

MICHIGAN CIVIL RIGHTS COMMISSION

Monday, July 20, 2015 – 4:30 p.m.

Kent County Commission Chambers, Room 310

County Administration Building

300 Monroe Avenue, N.W., Grand Rapids

MINUTES

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

EXCUSED: Commissioner Mumtaz Haque
Commissioner Ricardo Resio

The meeting was called to order by Commission Chair Horwitz at 4:33 p.m.

I. WELCOME

Commission Chair Horwitz opened the meeting with roll call of the Commissioners, recognized the passing of Ingrid Scott-Weekley with a moment of silence, and provided welcoming remarks. Followed by an introduction of Mayor George Heartwell, County Administrator Daryl Delabbio, and Community Relations Commissioner Belinda Bardwell, all of whom provided welcoming remarks and shared current initiatives.

II. APPROVAL OF MEETING AGENDA AND CONSENT AGENDA

On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Tarver), the meeting agenda and the consent agenda were approved as submitted. Motion carried unanimously.

III. APPROVAL OF MEETING MINUTES FROM JUNE 1, 2015

On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Hunt), the meeting Minutes from the June 1, 2015 meeting were approved as submitted. Motion carried unanimously.

IV. DIVISION REPORTS

Director's Report, Matthew Wesaw - Director Wesaw reported that the Deaf, Deaf Blind and Hard of Hearing Caucus is working on a large agenda of issues including mental health, 32 legislators have signed up to participate as caucus members, and the leadership of Anne Urasky, Director of the DODDBHH was acknowledged in this effort; Governor Snyder has signed off on the 2016 fiscal year budget, reduced from this past year; MDCR has taken the lead on bills including the service animal

legislation consisting of a four-bill package, Sharon Ellis and Lee Gonzales are working closely with legislators, and Mr. Gonzales is tracking the status of the bill closely; Director Wesaw was called to testify regarding SB-90, the proposal for an African-American Affairs Commission, the bill was moved from committee to the full floor this past Wednesday, proposed modifications will be added as the bill moves through the process on the floor; workgroup is working on proposed model language for law enforcement body “cams” cameras legislation; working with John Golaszewski with MSP and DNR on an initiative to increase diversity in the recruitment process; met with the MEAAC Chair, Manal Saab- she will be hosting a meet and greet for the Commission as well their first meeting, to be scheduled within the next few weeks; two new regional ALPACT meetings are scheduled for Kalamazoo (7/21) and Holland (9/22); the Public Affairs Division welcomes Martha Gonzales-Cortez who succeeds Al Flores as Director of Community Relations.

Deputy Director’s Report, Leslee Fritz – Ms. Fritz reported that the 2016 fiscal year budget has been signed into law by Governor Snyder. The Department’s budget will be reduced compared to this fiscal year. Budget planning for the 2017 fiscal year has begun, the deadline for budget submission is October 1, 2015. Requests will include funding for the Middle Eastern and Arab American Commission. Ms. Fritz also informed Commissioners to mark October 23, 2015 on their calendars for the MIAAHC Conference which will convene at the Kellogg Center in Lansing.

V. COMMISSION MATTERS

Chairman’s Report, Commissioner Horwitz – Mr. Horwitz reported on several issues, including: high-level goal setting for the Commission and the Department which were discussed at the March 2015 Strategic Planning retreat, committees were created to focus on the major areas of finance, communications and outreach, African-American affairs, and legislative and executive liaison; another focus has been Michigan’s failing grade in teaching Civil Rights education in K-12 schools, according to a report from the Southern Poverty Law Center. MDCR and the Michigan Department of Education are working together on this effort. Last, Mr. Horwitz acknowledged Governor Snyder as he attended the January 2015 Commission meeting and circled back for a meeting with he and Director Wesaw to discuss progress on Civil Rights goals he outlined at the January meeting.

Attorney General’s Report, Ron Robinson – Mr. Robinson gave brief status updates on *Smith v. Countryside Townhomes* (filed Application for Leave to Appeal on May 4, 2015, however, no response yet from the Court of Appeals, but not unusual), as well as *Barash v. SMART* (resolved, but with two sets of attorneys, there are disputes regarding attorney fees before the Court of Appeals). Mr. Robinson also made formal introductions of the AG Office student interns/law clerks, Esther Acosta, Vanette Garmo and Moses El-Sayed. Commissioner Demashkieh inquired about the investigation regarding the unsolved murder of former MDCR director Burton Gordin. Due to recent changes in the AG Office administration, Mr. Robinson will advise the new administrator on the importance and high priority of this investigation. Commissioner Horwitz also indicated that the Resolution on former director Gordin that the Commission adopted should be posted in all MDCR offices as a reference tool for staff.

VI. ONGOING BUSINESS

Finance Committee, Commissioner Arbulu

Dr. Arbulu reported that Commissioner Voss and former commissioners Jared Rodriguez and Laura Reyes Kopack have agreed to serve on the Finance Committee, volunteering their expertise and years of experience; the Committee is in the process of developing meetings via in-person and teleconference; met with Deputy Director Leslee Fritz and received helpful information to educate the committee regarding the budget and state government practices; the Finance Committee will be in a better position to outline objectives and set timelines to be effective in budget formulation; asked that the Commission be mindful that that consensus amongst them should occur this fall. Commissioner Tarver indicated her support of the Finance Committee's stated goals, also indicating "that the authority of the board and the importance of the committees both in the Constitution and the law allow and require us to take our budget seriously."

Communication and Outreach Committee, Commissioner Demashkieh

Ms. Demashkieh indicated that many in the State of Michigan are unfamiliar with MDCR and the Commission, emphasizing the importance of reaching out and educating the public on who we are and what we do; Ms. Demashkieh will be seeking members with different areas of expertise and within different regions; Commissioner Hunt indicated her support of the Committee's purpose, and that this may be a prime opportunity to engage with youth in this age of technology and social media as a tool for communications; Commissioner Arbulu suggested that this Committee consider a spokesperson or a senior manager from ground floor, community-based, grassroots organizations, as they have a large "word of mouth" network and could be helpful in getting our name and our role out to the public. Director Wesaw indicated that he would assign Director of Communications, Vicki Levengood to provide assistance with the Committee, and Commissioner Demashkieh will also schedule a meeting with Director of Community Relations, Martha Gonzales-Cortes.

Michigan's Failing Grade on Civil Rights Education and Curriculum

Director Wesaw indicated that the workgroup is meeting and focusing on this subject; currently, they are seeking funding for this effort which has just been brought to his attention. Two staff members, Melissa Claramunt and Mark Bishop are assigned to the workgroup representing MDCR. Director Wesaw will ensure that an update is reported at the next Commission meeting. After discussion and commentary from Commissioners Tarver, Arbulu, Hunt and Demashkieh on the importance of Civil Rights education and funding to develop and implement the curriculum, Director Wesaw emphasized the importance of relationship-building with MDE executives and members of the State Board of Education, and helping them to understand the significance of teaching Civil Rights to our youth, encouraging Commissioners to engage in outreach.

VII. NEW BUSINESS

PRESENTATION: Impact of the U.S. Supreme Court's marriage opinion on Michigan Law, Attorney Richard D. McLellan

RESOLUTIONS

Resolution by The Michigan Civil Rights Commission To Support The Campaign To Take on Hate

Whereas, The Michigan Civil Rights Commission (MCRC) was created by the Michigan Constitution of 1963 as a bipartisan, 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 MCRC and MDCR support initiatives committed to eliminating hate and discrimination while promoting the enjoyment of civil rights by all individuals;

Whereas, the Campaign to TAKE ON HATE is a national grassroots movement that promotes positive images of Arab and Muslim Americans, and engages non-Muslims and non-Arabs to help build a community and society that seeks to eradicate and eliminate all forms of hate, bias and discrimination;

Whereas, the MCRC and MDCR recognize that public attitudes toward Arab and Muslim Americans have worsened since 9-11 with a 1600% increase in hate crimes;

Whereas, the MCRC and MDCR recognize that violence and hate crimes and other forms of discrimination towards Arab and Muslim Americans have increased, creating fearful and unstable communities; and

Whereas, the Campaign to TAKE ON HATE calls upon all individuals to fight against prejudice and hate towards Arab and Muslim Americans, to end discrimination and violence against any group, and to TAKE ON HATE;

It is resolved that the MCRC and the MDCR publicly endorse and support the mission of the Campaign to TAKE ON HATE as furthering our mission to protect all individuals regardless of their religion, race, sexual orientation, gender, or ethnicity, color, national origin, sex, disability, age, marital status, height, weight, arrest record, genetic information and familial status.

It is further resolved that Michigan Civil Rights Commission and the Michigan Department of Civil Rights are proud to join voices with the many organizations and individuals involved in the campaign, and together we call upon all Michiganders to TAKE ON HATE.

MOTION: To adopt the Resolution by the Michigan Civil Rights Commission to Support the Campaign to Take on Hate.

After discussion and comments, on Motion duly made (Commissioner Voss) and supported (Commissioner Tarver), the Commission adopted the Resolution in support of the Campaign to Take on Hate with the noted corrections. *Motion carried unanimously.*

Resolution by the Michigan Civil Rights Commission to recognize Governor George W. Romney on the 20th Anniversary of his death and for his role in shaping the Michigan Constitution's civil rights provisions

GEORGE W. ROMNEY – Businessman, Politician, Volunteer and Civil Rights Hero

To mark the twentieth anniversary of his passing on July 26, 1995, the Michigan Civil Rights Commission honors one of Michigan's greatest voices for equality. George Wilcken Romney accomplished so much in his 88 years that his enormous contributions to the cause of civil rights are sometimes forgotten. They must not be.

George Romney was born July 8, 1907 in Mexico. U.S. citizens, Romney's parents brought George and his six siblings home in 1912, fleeing the ongoing Mexican revolution. George would later note that this flight from religious persecution placed the family among "the first displaced persons of the 20th century."

Life for the Romneys was not easy. They moved often, living in Texas, California, Utah and Idaho. In Idaho, Romney's father became a successful builder until the 1920 depression closed his business. The family returned to Utah and was again prospering when the Great Depression of 1929 left them with nothing but a debt it would take years to pay. Despite attending six different schools and classmates who called him "Mex," George Romney was valedictorian at his grammar school graduation. In high school, he lettered in three sports, and met his future wife Lenore. His yearbook described him as "Serious, high minded, of noble nature – a real fellow."

George became a church elder, serving as a missionary in both Glasgow, Scotland where he was exposed to great poverty and the hopelessness it creates, and London where he experienced England's privileged class and high culture. Returning to the states to join Lenore in Washington, D.C. he worked for a Massachusetts senator, developing the skills and confidence he would later need to deal with state and federal legislatures.

George and Lenore were married in July 1931 in Washington, D.C. In 1939, Romney became manager for the Detroit office of the Automobile Manufacturers Association and moved to Michigan with his wife and two daughters. Their two sons would be born in Michigan.

Spurred by the attack on Pearl Harbor, Romney formed the Automotive Council for War Production. The group joined competitive automakers to work as one in support of the war effort. After the war, Romney encouraged U.S. investment in Europe, testifying before Congress, “We’re all like billionaires living in a few mansions in the midst of a vast world ghetto.” He led the automobile industry’s return to peacetime production, and in Detroit, founded the first ever United Way organization.

By 1955, Romney was president and chairman of the American Motors Corporation. Under his leadership, AMC went from struggling to successful by restructuring itself and redirecting its focus to what Romney coined the “compact car”. Romney was the Associated Press “Man of the Year” in industry for four consecutive years beginning in 1958.

Beginning in 1956, Romney chaired the Citizens Advisory Committee on School Needs in Detroit, a citizen-based group seeking solutions to the problems facing Detroit Schools. CACSND’s report, with more than 180 recommendations including better teacher pay, infrastructure improvements and increased efficiency, was largely adopted and George became known as the “spokesman for a better Detroit.”

This success emboldened Romney to take on the state’s seemingly insurmountable financial crisis. He formed the nonprofit, nonpartisan, Citizens for Michigan with a goal of a similar restructuring of state government. Concluding the only way forward was to change the State’s constitution, Romney and Citizens for Michigan led a successful push for a constitutional convention. Romney formally entered politics for the first time as a Republican Delegate to the Constitutional Convention and was elected chairman.

As Chairman, Romney also championed the cause of civil rights. He was among the most effective advocates for including civil rights guarantees and provisions to protect those guarantees. The Michigan Civil Rights Commission, the only state body in the country with constitutional authority, is an ongoing testimony to his success.

Romney, who believed restructuring would not be effective if it was not accompanied by new leadership, was persuaded to become the Republican candidate for Governor. He took on the sitting governor and won decisively.

In his inaugural speech on January 1, 1963, Romney called residential segregation a “crucial and pressing problem.” Among his first acts as Governor was to appoint co-chairs to lead the new Civil Rights Commission – Damon Keith and John Feikens. His appointment of one white and one Black person to serve as equals sent a clear message about what the MCRC stood for. In his first State of the State address, Romney declared that “Michigan’s most urgent human rights problem is racial discrimination – in housing, public accommodations, education, administration of justice, and employment.”

During his tenure as Governor, civil rights were never far from the public consciousness, and Romney never shied away from his convictions. He personally participated in any civil rights marches. In 1963 he appeared, uninvited, at an NAACP demonstration against housing discrimination in Grosse Pointe. Asked to speak, he proudly described his role in enshrining the Commission in the constitution, stating: “This document is the clearest, strongest, most complete statement of civil rights of any constitution in the land.”

As a candidate for the Republican presidential nomination in 1967, Romney, against the advice of his advisors, visited the poorest neighborhoods in 17 American cities. He explained that “We must rouse ourselves from our comfort, pleasure, and preoccupations and listen to the voices from the ghetto.” Civil rights, residential segregation and what we would now call economic disparities were central campaign themes.

President Richard Nixon appointed George Romney as the nation’s first Secretary for Housing and Urban Development. Secretary Romney created “Operation Breakthrough,” a program to further fair housing, breaking down what he called the “white noose” by opening white suburbia to African-Americans. He argued that low income housing should not be built in disadvantaged communities where it only added to existing segregation and placed additional students into schools that were already overburdened.

After leaving the cabinet, Romney focused on promoting volunteerism. He became chair and CEO of the National Center for Voluntary Action and guided it through mergers into the National Volunteer Center. When President Bush created the Points of Light Foundation in 1990, Romney received its first lifetime achievement award. When he was later asked to chair the Foundation, he merged the two organizations. George Romney’s final speech promoted this important cause.

Now, U.S. Sixth Circuit Court of Appeals Judge Damon Keith, who Romney had named to co-chair the newly-created Michigan Civil Rights Commission, stated “I never once thought that anything that Governor Romney did...had anything to do with politics. It came from his heart and his belief that everybody should be treated equally.”

After Romney’s passing, then Governor John Engler said, “I look back in awe at his bold efforts to make state government serve our citizens better. His contributions to Michigan’s current constitution were unparalleled; his commitment to civil rights, ahead of its time; his determination to making government more accessible to the people, a model for every chief executive in the nation.”

But perhaps George Romney himself summed it up best. In July, 1987, reflecting on his failed White House bid, Romney, in a rare moment of immodesty, offered “You can’t be too right too soon and win elections.”

George Romney was indeed a man ahead of his tie. This Commission honors him today for being right in his belief in the equality of all people, and for tirelessly fighting to make it a reality for all Americans.

MOTION: To adopt the Resolution recognizing Governor George W. Romney, the 20th Anniversary of his death, and honoring his life and his contributions to civil rights in the State of Michigan.

After discussion and comments, on Motion duly made (Commissioner Tarver) and supported (Commissioner Hunt), the Commission adopted the Resolution recognizing Governor George W. Romney, the 20th Anniversary of his death, and honoring his life and his contributions to civil rights in the State of Michigan. *Motion carried unanimously.*

Reaffirmation of the Michigan Civil Rights Commission's position on expansion of the Elliott-Larsen Civil Rights Act (ELCRA) to include the Lesbian Gay Bisexual and Transgender (LGBT) population as a protected class.

November 24, 2014 - "The Michigan Civil Rights Commission (MCRC) urges the Michigan Legislature to present a bill to the governor that protects all residents and visitors in Michigan by amending the Elliott-Larsen Civil Rights Act (ELCRA) to add sexual orientation and gender identity, and we urge the Governor to sign it. The Commission also reiterates its support of the constitutional protection of religious liberty, and of not placing any substantial ad undue burden on any person's religious exercise, and without lessening any existing civil rights protection."

Notes:

The Commission position is a reiteration of their more than 30 years of support or expanding ELCRA, most recently articulated in the "Report on LGBT Inclusion Under Michigan Law," prepared by the Michigan Department of Civil Rights and adopted by the Commission on March 25, 2013.

Commissioners clarified that their position supports the intent of the federal Religious Freedom Restoration Act (RFRA).

MOTION: To reaffirm the position of the Commission from the November 24, 2014 meeting to expand the Elliott-Larsen Civil Rights Act to include the Lesbian Gay Bisexual and Transgender (LGBT) population as a protected class.

After discussion and comments, on Motion duly made (Commissioner Hunt) and supported (Commissioner Arbulu), the Commission approved affirmation of their position from the November 24, 2014 meeting to expand the Elliott-Larsen Civil Rights Act (ELCRA) to include the Lesbian Gay Bisexual and Transgender (LGBT) population as a protected class. *Motion carried unanimously.*

VIII. CLOSED SESSION

The Commission reconvened in a session on personnel matters with MDCR Executive Director Matthew Wesaw and Assistant Attorney General Ron Robinson that was closed to the public starting at 6:20 p.m. and ending at 7:00 p.m. The public meeting reconvened at 7:07 p.m.

IX. PUBLIC COMMENT

There was no public comment.

X. COMMISSIONER COMMENT

There was no commissioner comment.

XI. ADJOURNMENT

The meeting of the Michigan Civil Rights Commission was adjourned at 7:08 p.m. by Chair Horwitz.

Secretary

Director