

STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS

MICHIGAN CIVIL RIGHTS COMMISSION PUBLIC HEARING

Gier Park Community Center

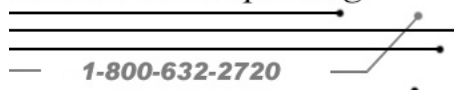
2400 Hall Street

Lansing, Michigan - Monday, May 8, 2006

COMMISSION MEMBERS - MARK BERNSTEIN, J.D. - Chairman
MOHAMMED ABDRABBOH, J.D. - Vice-Chairman
ALBERT CALILLE, J.D. - Commissioner
KELVIN W. SCOTT, J.D. - Commissioner
MATTHEW WESAW - Commissioner
LINDA V. PARKER, J.D. - Director
RON ROBINSON, J.D. - Case Counsel
KEESHA GARRETT - Timekeeper

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1 Lansing, Michigan

2 Monday, May 8, 2006 - 6:17 p.m.

3 MS. PARKER: Good Evening. My name is Linda
4 Parker and I am the Director of the Michigan Department of
5 Civil Rights. I would like to thank everyone for coming to
6 the public hearing which will soon be convened in just a
7 moment by the Michigan Civil Rights Commission. We have
8 with us the Mayor of Lansing, the City of Lansing. And
9 we're very, very honored to have him with us this evening.
10 Out of respect and consideration for his previous
11 commitment, we would like the mayor now to address the
12 commission and those of us in this room. Mr. Mayor? Mayor
13 Virg Bernero. Thank you.

14 MAYOR BERNERO: Thank you, Director Parker and
15 members of the commission. I want to thank you. The
16 council is meeting tonight, so I appreciate your putting me
17 on first. And I really want to take the opportunity as the
18 first speaker to welcome you to Lansing and to thank you
19 for bringing this inquiry to the City of Lansing. This is
20 an issue that we take very seriously. Our city council has
21 passed a resolution against the so-called civil rights
22 initiative, and we've heard about -- we've heard a number
23 of complaints at our level, and we appreciate you taking
24 them seriously and looking into it.

25 We take the voting franchise, of course, very

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1 seriously, as you do, as I think all citizens do in the
2 State of Michigan. So it's important that there's
3 integrity to the process, that it is vital that people are
4 not misled about what they're signing, especially when such
5 important civil rights are at stake. A play on words,
6 something as simple as that, it's too important to allow
7 our rights to potentially be affected. When our rights,
8 our civil rights, weigh in the balance, to allow a play on
9 words to win somebody's signature when they don't really
10 know what they're signing up for, is a very dangerous
11 thing.

12 I believe that government has a role to play in
13 assuring equality and fairness and fair play in the
14 electoral process. And that's why I really appreciate your
15 launching this inquiry and taking it seriously and giving
16 Lansing citizens, Lansing residents an opportunity to be
17 heard. So with that, I will get out of your way and let
18 you hear us and let you conduct the investigation that I
19 know you will take seriously. I thank you from the bottom
20 of my heart and, as mayor and behalf of the citizens of
21 Lansing, thank you for taking your responsibility so
22 seriously. And I wish us all the best as we move toward a
23 conclusion.

24 MS. PARKER: Thank you, Mr. Mayor.

25 MAYOR BERNERO: Thank you.

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1 MS. PARKER: I would say good evening and welcome
2 again to everyone who is here in this room this evening.
3 As I mentioned just moments ago, this public hearing that
4 is being held tonight is being convened by the Michigan
5 Civil Rights Commission. The Civil Rights Commission is an
6 eight-member, non-partisan, public body that is charged
7 with the protection of the civil rights of the people of
8 the State of Michigan. Now, we are very unique here in the
9 State of Michigan in that we are the only state that has a
10 civil rights commission who has its authority and who
11 receives its authority from the state constitution. And
12 really what that means for us here in Michigan is, is that
13 the people of Michigan who voted to give the commission
14 that level of authority have embraced and fully understood
15 the importance of civil rights here in the State of
16 Michigan. So it is really with that authority and that
17 pronouncement by the people of the State of Michigan that
18 we move forward and that we conduct these hearings.

19 We think it's very, very important that the
20 people in Michigan spoke through their vote, and it's not
21 an accident that the subject of the third hearing that
22 we've had on this matter does, in fact, pertain to the
23 right to vote. So I will simply say that I am going to now
24 turn this hearing over to the vice-chair, the acting chair
25 this evening of the Michigan Civil Rights Commission,

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1 Chairman or Co-Chair Mohammed Abdrabboh. Thank you.

2 MR. ABDRABBOH: Good evening. The time is 6:19
3 p.m, and this meeting is called to order. This evening I'm
4 filling in for Chairman Mark Bernstein. This hearing is
5 exclusively for the purpose of hearing testimony on vote
6 fraud; therefore, the commission will not be addressing any
7 other individual civil rights complaints or departmental
8 issues. If anyone has other issues they'd like to discuss
9 with the department or with the commission, they may call
10 our toll free number at 1-800-482-3604 or visit our service
11 centers, or you may go to our web site at [www.
mdcr.org](http://www.mdcrr.org).

12 We expect to hear testimony from a number of
13 people. In that we must conclude at 8:00 p.m. when the
14 facility closes, we want to give everyone an opportunity to
15 be heard; therefore, I'm going to lay out a few important
16 ground rules for our speakers. Speakers will be called to
17 the podium one at a time, or if they're in a group, we'll
18 call them together. Anyone wishing to give testimony
19 should have completed a speaker's request form. That's
20 this right here (indicating). And it should be given to an
21 MDCR colleague. Those accepting the forms, will you raise
22 your hand?

23 The second item would be, everybody please
24 remember to be respectful of the speakers, regardless of
25 what position or side of the issue that they're on. Each

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1 speaker will be given five minutes to provide testimony.
2 We will have an official timekeeper, Julie Almendarez, to
3 my right over here (indicating), and she will give you a
4 one-minute warning when you have a minute left. Finally,
5 if these ground rules are not adhered to, we will be unable
6 to maintain order, and we will stop the proceedings, and
7 we'll have to adjourn. Also the court reporter to my left,
8 Rebecca Alexander, I believe, when called up, she's going
9 to ask you to raise your right hand be sworn in, and also
10 spell your first and last name for the record.

11 Before I call the first speaker, I would just
12 like to take a moment and have all of my colleagues at the
13 table introduce themselves and tell you briefly where
14 they're from, starting to my left.

15 MR. CALILLE: Al Calille, and I'm from Plymouth,
16 Michigan.

17 MR. WESAW: Matt Wesaw from Holt.

18 MR. ROBINSON: Ron Robinson, Assistant Attorney
19 General from Detroit.

20 MR. ABDRABOH: Before I call the first speaker
21 this evening, we are gathered here, as I said earlier this
22 evening, on a very narrow issue, and it's the issue of
23 voter fraud as it relates to the Michigan Civil Rights
24 Initiative. Just a little background, this is, I believe,
25 our fourth stop -- this is our third stop, but we have a

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1 fourth in Grand Rapids, and we have been taking testimony
2 from the public under oath, gathering information regarding
3 the issue of voter fraud. We have heard a lot of different
4 testimony, different variations, different allegations, and
5 we hope to take all of the testimony this evening and
6 gather more to make a determination of how to move forward.
7 With that, I would like to call our first -- Tiffany Jones,
8 please. Tiffany, if would, please raise your right hand.

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

11 MS. JONES: Yes, I do.

12 REPORTER: Please spell your first and last name.

13 MS. JONES: T-i-f-f-a- --

14 MR. ABDRABBOH: I'm sorry. If you would, please
15 speak into the microphone.

16 MS. JONES: I'm sorry.

17 MR. ABDRABBOH: That's okay.

18 MS. JONES: T-i-f-f-a--y J-o-n-e-s.

19 MR. ABDRABBOH: Proceed.

20 TIFFANY JONES

21 having been called and sworn:

22 MS. JONES: I'm from Lansing. I'm a student at
23 Central Michigan University in Mt. Pleasant. And I don't
24 remember the exact date, but I was approached at the
25 Student Activities Center. We had a program. The

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1 Organization for Black Unity has, like, a bowling party to
2 welcome students back. And at that location I was
3 approached by a petitioner asking me if I was for civil
4 rights, and I said "yes." But a friend had warned me not
5 to sign because of a previous interaction earlier. They
6 had been somewhere else on campus, so I did not sign. But
7 that was what I was told; that this was a petition -- if I
8 was for civil rights, then I should sign there. And they
9 were approaching all these students. There was a very
10 large group of students of color at this event that were
11 all approached by this. Some of them did sign, and they
12 didn't know what -- no, I didn't sign, but that was the
13 line I was given; that this was a petition for civil
14 rights, and if I was for civil rights, I should sign. And
15 that's it.

16 MR. ABDRAHBOH: What -- I mean, can you be a
17 little more specific?

18 MS. JONES: Sure.

19 MR. ABDRAHBOH: They just said "for civil
20 rights"? Did they --

21 MS. JONES: They just said, "Are you for civil
22 rights?" as I was walking to stop me, and I said, "Yes".
23 And then I had remembered, one of my other friends said
24 that -- because someone had warned us not to sign, then I
25 just said that I wasn't interested. And she said, "Well,

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1 if you're" -- it was a young lady, and she said, "Well, if
2 you're for civil rights, then you need to sign here." But
3 I just said, "No," and I still went inside. It was a
4 really short interaction, but that was the line that I was
5 given.

6 MR. ABDRABBOH: Had you seen them prior or after
7 your interaction with them?

8 MS. JONES: I hadn't physically seen them. I'd
9 only heard from other students that they had been in other
10 locations on campus. But, myself, I only saw them at the
11 one location.

12 MR. ABDRABBOH: And do you remember approximately
13 when this was?

14 MS. JONES: I know it was an event to welcome
15 students back, so I know -- not this past fall, but -- so
16 that would have been fall 2004. So I'm assuming that it
17 was around the beginning of the year 'cause I just --
18 that's what I can remember, that it welcoming the students
19 back. So it was -- I would approximately say it's
20 September, but I'm not 100 percent on dates.

21 MR. ABDRABBOH: Do we have any other questions
22 for Tiffany? Thank you very much. My esteemed colleague I
23 see has arrived. This is Commissioner Bernstein. Until
24 Mark gets settled in, I'm going to call the next speaker.
25 And what we'll do after that is have the next person in

1 line -- I'll call their name out so they can be ready. The
2 next speaker is going to be Carolyn Taylor. Is she here?
3 No? Okay. Teresa Gomez, please come on up. And after
4 that, it's going to be Monica Smith. Is she here?

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

7 MS. GOMEZ: Yes.

8 TERESA GOMEZ

9 having been called and sworn:

10 MS. TERESA GOMEZ: My name is Teresa,
11 T-e-r-e-s-a, Gomez, G-o-m-e-z. I actually came here for a
12 different matter, but it does involve civil rights. My
13 sister's civil rights were violated when she went to her
14 favorite local video store. She was accused of stealing,
15 and the store clerk didn't have any evidence, and he called
16 in a policewoman. My sister wasn't searched or patted or
17 anything like that, so she felt very humiliated. Is
18 this -- any way -- is there -- hopefully there is something
19 you can do about these privately owned stores. They have
20 no right to treat people like this.

21 MR. ABDRABBOH: Teresa?

22 MS. TERESA GOMEZ: Yes?

23 MR. ABDRABBOH: I'm sorry. I would like a
24 service rights rep from the Department of Civil Rights to
25 please raise their hand. Behind you, Teresa. Please, can

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1 you give her your card and advise her of what the procedure
2 is? Thank you. And just to reiterate again -- I'm sorry.
3 I appreciate what you're saying, but we're here on the
4 issue of voter fraud.

5 MS. TERESA GOMEZ: Well, we were encouraged to
6 come, you know, to give us (sic) our -- I didn't know
7 the -- you know, when you said theme of it was to have
8 people come up that were -- that had signed this petition,
9 I had no knowledge that it was going to be solely based on
10 this. I'm sorry.

11 MR. ABDRABBOH: No. It's no problem. We always
12 encourage people --

13 MS. TERESA GOMEZ: Okay.

14 MR. ABDRABBOH: In this case we're here just for
15 this narrow issue this evening.

16 MS. TERESA GOMEZ: Okay. All right. Well,
17 thanks for listening.

18 MR. ABDRABBOH: By the way, did you sign the
19 petition or --

20 MS. TERESA GOMEZ: No, I didn't. It was my
21 sister that signed the petition.

22 MR. ABDRABBOH: Okay. Thank you very much.

23 MS. GOMEZ: You're welcome.

24 MR. BERNSTEIN: Is that Debra Gomez, your sister?

25 MS. DEBRA GOMEZ: Debra (pronouncing) Gomez.

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1 MR. BERNSTEIN: Debra (pronouncing)? I'm sorry,
2 Debra. Have you already spoken?

3 MS. DEBRA GOMEZ: No.

4 MR. BERNSTEIN: No? Would you like to come
5 forward then?

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

8 DEBRA GOMEZ

9 having been called and sworn:

10 MS. DEBRA GOMEZ: Debra, D-e-b-r-a, Gomez,
11 G-o-m-e-z.

12 MR. ABDRABOH: Please proceed.

13 MS. DEBRA GOMEZ: Okay. Affirmative action is an
14 important issue because it is about human dignity,
15 everyone's birthright. When dignity is not respected,
16 people are treated differently over which they have no
17 control. Then they and society are very harmed.

18 MR. BERNSTEIN: Okay. Let me ask you some
19 questions. Do you sign the petition involving MCRI?

20 MS. DEBRA GOMEZ: Yes, I did.

21 MR. BERNSTEIN: And when and where did you sign
22 the petition?

23 MS. DEBRA GOMEZ: I signed it where I live at
24 3200 South Washington Ave.

25 MR. BERNSTEIN: And did someone come to your home

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1 or apartment, or did you sign it in front of a drug store
2 or --

3 MS. DEBRA GOMEZ: It was in the lobby downstairs.

4 MR. BERNSTEIN: Okay. And this is the lobby of a
5 workplace?

6 MS. DEBRA GOMEZ: Apartment complex.

7 MR. BERNSTEIN: And an individual approached you;
8 is that correct?

9 MS. DEBRA GOMEZ: No, no one approached me. It
10 was just there.

11 MR. BERNSTEIN: So the circulator left? There
12 was a petition that was --

13 MS. DEBRA GOMEZ: Just left there.

14 MR. BERNSTEIN: -- left without --

15 MS. DEBRA GOMEZ: Yeah.

16 MR. BERNSTEIN: And it was unattended at that
17 time; is that correct?

18 MS. DEBRA GOMEZ: Right; right.

19 MR. BERNSTEIN: And did you at any time interact
20 with the person who was circulating this petition? In
21 other words --

22 MS. DEBRA GOMEZ: On the phone, yeah. They did
23 call me.

24 MR. BERNSTEIN: They called you.

25 MS. DEBRA GOMEZ: Yeah.

1 MR. BERNSTEIN: And what did they say on the
2 phone to you?

3 MS. DEBRA GOMEZ: About, you know, that they
4 needed signatures. And that's why I signed it. And I
5 can't remember what else. I'm sorry.

6 MR. BERNSTEIN: So someone contacted you by
7 telephone --

8 MS. DEBRA GOMEZ: Yeah.

9 MR. BERNSTEIN: -- and asked you to sign a
10 petition that was -- and they indicated to you that it was
11 in the lobby of your apartment complex?

12 MS. DEBRA GOMEZ: It was there, yeah. And some
13 of -- it had signatures of some of the people where I live,
14 so I thought it was okay to sign it.

15 MR. BERNSTEIN: And what did the person over the
16 telephone say to you regarding the content of the petition?

17 MS. DEBRA GOMEZ: I can't remember now, but I did
18 agree, and I signed an affidavit and everything like that
19 that had to be signed.

20 MR. BERNSTEIN: Okay. What's interesting -- it's
21 concerning -- is that the circulators all attest at the
22 bottom of the petition that they were present when the
23 people signed the petition. So that's an interesting -- I
24 haven't heard this story yet. That's interesting. How
25 many people did you see -- did a number of people sign that

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1 petition?

2 MS. DEBRA GOMEZ: Yeah; yeah. There were about
3 maybe seven signatures already.

4 MR. BERNSTEIN: And why do you believe that there
5 was an incident -- that this was an instance of -- that you
6 were -- do you believe that you were misled in any way?

7 MS. DEBRA GOMEZ: Well, now that everyone's, you
8 know, told me that it was not a good thing, yeah, I guess I
9 was.

10 MR. BERNSTEIN: Okay. Are there any questions
11 for the -- okay. Thank you very much. Pamela Dunn. Is
12 Pamela Dunn present? Pamela Dunn? Okay. Ferrante Davis,
13 are you present? Do you want to come forward?

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

16 MS. DAVIS: Yes.

17 FERRANTE DAVIS

18 having been called and sworn:

19 MS. DAVIS: My name is F-e-r-r-a-n-t-e, Davis,
20 D-a-v-i-s. Before I waste your time, the BAMN program came
21 to our school, and I was basically speaking on -- you know,
22 how -- me being a high school student -- I'm a high school
23 student at the point. So my whole point for being here
24 was -- you know, my whole point of view of, you know, if
25 affirmative action was passed, you know, how would I feel?

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1 So if you'd like to hear it, you know, let me know. I
2 don't want to --

3 MR. BERNSTEIN: Well, I think we're most
4 concerned and most interested in speaking to people who
5 signed the petition and who believe that they were misled
6 in terms of the presentation of the content of the petition
7 or the impact of the MCRI.

8 MS. DAVIS: Okay. That's fine.

9 MR. BERNSTEIN: Did you sign the petition?

10 MS. DAVIS: No.

11 MR. BERNSTEIN: Does anybody have any -- 'cause,
12 to be very candid, anybody who's going to be coming up to
13 speak, I really want to hear -- I think the commission is
14 also most interested in speaking with people and hearing
15 testimony from individuals who have alleged that there was
16 a misrepresentation in the content of the petition. And so
17 that's certainly the most important testimony that we're
18 most interested in hearing. Did you --

19 MS. DAVIS: Well, I was going to speak about on
20 the --

21 MR. BERNSTEIN: Sure. Go ahead then. Go ahead.

22 MS. DAVIS: I mean, it's not about the voter
23 fraud, so if you don't want to hear this --

24 MR. BERNSTEIN: I frankly prefer to get through
25 people who are speaking specifically on the topic that

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1 we're focused on today, and if there's time, then we can
2 come back to you, if you're willing -- if you're interested
3 in doing it that way.

4 MS. DAVIS: That's fine.

5 MR. BERNSTEIN: Okay. Thank you. Good.
6 Representative Murphy, if you're present, do you want to
7 come forward to speak?

8 MS. PARKER: Good evening, Representative Murphy.
9 We're just going to ask you to just address the commission
10 very briefly.

11 REPRESENTATIVE MURPHY: Okay.

12 MS. PARKER: Good evening, Representative Murphy.

13 REPRESENTATIVE MURPHY: Good evening, Director
14 Parker.

15 MS. PARKER: We just wanted to recognize you ask
16 you to just say a few words.

17 REPRESENTATIVE MURPHY: Okay. Well, first of
18 all, welcome to Lansing. I understand the mayor has
19 already welcomed you. And certainly I want to echo the
20 welcome to have the Michigan Civil Rights Commission here
21 in our community to look at such a critical issue and to
22 make sure that the voices of citizens in this community and
23 certainly around the state, that their voices have been
24 heard regarding this issue of the Michigan Civil Rights
25 Initiative and the way that petition signatures may have

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1 been collected and certainly if anyone was misled or
2 fraudulently encouraged to sign a petition about this
3 initiative.

4 You know, when this issue first began to develop
5 some years ago, we knew that this could be a very
6 polarizing issue for the people of the great State of
7 Michigan. Certainly we don't want to see this issue divide
8 the people of our state, but we want to stand on the
9 principle of fairness and equality for Michigan citizens
10 who may historically have been excluded, who may, even
11 today, be excluded because of race, ethnicity or gender.
12 And the Michigan -- the so-called Michigan Civil Rights
13 Initiative is in itself sort of misleading when you know
14 what it really stands for. And I think that the good
15 citizens of our state who did sign it, hearing "the Civil
16 Rights Initiative," may have been misled. And certainly as
17 a legislator, I've heard from numerous people, not only in
18 the 68th District of which I serve, but across this state
19 and particularly in the City of Detroit where people felt
20 they were misled into signing a petition for this Michigan
21 Civil Rights -- so-called Michigan Civil Rights Initiative.

22 I have been keeping an open mind, open door so
23 that we can get the correct information out about this
24 issue. And certainly in my other role as a clergy, I know
25 a number of people in churches, again, particularly in

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1 Detroit, where petition signatures were generated and
2 people were told this was a good thing to support and not
3 knowing it would take away affirmative action here in this
4 great State of Michigan.

5 MR. BERNSTEIN: Representative, could you speak
6 specifically to that particular topic, to the issue of
7 constituents, individuals who you know in the community --
8 obviously you're in a position where you speak with people
9 daily, hourly on what's happening on the street in your
10 community -- stories from people who said that they were
11 approached by a circulator employed by or compensated by
12 the MCRI and that they were, in fact, misled? What was the
13 most common story related to that series of events?

14 REPRESENTATIVE MURPHY: Well, especially people
15 who may be members of a faith-based organization or church
16 in many instances and primarily African American, you know,
17 who were told that this was about civil rights. And civil
18 rights, when you mention civil rights you know, that is
19 what is the Voting Rights Act. That's something that, you
20 know, is very near and dear because we know the history, we
21 know the civil rights movement, and, you know, affirmative
22 action grew out of the civil rights movement of the 60's
23 and 70's and the Voting Rights Act that grew out of the
24 civil rights movement. You know, there was a meeting held,
25 a rally held in Lansing. And I also served as chair of the

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1 Michigan Legislative Black Caucus. And we were welcoming
2 to the organization, BAMN, that came to Lansing, and there
3 was a meeting at Central United Methodist Church where
4 speaker after speaker, primarily, again, from the City of
5 Detroit, spoke. And I'm not talking about young people;
6 I'm talking many middle-aged people spoke about they didn't
7 know that they were signing a ballot -- a petition that
8 would take away affirmative action. You know, they were
9 told this would strengthen fairness and equity and
10 opportunity in the state. And so, you know, I've heard
11 from -- heard in that situation.

12 But also members of the Michigan Legislative
13 Black Caucus who -- many of our members represent City of
14 Detroit, represent Flint, Saginaw, I represent Lansing,
15 we've heard the stories again and again. And certainly we
16 want to make sure -- and I'll go on record, we want to make
17 sure Michigan has affirmative action, has fairness and
18 equity and opportunity for all people. And if we have to
19 have this vehicle, we need this vehicle to make sure that
20 the playing field is leveled. And this is a priority for
21 us.

22 And again, I truly appreciate the Michigan Civil
23 Rights Commission, this -- I know you've gone to two other
24 communities, and certainly I'm glad you stopped here in
25 Lansing to hear the voices of the people here. But this is

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1 a very serious matter, and I'm so glad that the people --
2 their voices are being heard. And I commend you, Director
3 Parker, for all that you have been doing to make people
4 aware. I know some of my colleagues in the legislature
5 have wanted to attack not only the commission but the
6 department, but I'm here to tell you that there of those of
7 us, we stand with you and support the work you're doing,
8 and please get to the truth of the matter as you go about
9 this. So I thank you.

10 MR. BERNSTEIN: Thank you, sir.

11 MS. PARKER: Thank you, Representative Murphy.

12 MR. BERNSTEIN: Any questions from the
13 commission for Representative Murphy? Thank you for your
14 time.

15 REPRESENTATIVE MURPHY: Thank you, Mr. Chair.

16 MR. BERNSTEIN: Mary Pollack, is she present?
17 Mary Pollack? Welcome. And next will be -- before you
18 begin, Mary, if you could please stand and take the oath.
19 And while you're doing that, I'm going to say Dennis
20 Shrewsbury is next, if you're present.

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

23 MS. POLLACK: Yes, I do.

24 MARY POLLACK

25 having been called and sworn:

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1 MS. POLLACK: Well, first, thank you for the
2 opportunity to address this issue, and I'm so glad that
3 you're having these hearings. It's a very important issue.
4 And no one else is taking this up, and you're our last
5 resort. And I thank you very much. My name again is Mary
6 Pollack. And I am the coordinator of Lansing Area United,
7 which is the regional organization of Michigan United. I'm
8 also representing the Michigan chapter of the National
9 Organization for Women on a group called Michigan Women
10 United.

11 I was approached at the Lansing Collins Road Post
12 Office to sign one of these petitions by a young man who
13 was asking me to sign two petitions. And I think the other
14 one was about gambling or something like that. I declined
15 to sign. The reason is, that I have had 20 years in the
16 business of managing affirmative action programs in large
17 public sector organizations. And I had heard that this
18 measure was in circulation. And I really hadn't read it,
19 but I read that young man's petition. And I could see
20 immediately how the language could fool anyone into
21 thinking it was really a civil rights measure when it was
22 not a civil rights measure.

23 The group that is backing this is attempting to
24 appropriate all the imagery of the civil rights movement
25 which aimed to include minorities and women and the

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1 opportunities that this country presents and appropriate it
2 for a totally different purpose than what it was intended.
3 Well, I declined to sign that petition that day; in fact, I
4 stood around there and encouraged others not to sign,
5 saying that the man was not telling the truth.

6 MR. BERNSTEIN: Well, let me ask you, if I may,
7 what did he -- when he say he was not telling the truth,
8 what was he saying? What kind of conduct was the
9 circulator --

10 MS. POLLACK: He said to me that, "This is a
11 civil rights proposal."

12 MR. BERNSTEIN: And did he say anything else
13 about the content? Did he say that this was --

14 MS. POLLACK: No.

15 MR. BERNSTEIN: One of the stories that we've
16 heard repeatedly is that individuals -- circulators
17 approached --

18 MS. POLLACK: No, by that time I said, "I'd like
19 to read it." And so, you know, he quit. And then when I
20 started protesting to others, you know, he backed off.
21 This was right in front of -- this is a regional post
22 office with a lot of traffic through there.

23 MR. BERNSTEIN: And when you say, "He backed
24 off," do you mean that he went to another location?

25 MS. POLLACK: He kind of scurried away trying to

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1 get away from me because I was discouraging his business.
2 And as I found out later, he's getting paid for each
3 signature, so obviously he doesn't want somebody trying to
4 ruin his business around him. I couldn't stay there that
5 long, but, you know, I, you know, felt disposed to try to
6 prevent at least a few people from signing it.

7 MR. BERNSTEIN: And when individuals were
8 presented with the -- when he was unable to say that this
9 is a pro-civil rights -- and I'm quoting liberally --
10 pro-civil rights initiative, people were less inclined to
11 sign it? Is that --

12 MS. POLLACK: Well, they were less -- you know, I
13 have to -- to tell the truth, they were less inclined to
14 sign it because I was saying, "Don't sign this. It's not a
15 civil rights measure." So I kind of interfered with his
16 attempt to get people to sign. So, in fact, what I think
17 this thing does is it bans the best tool we have to remedy
18 the reasons why we needed a civil rights movement. And so,
19 you know, it is not a civil rights measure, and to begin
20 with, that was a misnomer that should not have been allowed
21 to be even on a descriptive language.

22 When BAMN filed their challenge, I went over to
23 the Bureau of Elections and read through the lengthy
24 document, and I hope that you have a copy of that document.
25 Though not always the kind of evidence one would like to

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1 see in a court of law -- I mean, there was hearsay, you
2 know, and that kind of business -- there was more than
3 enough evidence there to raise a reasonable cause to
4 believe that intentional deception on the basis of race,
5 racial profiling and misrepresentation had occurred during
6 the petition gathering process. I mean, all you have to do
7 is have, you know, a reasonable group of facts there from a
8 few people that would trigger an investigation.

9 The problem as I see it is -- and I hope you can
10 address -- our system of regulating access to the ballot
11 has some problems. As you know, MCL Section 168.476(2)
12 permits the Board of State Canvassers to hold hearings upon
13 any complaints filed or for any purpose considered
14 necessary by the board to conduct investigations about
15 those petitions. The board may even issue subpoenas and
16 administer an oath compelling truthfulness, as you are
17 doing. These are important powers for a government board
18 to have. It's not given to every board. I've been on
19 boards where they do not have subpoena powers.

20 Although the plain language of the statute
21 permits an investigation, the courts have apparently ruled
22 otherwise. We have to accept that. But we are in a new
23 era of professional petition signature gathering process
24 unlike when those laws were written, and we need some
25 regulation of that to assure that access to the ballot is

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1 fair for all parties. And I hope that part of your
2 recommendations are to the legislature to encourage them to
3 regulate this new industry. Now, the legislation that the
4 legislature has passed does not address this. All they're
5 going to do is switch the power of the Board of State
6 Canvassers over to the Bureau of Elections, and this will
7 not solve this problem. This one needs to be addressed.

8 MR. BERNSTEIN: Do you have any suggestions or
9 ideas about remedies?

10 MS. POLLACK: Well, I think they -- you know, I
11 think they need to be registered as corporations. That
12 needs to be checked out. I think there needs to be some
13 control over conduct and maybe time, place and manner. You
14 know, you're getting into some free speech issues, so you
15 have to be careful about it, especially with political
16 speech. But basically the misrepresentation needs to be
17 prohibited.

18 I believe these firms have an obligation -- and
19 this is where it gets into your area of the law: I believe
20 these firms have an obligation as a public accommodation in
21 our state to abide by the Elliott-Larsen Civil Rights Act.
22 There is evidence from Mark Grebner's firm -- and I believe
23 you've been given that data; if you haven't, we can acquire
24 it -- to raise an inference of race discrimination in the
25 signature gathering process by the MCRI and their

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1 contractor. Although the remedies you have at your
2 disposal may not include keeping this measure off the
3 ballot, I think you should thoroughly take whatever action
4 is appropriate and within your powers to prosecute what I
5 think is a public accommodation race discrimination offense
6 committed in this state on a huge proportion that can
7 affect us for generations to come because of this ballot
8 proposal if it passes. So I want to thank you for
9 listening to me and my ideas.

10 MR. BERNSTEIN: Thank you. Are there any
11 questions from the commission?

12 MR. WESAW: Thank you. And I appreciate the fact
13 that you've put your comments in writing. You had
14 indicated earlier the talk about enough evidence to raise
15 reasonable cause to believe that intentional deception and
16 whatnot had occurred, but you don't indicate what that was,
17 and I --

18 MS. POLLACK: Well, the BAMN -- what Operation
19 King's Dream, the BAMN did put together, there were some
20 direct -- not just hearsay -- affidavits of people who had
21 done phone calling, but there were some actual affidavits
22 from people saying, "I was told that this was
23 pro-affirmative action," and that kind of -- those kind of
24 statements. There were several of those in there. To me,
25 if you have even one of those, you have enough to go ahead

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1 and do some investigation of at least that one. But when
2 you have several like were in that group of documents, then
3 there's even more.

4 Those telephone surveys that were done, you
5 know, bolster the argument that there was deception. It's
6 not direct evidence that one would like to have in a court
7 of law, but you could use that to follow up. I mean, I
8 think they should have dropped everything and done an
9 investigation. When you have that much evidence and
10 somebody has gone to that much trouble to go get it -- not
11 all those people were lying. I mean, even if you don't
12 believe all those statements, some of them have got some
13 truth in them.

14 MR. WESAW: Okay. So those affidavits were --
15 that's the document that you're talking about in your --

16 MS. POLLACK: Yeah, the documents that were
17 submitted to the Bureau of Elections.

18 MR. BERNSTEIN: Any other questions from the
19 commission? Thank you very much. Dennis Shrewsbury.
20 Dennis, if you could -- I just want to say -- I don't know
21 if we said this at the top or not, but it's -- we want to
22 make sure that it's very clear what we're talking about
23 here today, and that is the content -- the conduct rather,
24 not the content of MCRI. And we are looking at the --
25 we've said this -- I've said this before and members of the

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1 commission have said this before, that there is -- they're
2 two separate and distinct, in my opinion, issues: the
3 content of MCRI and the conduct of MCRI in process of
4 obtaining signatures by circulators. And this is the third
5 of four hearings that we're conducting across the state.
6 We did a hearing a Detroit. We've been to Flint. We're
7 now in Lansing. We'll be in Grand Rapids in a week or two.
8 And the stories are all approximately consistent. And so
9 I'd like to continue to ask individuals who are coming up
10 to provide testimony to restrict their remarks to that
11 topic, to the topic of the conduct of circulators employed
12 by or compensated by the MCRI. That's one thing I wanted
13 to say.

14 The second, and this is also of equal importance,
15 that we are interested in hearing from every perspective on
16 this issue, whether it be opposed to the conduct of MCRI or
17 individuals affiliated with MCRI, or of those who feel that
18 MCRI's activity is reasonable and appropriate. So I
19 encourage -- if there are members of the Civil Rights
20 Department and Commission who are here, if anybody from
21 MCRI wishes to speak, to please seek one of these
22 individuals out. If our department personnel could, raise
23 their hand. They're throughout the room here. And if you
24 have written testimony that you'd like to provide if you
25 don't want to speak in testimony, you're welcome to submit

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1 that as well because we absolutely want to hear from you as
2 well. We are open and interested in hearing all
3 viewpoints. So with that, Dennis, please proceed, and if
4 you could, please, take the oath.

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

7 MR. SHREWSBURY: I do.

8 DENNIS SHREWSBURY

9 having been called and sworn:

10 MR. BERNSTEIN: Welcome.

11 MR. SHREWSBURY: Thank you. My name is Dennis
12 Shrewsbury, D-e-n-n-i-s S-h-r-e-w-s-b-u-r-y. I'm
13 embarrassed to admit that I'm a lawyer from Plymouth. You
14 would think that I would know better, but I generally --
15 I've signed a lot of petitions in my time, and I generally
16 am in favor of signing petitions that will put an issue on
17 the ballot because then that gives the entire voting
18 population the opportunity to voice their opinion on them.
19 Based on the comments that you just made, Mr. Chairman, I'm
20 not sure I can enlighten you much on my experience with
21 this particular one because I don't remember exactly where
22 I signed it. I can make a pretty good guess because most
23 of the petitions that I sign are outside of Records Court
24 in downtown Detroit. But I do recall that it was presented
25 to me as a civil rights initiative -- I probably shouldn't

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1 say "initiative" because that's the name of the group, but
2 it was a civil rights petition, and I'm generally in favor
3 of civil rights for everybody.

4 I think I've put in my written statement there
5 that had I known the content of that, I would not have
6 signed it. And I signed an affidavit to that effect later
7 when it was brought to my attention what the actual meaning
8 was. And I have thought that this petition, even though
9 I'm going into the wording rather than in my experience,
10 this petition is sort of like the Right to Work laws that
11 are being pushed around these days more so recently and
12 they have been in the past. And when you hear "Right to
13 Work laws" or "civil rights," you think, "Oh, yeah. I'm
14 for that. I want everybody to have the right to work."
15 But then when you find out that it's a code word for
16 busting unions and civil rights -- this particular one is
17 some kind of code word for changing and limiting the civil
18 rights -- then it's not such a great thing.

19 I am a lawyer. I admit that I did not understand
20 the real meaning and intent of that petition, much less
21 with my legal training, supposedly, you would think that I
22 would be able to understand that. And how much less would
23 some citizen without my legal training be able to
24 understand those kinds of technically worded documents that
25 is presented -- that are presented to them as, quote, a

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1 "civil rights petition." Most people, as I did, would hear
2 that and say, "Yeah, that sounds good. I'm for it." So
3 thanks to Melissa Green who came and pointed this out to me
4 and asked me to sign a petition -- I mean, an affidavit,
5 I'm a little bit more careful now about petitions that I
6 sign.

7 MR. BERNSTEIN: If the content has said -- I
8 guess we are intersecting with content and conduct here,
9 maybe that's unavoidable, but if the text had said when you
10 read it or examined it that it would have banned or ended
11 some forms of affirmative action, would you have signed it?

12 MR. SHREWSBURY: No, no. No, I would not.

13 MR. BERNSTEIN: And why is that?

14 MR. SHREWSBURY: Well, because I'm not personally
15 in favor of lessening people's civil rights regardless of
16 their race or background. I agree with the mayor, who
17 spoke earlier. This is a very important issue to the
18 citizens of Michigan. I agree with the representative who
19 said earlier, I think, that he is concerned with the
20 integrity of the process, and the lady who spoke right
21 before me. After I heard them speak, I thought, what do
22 you need to hear from me for?

23 MR. BERNSTEIN: And do think -- is it your
24 opinion that the omission of that clarification, the
25 omission of a statement that said that this will end

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1 affirmative action or adjust or modify some affirmative
2 action programs made the document or the text incomplete
3 and misleading?

4 MR. SHREWSBURY: Based on what I know now, yes.
5 Now, I admit, Mr. Chairman, I did not read that entire
6 thing. I just took what the petitioner presented to me and
7 said, you know, "This is a civil rights thing," so I was in
8 favor of it. I thought it --

9 MR. BERNSTEIN: Any other -- okay. I'm sorry.

10 MR. SHREWSBURY: That's all right.

11 MR. BERNSTEIN: Any other questions from the
12 commission?

13 MR. ABDRABBOH: I'm sorry. I was just wondering.
14 How many years of legal experience do you have?

15 MR. SHREWSBURY: About 22.

16 MR. ABDRABBOH: And how many petitions have you
17 seen in your lifetime?

18 MR. SHREWSBURY: Well, every election year every,
19 every two years, I sign at least one petition for somebody
20 who's running for judge. I'm careful in those to make sure
21 that I don't sign more than the number of seats that are
22 available because I know that's against the law. But only
23 I know that; that is, if know there's five candidates, I
24 can sign five -- I mean, five seats, I can sign five
25 petitions. But you as the petitioner wouldn't know that

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1 I've already signed five. So that's really a personal
2 thing that I have to be careful of.

3 But on other issues when there are ballot issues
4 that come up, I generally sign them unless they're really
5 bad. You know, if I've gotten some indication before --
6 and I didn't know anything about this. It just came up. I
7 should have asked my son. He's only been a lawyer for
8 eight years. He knows more than I do. In fact, after I
9 told him about this, he said, "Oh, Dad. I knew about
10 that." "Why didn't you tell me?" you know. But anyway
11 that's -- anything else?

12 MR. ABDRABBOH: Any other questions? Thank you
13 very much. W.B. Allen, if you're here -- is W.B. Allen
14 present? 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. ALLEN: I do.

18 WILLIAM ALLEN

19 having been called and sworn:

20 MR. ALLEN: My name is William Allen. Excuse me.
21 I have a frog in my throat. I've got a cold.
22 W-i-l-l-i-a-m, Allen, A-l-l-e-n.

23 MR. ABDRABBOH: Welcome.

24 MR. ALLEN: Good evening, Chairman Bernstein,
25 Director Parker, commissioners. Pleased to be able to

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1 spend a couple of minutes with you to share my experience
2 in the particular that you're concerned with.

3 MR. ABDRABBOH: I'm sorry, sir. Could you please
4 pull the microphone closer to you?

5 MR. ALLEN: Is that better?

6 MR. ABDRABBOH: It is.

7 MR. ALLEN: See, I wanted to share my experience,
8 two experiences precisely, in the area that you're
9 particularly concerned with. I was approached by a
10 petition gatherer at the Ann Arbor Art Festival -- I guess
11 it was summer before last -- and asked to sign the
12 Initiative petition. The petitioner presented the petition
13 in a forthright manner, identified it when I requested the
14 identification and was prompt to permit me to read it when
15 I asked to read it. I did, of course, read the position
16 very carefully, and I did eventually sign the petition. I
17 am very comfortable that I understood the petition. I'm
18 also very comfortable that it's readily understandable and
19 that it's not misleading.

20 The second experience I had that wanted to share
21 with you, which is actually the reason I'm here tonight, is
22 because I'm a member at Union Missionary Baptist Church in
23 Lansing. And a week ago yesterday someone appeared before
24 our congregation and spoke at some length, 15 or 20
25 minutes, about this meeting, urging us to come and to

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1 testify before you about our experiences.

2 What particularly struck me was that the
3 representative of BAMN not only told us to come and share
4 our particular experiences if we signed the petition, but
5 also urged us to come and speak even if we weren't sure we
6 had signed it because, after all, it was always possible we
7 might have signed it and had forgotten, but that we should
8 just come and testify anyway. And that struck me as rather
9 strange, and I thought I should share it with you since
10 you're going to great trouble to carry on these hearings.
11 Thank you.

12 MR. BERNSTEIN: Thank you.

13 MR. ABDRABBOH: Just hold on one second, please.
14 Are there any questions from the commission?

15 MR. BERNSTEIN: Let me ask you, if I may, --

16 MR. ALLEN: Sure.

17 MR. BERNSTEIN: -- would it concern you if you
18 found out that members of MCRI or individuals compensated
19 by MCRI gathered signatures in a way that was, in fact,
20 misleading?

21 MR. ALLEN: It would concern me if anyone in any
22 petition effort conducted the effort in a misleading and
23 fraudulent manner. But I should point out that I did say I
24 understood it. And I'm also deeply skeptical of the
25 argument particularly that black people are somehow

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1 incapable of understanding the language of that petition.
2 It strikes me as particularly noxious and harmful language.

3 MR. BERNSTEIN: Do you believe that this -- if
4 someone were to approach an individual and said that this
5 was in support of affirmative action, that it would, in
6 fact, save affirmative action, as dozens and dozens have
7 testified under oath, that that would be a concern to you?

8 MR. ALLEN: I don't know that -- I didn't have
9 that experience, and I don't know the context in which
10 anyone would have had it. So I can't express a concern one
11 way or the other with it. I would have to see the
12 particulars in order to determine whether it's something
13 that generates concern. But I would be shocked if any
14 responsible individual with reasonable professional
15 experience on the basis of such a representation and
16 failing to read the petition could have signed it without
17 immediately detecting what sounds like an apparent fraud.

18 MR. BERNSTEIN: Do you believe that most of the
19 signature -- individuals who signed the signature -- who
20 signed one of the petitions was professional or reasonably
21 professional?

22 MR. ALLEN: Well, as I say, I signed it, I read
23 it; I readily understood it. I don't think that I am
24 special.

25 MR. ABDRABOH: I had a question. What language

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1 or representation was made to you that you think is so
2 clear and obvious that anybody should understand it? Was
3 it language that you read, or was it when they asked for
4 your signature?

5 MR. ALLEN: The petition was presented as
6 petitions always are with just a title. And, of course, it
7 takes subsequent inquiry to elicit further information and
8 particularly the request to read it. Now, I have signed
9 many petitions in my time, even petitions I disagree with,
10 because I happen to be one who embraces the notion that the
11 public has a right to have an opportunity to debate things.
12 So I sign petitions even when I think they shouldn't be
13 passed and I subsequently vote against them. In this case
14 at the Ann Arbor Festival I was approached by someone who
15 said it was a civil rights initiative petition, simple as
16 that. I asked the questions that led to the follow-up and
17 led to my being able to look at it.

18 MR. ABDRABOH: So the "civil rights initiative
19 petition," in your view, is something clear, unequivocal?

20 MR. ALLEN: It's a title. I don't know what you
21 mean by "clear and unequivocal." It's a title. Someone is
22 standing there saying, "Would you like to sign a petition?"
23 "What is the petition?" "It's a civil rights initiative."
24 That doesn't mean anything unless I first say, "Well, what
25 initiative? Let me see it. May I read it?" When the

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1 person says, "Yes" --

2 MR. ABDRABBOH: And you did that?

3 MR. ALLEN: Yes.

4 MR. ABDRABBOH: You did that? The person --

5 MR. ALLEN: Yes. That's what I initially
6 indicated. The person was prompt to make it available for
7 me to read when I requested that. In other words, it's a
8 conversation. It's a sustained engagement or discourse.
9 It's not just a slogan that I'm supposed to somehow
10 immediately perceive the full content of. I have to
11 interact in order to get that. Anyone would, as I see it.

12 MR. SCOTT: Professor Allen, was the person who
13 approached you -- what race was the person who approached
14 you?

15 MR. ALLEN: That's a very good question. As I
16 say, it was some time ago now. It was a person whose dress
17 was more apparent than race. I believe probably it was a
18 young white person somewhat hippyish in appearance.

19 MR. SCOTT: Somewhat -- I didn't understand.

20 MR. ALLEN: Hippyish in appearance. It's a
21 1960's expression.

22 MR. SCOTT: I was going to follow up and ask you
23 what about their appearance was notable, but I guess that
24 would be it.

25 MR. ALLEN: That's it.

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1 MR. BERNSTEIN: I'm from Ann Arbor. It's
2 probably my neighbor, I'm sure.

3 MR. ALLEN: Probably you're neighbor? Okay.

4 MR. SCOTT: And you said when you asked about the
5 nature of the petition, the person was prompt to respond to
6 you. Is that what you said?

7 MR. ALLEN: Correct.

8 MR. SCOTT: And did they respond to you verbally
9 about the petition, or did they just respond by allowing
10 you to read it?

11 MR. ALLEN: Response by identifying the subject
12 matter, and my response was, "May I see it?" And the
13 response was, "Yes, of course."

14 MR. SCOTT: And the identification of the subject
15 matter was simply, "This is the Michigan civil rights
16 initiative"?

17 MR. ALLEN: That's right. I don't know if the
18 word "Michigan" was used, but it was definitely called a
19 civil rights initiative.

20 MR. SCOTT: Did you see that person approach
21 anyone else?

22 MR. ALLEN: I didn't pay any particular attention
23 one way or the other. I mean, you know what happens at the
24 Ann Arbor Art Festival; right? There are thousands of us
25 strolling, lolling about. I'm sure that immediately after

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1 me he approached someone else.

2 MR. BERNSTEIN: Any other questions? Thank you
3 very much.

4 MR. ALLEN: Thank you.

5 MR. BERNSTEIN: Reverend Nathaniel Smith, are you
6 present? Welcome. And then Shirley Schwartz, if you're
7 present? Okay. You're on deck. Okay. If you could,
8 please take the oath, please. Reverend, if you could,
9 please stand and raise your right arm, please.

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

12 REVEREND SMITH: Yes, I do.

13 NATHANIEL SMITH

14 MR. BERNSTEIN: Welcome.

15 REVEREND SMITH: Welcome. Good afternoon. My
16 name is Reverend Nathaniel Smith. I'm the pastor and
17 founder of In God We Trust Evangelical Outreach Deliverance
18 Ministries. We're a non-profit, nondenominational street
19 ministry. I am also one of the people that are -- I'm one
20 of the people that actually circulated or was a circulator
21 of the petition. There's a couple of things I'd like to
22 address as far as, number one, the -- to me, the petition
23 itself is like a total perpetration of fraud. The previous
24 speaker before me, he came and introduced himself as W.B.
25 Allen, and then Mr. Scott addressed him as professor.

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1 That's the first time that professor title was used since
2 he came to the mike. I saw him on a program on channel 10
3 at which he emphasized that he was one of the people that
4 had supported this particular --

5 MR. BERNSTEIN: Reverend, what I'd like to do, if
6 we may, is I'd like to restrict your remarks to your
7 specific experience.

8 REVEREND SMITH: Okay. My experience is, is that
9 I had done -- been doing petitions off and on for a
10 different company other than the one that we're speaking
11 about right now circulating petitions. And they were for
12 certain issues that I found favorable, and I -- you know, I
13 did it professionally. And this particular company I went
14 to, and they had an orientation. And they told us what --
15 you know, particularly that this petition was about keeping
16 our civil rights and maintaining our civil rights. And
17 they gave us a little presentation that we were supposed
18 to -- we were supposed to present before the people that
19 were asking to sign the petition.

20 Now, this is one of the few times that I didn't
21 read the petition myself. So I went out, and I got about
22 500 signatures before -- I was on the DOT bus, circulating
23 the petition on, you know, a regular bus. And one of the
24 passengers said, "Do you know what you're circulating?"
25 And I said, "Yeah. We're trying to, you know, protect and

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1 keep civil rights," so and so and so and so. And he said,
2 "No." He said, "Have you actually read and an
3 interpreted (sic) the back of this thing?" and I said,
4 "No, I haven't." So right then and there I turned it over
5 and I read it.

6 And the wording was so -- like, it was not -- the
7 wording was so -- like, an average, ordinary person, it
8 would be hard for them to comprehend the true meaning of
9 the wording. So then I read it about two or three times,
10 and the person that I was speaking to that brought it to my
11 attention was very astute of the petition itself, and he
12 brought some things to my attention.

13 So when I checked into it and realized what I had
14 been getting signatures for, I was totally upset that I had
15 been part of perpetrating a fraud that was perpetrated on
16 me by the management company that hired me to get the
17 petitions. Okay. So at that time I completely stopped
18 solicitating (sic) signatures on that particular
19 initiative, and I started letting every -- I'm very
20 politically active, and I started letting everybody I know
21 (sic) the true meaning of what the petition was about. But
22 I was totally hurt that there were hundreds, hundreds of
23 people that had signed this petition totally, 100 percent
24 under false pretenses.

25 I know several circulators that were circulating

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1 petitions that was under a false idea, as I was, from the
2 beginning. And when I told them, they stopped circulating
3 it. I believe that the amount of signatures were preyed
4 upon people in my community that did not take time to read
5 it, did not know the interpretation that no way possible
6 under the sun would have signed that petition knowing that
7 it was basically anti-affirmative action. I've had
8 hundreds of people come to me and tell me they had no idea
9 what they were signing.

10 And I believe -- I believe that the petition
11 itself was circulated under fraud, half the circulators
12 were told a lie, and they were circulating it under a
13 misconception themselves. The signatures were gathered
14 fraudulently, and I believe that this should not even be on
15 the ballot, that issue should not be on the ballot because
16 of the way it was circulated, the way it was perpetrated
17 and the fact that the circulators themselves were deceived.
18 And that's just my -- you know, what happened.

19 MR. BERNSTEIN: You stated that -- "false
20 pretenses," you used the phrase "perpetrating fraud."
21 Expand on that. What do you specifically mean by that?
22 What about your conduct or the conduct of circulators?

23 REVEREND SMITH: Okay. When you go -- when you
24 go to a company and you're used to doing petitions --
25 okay? -- but you're used to doing petitions without any

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1 fraud being perpetrated -- okay -- and the company that
2 hires you has an orientation class, and in the orientation
3 class they tell you to say that this is this, and this is
4 protecting your civil rights, and if you get people to sign
5 this, you know, we're going to have better civil rights --
6 okay -- then that, to me, that's perpetrating a fraud
7 because it's totally different from what the actual wording
8 on the back of the petition was.

9 MR. BERNSTEIN: Did anybody in the class or the
10 orientation class that you're talking about --
11 approximately how many people participated in that
12 orientation?

13 REVEREND SMITH: Okay. They would have a
14 orientation, like, once a week each -- as they brought in
15 new people. It would be anywhere from 30 to 40 people in
16 each class.

17 MR. BERNSTEIN: What was the name of the company
18 that --

19 REVEREND SMITH: I believe the name of the
20 company -- I know the address is on Southfield and Ten Mile
21 Road. I believe they went under the name of National
22 Petition Management Company or something of that nature.

23 MR. BERNSTEIN: And when you signed up with
24 this -- have you worked for this company before?

25 REVEREND SMITH: I have worked for the company

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1 across the street which was Michigan National Petition
2 Company, which I didn't even know -- I thought it was the
3 same company, but the company I previously worked for was
4 doing a campaign in California. So this company, you know,
5 they put an ad in the paper, and they're looking for people
6 that had -- you know, was knowing how to do petitions or so
7 and so. And so I answered the ad, not knowing it wasn't a
8 legit company that I had previously worked for that didn't
9 perpetrate frauds.

10 MR. BERNSTEIN: And this particular company, did
11 they pay you in the form of -- how frequently -- how did it
12 work?

13 REVEREND SMITH: Okay. Let's say they gave you a
14 dollar per signature. Okay.

15 MR. BERNSTEIN: One dollar per signature?

16 REVEREND SMITH: That's right. But they had a
17 bonus rate. If you get 500 signatures, you might get a
18 dollar and a quarter. If you get 1,000, you get a dollar
19 and a half. I think you could work yourself out with \$1.75
20 per signature.

21 MR. BERNSTEIN: So let me -- a dollar per
22 signature.

23 REVEREND SMITH: Right.

24 MR. BERNSTEIN: And then a dollar if you got --

25 REVEREND SMITH: You had a -- you know, a ratio

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1 after you graduate.

2 MR. BERNSTEIN: It would be more per signature --

3 REVEREND SMITH: Right.

4 MR. BERNSTEIN: -- depending on the number --

5 REVEREND SMITH: The number.

6 MR. BERNSTEIN: -- the quantity of signatures
7 that you obtained.

8 REVEREND SMITH: Right; right, which would stress
9 the person to go out -- the more signatures they get, the
10 more amount of money they get.

11 MR. BERNSTEIN: And the people -- and is that a
12 common practice among these companies, was that?

13 REVEREND SMITH: Yes; yes. Matter of fact, their
14 ratio rate was lower than the company I had worked before
15 because the other company you could get all the way up to
16 two dollars per signature based upon volume. And, like, we
17 were used to -- each individual person was used to getting
18 anywhere from 1500 to 2500 signatures per week per person.
19 I stopped at 500 when I found out the fraud that I was
20 perpetrating.

21 MR. BERNSTEIN: During the orientation program
22 that you were involved in, did they -- well, let me
23 continue with the compensation for a second. The
24 compensation was paid on a weekly basis every time you
25 returned a completed circulated --

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1 REVEREND SMITH: Okay. You had -- I think they
2 had a -- each company had a pay structure, I believe you'd
3 get paid three times a week after the first week. You'd
4 get, like, on a Wednesday, a Friday and maybe a Monday.
5 Okay? So some people would come in, and they could have
6 four or five signatures and they only get paid that dollar.
7 Some people would wait the whole week and turn in 1,000
8 signatures and get paid the dollar and a half or whatever.

9 MR. BERNSTEIN: To whom would you return the
10 signatures?

11 REVEREND SMITH: You would bring the signatures
12 back to the company. They would have to go through a
13 process of checking your signatures. If the signatures
14 came through -- if you had 75 percent of qualified
15 signatures, you'd get paid the whole dollar amount. If you
16 don't -- if you didn't reach that 70 percent ratio of
17 actual signatures, then they had a lower amount you got, so
18 you would actually get paid less than a dollar per
19 signature.

20 MR. BERNSTEIN: So you would return the
21 signatures to the office on Southfield and Ten Mile?

22 REVEREND SMITH: Right; right. Whoever your
23 supervisor was, they would take it to the manager. And
24 they had a little group that would go over them just like
25 they do down at the Election Commission.

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1 MR. BERNSTEIN: You said you had a supervisor.
2 You would meet the supervisor at this office, or you would
3 meet the -- because at the Flint -- I believe it was the
4 Flint hearing, we heard about individuals that would meet
5 at rest stops, at Arby's, at Taco -- at fast-food
6 restaurants.

7 REVEREND SMITH: Well, where I was at they had a
8 standard location, and you'd go in and you'd turn them in.
9 You'd turn them in, and they allow you -- I think, it's two
10 or three days for a certification. Then you'd come back,
11 and if you wanted to, you could get your check.

12 MR. BERNSTEIN: And this standard location was
13 their office?

14 REVEREND SMITH: That was their office.

15 MR. BERNSTEIN: And when they paid you, were you
16 paid in the form of a check?

17 REVEREND SMITH: You were paid check.

18 MR. BERNSTEIN: You were paid a check?

19 REVEREND SMITH: You were paid a check.

20 MR. BERNSTEIN: From this company?

21 REVEREND SMITH: From this company.

22 MR. BERNSTEIN: Now, the orientation program that
23 you were a part of, during this orientation program
24 specifically what kind of training did they give you with
25 respect to the content of the petition, of the language for

1 the initiative you --

2 REVEREND SMITH: They would come in and they
3 would give a brief synopsis of what -- you know, "Well,
4 this is what you're doing. If the people ask you, this is
5 what you tell them." You know, they'd give a little thing,
6 and then they would have -- they would shorten that down
7 into a -- you know, a real quick presentation. Okay. But
8 the whole thing is, the people -- by the majority, the
9 people circulating the petition were minority. They led us
10 to believe we were circulating this petition to protect our
11 civil rights and to protect -- they gave the impression we
12 were protecting affirmative action rather than a bill to
13 eliminate it.

14 MR. BERNSTEIN: Did you ask or did anybody in the
15 orientation that you participated in personally ask whether
16 or not this was in support of affirmative action?

17 REVEREND SMITH: Yes, we did. And they would
18 say, "Yes. This is protecting your civil rights."

19 MR. BERNSTEIN: Let me clarify that. Individuals
20 in the orientation session asked whether or not this was in
21 support of affirmative action; is that correct?

22 REVEREND SMITH: They would -- they would bring
23 that part to us saying that we're protecting our civil
24 rights. And -- you know, and so someone would ask, "Well,
25 you know, what part of civil rights were they?" And they

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1 would say to the affirmative. This is why I say they
2 perpetrated a fraud on us.

3 MR. BERNSTEIN: Did they give you instructions,
4 or did they leave it to your own devices to --

5 REVEREND SMITH: They gave us instructions as
6 what to say or a variation of what to say.

7 MR. BERNSTEIN: Did they tell you where you
8 should go to collect the signatures specifically? Was
9 there a location?

10 REVEREND SMITH: Okay. At this particular -- at
11 this particular time we were doing basically Detroit.
12 Okay? And so they would give -- they would say, well some
13 go downtown in the area of so and so and so and so, but it
14 was a -- they had us in Detroit, swamping Detroit.

15 MR. BERNSTEIN: Do you know if they had
16 individuals circulating the petition, to your personal
17 knowledge, outside of the Detroit area?

18 REVEREND SMITH: I believe they did. I'm not
19 sure. You know, but all the -- the people that I had
20 worked with, a lot of them were from the previous company,
21 and we all circulated in Detroit. But I do believe they
22 had other areas. I believe this was a statewide initiative
23 or a petition, so I'm almost sure they had other areas.

24 MR. BERNSTEIN: Was there anything that
25 distinguished this national petition management company

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1 from other companies that you had worked for in the past,
2 or are they all relatively similar?

3 REVEREND SMITH: This particular company -- the
4 other company I worked for they have never went into detail
5 as into orientation of what you -- what they wanted you to
6 say. Most -- they just basically told you what it was
7 about and left it up to your own discretion as how to
8 address the people. So, you know, it kind of struck me how
9 they just went to a certain degree to, you know, explain
10 just more in detail than the other petition companies did.
11 You know, but, then again, like I say, the other company
12 had been reputable, and with nothing brought -- I never
13 thought about that until after this was brought to my
14 attention by a person that was getting ready to sign the
15 petition on the bus. And then, like I say, normally I was
16 one of the people that got 1500 to 2500 signatures a week.
17 After I got 500 signatures and it was brought to my
18 attention, I immediately ceased.

19 MR. BERNSTEIN: Did you bring your concerns
20 regarding the content to your supervisor at the petition
21 company after you learned about --

22 REVEREND SMITH: What I did is, I was so upset
23 that -- I had mentioned it to one of the -- one of the,
24 like, office workers or whatever, you know. And they,
25 like -- you know, like, "Well, hey. I ain't got nothing to

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1 do with that," or whatever. So I just went and waited a
2 week, went and got my money and just left. I was totally
3 upset.

4 MR. ABDRABBOH: Do remember your supervisor's
5 name or the person that trained you?

6 REVEREND SMITH: No way. No way. No way. That
7 was over a year ago. At the time -- this was prior to
8 me -- I was on -- I was on the August 8th primary ballot.
9 I was running for city council, and I had put that behind
10 me, you know. And I wouldn't even -- I was just pissed
11 about what had happened, but I had my own campaign to run
12 at the time.

13 MR. BERNSTEIN: Anybody have any other questions
14 on the commission?

15 MR. SCOTT: Reverend Smith, what was the racial
16 makeup of most of the people who you asked to sign the
17 petition?

18 REVEREND SMITH: The racial makeup? I'd say
19 about 98 percent black.

20 MR. SCOTT: When you went through the
21 orientation, did they tell you whether you should target
22 any group -- any one particular group or another?

23 REVEREND SMITH: Basically they had the black
24 people targeting the City of Detroit, and they had the
25 non-blacks targeting the other areas such as Macomb Mall,

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1 so and so, I mean, you know, Wayne County, you know. So
2 that's all I know.

3 MR. SCOTT: How did you know that?

4 REVEREND SMITH: Because I would -- they had
5 people leaving out in their own cars, you know. And so
6 they would -- they would give them maps of certain areas.
7 Okay. We knew Detroit, so we didn't need maps.

8 MR. SCOTT: How many orientation sessions did you
9 attend?

10 REVEREND SMITH: I attended one orientation
11 session, or actually I attended one, and I sat through
12 another one waiting for my check to be processed the
13 following week.

14 MR. SCOTT: And were both of the orientation
15 sessions basically the same, basically the same
16 orientation?

17 REVEREND SMITH: Yeah, it was the same, you know,
18 selling the idea that you were protecting your civil
19 rights, so and so. It was still -- once I found out the
20 wording on the back, it was a fraudulent presentation,
21 period.

22 MR. SCOTT: When you sat through the second
23 session, that was after you found out that you had been
24 deceived into circulating this petition?

25 REVEREND SMITH: Correct.

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1 MR. SCOTT: Did you say anything to any of the
2 people who you saw at that session about the nature?

3 REVEREND SMITH: Correct.

4 MR. SCOTT: What did you tell them?

5 REVEREND SMITH: I told them that selling -- you
6 know, once I made them aware of what it was about, all
7 these troubles that we as a minority people have been
8 through and even though if affirmative action was banned
9 that it not only covered the minority people, it covered
10 programs that they had at Michigan State for women that
11 would -- they're in engineering classes and so and so and
12 so, that it would set us back almost 100 years, and that to
13 sell our own selves out for a dollar was not worth it.

14 MR. SCOTT: Do you know if anyone changed their
15 mind after you told them that?

16 REVEREND SMITH: A lot of them were -- like, they
17 had that look on their face. And a lot of them made
18 comments, "Well, I got to get this last check because of
19 economical circumstances." But then I've met several
20 people recently that were part of that company and that
21 were totally pissed, because, number one, half of them
22 didn't even get their money.

23 MR. SCOTT: Do you know other people -- do you
24 have contact with other people who were in those sessions?

25 REVEREND SMITH: I've ran across several in the

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1 last few days, a guy that -- I asked him what he was doing,
2 and he said, well, he had quit shortly after me and that he
3 didn't even receive all his money and that he had met
4 about -- then he mentioned about 30 other people that that
5 particular company had gypped them out their money. You
6 know, and once they found they wasn't getting their money
7 and they found out what it's about, you know, a lot of them
8 quit.

9 MR. SCOTT: But could you provide us with names
10 and phone numbers of anyone who --

11 REVEREND SMITH: At a future date I'd be more
12 than glad to do that.

13 MR. SCOTT: Thank you.

14 MR. BERNSTEIN: Any other questions from the
15 commission? Reverend, thank you very much.

16 REVEREND SMITH: Thank you.

17 MR. BERNSTEIN: Shirley Schwartz, are you
18 present? And then I have Jevon Cochran. If you're
19 present, you're on deck. Welcome. If you could, please
20 raise your right hand, please?

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

23 MS. SCHWARTZ: I do.

24 REPORTER: Spell your last name, please.

25 MS. SCHWARTZ: S-c-h-w-a-r-t-z.

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1 SHIRLEY SCHWARTZ

2 having been called and sworn:

3 MR. BERNSTEIN: Welcome. Did you have a
4 statement that you'd like to make?

5 MS. SCHWARTZ: Yes, I do.

6 MR. BERNSTEIN: Please.

7 MS. SCHWARTZ: I was at a function at the
8 University of Michigan where they had all kinds of booths
9 and tables and everything. There was an African-American
10 lady circulating through the crowd asking if any of us
11 would like to sign a petition for affirmative action. I
12 took that to mean in favor of affirmative action. And so I
13 got -- and everybody else at the function -- there was a
14 huge, long line to sign up for this petition. I got to it.
15 I believe the lady when -- she told me it was for
16 affirmative action. I only found out much later that it
17 was actually against affirmative action. And I was
18 furious. I had been an officer of a fair housing group in
19 the City of Warren previously. I am very strongly in favor
20 of affirmative action, and I was totally misled at this
21 function at the University of Michigan campus.

22 MR. BERNSTEIN: You indicated that the individual
23 circulator approached you --

24 MS. SCHWARTZ: No, just -- they were going
25 through the crowd asking, would we like to sign a petition

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1 for affirmative action?

2 MR. BERNSTEIN: And you took the word "for" in
3 that phrase --

4 MS. SCHWARTZ: In the sense to mean "in favor
5 of."

6 MR. BERNSTEIN: Approximately how many signatures
7 did -- how many individuals did that person approach?

8 MS. SCHWARTZ: A huge number of -- the line I got
9 in was about a half hour long to get up to the signing
10 place. It was huge.

11 MR. BERNSTEIN: And is it your opinion that --
12 and this is clearly conjecture, but that the individuals in
13 that line were of the same opinion as yours; the same
14 opinion that you have?

15 MS. SCHWARTZ: Absolutely. In my opinion, they
16 were all misled.

17 MR. BERNSTEIN: Where was this? This was at the
18 University of Michigan?

19 MS. SCHWARTZ: On the Diag at the University of
20 Michigan.

21 MR. BERNSTEIN: And do you know the approximate
22 time of year or maybe the date?

23 MS. SCHWARTZ: Oh, I'm not sure anymore of the
24 date, but it was spring or something like that. The
25 weather was decently warm.

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1 MR. BERNSTEIN: Was this person distributing any
2 literature related to their activity, or was it just a
3 simple clipboard?

4 MS. SCHWARTZ: No. They were telling us to go to
5 this place to sign this petition; go to this booth at the
6 Diag.

7 MR. BERNSTEIN: Any other questions?

8 MR. CALILLE: Did you read the petition?

9 MS. SCHWARTZ: No. I took the gal's word. And I
10 had been an officer in a fair housing group previously, and
11 I would never have signed the petition if I had realized
12 that it was against affirmative action.

13 MR. CALILLE: Just one follow-up question: Have
14 you read the petition since?

15 MS. SCHWARTZ: What?

16 MR. CALILLE: Have you read the petition since
17 you signed it?

18 MS. SCHWARTZ: Oh, yes; yes.

19 MR. CALILLE: And what your conclusion after
20 reading the petition?

21 MS. SCHWARTZ: I was absolutely furious.

22 MR. CALILLE: About what?

23 MS. SCHWARTZ: About the fact that I signed
24 something that would not foster affirmative action.

25 MR. BERNSTEIN: Any other questions? Thank you

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1 very much. Jevon Cochran, are you present? Please, no
2 applause, please. Thank you. Welcome, Jevon. Jevon, if
3 you could, raise your right hand, please?

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

6 MR. COCHRAN: Yes.

7 MR. BERNSTEIN: And, Jevon, before you begin, is
8 Joyce Schon present? Joyce, you're going to be next.
9 Jevon, thank you for coming. Welcome.

10 JEVON COCHRAN

11 having been called and sworn:

12 MR. COCHRAN: Good evening. I just wanted to
13 start of by telling you I am a high school --

14 MR. BERNSTEIN: If you could, please spell your
15 name for us.

16 MR. COCHRAN: Oh, J-e-v-o-n C-o-c-h-r-a-n.

17 MR. BERNSTEIN: Thank you.

18 MR. COCHRAN: I'm a high school student in
19 Detroit. I'm a sophomore at Cass Tech High School. And
20 I'm an organizer for Operation King's Dream. And during --
21 while you were proposing to conduct a hearing to
22 investigation this racially targeted voter fraud committed
23 by the MCRI, we were doing phone calls to people all across
24 the State of Michigan trying to find out, had these people
25 been lied to. And I called -- I called maybe over 100

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1 people, and in all honesty, I did find some people that
2 were against affirmative action. But out of those people
3 that I found -- the small minute number of individuals that
4 I found who were against affirmative action, I could not
5 identify a single one of those people to be a minority.

6 MR. BERNSTEIN: And, Jevon, I don't mean to
7 interrupt you, but the individual -- you said approximately
8 100 people. Those names were -- were those individuals who
9 had signed the petition?

10 MR. COCHRAN: Yes, they were. And when I called
11 these people, a lot of them were, like, angry at me once I
12 had told them that they had signed something against
13 affirmative action because they were taking their
14 aggression out on me because they didn't have anything --
15 anyone else to take it out on at the moment. These people
16 were, like, highly upset that they had been tricked into
17 signing an initiative against affirmative action. And
18 they'd been told things like, "This will help get more
19 minorities into college," and, "This is for more civil
20 rights," when it was the exact opposite.

21 And it just disgusts me personally because, here
22 I am a part of a progressive family. I'm an organizer. I
23 go to a 98 percent black high school in Detroit, and my
24 grandfather, my aunt, another one of my aunts and my uncles
25 was tricked into signing this initiative. I had an aunt,

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1 she's a sophomore currently at Wayne State, and she was
2 deceived into signing the initiative, like, outside of the
3 Student Center at Wayne State. And she's probably going to
4 be testifying in Grand Rapids. And my grandfather is
5 probably also going to be here a little bit later on,
6 hopefully. And I'm just really insulted that they would do
7 something like this. And I really urge you to do something
8 about it.

9 I really don't think it's okay to lie to black
10 people. And that's the message that the Supreme Court sent
11 with their March 29th ruling, and I just don't think that's
12 true. I just don't think that this should be able to
13 stand. It's undermining my future. It's undermining every
14 other young person's future in this room, and it's not
15 right.

16 MR. BERNSTEIN: With respect to the conduct of
17 the circulators, of the individuals that were gathering
18 signatures to put the MCRI on the November ballot, you
19 indicated that you spoke to, give or take, 100 people or
20 so.

21 MR. COCHRAN: Uh-huh (affirmative).

22 MR. BERNSTEIN: The individuals who said that
23 they were misled, what did they say to you? When they said
24 that they had been misled, what was the scenario that they
25 typically described?

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1 MR. COCHRAN: A lot of people, most of the
2 people, told me that the petition circulators had come up
3 to them in some type of shopping center or, like, maybe a
4 Martin Luther King Day or other legitimate civil rights
5 events, and they would tell me that, "The petition
6 circulators came up to me and said that the petition was
7 for affirmative action, and I signed it on that basis."

8 MR. BERNSTEIN: Any other questions from the
9 commission?

10 MR. WESAW: For those folks that you contacted by
11 phone who indicated they were opposed to affirmative
12 action, when you were talking to them, did they think that
13 they had signed a petition to eliminate affirmative action?

14 MR. COCHRAN: No, they had no idea. In fact,
15 they got upset the moment I said anything about ending
16 affirmative action in Michigan.

17 MR. WESAW: Well, no. I'm talking about those
18 who you said ended up being opposed to affirmative action.

19 MR. COCHRAN: Oh, the ones -- after I had
20 introduced myself and as soon as I said "the Michigan Civil
21 Rights Initiative," clearly these people were, like, people
22 who had insight into the initiative. These weren't
23 everyday people that were deceived into signing it. These
24 were people who had probably done work for the Michigan
25 Civil Rights Initiative. These were not everyday people.

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1 MR. BERNSTEIN: Any other questions? Thank you.

2 MR. COCHRAN: You're welcome.

3 MR. BERNSTEIN: Dario Medrano, is Dario
4 Medrano -- I'm sorry. I apologize. I knew you were going
5 to be next. Dario Medrano is on the on-deck circle.

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

8 MS. SCHON: I do.

9 JOYCE SCHON

10 having been called and sworn:

11 MS. SCHON: My name is Joyce Schon. I'm a BAMN
12 organizer, and I've been an investigator for Operation
13 King's Dream since the MCRI petitions were handed in this
14 past spring. I have with me 31 affidavits from various
15 voters from Lansing. About half of them are from Lansing,
16 and the other half are from Detroit and Flint. About a
17 third of them were actually sent to us by fax or e-mail
18 because those individuals had looked at the BAMN web site
19 and seen our fraud finder. We have a partial list of
20 signers of the petition by zip code that people can check
21 to see if their name was on the list. And we had a number
22 of people who said, "Oh, my God. I had no idea that I
23 could possibly be one of those people, and I was just
24 casually looking, and lo and behold, my name on something
25 that I completely oppose." So that's included.

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1 I wanted to share with you because my duties
2 included both speaking to people on the phone, knocking on
3 people's doors and speaking to them in person, training
4 high school students and college students to help them make
5 calls and get ahold of people who are on this list and to
6 speak to people who had been located who did sign and did
7 want to make any affidavit. So I might talk to some of
8 these folks a second time and get their statement, type it
9 up, read it to them, have people go out and have them sign
10 it. So some of these are those. This one from Lowella
11 Zenobia Lamb, this is a Lansing resident who says:

12 "A year ago at the post office in East Lansing a
13 white woman approached me and asked me to sign this
14 petition. I remember because she asked me to sign a
15 casino petition at the same time. I am for
16 affirmative action because I remember when it started.
17 I was a secretary in human services. I helped a lot
18 of students go to college. I have children,
19 grandchildren and great grandchildren. I would never
20 harm their future opportunities."

21 She was really mad when I talked to her on the phone.
22 Here's another Lansing --

23 MR. BERNSTEIN: If I may interrupt you, did she
24 indicate to you that she had been misled in terms of
25 signing the petition?

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1 MS. SCHON: Oh, absolutely. I mean, she says
2 here, "I would never knowingly sign a petition to end
3 affirmative action. The only way I could have signed is if
4 I had been misled." She didn't remember exactly what the
5 circulator said to her.

6 MR. BERNSTEIN: And when she said, "misled," did
7 say "misled," or did she infer being misled in one of two
8 ways or both in terms of the conduct of the circulator
9 and/or the content or the drafting of the text?

10 MS. SCHON: She said the circulator
11 misrepresented it.

12 MR. BERNSTEIN: In what way?

13 MS. SCHON: I don't know because she didn't --
14 she didn't remember, but --

15 MR. BERNSTEIN: But we have a signed -- we have
16 an affidavit with her name on it?

17 MS. SCHON: We do. We do.

18 MR. CALILLE: Does the affidavit include anything
19 more specific with regard to the nature of the
20 misrepresentation?

21 MS. SCHON: No. It was just -- you know, you can
22 tell this woman is older, and this is -- we're talking over
23 a year and a half ago. She didn't remember any more
24 details. Here's one from another Lansing resident, Robert
25 Lee Leverit, another elderly gentleman who says:

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1 "Both my wife and are firm supporters of
2 affirmative action. I don't hear or see too well and
3 use portable oxygen all the time." That's why he
4 could not attend tonight. "I would never knowingly
5 sign a petition to end affirmative action," same
6 statement.

7 The circulator misrepresented it to him; he
8 signed. Here's one from another Lansing resident, Sherry
9 Lynn Ansley. I spoke to her directly because she had been
10 contacted by one of our students, and then I called back to
11 get her statement. And she says:

12 "At least a year ago I was approached by several
13 white circulators at a store at Logan and Holmes
14 Street. They asked me to sign a petition for
15 affirmative action -- for affirmative action -- and I
16 did. When I found out that I had signed a petition to
17 ban affirmative action, I felt betrayed.

18 I am French Canadian married to a black man. We
19 have three biracial children. I believe that my
20 children should get the same breaks that upper-class
21 whites get. I am an advocate for affirmative action
22 and would never knowingly sign a petition to end it."
23 Again, she didn't remember any more details, but she
24 said the circulator misrepresented it to her. Here's
25 another Lansing --

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1 MR. BERNSTEIN: Last one; last one, unless you
2 have --

3 MS. SCHON: Oh, they're so --

4 MR. BERNSTEIN: Maybe two more. How's two more?

5 MS. SCHON: I mean, to me they're just so -- you
6 know --

7 MR. BERNSTEIN: Well, what we'll do is -- what
8 we'll do is the following, is that those will, of course,
9 be entered into the record.

10 MS. SCHON: Of course.

11 MR. BERNSTEIN: But if you have one more that
12 you'd like to speak to, you're welcome to.

13 MS. SCHON: Let me give you -- this is one that
14 was sent in by the -- through the fraud finder. And she
15 faxed it in, and she wrote on the bottom of it -- you know,
16 this is our standard affidavit that says, "I was made aware
17 through the Operations King's Dream 'fraud finder' site,
18 that my signature appears" -- and she says:

19 "I'm a firm supporter of affirmative action and
20 would never knowingly sign this," and then she writes
21 at the bottom, "I was asked if I was a voter, and I
22 said 'yes.' And the young lady said that it would help
23 black students, and so I signed it. But it was not
24 true. It will hurt my kids and my little sister."
25 I mean, I just want to -- you know, I just want to

1 express to this commission that the breadth and the depth
2 of the racially targeted fraud against Michigan voters is
3 so profound, and nobody besides this commission has
4 expressed any interest at all in defending black voter
5 rights in the State of Michigan. And I just have to tell
6 you, as a voter my rights are being violated if democracy
7 in Michigan is not being upheld. If it's legal for a
8 company to pay people to lie and to write language that is
9 evasive enough that it gets by an attorney general who
10 is -- obviously has acted against the interests of
11 democracy in favor of his own political aims, who is going
12 to defend Michigan's democratic rights?

13 MR. BERNSTEIN: What do you think would have made
14 the content of it -- if you're speaking about content, the
15 content of it less -- more truthful, less deceptive?

16 MS. SCHON: Oh, it's completely straightforward.
17 If the petition had used plain English and said, "This
18 petition would ban affirmative action in the State of
19 Michigan," that's plain English. Everybody understands it
20 as such. And then nobody would be running around saying
21 anything about, "Oh, you did read it," or whatever. "You
22 just listened to somebody," or whatever. The problem with
23 this thing is the original deception compounded by a
24 purposeful campaign on the part of the MCRI circulators to
25 draw black voters into the scam to protect themselves from

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1 charges of racism. They could have gotten enough
2 signatures with just the white voters. Everybody knows
3 that. But they on purpose went out and targeted black and
4 Latino voters -- I have a couple of Latino voters in here
5 from the Lansing area who also signed -- specifically to
6 politically cover the scam. If you don't stand up for us
7 in this report and demand that this fraud be taken off the
8 ballot, we are going to have a voting process in Michigan
9 that is completely untrustworthy.

10 How can you tell people to go and vote? How can
11 you tell them to vote if the purpose of a petition is to
12 gather the support of the people who support the issue and
13 you've got thousands, tens of thousands of people, who
14 signed it because they support the opposite? How is that a
15 legitimate and legal process when you get to the ballot?
16 And if it's racially targeted, it's the responsibility, it
17 the duty of this commission to defend the rights of the
18 minorities in this state.

19 MR. BERNSTEIN: Okay. Are there any -- thank
20 you.

21 MS. SCHON: I have one more comment.

22 MR. BERNSTEIN: Sure.

23 MS. SCHON: And that's just that, you know, as a
24 white woman, I -- you know, I've been a supporter of
25 affirmative action since before it happened. I was one of

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1 those young women who was active in the women's rights
2 movement and fought really hard for the gains that we have
3 made. I came up at a time when the job -- you know, help
4 wanted ads were sex segregated. I remember what it was
5 like to have to try to get an abortion when it was illegal.
6 And, you know, it's completely clear to me that the attacks
7 that are going to happen on women and minorities if this
8 fraud goes to the ballot are extraordinary.

9 Our biggest problem in Michigan, which is, as we
10 know, one of the most segregated states in the nation in
11 housing and in education, is that institutional racism in
12 Michigan is so profound that there are more and more white
13 women who are prepared to vote against our own interests in
14 order to take away what they perceive as unfair advantages
15 to black people. We can't let that go on.

16 MR. BERNSTEIN: I need to thank you. I
17 appreciate your time. Thank you very much. Is Dario
18 Medrano -- Dario Medrano? Okay. Dario, welcome. Welcome.
19 And I apologize. I think I've been butchering your last
20 name for the last ten minutes, so I apologize. Also if the
21 woman who just spoke could please submit those affidavits,
22 that would be helpful. Thank you. Dario, if you could,
23 please raise your right hand.

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

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1 MR. MEDRANO: I do.

2 DARIO MEDRANO, JR.

3 having been called and sworn:

4 MR. MEDRANO: My name is Dario Farnscisco Medrano,
5 Jr. It's D-a-r-i-o F-a-r-n-c-i-s-c-o, Medrano,
6 M-e-d-r-a-n-o, J-r.

7 MR. BERNSTEIN: Welcome. Thank you.

8 MR. MEDRANO: Thank you.

9 MR. BERNSTEIN: And just as way of just a
10 procedural note, we have less than nine minutes left, and
11 there's a few people else -- additional people who want to
12 speak, so I want to just remind you to try to please keep
13 your remarks as brief as possible. Thank you. Please
14 proceed.

15 MS. MEDRANO. Well, as I said, my name if Dario
16 Farnscisco Medrano, Jr. For five years I was a volunteer
17 worker for Cristo Rey Church for bingo fund raising. It
18 was held at the Westland Bingo Hall located on Holmes and
19 Martin Luther King. On about November or December of 2004,
20 I was walking in through a hallway which leads to the
21 entrance of the bingo hall with three African-American
22 ladies. There was an Anglo-American elderly woman standing
23 by the door with a clipboard. And she stopped the ladies
24 as they were going in and asked them if they wanted to sign
25 a petition that would be put into law, a law against

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1 discrimination and prejudism (sic) against women. And the
2 ladies said, "Oh, yes. We'll sign it. We'll sign it," so
3 they signed it. And as I stood behind them when they were
4 signing it, I asked the lady if I could see it. And she
5 held it real -- the clipboard real close to her chest and
6 said, no, that it was just for women.

7 And she was attempting to get ready to go inside
8 the bingo hall, and I told her, "Ma'am, you can't go in
9 there. This is the Cristo Rey Church, a Catholic Church,
10 and they don't allow things like that." And I said, "I
11 suggest to you that you leave before something happens."
12 So after that I went inside the bingo hall, and I went up
13 to the three African-American ladies and I asked them, "Do
14 you know what you just signed?" And they go, "Yes. We
15 signed something to stop racism and discrimination against
16 women." I said, "No, you didn't. You signed petition
17 against affirmative action." And they go, "Oh, we did?
18 That lady lied to us." And they got up and literally ran
19 to the door to stop her to get their name off it, but she
20 had already left. So that's the reason why I came forward
21 because I witnessed it.

22 And the reason why I recognized what it was,
23 because I have a daughter who just graduated from James
24 Madison College this last Saturday, and she had mentioned
25 to me -- I don't know -- maybe a couple days or a week

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1 prior to that how -- if they -- if this law goes through
2 where they ban affirmative action, that she -- she would
3 have never made it through school because of some of the
4 programs that are funded by affirmative action.

5 She was the chairperson of CRU which is a
6 Hispanic student organization at Michigan State. She said,
7 "All them things would disappear, Dad." My daughter
8 Sierra, my younger daughter, she won't be able to go to
9 college. She won't be able to get a lot of the front
10 monies and organizations that would help her get through
11 college. And to me that's very important.

12 I'm a third generation Mexican American. I was
13 born and raised here in Lansing on the north side. I'm a
14 tenth grade dropout from divorced parents. I grew up in
15 the late 60's, early 70's, racially tense times. And I
16 wish back then I would have knew the true importance of
17 education. Like I said, I just have a tenth grade
18 education. So I know how important education is.

19 I am also a boxing coach. I'm the founder and
20 director of a non-profit organization called Los Rios Club
21 De Boxeo (phonetic). I work with at-risk kids. And I'm
22 constantly expressing to them the importance of an
23 education, that if they want to raise their family, if they
24 want to be productive and prosperous individuals of our
25 society, that they need to have a degree or skilled trades.

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1 And I'm afraid a lot of them that are on the edge already
2 will be pushed over to the other side and will never be
3 able to, to live, you know, as we want everyone to live
4 with equal opportunities and rights. Through education is
5 the only way we're going to find balance in this country.
6 So thank you for your time.

7 MR. BERNSTEIN: Thank you. Does the commission
8 have any questions? We could use the assistance of a
9 boxing coach maybe, so --

10 MR. MEDRANO: Pardon?

11 MR. BERNSTEIN: I said we may need the assistance
12 of a boxing coach in the next few --

13 MR. MEDRANO: I'm also a referee. I'd rather
14 referee. Thank you very much.

15 MR. BERNSTEIN: Thank you. Okay. I'm going to
16 have one last person, Luke Massie. Is Luke Massie here?
17 Oh, Luke, have we heard -- did you speak already? No.
18 Okay. And, Luke, you only have two minutes.

19 MR. MASSIE: That's fine.

20 MR. BERNSTEIN: Thank you.

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

23 MR. MASSIE: Yes, I do.

24 LUKE MASSIE

25 having been called and sworn:

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1 MR. MASSIE: What I'd like to do is just indicate
2 a letter that I received from the mayor of Kalamazoo. And
3 I'd like to say -- preface this by just saying two things:
4 First, it was brought to our attention by Western Michigan
5 University students that the signature of Hannah McKinney,
6 the mayor of Kalamazoo, appeared on the petition, and it
7 occurred to us after having checked out her web sites that
8 this was probably not an issue that she would support. A
9 ban on affirmative action was probably not something she
10 would support. I talked to her personally, and she
11 followed up by sending this letter. One the phone she made
12 clear that -- her phrase was it "made her sick" that she
13 had been deceived into signing this. What follows is the
14 letter that she sent to me. "To whom it may concern."
15 It's dated April 28th, 2006:

16 "I was recently contacted by Mr. Luke Massie of
17 Operation King's Dream. Mr. Massie informed me that
18 he had seen my signature on a petition circulated in
19 2004 that endorsed the Michigan Civil Rights
20 Initiative. Given my history as a civil rights
21 advocate and as a professor at a liberal arts college,
22 Mr. Massie called to see if I understood the nature of
23 the group that circulated the petition. I would never
24 have knowingly signed a petition that would prohibit
25 public bodies in Michigan from discriminating against

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1 or using preferential treatment based on race, gender,
2 ethnicity or national origin in public employment,
3 contracting or education. This would impact local
4 governments and public educational facilities. I do
5 sign petitions calling for public action for causes
6 that I believe in.

7 I frequently walk through Western Michigan
8 University's campus where frequently individuals are
9 collecting signatures for petitions. I do not
10 remember signing this petition, given that it's
11 circulated in 2004. If someone told me that the
12 petition was to strengthen civil rights in Michigan
13 and if I read the petition quickly, I could have been
14 deceived into believing that it was pro-civil rights,
15 but it is not.

16 I am an economist. When I started graduate
17 school I was one of only two women in a class of over
18 40 students. Affirmative action policies have helped
19 me in my career. I have no doubt that my gender was
20 one of the reasons I was hired at Kalamazoo College
21 who, at the time, did not have a woman teaching
22 economics. I also have no doubt that affirmative
23 action policies may help a particular person be hired,
24 but it is the individual's initiative and hard work
25 that enables a person to succeed in any academic or

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1 work environment.

2 In California where a similar initiative was
3 passed into law, programs that provided education
4 access, exposure or employment have been altered or
5 eliminated. These include elementary and high school
6 reading, science and math programs for female and
7 minority students, summer and after-school programs
8 targeted to either boys or girls or to children in
9 racial, national or ethnic groups, outreach and
10 funding for women and minority teachers in specific
11 fields, women-owned and minority-owned public
12 contracting programs and any scholarships or grants
13 that take gender, race or ethnicity into
14 consideration. Why would we want to put such limits
15 on our people in Michigan?

16 I write this letter to state my unequivocal
17 opposition to the Civil Rights Initiative, and I hope
18 all of Michigan's citizens will go to the polls on
19 election day in November to vote against it. It can
20 only hurt the people of our great state.

21 Sincerely, Hannah McKinney, Mayor"

22 And I also wanted just to indicate that it has become
23 clear to be that she is interested in giving testimony
24 herself, live testimony, at the hearing that will take
25 place in Grand Rapids on the 22nd.

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1 MR. BERNSTEIN: Thank you very much.

2 MR. MASSIE: You're welcome.

3 MR. BERNSTEIN: Any questions from the
4 commission? Thank you, Luke. I appreciate it.

5 MR. MASSIE: Thank you.

6 MR. BERNSTEIN: Okay. We were not -- okay. We
7 were, of course, unable to get through to everybody. We
8 have to end this now. We will have many more -- another
9 hearing in Grand Rapids. Everybody is obviously encouraged
10 to attend on May 22nd also. If you weren't able to speak,
11 you're not alone. Many people have not been able to speak
12 at these. The number of people far exceeds the amount of
13 time that we have. So I encourage you, if you weren't able
14 to speak this evening to submit written testimony to the
15 department, submit an affidavit, contact the department by
16 telephone, and we'll do everything we possibly can to
17 incorporate your comments, your ideas into the record. So
18 I thank everybody for coming and look forward to another
19 hearing in Grand Rapids. Thank you. We are adjourned.

20 (Exhibit 1 marked)

21 (Hearing concluded at 7:59 p.m.)

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