

MICHIGAN CIVIL RIGHTS COMMISSION
October 6, 2014 – 6:00 p.m.
Oakland Livingston Human Services Agency (OLSHA)
196 Caesar E. Chavez Avenue, Pontiac, MI 48343

MINUTES

PRESENT: Commission Chair Arthur Horwitz
Commission Vice-Chair Rasha Demashkieh
Commission Secretary Jared Rodriguez
Commissioner Agustin Arbulu
Commissioner Linda Gobler
Commissioner Deloris Hunt
Commissioner Linda Lee Tarver
Commissioner Bradley Voss

The meeting was called to order by Commission Chair Horwitz at 6:08 p.m.

I. WELCOME

Chair Horwitz provided initial welcoming remarks, and introduced OLSHA Deputy Director for Community Relations, Al Patrick who provided remarks on behalf of OLSHA Chief Executive Officer, Ronald Borngesser.

II. APPROVAL OF MEETING AGENDA

On Motion duly made (Commissioner Gobler) and supported (Commissioner Rodriguez), the Meeting Agenda for October 6, 2014 was approved. ***Motion carried unanimously.***

III. ADOPTION OF CONSENT AGENDA

On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Hunt), the Consent Agenda for the October 6, 2014 meeting was adopted. ***Motion carried unanimously.***

IV. APPROVAL OF MEETING MINUTES FROM JULY 28, 2014

On Motion duly made (Commissioner Arbulu) and supported (Commissioner Gobler), the Minutes from the July 28, 2014 Commission Meeting were approved. ***Motion carried unanimously.***

V. DIVISION REPORTS

Director's Report, Matthew Wesaw - Director Wesaw introduced the new acting director of the Division on Deaf, Deafblind and Hard of Hearing, Christopher Hunter, whose limited-term appointment began on October 1, 2014. Sharon Ellis, State ADA

Compliance Director was also introduced – her Division was recently transferred from the Department of Technology, Management and Budget. Both Divisions will be moving from their current offices to the MDCR Lansing Executive Offices before the end of this calendar year, consolidating Lansing staff under one roof. Director Wesaw also touched on items of interest from his submitted written report.

VII. COMMISSION MATTERS

Chair's Report, Commissioner Horwitz gave brief remarks about the final 50th Anniversary events on September 18 and 19, including the dinner event at the Charles H. Wright Museum of African-American History, and the full-day symposium at the Damon Keith Center on the campus of Wayne State University Law School, thanking lead staff members Leslee Fritz and Vicki Levengood on their events coordination efforts. Commissioner Horwitz also expressed concern about potential civil rights issues involving the state prison population, and a growing interest in the pathway to prison issue, which disproportionately impacts African-American men as young as middle and high school age. The next Commission meeting will focus on obtaining more information about this issue, on November 24, 2014.

VIII. OLD BUSINESS

Commissioner Horwitz acknowledged Commissioner Tarver's request for MDCR staff to look into the areas where Michigan laws provide less protections than their federal counterparts; including the Elliott-Larsen Civil Rights Act with regards to prisoner population, the Persons With Disabilities Civil Rights Act with regards to the American Disability Act, and Damages under ELCRA and PWDCRA. These issues and others to be identified will be incorporated into a strategic planning process that the Commission will undertake. A two-page briefing with recommendations prepared by Dan Levy was provided to the Commission.

MOTION: To have the Commission direct the Michigan Department of Civil Rights, based on the information provided, to engage with the legislature in order to work on solutions to align state laws to their federal counterparts.

After discussion, on Motion duly made (Commissioner Tarver) and supported (Commissioner Gobler), *Motion did not pass at a vote of 1-7*. Further research and discussion are needed before a final decision can be made.

IX. NEW BUSINESS

A) Amicus Request, Dan Levy

Mr. Levy indicated MDCR received a request from an attorney, that the Commission submit an amicus brief in support of his brief opposing an Application for Leave into the Court of Appeals. The attorney represents a student who was not admitted to the Notre Dame Preparatory High School, and alleges disability discrimination was the reason for the denial of admissions. The claim raised by the school was that there was a religious exemption that they were

exempt from the Persons With Disabilities Civil Rights Act because they are a religious institution. The Commission accepted Mr. Levy's recommendation to take no action at this time.

B) Adoption of Resolution honoring the memory of Professor Harold Norris

The Resolution reads as follows:

As we approach the first anniversary of his passing on October 14, 2013, the Michigan Civil Rights Commission pauses to pay tribute to the life of one of the great Michigan voices for equality. Harold Norris was a civil rights champion, lawyer, scholar, author, statesman, poet and Detroit College of Law (DCL) professor / professor-emeritus.

Harold Norris was born, in Detroit on April 7, 1918, and graduated from Central High School. Planning on a teaching career, he received Bachelor of Arts and Master of Arts degrees from the University of Michigan in 1939 and 1941, respectively. He then joined the United States Army Air Corps, first graduating from Officer Candidate School after attending the Harvard Business School program to train Statistical Control Officers, and then spending nearly three years in Britain and France with the Ninth Air Force, Air Transport Command. In 1946, following his service to his country, he enrolled in an accelerated program for veterans at Columbia University where he earned his Juris Doctor degree in two years. Attorney Norris then returned to Michigan and began his service to the people of his home state.

One of Michigan's most celebrated civil liberties advocates, Norris began his legal career in private practice, concentrating on constitutional law, civil liberties criminal and labor law. He represented teachers, students and others subpoenaed by the House Committee on Un-American Affairs. Active in bar association work, he helped initiate compulsory automobile liability insurance, secure the inclusion of lawyers in the Social Security Act, and write the Michigan Automobile Liability Accident Claims Act.

Rekindling his love of teaching, Professor Norris joined the Detroit College of Law faculty in 1961. Teaching Constitutional Law, Criminal Law, and Women and the Law courses, he inspired some 6,000 students over 37 years to embrace the Bill of Rights as a living document to protect minorities, women and "the least, the last and the lost" and to assure equal treatment and dignity under the law for all. He advocated the law as a tool for achieving justice for regular citizens against abusive or overreaching government practices.

As an elected delegate to Michigan's Constitutional Convention, in 1961-64, Professor Norris played a major role in writing Michigan's current Constitution. He was the co-author of Article I, Section 2, prohibiting racial and religious discrimination, and helped write Article V, Section 29, which created this body, the Michigan Civil Rights Commission. Michigan is the only state with a constitutionally created Civil Rights Commission prohibiting racial and religious discrimination.

Professor Norris also authored the Freedom of Expression provision in the Declaration of Rights and the provisions creating a right of appeal in every criminal case, a right to fair and just treatment in legislative and executive investigations, and an expanded right of petition.

Former Michigan Civil Rights Commission Chair U.S. District Court Judge Avern Cohn, called Professor Norris “the father of the Michigan Civil Rights Commission” declaring that he was “a true believer, and he had a true sense of justice and what was right when it came to personal liberty.” Another former Chair of the Michigan Civil Rights Commission, Federal Judge Julian A. Cook Jr., described Professor Norris as “a scholar and an inspiration to all of us who believe in civil rights and human rights.

The only recipient of two Lifetime Achievement Awards from the State Bar of Michigan; Professor Norris received the Champion of Justice Award in 1988, and the John W. Reed Michigan Lawyer Legacy Award in 2011 recognizing him as an educator whose influence on lawyers elevated the quality of legal practice in Michigan.

Earlier in his career, The Michigan Chronicle gave Professor Norris a special award “In Recognition of 25 Years of Outstanding Support and Community Guidance Service” as a courageous liberal with more than a common interest in his fellow man, particularly noting a study he conducted revealing an unjustifiable number of arrests being made against minorities, resulting in the establishment of a Citizens Review Board providing impartial review to matters involving police and citizens. In 1988 Norris received the Distinguished Warrior Award from the Detroit Urban League for being a champion of civil liberties.

In 1981, Wayne State University awarded Norris the “Doctor of Humane Letters” for his outstanding contribution to the professions of teaching and the law and to the cause of liberty for all Americans. The Detroit College of Law bestowed a Doctor of Laws Degree to Norris in 1989. The Michigan Supreme Court honored him in 1987 with a special certificate describing him as “Lawyer, Educator, Poet and Statesman.”

Kary Moss, executive director of the American Civil Liberties Union of Metropolitan Detroit adopted Professor Norris’s own words, describing him as “a foot soldier for the Constitution.” She added that Norris who was a former chair of the group “was one of those intellectuals who really took to heart and embodied an appreciation for all that makes our democracy great.”

*Professor Norris authored a number of books to promote and defend civil rights and civil liberties. He wrote *Mr. Justice Murphy and the Bill of Rights*, convincing Detroit Mayor Jerome Cavanagh that Recorder’s Court be named after the former mayor and *U.S. Supreme Court Justice: the Frank Murphy Hall of Justice*. He published the innovative law school text *Casebook of Complete Criminal Trials*.*

*Norris also wrote *Education for Popular Sovereignty through Implementing the Constitution on the Bill of Rights* on the occasion of the bicentennial of the U.S. Constitution and *The Bill of Rights*, a book he called “the capstone of my career.” U.S. Sen. Carl Levin, this Commission’s first legal counsel, wrote in the preface that the book was a sample of the professor’s “life’s efforts to protect the U.S. Constitution and extend its guarantees to each of us.”*

*Professor Norris also expressed strong feelings on the Constitution and other colorful topics in his poetry book *An American Mural: The Liberty Bell & Other Select and New Poetry*, which was nominated for a Pulitzer Prize. His poem *The Liberty Bell* hangs in the Independence National Parks Administration Building in Philadelphia next to the Liberty Bell.*

Famed Civil Rights leader and Sixth Circuit Court of Appeals Judge Damon J. Keith described his close friend as "...a man who not only taught the law, but practiced it in terms of the four words etched in the Supreme Court, 'Equal justice under law.'" Calling Norris "a great man, a great advocate for justice and fair play," Judge Keith declared; "With his death, we have lost one of the tallest trees in this community."

The story of Harold Norris's' life remains largely untold, perhaps because the one horn he wouldn't trumpet was his own. But his life's work was too important, his impact too profound, and his legacy too significant, for it not to be properly recognized by this Commission, and by all the people of Michigan.

MOTION: To adopt the Resolution honoring the memory of Professor Harold Norris.

On Motion duly made (Commissioner Gobler) and supported (Commissioner Hunt), the Resolution honoring the memory of Professor Harold Norris was adopted by the Commission. ***Motion carried unanimously.***

Professor Norris' son, Victor Norris brought brief remarks of appreciation, and distributed books of poetry for the Commission and the audience.

C) Adoption of 2015 Commission Meeting Schedule

MOTION: With regards to the 2015 Commission Meeting Schedule, the proposed dates of January 26, March 23, May 18, July 27, September 28 or Oct 5, Nov 23 or Dec 7 to be adopted by the Commission.

After discussion, and on Motion duly made (Commissioner Arbulu) and supported (Commissioner Tarver), the meeting dates for calendar year 2015 are January 26, March 23, June 1, July 27, September 28, December 7. ***Motion carried unanimously.***

D) 2015 Election of Officers Nominating Committee

Commissioner Horwitz indicated that Commissioner Arbulu will chair the Nominating Committee, along with Commissioner Demashkieh and Commissioner Voss serving on the Committee. The slate for the 2015 Election of Officers will be presented at the November 24, 2014 meeting.

E) Adoption of Resolution re: Commission-initiated strategic planning process

Resolution Regarding the Michigan Civil Rights Commission Undertaking a Strategic Planning Process, presented by Commissioner Arbulu:

Whereas, The Michigan Civil Rights Commission (MCRC) was created by the Michigan Constitution of 1963 as a bi-partisan, eight-member body appointed by the governor for alternating terms of four years;

Whereas, It is the duty of the MCRC, in a manner prescribed by law, to investigate alleged discrimination against any person in the enjoyment of the civil rights guaranteed by law and the constitution, and to secure the equal protection of such civil rights without such discrimination;

Whereas, The Michigan Department of Civil Rights (MDCR) was established in 1965 to provide a staff complement to the policy making responsibilities of the MCRC;

Whereas, the primary roles of the MCRC are to set policy for MDCR, hold hearings on topics of concern to the citizens of Michigan and issue final decisions and orders on complaints of discrimination, requests for approval of affirmative action plans and requests for bona fide occupational qualification exemptions;

Whereas, the MDCR shall provide resource support to the MCRC to initiate a strategic planning process and provide support as may be necessary for MCRC to accomplish and complete the strategic planning process;

Therefore, the MCRC, with resource support from the MDCR, shall initiate a strategic planning process that will establish, in its final report, policy priorities for implementation by the MDCR executive director.

MOTION: To adopt Resolution regarding the Michigan Civil Rights Commission undertaking a Strategic Planning Process as stated by Commissioner Arbulu.

After discussion, on Motion duly made (Commissioner Demashkieh) and supported (Commissioner Gobler), the Commission adopted the Resolution. *Motion carried unanimously.*

X. COMMISSION REQUESTED PRESENTATIONS

Civil Rights Curriculum progress update, James Cameron, Michigan Department of Education

Mr. Cameron brought remarks regarding a joint effort between twenty-eight states to set standards for the social studies curriculum for students. In a recent study by the Southern Poverty Law Center, the State of Michigan received a failing grade in educating K-12 students on the Civil Rights Movement and social justice advocacy. Four emerging communities groups have been identified to work together to create content expectations specific to their particular group, including but not limited to the African-American Community, the American Indian Community, the Arab-American Community and the Latino-American Community. Melissa Claramunt, American Indian Specialist for MDCR is a participant in this workgroup. The timeline for completing the content expectations is July 2015. Once content expectations have been established, instructional materials will be created, then formative assessment activities will be created – to be rolled out within the next three years.

N. Charles Anderson, CEO, Urban League of Detroit and Southeastern Michigan

Mr. Anderson brought remarks regarding the mission of the Urban League and the services they provide to the community; the year 2016 marks one-hundred years for the ULDSM. Mr. Anderson indicated his support of prior requests to the Commission that an African-American Commission be established to focus on issues specific to the African-American Community, similar to other commissions that have been established to focus on issues specific to their communities.

Commissioner Tarver thanked Mr. Anderson for his support on this issue, and indicated that the Commission has had the opportunity to review the National Urban League's 2014 State of Black America Report, which is helpful in identifying the issues that impact African-American communities throughout the nation.

H. Wallace Parker, General Counsel, North Oakland Chapter NAACP

Mr. Parker brought concerns regarding cases of discrimination, police intimidation, and lack of due process with regards to the African-American community and school systems in North Oakland County, as well as discriminatory practices in the hiring of police officers in Oakland County. Commissioner Tarver thanked Mr. Parker for his remarks, and asked what the Commission can do to assist with the concerns brought forth. He indicated that meetings with the Avondale School System Superintendent, the Waterford School System and the Police Chief could help.

XI. PUBLIC COMMENT

Ms. Denise Cobb brought concerns regarding voting and clarification of complicated ballot language; educating voters and increasing voter turnout.

Moreno Taylor, II from the Citizens Alliance on Prisons and Public Spending brought concerns regarding Michigan's corrections system; requesting a task force to examine the disproportionate impact of the criminal justice system on African Americans in Michigan.

Darryl Fowlkes, brought concerns regarding Emergency Managers and City Administrators in predominantly African American cities, and violating the civil rights of the people.

A female resident and retired nurse (name not provided) brought concerns about her experience of discrimination at the Oakland Woods Retirement Home. She volunteered by teaching a brain refresher course for seniors entitled "Maintain Your Brain".

Ms. L. Jacobs brought concerns regarding Pontiac area students in evening adult education programs who are not registered to vote, and the lack of educating these

students on voter rights and the voting process. In addition, Ms. Jacobs raised the issue of self-representation in court for People With Disabilities.

XII. COMMISSIONER COMMENT

Commissioner Hunt addressed the woman with the discrimination complaint and encouraged her to speak with an MDCR staff person about possibly filing a complaint, and encouraged her to continue utilizing her gift of teaching.

Commissioner Tarver thanked everyone who provided Public Comment; addressing Ms. Cobb's comment, and the importance of all voters having a clear understanding of the candidates, the election process, and the language used on the ballots; addressing Mr. Taylor's comment, indicating that institutionalized discrimination will be one of the issues examined in the Commission's strategic plan; addressing Mr. Fowlkes' comment, indicating that the Commission can look at taking a position on concerns about the Emergency Managers and City Administrators; addressing Ms. Jacobs' comment, agreed that voter rights education must be clarified and communicated to all Michigan residents. Commissioner Tarver also reiterated her interest in the establishment of an African-American commission, and recommended to the organizations that have an interest to engage with their legislators.

Commissioner Arbulu encouraged anyone who feels they have been discriminated against has a right to file a complaint with the Michigan Department of Civil Rights, and have their concerns investigated.

Commissioner Rodriguez thanked the audience for attending, and those who made public comment.

XIII. ADJOURNMENT

The meeting of the Michigan Civil Rights Commission adjourned at 8:33 p.m. by Commissioner Horwitz.

Secretary

Director