a similar presentation to you? It was
13 presented as if it was in support of affirmative action?

14 MR. EDWARDS: Right.

15 MR. BERNSTEIN: It was consistent every time that
16 they approached you was roughly the same message?

17 MR. EDWARDS: Right. To keep from abolishing
18 affirmative action.

19 MR. BERNSTEIN: To stop or to prevent the
20 abolition of affirmative action?

21 MR. EDWARDS: Right; right; right, to keep --

22 MR. BERNSTEIN: Over what period of time did
23 these interactions occur? Was it over a day or a week or a
24 month?

25 MR. EDWARDS: I would say like maybe on a Monday

1 morning I go in Landmark, and maybe Tuesday or Wednesday I
2 go in Great Giant and different guys, you know.

3 MR. BERNSTEIN: Do you know of anyone else who
4 had similar experiences as yourself?

5 MR. EDWARDS: No. I didn't know it was like this
6 until Ms. Blake called me and told me about it. You know,
7 if I had of known it was against affirmative action, I
8 never would have signed it, you know.

9 MR. BERNSTEIN: Are there any other questions
10 from the commission? Sir, thank you very much. Is Ms.
11 Anthony here, Theresa Anthony? Okay. How about Jessie
12 Allen Anthony, are you present? Mr. Samuel Pickens, are
13 you present? Okay. Let's call a Mr. George Washington if
14 you're present. Coming across the Delaware River. I'm
15 sure that's a much abused -- well-worn path, I'm sure.
16 After General Washington, Mr. Ganges.

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

19 MR. WASHINGTON: I do.

20 GEORGE WASHINGTON

21 having been called and sworn:

22 MR. BERNSTEIN: Welcome.

23 MR. WASHINGTON: Welcome. My name is George
24 Washington. I was personally approached on this in
25 Detroit, downtown Detroit by a middle aged black woman.

1 Frankly, I didn't give her a chance to say what it was
2 about because I knew what it was about. And I told her I
3 wasn't interested in signing it.

4 But what I can say about the evidence on the
5 fraud is that sometimes I think if you move beyond the
6 trees and look at the forest, you can see something that's
7 going on. And we got from the State Board of Canvassers in
8 April, their statistical sample of 500 which is a random
9 sample they draw to determine how many valid signatures a
10 petition has. There were 512,000 purported signatures.
11 They took a random sample of 500.

12 When we looked at those, we found that one-fourth
13 of the signatures in support of this petition whose purpose
14 is to abolish affirmative action, one-fourth came from
15 black majority cities. 76,000 from the City of Detroit,
16 20,000 from the City of Flint, another 25- to 30,000 from
17 Inkster, Highland Park, Benton Harbor, Saginaw, Southfield,
18 Oak Park, Mt. Morris. In other words, somehow one-fourth
19 of the people who wanted to -- supposedly want to abolish
20 affirmative action come from cities where almost everybody
21 is black.

22 And then we got Mr. Mark Grebner who people may
23 know runs a business in Lansing in which he -- every
24 petition which is filed, he has the names of the
25 signatories entered by computer and then he sells them to

1 political candidates. So that, for example, if you want to
2 run for representative and you want to know who signed
3 petitions against abortion or for abortion, he'll sell you
4 that portion of the list. And he entered about 300,000 of
5 that 512,000 on this petition. And he stopped doing it
6 because he found that it was a waste of time because there
7 was no relation between the names and who actually
8 supported or opposed affirmative action.

9 But with that 300,000 which he provided to us, we
10 have lists of the names of the people who signed this
11 petition. Not a complete list because as I say, he
12 stopped. And I, for example, live in the City of Detroit
13 in zip code 48221 which you had a witness talk to you at
14 the last hearing, and I looked through 46 single-spaced
15 pages with three columns of names on each page of people
16 who purportedly signed this. And this is my neighborhood,
17 and I know these streets. And, frankly, with the exception
18 of a very few people including myself and a few others,
19 there's nobody white who's lived on those streets in 20
20 years.

21 We have in our office -- and I should have
22 brought them today -- a stack of pages filled with names
23 and addresses of people who live in neighborhoods which are
24 95, 98 percent black where entire families have signed this
25 petition. And I think any of us from Detroit or from Flint

1 know that in the overwhelming majority of the population of
2 those cities, upwards of 90 percent, support affirmative
3 action.

4 And how is it that they got 76,000 people in
5 Detroit to sign this petition or 20,000 people in the City
6 of Flint? And I think you've heard the testimony. They
7 hired people to go out, some of whom I think were confused
8 because if you read that petition -- we've had judges who
9 read that petition who don't know what it means. And, you
10 know, I step back from it and I say, I know what it means.
11 That's why I told the person I didn't want to sign it. But
12 if I step back from it and read it, I say, well, you know
13 I'd sign everything on this page except for three words.
14 And I happen to know -- and we went to the Supreme Court on
15 this case. So I happen to know to look for those three
16 words.

17 But I think there were certainly circulators who
18 were confused. There were other circulators who knew
19 exactly what they were doing. And Ms. Miller actually got
20 an affidavit from one of them from Detroit, which I think
21 has been submitted to you where he said, "Of course I told
22 everybody it was for affirmative action because I was
23 getting \$1 a signature." I mean, there were people who
24 literally sold their souls to do it. And then there were
25 people in-between who did that.

1 Now, let me say I think when -- the bottom line
2 of this is the whole purpose of getting signatures on a
3 petition is that nothing is supposed to go on the ballot
4 unless there's a substantial majority or minority of
5 citizens, ten percent of those who voted for governor, who
6 support that, who want it on the ballot. And here we have
7 a petition where one-fourth of the signatures on it, I
8 think, prima fascia where obtained by fraud,
9 misrepresentation, disinformation, et cetera.

10 And it's not simply there. We know that in the
11 suburbs too -- we've not been able to research that as
12 fully. But there people were told, "Would you like to sign
13 something for civil rights, something against
14 discrimination?" And lots and lots of people signed this.
15 This showing of interest is worth nothing. This was
16 procured by fraud. It was procured by deception. It was
17 procured by money. And I think if you step -- the examples
18 I think simply prove what's obvious, that they didn't get
19 76,000 people in Detroit and 20,000 people in Flint who
20 want to end affirmative action. There aren't 7600 people
21 in Detroit who want to end affirmative action. I doubt
22 there's 760 people.

23 So that's really what I have to say, is if you
24 look at the forest here, it's a rotten forest which they
25 have tried to turn into a showing of support for this

1 rotten petition.

2 MR. BERNSTEIN: Mr. Washington, do you have any
3 information from your work or your personal experience
4 related to the activities of circulators with respect to,
5 as we discussed a few minutes ago, this kind of pyramid
6 structure that may or may not have existed?

7 MR. WASHINGTON: Yeah, I think from what we've
8 been able to tell -- and there have been a number of people
9 who've investigated this as Ms. Miller did, and all of them
10 have found that, you know, people would be asked to meet at
11 restaurants or at interchanges on expressways or at offices
12 that seemed to be open only one day a week from, you know,
13 10:00 a.m. to 12:00 a.m. (sic). And they would be given --
14 the only instructions that we've been able to find that
15 they were given is, you know, make sure that the person
16 looks like they're old enough to vote, make sure you have
17 them sign all of the information. They were pretty good on
18 giving instructions as to the mechanics of this. But
19 really almost nothing -- we've never found the so-called
20 instructions they gave to people as to what it's about, nor
21 have we found anyone who was told what it was about.

22 MR. BERNSTEIN: Any other questions from the
23 commission? Thank you very much. We'll hear one more
24 person, and then we will take a short break. Mr. Ganges.
25 Welcome.

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

3 MR. GANGES: Yes.

4 TENDAJI GANGES

5 having been called and sworn:

6 MR. GANGES: My name is Tendaji Ganges. And
7 although I work here at the University of Michigan Flint,
8 I'm not here to represent the University of Michigan Flint.
9 I'm here to represent myself as a private citizen and as an
10 activist in the Flint community. I'm affiliated with the
11 Flint Area Citizens to End Racism.

12 I just wanted to share a brief overview of the
13 work that I'm engaged with with many other individuals in
14 the City of Flint and to give you some sense of the outrage
15 and the feeling of having been deceived that I encounter
16 when I go around the community and talk with many people
17 about exactly what this ballot initiative is all about.

18 I've had the opportunity and have been invited to
19 talk with church groups, union groups, community groups,
20 various employee groups have gotten together and asked me
21 to speak with them to give them an interpretation and share
22 with them information about this ballot initiative and
23 particularly about the Michigan Civil Rights Initiative,
24 what it means. I have had experience in working with
25 affirmative action for many years, formally and officially.

1 So I can speak from that experience as well.

2 What's most important about this is the outrage
3 that people hear -- that people express when they come to
4 understand exactly what this petition says, and the impact
5 that it would have upon them and their communities. But
6 perhaps what is most critical is the dream that would be
7 shattered when they realize how difficult it would be to
8 continue to pursue equality and address a full and free and
9 equal society.

10 This is not about a question for black people.
11 It's not a question for white women. It's not a question
12 for anyone except it is a question for all of us. This is
13 about how to right wrongs and how to redress wrongs.
14 People, when they come to understand that, take a very
15 different approach to having been deceived. This is not --

16 MR. BERNSTEIN: If I might --

17 MR. GANGES: I understand.

18 MR. BERNSTEIN: -- limit your testimony, please,
19 to -- and I know you are addressing it, but more directly,
20 please, if you can, related to the activities of
21 circulators and the alleged deception.

22 MR. GANGES: When I talked with -- let me put it
23 this way: I have had occasion to talk with many church
24 groups. And in every instance where I've talked with them,
25 I've discovered individuals -- I cannot give you their

1 names. But they said they were approached, they signed a
2 petition, and they felt that they were defrauded; that
3 their signature, that their rights had been taken from them
4 because they had been defrauded to sign. That outrage is
5 what I experienced on many occasions.

6 MR. BERNSTEIN: I don't mean to interrupt you.
7 But was that feeling of deception related to the conduct of
8 the circulators?

9 MR. GANGES: It was related both to the conduct
10 of the circulators as well as the deceptive language of the
11 petition. What I usually do when I make that kind of a
12 presentation is I provide all the individuals in the
13 audience with a copy of the petition. And that's the first
14 time many of them have taken the time or had the
15 opportunity to read the full language. And then we talk
16 about what the words mean.

17 MR. BERNSTEIN: And when you mention conduct of
18 the circulators, what specific conduct are you talking
19 about?

20 MR. GANGES: Most of them could not remember
21 exactly how it was explained to them. They paraphrased by
22 indicating that frequently what they heard was it was in
23 support of affirmative action or against discrimination.
24 Both of those are buzz words which many of the older
25 citizens in particular are going to sign without much

1 question because they don't read as well. They're not as
2 discriminating in looking at this kind of language. The
3 fine print that goes a full side, the full length of paper,
4 is not something they're going to spend a lot of time
5 reading and deciphering. So they depend on the circulator
6 to say what is it about. It's like you're handed one of
7 those sheets of paper with the fine print for the credit
8 card, most of us don't read more than a few lines of that.
9 We want to know is this going to hurt me, and, if not, we
10 sign it. And for many people, that's what they did in this
11 instance.

12 MR. BERNSTEIN: Any other questions from the
13 commission? Sir, thank you very much.

14 MR. GANGES: Thank you for the opportunity.

15 MR. BERNSTEIN: We'll take a five minute recess.

16 (Off the record)

17 MR. BERNSTEIN: I want to call this back into
18 session and begin by thanking everybody. I appreciate the
19 way in which we're moving through. We've moved through a
20 large number of people very thoroughly but also
21 efficiently. And so I think everybody here for helping us
22 accomplish that. There's much more to come as we proceed.
23 I'm going to call Mr. William Allen next. After Mr. Allen,
24 Mr. Edson. Okay.

25

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

3 MR. ALLEN: I affirm.

4 WILLIAM ALLEN

5 having been called and sworn:

6 MR. BERNSTEIN: Welcome.

7 MR. ALLEN: Good evening.

8 MR. BERNSTEIN: Good evening. If you have
9 anything prepared, you can proceed.

10 MR. ALLEN: No.

11 MR. BERNSTEIN: Okay. What was your experience
12 with the petition?

13 MR. ALLEN: Well, I was coming out of a grocery
14 store, kind of in a hurry. And a young man approached me
15 that seemed to be very eager to get a petition signed. And
16 he explained to me that it was something -- it would help
17 keep affirmative action as we knew it in the State of
18 Michigan. And he asked me would I sign it. I tried to
19 take a quick glance of it because I was in a hurry as I
20 stated before. And he said, "Well, it's going to help keep
21 affirmative action as, you know, we know it." And so I
22 kind of was taking his word. I did sign the petition.

23 MR. BERNSTEIN: And when this individual
24 approached you, I just want to clarify, they said that this
25 will help keep affirmative action as we know it or

1 approximately that phrase?

2 MR. ALLEN: Yes; yes; that's right.

3 MR. BERNSTEIN: And did you take that to mean
4 that it was a petition or an initiative that --

5 MR. ALLEN: Support.

6 MR. BERNSTEIN: -- was in support of affirmative
7 action?

8 MR. ALLEN: Oh, definitely.

9 MR. BERNSTEIN: Did you ask any questions of the
10 circulator?

11 MR. ALLEN: No, I didn't. I didn't ask any
12 questions.

13 MR. BERNSTEIN: Did you notice the circulator,
14 observe the circulator, or hear the circulator saying
15 similar things to other people as they entered or exited
16 the location?

17 MR. ALLEN: Oh, yes; yes. Everyone he could get
18 to come over and sign this petition because he did state
19 that he was getting paid for it, and he was asking for
20 people's assistance.

21 MR. BERNSTEIN: Do you recall the specific
22 location where this occurred? Was it in front of a store?

23 MR. ALLEN: Yes, it was in front of one of our
24 local grocery stores. I believe it was Mr. B's on Stewart.

25 MR. BERNSTEIN: On Stewart Street?

1 MR. ALLEN: Stewart Avenue.

2 MR. BERNSTEIN: Okay. And do you recall what
3 time of day it was?

4 MR. ALLEN: I'm pretty sure it was approximately
5 between 12:00 and 4:00.

6 MR. BERNSTEIN: Do you recall what day? Was it a
7 weekday or a weekend?

8 MR. ALLEN: No, I can't. I know it was a
9 weekday, yes.

10 MR. BERNSTEIN: A weekday?

11 MR. ALLEN: Yes.

12 MR. BERNSTEIN: And the time of year, was it the
13 winter, the spring? do you know what month it was?

14 MR. ALLEN: It was in the spring.

15 MR. BERNSTEIN: In the spring?

16 MR. ALLEN: Yes.

17 MR. BERNSTEIN: Of 2005 or 2004?

18 MR. ALLEN: -5.

19 MR. BERNSTEIN: Okay. Any other questions from
20 the commission?

21 MR. SCOTT: Did you say what race the --

22 MR. ALLEN: It was a young black man, yes.

23 MR. SCOTT: You said a young black man?

24 MR. ALLEN: Yes.

25 MR. BERNSTEIN: And was this individual working

1 with another person, or was he working by himself?

2 MR. ALLEN: He was alone at this time.

3 MR. BERNSTEIN: Did you encounter this person or
4 other people doing similar activity or presenting the
5 ballot initiative in a similar way at other locations?

6 MR. ALLEN: Oh, yes, definitely. Downtown Flint,
7 also in the northern district of Dort -- I mean, Detroit
8 Street.

9 MR. BERNSTEIN: And was this a different person?

10 MR. ALLEN: Oh, yes.

11 MR. BERNSTEIN: And what was this -- what did you
12 observe this person doing in order to obtain signatures?

13 MR. ALLEN: Well, basically the same thing;
14 approaching people, asking them to support the affirmative
15 action movement.

16 MR. BERNSTEIN: And were people signing that, --

17 MR. ALLEN: Oh, yes.

18 MR. BERNSTEIN: -- in your estimation, under the
19 belief that it was in fact supporting affirmative action?

20 MR. ALLEN: Well, yes; yes, definitely.

21 MR. BERNSTEIN: Any other questions from the
22 commission? Thank you very much.

23 MR. ALLEN: You're welcome.

24 MR. BERNSTEIN: Antwan Edson, if you're present.
25 Welcome. I'll let Mr. Edson spell it.

1 MR. EDSON: E-d-s-o-n.

2 MR. BERNSTEIN: Kathryn Blake will be next after
3 Mr. Edson.

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

6 MR. EDSON: Yes.

7 ANTWAN EDSON

8 having been called and sworn:

9 MR. BERNSTEIN: Welcome.

10 MR. EDSON: Thank you. Approximately it would
11 have been the fall of 2004 I was exiting the bowling alley,
12 AMF Town & Country Lanes, on Miller Road. I bowl on a
13 league there every Thursday. And as I walked out, there
14 were two younger white women both standing on each side of
15 the front door. They have a front door that a lot of
16 people come out of and a back door, and they were standing
17 by the front doors. Me and several people from my league
18 were exiting. And one of them was saying, "Do you support
19 equal access to a college education?" And the other person
20 was saying, "Are you against discrimination?" So naturally
21 a lot of people stopped.

22 I just rushed passed them. I went and put my
23 bowling balls in the car, and I sat there and thought about
24 it. I was, like, something strange about what they're
25 saying. And I walked back up to them and I said, "Is this

1 an anti-affirmative action petition?" And one of the young
2 ladies said, "Yes, it is." And I was like, "So why don't
3 you say that?" And she's like, "We don't have to say
4 that." And I'm like, "But don't you feel you're misleading
5 people?" And at this point a bald, older white gentleman
6 came out and said, "Why are you bothering them? Leave them
7 alone." I was like, "I'm not trying to bother them. I'm
8 asking them why are they using this language and, in my
9 opinion, you know, misleading people." And he continued to
10 berate me over and over again. I'm just like, I don't care
11 what side of the issue you stand upon, but at least be
12 honest in your language.

13 And the end result of the situation was that it
14 turned into a big argument and security came. And I knew
15 the security guard, and they made those folks leave the
16 premises. But the argument lasted for quite awhile. And I
17 noticed at the time that a lot of my colleagues from the
18 league were coming out and they saw these two younger white
19 women, and they're just like, oh, whatever, sign and stuff.
20 And I know for a fact that some of these folks were
21 drinking because, you know, in bowling leagues folks bowl
22 but they also drink. And it comes to my attention that if
23 you can't drink and legally do stuff; you know, submit to
24 other things; how can you be of sound mind to sign a
25 petition. And there were several people I talked to that

1 next week that said, you know, "I didn't know." You know,
2 I caught them before they started drinking.

3 But that's something that stuck out to me as far
4 as, you know, that night goes. I do recall that it was
5 like 9:30 p.m. And AMF Town & Country Lanes, it's on
6 Miller Road. And easily ten people were walking out the
7 door at the same time as me. And I know that for a fact,
8 that some of those guys on my league stopped and signed the
9 petition. I don't know if, as a result of the argument,
10 that security made a report or not. I don't know that, but
11 they could have because they did come out and help resolve
12 the situation.

13 MR. BERNSTEIN: The individual that you ended up
14 having heated words with, was he a circulator or did you
15 have the impression he was affiliated with the circulation
16 at the time?

17 MR. EDSON: I didn't know him at the time. I
18 didn't know him at the time.

19 MR. BERNSTEIN: And you don't know if this was an
20 individual who is supervising or instructing or teaching or
21 involved --

22 MR. EDSON: I couldn't answer that. I really
23 don't know. I just know that the two people that were
24 holding the clipboards were both Caucasian females.

25 MR. BERNSTEIN: And did they specifically present

1 to anybody that it was a petition or initiative rather that
2 would ban affirmative action?

3 MR. EDSON: No, they never used those words while
4 I was standing there. They only said yes when I walked
5 back to them and, you know, addressed one of them and said,
6 "Is this against affirmative action?" And that's when they
7 said yes.

8 MR. BERNSTEIN: And do you believe when they
9 presented to you, for example, or other people it was being
10 presented as if it was in support of affirmative action?

11 MR. EDSON: Yes. That's how I took the language
12 that they were presenting. That's the only reason I turned
13 around and went back and said something to them because my
14 bowling balls were in the car and I could have easily left.
15 But something about the words they were using did not sound
16 correct to me.

17 MR. BERNSTEIN: Thank you. Any other questions
18 from any of the commissioners? Thank you very much.

19 MR. EDSON: Thank you.

20 MR. BERNSTEIN: Ms. Blake. Mr. Lord is next;
21 you're next. Is Ms. Blake here?

22 MS. BLAKE: I'm Kathryn Blake.

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

25 MS. BLAKE: Yes.

1 KATHRYN BLAKE

2 having been called and sworn:

3 MS. BLAKE: I'm Kathryn Blake. I'm UAW and my
4 regional director Bob Roth and our regional CAP director
5 Bruce Macatee (phonetic) gave us permission to use the
6 regional 1C office for phone banking. And these are the
7 ladies that helped me with the phone banking for the
8 citizens of Flint. And they have some very good stories to
9 tell you.

10 MR. BERNSTEIN: Well, we're looking forward to
11 hearing them. I apologize we don't have as many chairs as
12 we need.

13 MS. BLAKE: They'll just tell you a couple
14 stories.

15 MR. BERNSTEIN: Okay. Good. Why don't we start
16 at your discretion, whoever would like to go first? But if
17 you could please state your name so that our court reporter
18 will be able to make a clear record?

19 MR. ABDRABOH: And speak into the microphone,
20 please.

21 MR. BERNSTEIN: Whoever is speaking, why don't
22 you just sit down in the seat, please. Thank you.

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

25 MS. LATHAM: Yes.

1
2 LORNA LATHAM

3 having been called and sworn:

4 MS. LATHAM: My name is Lorna Latham, and I
5 worked as part of the phone bank with Kathryn Blake. And I
6 don't have very really specific stories. I can just say
7 that I made about 60 phone calls, and most of them it was
8 difficult to get in touch with the individuals. The lines
9 were disconnected and things like that, but I did speak
10 with three individuals.

11 And each time I spoke with someone, I started off
12 by saying that I'm calling because your name was found on
13 an anti-affirmative action petition. And as soon as I said
14 anti-affirmative action, then each time the individual I
15 was speaking with began to say, "Oh, no, that couldn't
16 possibly be me because there's no way I would sign a
17 petition against affirmative action." And so we went on to
18 ask if they would be willing to sign an affidavit to that
19 effect and invited them to come down to the regional one
20 hall to do this. And each time I spoke with someone, they,
21 in fact, said that they would come down and sign that
22 affidavit.

23 So that is just the general experience I had when
24 I was part of the phone bank. But I do have a specific
25 story that involves my mom. My daughter goes to Flint

1 Northern High School, and members of BAMN went to that high
2 school and asked students to look through a list of
3 petitions and see if they found some names that they were
4 familiar with. And my daughter found my mom's name on that
5 petition. My mom's name is Olive Smith, and she did sign
6 the petition.

7 So when I found that out, I spoke with her. In
8 fact, on the way here I spoke with her just to make sure
9 that she actually did sign that petition because I just
10 couldn't believe it. And so she said that she hadn't
11 signed a petition in a very long time and never signs
12 petitions. But I said, well, you know, my daughter said
13 that -- Kayla said that she found the name. And she was
14 really clear that it was Olive A. Smith at 1918 West
15 Pasadena.

16 And so she said, "Well, you know, I only signed
17 one petition that I can remember of late." And that was
18 because she was approached by June Scroggins, who has been
19 talked about earlier with the teacher who is here from
20 Detroit. June Scroggins is a young lady that my mom knows.
21 And so she approached her and said, "Would you like to sign
22 this petition?" But she told her that it had something to
23 do with voting rights and it had nothing to do with
24 affirmative action. And she didn't say it had nothing to
25 do with affirmative action, but this is what my mom is

1 telling me is that June Scroggins approached me saying,
2 "Would you like to sign this petition for voting rights?"
3 And that's all that she could remember. So, of course,
4 then she was quite upset when I told her that it was about
5 affirmative action and that she had signed a petition that
6 was against affirmative action. And so that is the
7 specific story I have when it comes to that petition.

8 MR. BERNSTEIN: Thank you.

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

11 MS. SPARKS: Yes.

12 ARLENE SPARKS

13 having been called and sworn:

14 MS. SPARKS: My name is Arlene Sparks, and I too
15 worked at the phone bank with Kathryn Blake. My story is
16 the same as Lorna's. But I did have Willie Duncan who said
17 he would never sign a petition that was against affirmative
18 action, and we actually have him on tape. We have a sworn
19 deposition, and he did a video that we're going to turn in
20 to you.

21 MR. BERNSTEIN: Okay. Thank you very much.

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

24 MS. STEWART: Yes.

25

1 MARY STEWART

2 having been called and sworn:

3 MS. STEWART: My name is Mary Stewart. I did
4 work on the phone bank, and I had over 100 calls. Most of
5 them that I talked with said they did not sign the
6 petition. They didn't know anything about it. This one
7 guy said, "I didn't sign it. And I don't want to talk
8 about it." But this one guy said he knew exactly when it
9 happened. He said this young man and woman came through
10 his neighborhood, and he said he just signed it to get rid
11 of them. And he said everybody in that neighborhood signed
12 that petition. He didn't tell me if they said they wanted
13 to make money or not. He just said everybody -- they went
14 from door to door. And I wrote it on my phone log. I
15 can't remember his name, but it's on my phone log. And
16 that's about the most experience I have.

17 MR. BERNSTEIN: Thank you.

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

20 MS. HARSHFIELD: Yes.

21 MARY HARSHFIELD

22 having been called and sworn:

23 MS. HARSHFIELD: My name is Mary Harshfield. I
24 volunteered with the group on two different days, and I
25 talked to, I would say, 15 to 20 people. Some of them said

1 they didn't remember, but they never would have signed it.
2 I was struck by the fact that every single person I spoke
3 to did not believe they would have signed this petition if
4 it had been truthful because they were very much in favor
5 of affirmative action and were upset to think that they had
6 signed it.

7 I came away with the feeling that if somebody
8 were actually against affirmative action and wanted their
9 signature to go on the petition the way it really is, they
10 would have said no. That is what I came away with. I was
11 just shocked that not one single person agreed with the
12 idea on it, and yet they had signed the petition.

13 MR. BERNSTEIN: Let me ask you -- and we want to
14 hear from the rest of the women here. Did you glean
15 anything from your conversation with the people you spoke
16 with about the way circulators approached these
17 individuals?

18 MS. HARSHFIELD: They basically all felt that
19 they were being asked to -- many times they said, "This
20 will help your kids get into college." They were I think
21 always misled. They were told something that made them
22 believe that they were going to be helping affirmative
23 action to stay the way it is or at least it would have a
24 favorable outcome for believers in affirmative action.

25 Personally I can't remember having done it, and

1 because my zip code didn't happen to be in the information
2 online, I tried to find out if I signed it because I
3 remember signing a petition out in front of a bookstore.
4 And I was approached by somebody, and I can't even remember
5 specifically the cause because it was way back in 2004.
6 And I believe I may have signed this thing, and I am very
7 for affirmative action. So I was really horrified to think
8 about that. So I think anyone could have.

9 MR. BERNSTEIN: Any questions? Thank you.

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

12 MS. LEE: Yes.

13 MARYION LEE

14 having been called and sworn:

15 MS. LEE: My name is Maryion Lee. I am not a
16 member of the UAW. I volunteered my time at the UAW
17 because I, like Mary, thought that I had been tricked into
18 signing this. And like Mary, I had the same zip code. I
19 cannot verify that I did. But I remember signing an
20 affirmative action petition. I never sign a petition
21 without reading it. I've reread it, and it's still
22 confusing. I was a teacher for most of 40 years. I do not
23 understand the language of the way that petition was
24 written. I think it was designed to deceive.

25 I did work at the phone bank. And overwhelmingly

1 I would start with, "Your name appeared on an
2 anti-affirmative action petition." Overwhelmingly
3 everybody would say, "Oh, you're wrong." I even had a
4 woman slam the phone on me. And I called her back. And
5 she -- what her words were as she was slamming the phone
6 down was, "You're trying to get me to sign one of those."
7 And so I called her back and I said, "I wouldn't want you
8 to think that I was trying to get you to sign an
9 affirmative action. No, you signed. Your name is on an
10 anti-affirmative action petition." And then we got into a
11 long discussion. And she -- using Mary's word, horrified.

12 One specific case -- it did amaze me the memories
13 that people had. I found quite a few people remembered.
14 One lady was breathless when she got to the phone, and she
15 said she was just home from having heart surgery. And I
16 told her why I was calling. And she says, "Oh, no; no."
17 And then she says, "Oh, I remember signing a petition, but
18 it was for affirmative action." And that person, it was a
19 young man. And he -- a young African-American man who
20 said, "Please help me go to college. This is for
21 affirmative action. Help me go to college. This will get
22 me in college." And she was leaving the Kessell store
23 there in the Hallwood Plaza. She said then two days later
24 she and her elderly mother were getting their nails done.
25 She named the place where she got her nails done in the

1 same plaza. When they left the nail place, another young
2 man approached them with the same story. "Please sign this
3 and help me go to college."

4 I got stories like, "Help my children go to
5 college. Help me get a job." And it was -- I called three
6 or four nights from the UAW. I called from my home. I
7 became so concerned about this blight on our democracy.

8 And so then when I saw names I recognized, people
9 I had taught with, and called them and they would say, "No;
10 no, I didn't sign that." This whole thing is a terrible
11 shame.

12 MR. BERNSTEIN: Thank you. Any other questions
13 from the commission? Thank you very much.

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

16 MS. PUGSLEY: Yes.

17 SUSAN PUGSLEY

18 having been called and sworn:

19 MS. PUGSLEY: Hello. My name is Susan Pugsley,
20 and I too worked at the phone bank on one occasion. Spoke
21 to several people, probably between seven and ten people on
22 the phone. Like the other phone bank workers, the people
23 with whom I spoke were utterly aghast, surprised about the
24 fact that they had actually signed an anti-affirmative
25 action petition. I don't have any specific individual

1 stories to relate but got pretty much the same kind of
2 response that the other phone bank workers received.

3 MR. BERNSTEIN: Was your experience at the phone
4 bank, was it -- did you expect to hear those stories from
5 people? What was your expectation going in?

6 MS. PUGSLEY: I think that I expected people not
7 to be able to recollect the experience. But the ones that
8 I spoke to did recall signing a petition. They did not --
9 and they were shocked. I guess I wasn't -- how could I say
10 this? I wasn't shocked that they -- after some
11 conversation with a few individuals, it seemed to click
12 that, oh, okay, that's what happened. There was a sense of
13 despair, just general, you know, like, yeah, that's
14 happened before. But that's about all I have to say.

15 MR. BERNSTEIN: Okay. Any questions from the
16 commission? Thank you.

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

19 MS. MOHAMMED: Yes.

20 JANIS MOHAMMED

21 having been called and sworn:

22 MS. MOHAMMED: Do you mind me keeping on my
23 shades? I'm sensitive to the light.

24 MR. BERNSTEIN: Not at all.

25 MS. MOHAMMED: Thank you. My name is Janis

1 Mohammed. I am here representing In Cobra (phonetic). I'm
2 the chairperson of the Flint chapter. I did phone banking
3 also, and I was there every day. And I have to say that we
4 got 60 percent of the people who actually signed the
5 petition, and I did all of the A list. I can't begin to
6 tell you how many that was.

7 But first of all, I want to go on record saying
8 that the two people that you called, Theresa Anthony and
9 Jessie Anthony, they were two of the people that I called.
10 And they wanted me to express their disgust. That done, I
11 am here on behalf of Tracey Lashawn Atkins also. She is my
12 cousin, and she signed this petition. And she was
13 thoroughly disgusted about it because she does have a
14 teenage daughter in college now that is in college because
15 of an affirmative action program. So it would be -- I
16 mean, just, you know, to spite her own face she'd cut off
17 her nose, you know, or cut off her hand because she does
18 have a daughter that's benefitting from this program. And
19 she would like to have her name discounted if that's a
20 possibility.

21 Also, there was a gentleman named Thurmon
22 Atkinson. I have his affidavit right here. I got his
23 affidavit kind of late. But he's an elderly gentleman.
24 His granddaughter is his caretaker. I don't even know why
25 this man would have even been approached to sign. And

1 after talking to the gentleman, I'm not saying that the man
2 is inept or feeble or anything of the kind, but he doesn't
3 even get out. So I don't know if these people actually
4 went into a senior citizen complex and circulated this
5 petition. So you have to ask the question, where did they
6 really go to get these petitions or if some of these
7 petitions weren't forged -- if the signatures weren't
8 forged.

9 I talked to another gentleman, Arthur L.
10 Armstrong, and he didn't have a problem with me speaking on
11 his behalf. He said that there was a gentleman that
12 approached him. He was sitting around playing dominoes
13 with some other fellows of his. And another guy came up.
14 He knows this fellow. He gave me the first name, but he
15 couldn't remember the last name. I am going to try to get
16 that information, and I will turn that information in.

17 Also, I want to give testimony that I made a
18 videotape of several people giving testimony. I will turn
19 that testimony in to you tomorrow morning ASAP. And also,
20 I will try to get in touch with Mr. Armstrong to get the
21 name of the circulator, the full name of the circulator.

22 MR. BERNSTEIN: Thank you. You indicated that
23 there was an individual that you had obtained an affidavit
24 from or had spoken to --

25 MS. MOHAMMED: Yeah, I got an affidavit from

1 Thurmon Atkinson.

2 MR. BERNSTEIN: And Mr. Atkinson had the name of
3 the circulator who approached him?

4 MR. MOHAMMED: No, that wasn't the man; no. I
5 just have his testimony. He's an elderly gentleman, and
6 his granddaughter was his caretaker.

7 MR. BERNSTEIN: And we'll take those affidavits
8 and enter them into the record from you at the end of this.
9 From your conversations with these individuals, did they
10 indicate to you or do you have personal knowledge of
11 deception in the way in which the circulators obtained
12 signatures and the way in which they approached an
13 individual and informed them about the content of the text
14 of the initiative?

15 MS. MOHAMMED: Well, in the line of work that I
16 do in the community, I must say that I do read people very
17 well. And I have to say that with the many calls that I
18 made, I didn't get the impression -- I just totally got the
19 knowledge that these people, they didn't even know what
20 they were signing. None of them knew that they signed an
21 anti-affirmative action petition. Some of them were
22 irrate; some of them wanted to beat up the messenger. Some
23 of them felt very, very betrayed. Some of them didn't even
24 want to come in and sign an affidavit because they felt
25 like, "I signed too many things already."

1 I believe in my opinion from the numerous amount
2 of people that I talked to that they were preyed upon
3 because someone knows that black people trust a little too
4 much. If we had read the petition and couldn't understand
5 it, we wouldn't have signed it. If we read it and it was
6 clearly legible, it was clearly written out, it was clearly
7 understood that it was against affirmative action, my
8 people never would have signed that petition. But it was
9 brought into the community like everything else is; guns,
10 drugs; through someone that looks just like me.

11 MR. BERNSTEIN: How many people did you speak
12 with in your work?

13 MS. MOHAMMED: I spoke to, like I said, the whole
14 A list. And that had to have been over -- a lot.

15 MR. BERNSTEIN: Would you say it was 100, 200
16 approximately?

17 MS. MOHAMMED: Yeah; yes. I would say that.
18 Yes, I would say that.

19 MR. BERNSTEIN: Thank you very much. Are there
20 any other questions from the commission? Thank you.

21 MS. MOHAMMED: Wait a minute. Let's see.

22 MR. BERNSTEIN: Yeah, we're going to try to move
23 on. We've got dozens and dozens of --

24 MS. MOHAMMED: Did you want the --

25 MR. BERNSTEIN: I do. If you could please

1 provide the court reporter with the affidavits, we'll enter
2 those into the record. And I want to thank you.

3 MS. MOHAMMED: I thank you too for hearing me.

4 (Exhibit 2 marked)

5 MS. BLAKE: Hello. I'm Kathryn Blake back again.
6 First of all, I would like to say that there should be some
7 legislation about the fraud with these petitions; the fraud
8 that went on with these petitions. As I spoke to the
9 people -- I've spoken to hundreds of people here in the
10 City of Flint. I've been speaking for quite awhile. I've
11 been speaking since 2004. And what I have found out, even
12 though I was speaking against the petitions trying to keep
13 people from signing them, I found out a lot of people did
14 sign them because someone told them this is to help
15 affirmative action; this is for affirmative action. Even
16 though they know that I told them do not sign it because
17 it's against affirmative action, by them listening to
18 someone that looks like me, like my sister said, we are
19 trusting one another very much going by what they say and
20 not reading it for ourselves. They trusted and they
21 signed.

22 My daughter was one of them. And when I found
23 her name on that petition, I called her up and I asked her
24 about it. And she said, "Mom, I would never do that"
25 knowing that I've been out here working for these years.

1 And she said, "But that's not what he told me." She
2 thought she was doing something to help affirmative action.

3 At the African-American festival in 2004, Kathryn
4 Williams who was the CEO and curator of the Museum of
5 African Ancestry and Research Center, she was approached at
6 the African festival to sign the petition. In her
7 hurriedness -- we do not have time to sign petitions. This
8 young man told her -- a young black man told her that this
9 is for affirmative action. She also knows what I had told
10 her about the anti-affirmative action petitions. But since
11 he told her this is to help it, she thought that this is
12 what it was, what he said. So she signed it.

13 And he asked her could he petition the people
14 that were at the festival. And she told him that it would
15 cost to have a booth to petition the people at the
16 festival. But he went and got a few people, and one of
17 them is here tonight, Mark Courts. He also signed. But
18 she didn't know until later on after we had found out that
19 she had signed -- her name was on the petition -- what she
20 had done. And she said, "You know I would not have done
21 that." She is an advocate in the community for the
22 African-American people. There is no way in the world she
23 would have signed a petition especially at an African
24 festival.

25 Now, the story about the revival at the River

1 Bank Park, that was Foss Avenue Church. The young lady
2 that told me about that, her name is Pat Gilcrest-Frazier.
3 She couldn't be here tonight. She told me at the board of
4 education meeting that they were at the revival at the
5 River Bank. And a young man approached the pastor and told
6 the pastor that this was a petition to help affirmative
7 action. He didn't read it. He just said he just signed it
8 and said, okay, and told the congregation to sign it.

9 But there was an attorney there, and his name was
10 Ken Scott. I hope he is here. He read the petition, and
11 he said, "No, this is not for affirmative action. This is
12 against affirmative action." And they had an argument
13 right there at their revival. And when Ken Scott went to
14 the pastor and told the pastor, "You can't have the people
15 sign this, this is against affirmative action," so the
16 pastor told the young man, "We need those petitions back."
17 He would not give those petitions back. They called the
18 police, the Flint city police. The police came, made them
19 give those petitions back, and they tore them up right
20 there in front of his face. That is what happened.

21 MR. BERNSTEIN: Okay. Thank you very much. I
22 appreciate you being here. Any questions from the
23 commission?

24 MR. ABDRAHBOH: Yeah, I have a question. Is
25 there a police report, do you think?

1 MS. BLAKE: There should be a police report.

2 MR. ABDRABBOH: Do you remember approximately
3 that date?

4 MS. BLAKE: It was in the summer of 2004.

5 MR. ABDRABBOH: How about the address?

6 MS. BLAKE: The River Bank Park is downtown
7 Flint.

8 MS. STOKES: Do you know who organizes that
9 event?

10 MS. BLAKE: That was a revival for Foss Avenue
11 Church -- Baptist Church.

12 MR. BERNSTEIN: Thank you. Any other questions?
13 Thank you very much, I appreciate it.

14 MS. BLAKE: Thank you.

15 MR. BERNSTEIN: Mr. Lord. And Mr. Courts, if
16 you're still here, you have a form here. You'll be next.

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

19 MR. LORD: I do.

20 RAY LORD

21 having been called and sworn:

22 MR. BERNSTEIN: Welcome, sir.

23 MR. LORD: Thank you, Mr. Chairman. My name is
24 Ray Lord. I live at 4520 Eleanor Drive in Fenton,
25 Michigan. First, let me say that I was approached by a

1 person with a petition. To be honest, she really didn't
2 try to mislead me because we really didn't get that far
3 into it. You see, I have this thing about people who
4 circulate petitions and get paid for it. And I always
5 question them on it. I feel that it's not illegal, but
6 it's unethical. I think they should feel the cause in
7 order to be involved like that or at least explain it. But
8 anyway, I questioned her. I said, "Are you being paid?"
9 And then I asked her how much, and she got a little antsy.
10 And she was missing some more people. It was lunch time at
11 the courthouse down at the City of Flint. So she kind of
12 let me go, and she went to the other people.

13 But I do want to mention that. I want to give
14 this an all due respect. I want to give the panel a
15 suggestion. I think it's fine that you're questioning
16 these people who have been misled and misunderstood and
17 completely lied to. I think there's some great testimony
18 here. But I suggest to you that what we have, what we
19 should do is go to the real perpetrators, the ones who are
20 pushing this issue of civil rights, this bogus petition.

21 What I would do if I was in your position, I
22 would go to these people and I would ask them, "Have you
23 ever been involved in any other social issues or any civil
24 right issues? Have you ever been in a sit-in? Have you
25 ever been in, you know, a civil rights march" and all those

1 things. And I think I know what you're going to find out.
2 Of course they haven't. Because anybody that supported
3 this is against affirmative action. Anybody who supports
4 and has to say and feel that affirmative action has run its
5 course, we don't need it.

6 You know, all you have to do is go to Flint, the
7 crime rate, and you can go to our prisons, our population.
8 Who's in there? And they're still burning churches in
9 Alabama. The point is that they act like it's done now,
10 everything is all right. Well, we know better than that.
11 But it's such an obvious thing to me.

12 You know, you've got an awesome responsibility
13 here. I just think this is one of the more important
14 issues of our time. If this was to pass, I really believe
15 it would spread across the country or at least it would be
16 a big effort for that and we would be going backwards. I
17 can tell you the City of Flint has got a lot of real
18 problems, unemployment --

19 MR. BERNSTEIN: Mr. Lord, I appreciate your
20 statement. Do you have anything else to talk about
21 specific to the activity of circulators?

22 MR. LORD: Sure.

23 MR. BERNSTEIN: And please try to limit it to
24 another minute or so.

25 MR. LORD: Let me tell you this: I think it's

1 unfair to say that all people who support this so-called
2 initiative are racist. I think that's unfair. But I don't
3 think it's unfair to say that all racists are going to
4 support this issue. There's no question in my mind. So
5 anyway, you've got an awesome responsibility here, and I
6 hope you take my suggestion. Maybe you've already done it.

7 But you started out, Mr. Chairman, by -- I don't
8 remember your exact words. But you said how important it
9 is to have the integrity of the ballot, and I agree with
10 you. This is one of the most important issues of our time.
11 Thank you.

12 MR. BERNSTEIN: Thank you, sir. Any questions
13 from the commission? Sir, thank you very much. Mr.
14 Courts? Is Mark Courts here? Welcome.

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

17 MR. COURTS: Yes.

18 MARK COURTS

19 having been called and sworn:

20 REPORTER: Could you spell your last name?

21 MR. COURTS: Courts, C-o-u-r-t-s.

22 MR. BERNSTEIN: Welcome, Mr. Courts. I have Ms.
23 Deidre Belton will be next. Proceed.

24 MR. COURTS: Like Kathryn Blake stated earlier, I
25 was also at the African-American festival back in the

1 summer of 2004.

2 MR. BERNSTEIN: Mr. Courts, I don't mean to
3 interrupt you. Could you just please pull that microphone
4 just a little bit closer to you? Thank you.

5 MR. COURTS: Okay. I was at the African-American
6 festival in the summer of 2004. And a young man approached
7 us asking us -- from what I recall, he asked me, "Do you
8 support affirmative action?" And I was like, "Yes." And
9 he asked, "Did you know there are people out there who are
10 trying to get something on the ballot for people to ban
11 affirmative action?" And I was like, "Yes." And he
12 said -- he started talking about the Civil Rights
13 Initiative and what they were trying to do was prevent that
14 from happening and would I be willing to sign a petition.
15 And when he started talking, I was like, "Sure. I'll go
16 ahead and sign it." And probably like some other people
17 who was there, as soon as he started talking, you know, we
18 was like, sure we'll start signing. And he was explaining
19 how this was going to possibly help prevent that initiate
20 from getting on the ballot to ban affirmative action.

21 And then like when I first heard that I had
22 signed something that was against it was when Kathryn
23 called me and said, "Did you realize that's what you
24 signed?" And I was like, "No. There's no way I would have
25 signed that if I would have known that it was against

1 affirmative action."

2 MR. BERNSTEIN: So just to clarify, you were
3 approached by an individual who said -- who asked you if
4 you supported affirmative action?

5 MR. COURTS: Right.

6 MR. BERNSTEIN: And then your response to him
7 was -- what was your response to that individual?

8 MR. COURTS: I said, "Sure I support it."

9 MR. BERNSTEIN: And then what happened after
10 that?

11 MR. COURTS: And then that's when he said, "Do
12 you realize there's also people who are trying to put
13 together something to get on the ballot to ban it?"

14 MR. BERNSTEIN: And then he presented to you the
15 petition?

16 MR. COURTS: Well, he had it in his hand because
17 he was holding it down. He said, "Would you be interested
18 in signing a petition to support it because that's what
19 this is trying to do, prevent that ballot from getting on
20 the -- that thing to get on the ballot."

21 MR. BERNSTEIN: Okay. Thank you very much. Is
22 there anybody else on the commission with any questions?
23 Thank you, sir. Ms. Belton. Welcome.

24

25

1 REPORTER: Do you solemnly swear or affirm that
2 the testimony you're about to give will be the whole truth
3 and nothing but the truth?

4 MS. BELTON: Yes.

5 DEIDRE BELTON

6 having been called and sworn:

7 MS. BELTON: Hello. Because of time, I'll be
8 quick. As a graduate student here at the University, I
9 think affirmative action is a very important issue. I want
10 to speak specifically about the time when I was approached
11 by a circulator. While working at a local homeless
12 shelter, I was approached. And the circulator was an
13 African-American female in her 30's. She was homeless,
14 recently released from prison, and an admitted drug user.
15 She presented the petition using the words, "For
16 affirmative action." Because of my previous knowledge
17 about this petition, I questioned her about the language,
18 specifically making reference to the words "preferential
19 treatment." Her response was startling to me because she
20 was adamant that this petition was in support of
21 affirmative action.

22 Because of her desperate state, I couldn't
23 determine if, indeed, she, herself, thought the petition
24 was for affirmative action or in favor of affirmative
25 action or if it was solely for the financial gain. In

1 order to remain confidentiality, I won't publicly disclose
2 the shelter's location. But I do have a map of that area
3 that I will submit to the committee and pictures of the
4 area, some to kind of display the state of what's going on
5 in that environment.

6 65 people who live on the two neighboring streets
7 of the shelter signed this petition. This indicates that
8 the neighborhood was likely -- she went door to door or
9 someone went door to door. And with limited resources and
10 no means of transportation, likely the woman who was living
11 at the shelter went to her neighboring streets.

12 It was the ethical duty of the MCRI to ensure
13 that the circulators were capable of presenting the
14 petition in an appropriate manner. And whoever hired this
15 woman was aware that she recently was released from prison
16 and homeless because they provided work verification forms
17 for both her parole officer and for the shelter.

18 Anyone who spent five minutes with this woman
19 during the time at which she was hired to circulate these
20 petitions would have realized her incompetence. It is my
21 belief that her recruitment to become a circulator was
22 intentional, with the hopes that she would mislead other
23 minorities and economically deprived persons into signing.

24 When I heard about the hearing last weekend, I
25 called several of my friends and coworkers and colleagues.

1 And we actually called people that we knew and we
2 secured -- people that we knew and people just that were on
3 the list that had signed. And we went to their homes, if
4 they would allow us to, to get affidavits, invited them to
5 come and pick up affidavits. Everyone that I spoke to said
6 that they would not have signed this petition had they
7 known that it was against affirmative action.

8 I have about 13 affidavits that I would like to
9 submit. They are people from my father's church, from our
10 community. And specifically I spoke with a young woman who
11 was about 18. And I went to her house, and she signed the
12 affidavit. And she said that she was under the impression
13 that it had something to do with the Ann Arbor case about
14 affirmative action and wasn't real clear as to what she was
15 signing.

16 MR. ABDRAHBOH: Ma'am, I have a question. This
17 woman that had issues, problems, that you said was used and
18 getting the signatures, do you have her name or a way to
19 get ahold of her?

20 MS. BELTON: Because of my relationship with her
21 as a case manager, I couldn't give out that information.
22 If I happen to come across her just out in public, I
23 definitely would encourage her to come forth. But
24 professionally I couldn't.

25 MR. ABDRAHBOH: I understand that. Can I ask

1 this without giving who she is: You said that you think
2 that this woman would have had to, as part of her parole,
3 state and submit, you know, where she works and who she
4 works for? Did I understand that correctly?

5 MS. BELTON: She submitted a paper to me that I
6 saw that basically said that she was -- it was handwritten
7 and it had a -- like a name like -- I'm not sure of the
8 name. I don't recall. But it had his name as her
9 supervisor and even a contact number. But that's part of
10 her file and records so I couldn't -- and I don't work
11 there anymore so I don't have access to that. But she did
12 show me something stating; that's part of her program at
13 the shelter that she had to give proof of employment.

14 MR. BERNSTEIN: Any other questions from the
15 commission? Thank you very much. You have affidavits;
16 correct?

17 MS. BELTON: Yup.

18 MR. BERNSTEIN: If you could please hand them to
19 the court reporter, we'll enter them into the record.
20 Also, on the topic of evidence, I also want to recognize
21 and thank Ms. Miller who testified earlier who submitted 30
22 affidavits that will also be made -- added to the record
23 and included as part of this file that we're creating.

24 (Exhibits 3, 4, 5, and 6 marked)

25 MR. BERNSTEIN: We're going to conclude our work

1 down the witness list and move into what is the necessary
2 part of our program which includes a public comment
3 section, which is a requirement of the Opening Meetings
4 Act. So I'm going to ask -- and we'll do three people and
5 hopefully conclude by 9:00 p.m. when we have to be out of
6 here. Ms. Jennifer Alexander, are you present? Cynthia
7 Sullivan, are you present? Catherine Frederick? Ms.
8 Frederick? Great. Terry Key, if you're here, you'll be
9 next. Welcome.

10 MS. FREDERICK: I am Catherine Frederick. I
11 reside at 1933 Lynbrook in Flint. I thank you so very much
12 for coming here. I'm so glad that I live in a country
13 where I feel threatened -- where when I feel threatened or
14 have been done an injustice I have a recourse. A recourse
15 that is peaceful and law abiding. The words in our
16 language are simply not sufficient to express the remorse I
17 feel now and I have been feeling since I was approached by
18 a gentleman of color in a parking lot asking me to sign a
19 petition for affirmative action. When he asked me, my
20 response was that I would gladly sign it. As I positioned
21 myself to sign it, it occurred to me -- we at the church
22 would say the Lord told me -- to read it. When I saw
23 Michigan Civil Rights Initiative, I immediately knew that
24 it was not a petition in support of the affirmative action
25 that I know and I cherish.

1 I told the gentleman that the petition he was
2 circulating was not in support of affirmative and that he
3 should not be circulating it either. I had gotten a little
4 emotional at that time, and he simply walked away and I
5 went on into the store.

6 It bothered me for awhile that the gentleman and
7 others could go around intentionally deceiving people in
8 our country whose very foundation is based upon truth and
9 justice and honesty. My husband had to make me stop
10 talking about it. When I stopped talking about it, I
11 prayed to my Heavenly Father above. Now I am calling upon
12 you for help.

13 Even though the group circulating the petition
14 has enough signatures, this issue should not be allowed to
15 go on the ballot because of the misleading method used to
16 get signatures. Fraudulent methods are being used today to
17 get signatures. What will be used tomorrow?

18 This is indeed frightening. Our Forefathers and
19 mothers gave their lives that we today can have the good
20 life. My heart goes out to people who have to circulate
21 petitions for money, as many of them do, who may not agree
22 with the issue, yet they do it for the money. It is too
23 bad that we live in a society where far too many citizens
24 are unemployed or making a minimum wage that is not enough
25 to sustain them in the desired manner. I reiterate my plea

1 for help from you. Thank you.

2 MR. BERNSTEIN: Is Ms. Frederick here?

3 MS. FREDERICK: This is.

4 MR. BERNSTEIN: Oh, I apologize, Ms. Frederick.
5 I apologize. Lee Black, are you present? And we'll
6 conclude after -- are you Lee Black?

7 AUDIENCE: No, I'm not. But my name is in there,
8 I would like to speak.

9 MR. BERNSTEIN: Right. There's a lot of people
10 who are going to -- unfortunately, we're not going to be
11 able to get to everybody. I'm going to conclude after we
12 finish with you --

13 AUDIENCE: Yeah, I will allow her to speak.

14 MR. BERNSTEIN: Sure. Okay That's fine. Thank
15 you, please. This is public comment. This is not under
16 oath so --

17 MS. SMITH: My name is Monica Smith.

18 MR. BERNSTEIN: There will be one more person
19 after this.

20 MS. SMITH: And I -- the reason I wanted to speak
21 to you is I helped with the investigation. And currently
22 we are working very hard in Ann Arbor. I'm a student at
23 the University of Michigan in Ann Arbor, and we have just
24 done a lot of investigating around there. I found two
25 professors who signed, and I have affidavits to submit to

1 you like Susan -- Susan Prestwood-Wright (phonetic). You
2 know, and these professors actually sent like -- almost 700
3 professors at U of M signed a petition stating that they
4 supported affirmative action around the U of M case in
5 1999. And so for them to have signed, you know, the MCRI
6 is -- you know, obviously, you know, they were misled. And
7 we just have a lot of stories. And, you know, I would
8 rather tell those stories of what people want to say at a
9 hearing in Ann Arbor, you know. And that's an extremely
10 important place to have a hearing. It's like the center
11 for affirmative action around the entire country.

12 And another thing is, as people have said before,
13 we only have 60 percent of the list. And we're doing
14 like -- you know, basically like 95 percent of the legwork
15 here in the organizing. And it would be really great if
16 you could provide some resources or funding so that we can,
17 you know, have people go up to Lansing and spend, you know,
18 all that time, you know, getting the other 40 percent
19 because, you know, there are people here like, "I think I
20 signed. I'm not sure." Well, they very well may have and
21 we just don't have their names. So we could really use
22 those resources or maybe you could hire people to help us
23 or, you know, on their own do this investigation. You
24 know, you are the Michigan Civil Rights Commission.

25 So that's basically what I wanted to say. Also,

1 I just really wanted to urge you to, you know, really do
2 everything you can when this does come to the Supreme Court
3 to use, you know, all this knowledge that you've gathered
4 to really, you know, advise them that this really should
5 not go on the ballot.

6 But what someone said before as far as, you know,
7 having things, you know, come into the community, like
8 basically just to say this is totally unethical. I mean,
9 people do -- this goes up there with what people do for
10 money like prostitution, selling drugs, circulating the
11 MCRI. You know, it's like -- it's really messed up what
12 people will do for money. And the fact that, you know,
13 over 100,000 black people signed it, you know, that's
14 what -- okay -- like, you know, a fourth of their
15 signatures. And then considering how many like white
16 voters signed it who are misled, I mean, basically right
17 there they don't have enough signatures to put this on the
18 ballot.

19 There are a lot of avenues, you know, that you
20 can take around this. And I just, you know, urge you to do
21 everything you can and just to say that people absolutely
22 will not have any faith in the electoral process at all.
23 If this goes on the ballot, we will no longer have a
24 democracy in Michigan. And that will go from state to
25 state. So I just really urge you to, you know, uphold, you

1 know, your duty and maintain civil rights and I'll submit
2 these affidavits from Ann Arbor. Please have a hearing in
3 Ann Arbor.

4 MR. BERNSTEIN: Thank you.

5 MR. ABDRAHBOH: I have a quick question, Mark.
6 You worked a little bit in Ann Arbor?

7 MS. SMITH: Uh-huh (affirmative).

8 MR. ABDRAHBOH: What would we expect if we had a
9 hearing in Ann Arbor?

10 MS. SMITH: You would expect a lot of University
11 of Michigan students, you know, who are appalled that this
12 happened. You would expect professors to come supporting
13 the professors who signed it. You would -- there are civil
14 rights activists who signed it. Just one quick example, a
15 BAMN member who organized in high school and organized at
16 Eastern, we found that he signed it. We went to his house,
17 and he told us that he was on the diag at U of M and he was
18 approached by, you know, a young white guy saying it was
19 for affirmative action. And of course, he signed it.

20 And just to say that the way he got involved was
21 through a young man that was mentioning the hearing in Ann
22 Arbor, Joe Wagner. You know he was a BAMN member who died,
23 literally gave his life for this cause. And that's how
24 this person who signed the MCRI got involved. So, you
25 know, just -- it's just disgusting what they did and the

1 stories that, you know, we have to tell you so --

2 MR. ABDRABBOH: I'm just curious. Would it be a
3 lot of people of color in Ann Arbor that would allege --

4 MS. SMITH: Yeah, a whole -- one -- the young man
5 I was talking about that signed who was a BAMN organizer,
6 he -- he was a former BAMN organizer, so obviously he
7 didn't know about this. It was awhile back. There's a
8 co-op called Arrowwood Co-ops. It's kind of like the
9 projects in Ann Arbor, and it's, you know, mostly black
10 people who live there. And ten people signed it.

11 And I gave an announcement at Second Baptist
12 Church. I'm working to organize there. It's kind of like
13 a historically black church in Ann Arbor, you know, almost
14 all black members. And the one who runs the Arrowwoods
15 Co-op, she took the information that I gave her at church
16 and spread it to her whole co-op. So you know there are,
17 like, all these people. And it's just -- it's like
18 spreading like wild flowers.

19 There's another -- a civil rights activist that
20 everybody knows, she's in the process of writing her own
21 affidavit. So in addition to these, I have a lot more to
22 submit to you that were just -- people were actually
23 writing their own out. They want to have it sharp. A
24 black civil rights activist --

25 MR. BERNSTEIN: Thank you. I appreciate it.

1 Provide those affidavits to the court reporter, and we will
2 enter those.

3 (Exhibit 7 marked)

4 MR. BERNSTEIN: I want to conclude this evening
5 with some Flint students who I hope are still here, and
6 I'll just ask them to come down. The last names I have
7 are -- and I apologize if I'm mispronouncing any of
8 these -- Cortheon (phonetic), Williams, Garner, Stokes,
9 Allen, Glover, and Hudson. If you're here, we'd love to
10 allow you to provide public comment if you wish. If you
11 don't, that's understandable. That's okay as well.

12 And while they are assembling and coming down to
13 provide public comment, I want to let the folks who have
14 submitted public comment forms to us know that I apologize
15 for not being able to get to you. This is the same speech
16 I gave in Detroit. We had an overwhelming number of people
17 who wanted to speak, and we obviously have a limited amount
18 of time. So we'll continue to visit this issue. Welcome.
19 Why don't you state your name? And we're looking forward
20 to hearing what you have to say.

21 MS. SPEARMAN: Well, my name is Karlisa Spearman,
22 and I'm a sophomore and I attend Flint Northern. And I am
23 for affirmative action because our future is on the line.
24 I mean, if they banned us from not going to college and
25 stuff, where would some of us be? You know, our future is

1 really on the line. I mean, like us, as young people now,
2 we are dropping like flies. Some of us aren't even living
3 to live 25 years old, you know. And for them to ban us
4 from going to college to be something in life, to get to a
5 nice place, you know what I'm saying? Be something or, you
6 know, be successful basically. I mean, where would we
7 really be if they did do that? So please do not let --
8 please do not let this go forth. Please let affirmative
9 action come through. We need it. We all deserve equal
10 rights. That's what I feel.

11 MR. BERNSTEIN: Thank you. Sir, welcome. What's
12 your name, sir?

13 MR. GLOVER: Hi, my name is Eric Glover. I'm a
14 junior at Flint Northern, class of '07. I think that
15 affirmative action is a good way to change the way people
16 would look at minorities no matter if they black or Latino
17 or white, pink, blue, any color. You know more than 20,000
18 people in mid Michigan signed that paper for nonaffirmative
19 rights. They thought that it was a vote, paper for mayors
20 or governors. They didn't know that it was against
21 affirmative action, and it wasn't right. So what I'm
22 basically saying is, to make sure next time you sign a
23 paper, read it, read the whole thing over. And if you
24 don't get it, read it over again and ask the person what
25 it's about.

1 But really I really want affirmative action to go
2 through because Flint is broke already. Flint is basically
3 broke already. I ain't going to get racial, but there's
4 not much black people graduating these days. They don't
5 have nobody to look up to or nothing. But if someone would
6 stand up for what they believe in, they would follow. And
7 if one person go to college, be successful with a 4.0 like
8 me, they might follow me, have a college to go to.

9 I plan to go down to North Caroling A&T. That's
10 basically a black college. It's basically 90 percent black
11 and 10 percent Latino and stuff like that. And in order
12 for me -- this is a good college, but I want to get out of
13 Michigan. No offense. But in order for that to happen, I
14 need affirmative action to take place. And if that don't
15 happen, what's a black college to go to, to learn more
16 about your culture. That's all I've got to say. Thank
17 you.

18 MR. BERNSTEIN: Thank you. Before we conclude I
19 just want to -- and I'll give and opportunity to the
20 members of the commission to speak or to give some
21 concluding remarks if they wish. But I just want to thank
22 everybody who's been here. This has been an important step
23 in our process. I want to thank the courage and the
24 honesty of the people who have come forward. You join a
25 long list of people who have come before this commission

1 talking about this issue, and we greatly appreciate your
2 participation and your involvement. Is there anybody on
3 the commission who wishes to say anything before we
4 adjourn?

5 MR. SCOTT: I'd just like to address the two
6 students, particularly the two students who were courageous
7 enough to come forward. You know, I too believe that
8 affirmative action has provided many opportunities for many
9 people and hopefully will continue to do so. But please
10 don't be discouraged, particularly by these efforts to ban
11 affirmative action. And in the instance that affirmative
12 action is banned in Michigan as a result of the vote in
13 November, please do not be discouraged. Please continue to
14 work as hard as you can while you're in school and with the
15 goal of going to college and graduating from college and
16 being successful. If this measure does make it to the
17 ballot and is successful, that does mean that you cannot be
18 successful in everything that you do.

19 MR. WIRTH: There are folks, before you close,
20 that would like to put 11 more affidavits on the record.
21 And the lady who gave them is --

22 REPORTER: What is your name, ma'am?

23 MS. MARSHALL: Wyntis Marshall, W-y-n-t-i-s,
24 Marshall is the last name. Thank you.

25 MR. BERNSTEIN: I want to thank you. Those will

1 be entered into the record.

2 (Exhibit 8 marked)

3 MS. PARKER: I just want to say on behalf
4 certainly of -- Commissioner Bernstein has been speaking
5 certainly on behalf of the commission. I just want to say
6 certainly on behalf of the governor and on behalf of the
7 Michigan Department of Civil Rights, this is really an
8 honor to be in Flint and to see the depth of concern
9 related to our right to vote. And however this comes out,
10 you've spoken very loudly and very clearly through your
11 commitment 9:05 on a Wednesday night. It's been a long day
12 for all of us. But we understand what our priorities are.
13 So thank you for allowing us to come here and to receive
14 your information.

15 MR. BERNSTEIN: Thank you. I notice there's
16 additional affidavits that are being entered, and they will
17 be entered into the record. Again, we will adjourn this
18 meeting. I want to thank everybody for coming.

19 (Exhibit 9 marked)

20 (Hearing concluded at 9:04 p.m.)

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