

MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Monday, November 22, 2021 ~ 4:00 P.M.

Virtual Meeting: Zoom web conferencing platform; Livestreamed via You Tube and Facebook

In compliance with the State of Michigan's Open Meetings Act, "the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is held; the minutes must also include all roll call votes taken at the meeting." The minutes are limited to these requirements and do not reflect all subject matter that occurred during the Commission meeting. Meetings are audio recorded and kept on file with the MDCR.

MINUTES

PRESENT: Commission Chair Stacie Clayton
Commission Vice-Chair Zenna Elhasan
Commission Secretary Ira Combs, Jr.
Commissioner Richard Corriveau
Commissioner Gloria Lara
Commissioner Portia Roberson

EXCUSED: Commissioner Regina Gasco Bentley
Commissioner Anupama Kosaraju

CALL TO ORDER / ROLL CALL

The meeting of the Michigan Civil Rights Commission was called to order by Chair Clayton at 4:04 P.M.

Chair Clayton welcomed participants to the meeting by way of Zoom web conferencing and Facebook / You Tube livestream platforms.

Roll Call of the Commissioners was taken by Clerk Jerome Reide to determine a quorum. Chair Clayton, Vice-Chair Elhasan, Secretary Combs, Commissioner Roberson, Commissioner Corriveau, Commissioner Lara. With six of eight Commissioner present, quorum requirements were met.

APPROVAL OF MEETING AGENDA

MOTION: Move to Amend the Meeting Agenda by adding farewell comments regarding Chair Clayton. There was no discussion. **On Motion duly made (Elhasan) and supported (Lara), the Meeting Agenda was Amended and Approved.** *Motion carried unanimously.*

OPENING MATTERS

WELCOME / CHAIR REMARKS

Chair Clayton provided welcoming remarks indicating that her term as Commissioner will expire on December 31, 2021, and that she will not be seeking re-appointment.

PRESENTATION ON 23RD ANNUAL OBSERVANCE OF TRANSGENDER DAY OF REMEMBRANCE

Cynthia Thornton, MDCR LGBTQ+ Liaison, provided her remarks and shared those of Lilianna Reyes, Founding Mother and sitting Board Member of The Trans Sistas of Color Project (TSOCP) on the 23rd annual observance of the “Transgender Day of Remembrance” (November 20, 2021), which commemorates the individuals who have been killed due to anti-transgender hatred or prejudice. Upon completion of reading the names of the 21 transgender people murdered in Michigan since 1999, Ms. Thornton requested a moment of silence.

MOMENT OF SILENCE TO ACKNOWLEDGE THE PASSING OF BARBARA ROSE COLLINS AND COLIN POWELL

Chair Clayton requested a moment of silence to acknowledge the passing of Barbara Rose Collins, the first African-American woman from Michigan to serve in U.S. Congress; and Colin Powell, former U.S. Secretary of State who was the first African-American to serve in that position.

PUBLIC COMMENT PROTOCOL

Deputy Director Kim Woolridge provided instructions to members of the public who wish to address the Commission during the Public Comment segment of the meeting.

ADOPTION OF CONSENT AGENDA

MOTION: Move to Adopt the Consent Agenda as submitted. There was no discussion. **On Motion duly made (Corriveau) and supported (Elhasan), the Consent Agenda was Adopted.** *Motion carried unanimously.*

APPROVAL OF MINUTES FROM SEPTEMBER 27, 2021 MEETING

MOTION: Move to Approve the Meeting Minutes as submitted. There was no discussion. **On Motion duly made (Lara) and supported (Elhasan), the Minutes from the September 27, 2021 Commission Meeting were Approved.** *Motion carried unanimously.*

PUBLIC COMMENT

Ms. Kaci Messeder, Southfield, MI
Ms. Messeder, Policy Analyst for the Detroit Disability Power organization encouraged the Commission and the Department to prioritize capturing COVID-related disability data at the State level.

Chair Clayton indicated that the Commission passed a resolution at the September 27, 2021 meeting, addressing the issues in our schools regarding COVID and ensuring that our children have a healthy and safe learning environment, and also supporting the wearing of masks. Although there will not be another meeting this year, Chair Clayton offered to send a letter of support to the State Health Department expressing Ms.

Messeder's request, to be signed by Chair Clayton and Vice Chair Elhasan on behalf of the Commission. This letter will be completed by next week, and Ms. Messeder will receive a copy of the letter.

MOTION: Move to send a letter of support from the Commission to the State Health Department requesting the capturing of COVID-related disability data at the State level. There was no discussion. **On Motion duly made (Lara) and supported (Corriveau), the Motion was Approved.** *Motion carried unanimously.*

PRESENTATION by Ken Coleman, Writer and Historian

Mr. Coleman presented on the 60th Anniversary of Democrats Lillian Hatcher, Daisy Elliott, and Coleman A. Young submitting Proposals No. 1522 and 1523 to the Michigan Constitutional Convention on December 5, 1961, which led to the creation of the Michigan Civil Rights Commission. Chair Clayton also noted that the former Lewis Cass Building, a state building in Lansing was renamed the Elliott-Larsen Building in 2020, which is the first state building in Michigan to be named after an African-American woman (Daisy Elliott). More of Ken Coleman's work may be followed on Twitter @historylivesdet and Facebook @KenColeman.

DIVISION AND OTHER REPORTS

A. Executive Director Report, John Johnson, Jr.

Director Johnson submitted a full written report to the Commission on the activity of the Executive Director and the major divisions of the Department from September to November 2021, as well as additional personnel updates, an update on the six-month plan, and a plan of action regarding the backlog of cases in Enforcement.

B. MCRC/Legislative Liaison Report, Dr. Jerome Reide

Dr. Reide submitted a full report to the Commission on legislative activity from September to November 2021, and presented on the Department's legislative priorities.

C. Contract Compliance Report, Atty. Shenique Moss

Attorney Moss submitted a full report to the Commission on activity of the Contract Compliance Division from September to November 2021, and presented on the priorities of the Contract Compliance Division.

D. Education Division Report, Danita Wimbush

Ms. Wimbush presented on the priorities and activity of the newly created Education Division, which will consolidate trainings, internship programming, a calendar of events that the Commission and the public may access. Ms. Wimbush also touched on the planning of a Civil Rights Summit in early 2022, for which the Commission will receive more information at a later date.

Commissioner Lara provided feedback indicating that strategic partnership outreach to the Latino/Latina communities was not captured in the presentation, and will connect with Ms. Wimbush to provide resources.

E. Attorney General Report, David Cannon

Mr. Cannon submitted a full written report to the Commission and provided a brief status update on the following cases: ***Rouch World, LLC and Uprooted Electrolysis v. MDCR, Steven Korn v. Park Place of Northville.***

Commissioner Combs requested an update from Attorney General Dana Nessel regarding human-trafficking and crimes against women and children; a Motion was brought forth:

MOTION: Move to formally request a written report from Attorney General Dana Nessel regarding human-trafficking and crimes against women and children, by the end of this year. There was no discussion. **On Motion duly made (Combs) and supported (Corriveau), the Motion was Approved.** *Motion carried unanimously.*

Chair Clayton also thanked AAG Cannon for stepping in this year during the absence of AAG Ron Robinson.

COMMISSION BUSINESS

A. Chair's Report, Stacie Clayton

Chair Clayton provided an overview of significant work the Commission has completed over the past two years she has served as Chair of the Commission, and thanked the Commission and the Department for their outstanding work and support. Chair Clayton's term ends on December 31, 2021, and she served for a total of four years.

B. 2022 Officers Nominating Committee

For the 2022 Election of Officers, the nominating committee will be comprised of Chair Clayton, Vice Chair Elhasan and Secretary Combs. The Nominating Committee's next steps will be to reach out to each Commissioner to gauge interest in serving in a leadership role for 2022, and the slate will be presented to the Commission at the January 24, 2022 meeting for Election of Officers. Vice Chair Elhasan will chair the meeting.

C. Other Items – Farewell remarks about Chair Clayton, led by Vice Chair Elhasan

Vice Chair Elhasan provided farewell remarks about Chair Clayton's tenure as Chair, noting significant accomplishments that the Commission completed under Chair Clayton's leadership. Commissioner Lara, Commissioner Combs and Commissioner Roberson also provided personal remarks.

NEW BUSINESS

A. Resolution in Support of Fair Maps and in Opposition to Minority Vote Dilution; Vice Chair Elhasan brought forth the following resolution:

WHEREAS, the Elliott-Larsen Civil Rights Act authorizes the Michigan Civil Rights Commission to safeguard the constitutional and legal guarantees against discrimination, (the ELCRA protects anyone having minimal contacts in Michigan, not only citizens), such as the 15th Amendment to the U.S. Constitution, the Voting Rights Act of 1965, and the Michigan Constitutional Amendment that created the Michigan Independent Citizens Redistricting Commission; and

WHEREAS, the 15th Amendment to the U.S. Constitution provides, “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color . . .” Racial, ethnic and language minorities must be allowed to cast a meaningful ballot and not have their vote diluted; and

WHEREAS, the U.S. Supreme Court in Thornburg v. Gingles (1986) set three measures to evaluate Voting Rights Act violations of minority groups:

- A minority group must demonstrate it is large enough and compact enough to constitute a majority in an electoral district;*
- A minority group must demonstrate it is politically united;*
- A minority group must demonstrate the majority group historically votes sufficiently as a group to defeat the minority group’s preferred candidate; coalitions of Black, Asian, Hispanic, Native American, “Other,” and those who identify with “two or more” racial groups have had the ability to come together and elect candidates of their choice; and*

WHEREAS, if a map results in a minority’s vote being diluted, it is a violation of the Voting Rights Act. A majority-minority district is a district in which a racial minority group or groups comprise a majority of the district’s total population; and

WHEREAS, maps for Congressional districts, the Michigan State Senate and the Michigan House of Representatives are drawn by the Michigan Independent Citizens Redistricting Commission (MICRC).

THEREFORE, BE IT RESOLVED, that the Michigan Civil Rights Commission urges the MICRC to use statistical data to compare Michigan’s 22 majority-minority districts (17 are predominantly Black) with the percentages in the nine (9) maps proposed on November 5, 2021, for a 45-day public comment, to determine if they comply with the unanimous Supreme Court decision in Thornburg v. Gingles (1986); and

BE IT FURTHER RESOLVED, that the Michigan Civil Rights Commission urges the MICRC to take all necessary action to ensure that there is no minority vote dilution and/or violations of the Voting Rights Act in the nine (9) maps proposed by the MICRC; and

BE IT FINALLY RESOLVED, that copies of this resolution be forwarded to Governor Gretchen Whitmer, Secretary of State Jocelyn Benson, Attorney General Dana Nessel, and the Michigan Independent Citizens Redistricting Commission.

BOARD RESOLUTION: To Pass the Resolution in Support of Fair Maps and in Opposition to Minority Vote Dilution. There was no discussion.

ROLL CALL VOTE: 6-0-0

Clayton – Y	Roberson – Y
Elhasan – Y	Corriveau – Y
Combs – Y	Kosaraju – Excused
Gasco-Bentley – Excused	Lara – Y

RESOLUTION UNANIMOUSLY PASSED.

Resolution in Support of Civil Rights, Academic Freedom, and in Opposition to Censorship; Commissioner Lara brought forth the following resolution:

WHEREAS, civil rights shall be those guaranteed by law and the constitution, including but not limited to the areas of equal protection of the laws, employment, education, housing, and public accommodations; and

WHEREAS, recent proposed legislation that bans Critical Race Theory, provides for censorship of educators, and gives students an inaccurate and incomplete account of the history of the United States; and

WHEREAS, the Revised School Code gives each board of education powers and assign responsibilities such as setting the curricula and courses taught in the schools; and

WHEREAS, Critical Race Theory sees the role of law historically upholding racial discrimination as well as other discrimination by gender, social class, and sexual orientation; and

WHEREAS, the Michigan Department of Education Superintendent Dr. Michael Rice has advised the State Board of Education at its August 10, 2021, meeting that

- *“Critical Race Theory” is not part of the Pre-K-12 curriculum in Michigan public schools; and*
- *race and racism are integral parts of our country’s history, and should most assuredly be part of a comprehensive Social Studies curriculum; and*
- *educators have not just the right but the responsibility to teach the breadth of U.S. history, and U.S. history includes race and racism; and*

WHEREAS, the First Amendment to the U.S. Constitution protects teachers and students who have First Amendment rights to freedom of speech in the classroom; and

WHEREAS, people in the U.S. are a collection of many different cultures, ethnicities, languages, and races with a rich and varied history, good and bad; and

WHEREAS, academic freedom is fundamental to fact-based, historically accurate knowledge delivered by trained educational professionals; no facts, ethnicities, languages, races, and cultures should be removed from history; and

WHEREAS, SB 460 bans Critical Race Theory and the 1619 Project curriculum and HB 5097 censors classroom speech and classifies race and gender variables as “stereotypes.”

THEREFORE, BE IT RESOLVED, that the Michigan Civil Rights Commission supports academic freedom in Michigan public schools and is strongly opposed to SB 460 and HB 5097, any and all legislation that promotes censorship and book banning; and

BE IT FINALLY RESOLVED, that copies of this resolution be sent to the Honorable Governor Gretchen Whitmer, the House Speaker, the House Minority Leader, Dr. Michael Rice, State Superintendent, the State Board of Education, the House Education Committee, the House School Aid and Department of Education Appropriations Subcommittee, the Senate Majority Leader, the Senate Minority Leader, the Senate Education and Career Readiness Committee, and the Senate K-12 and Department of Education Appropriations Subcommittee.

BOARD RESOLUTION: To Pass the Resolution in Support of Civil Rights, Academic Freedom, and in Opposition to Censorship. During discussion, Commission Secretary Combs indicated the following:

“I want to make it clear up front that I believe in critical race history. I do not believe in critical race theory. I don't think the theory is a legitimate terminology in terms of the etymology of the word and inappropriate to use the word theory when the bill that Dr. Reide researched that Jennifer Granholm signed in action it may or may not have had the shall we say the synergy to inspire the Michigan Education Association to include race in its curriculum even though she certainly encouraged so when she signed whatever bill she signed.

Of course, Dr. Reide would have to speak to that, and that was many years ago. But I would not be voting for critical race theory. I'll be abstaining. So I want to make that clear up front. Because I would prefer it be called critical race history, teach the history, teach the facts and let the chips fall where they may.”

Chair Clayton then clarified that the resolution was meant to neither support nor oppose Critical Race Theory. “What our resolution is doing is supporting academic freedom for teachers so that they are able to teach historically and

factually, and not remove any parts of history that might make some uncomfortable such as ethnicities or race or gender.”

ROLL CALL VOTE: 5-0-1

Clayton – Y	Roberson – Y
Elhasan – Y	Corriveau – Y
Combs – Abstained	Kosaraju – Excused
Gasco-Bentley – Excused	Lara – Y

RESOLUTION PASSED BY MAJORITY VOTE.

B. MCRC 2022 Meeting Schedule

The slate of dates for the Commission’s 2022 Meeting Schedule was presented at the September 27, 2021 meeting, and is noted as follows:

January 24, 2022
March 28, 2022
May 23, 2022
July 25, 2022
September 19, 2022 (Third Monday due to 9/26 being Day 2 of Rosh Hashanah)
November 28, 2022

MOTION: Move to Adopt the 2022 Commission Meeting Schedule. There was no discussion. **On Motion duly made (Elhasan) and supported (Combs), the 2022 Commission Meeting Schedule was Adopted.** *Motion carried unanimously.*

C. 2022 Priorities

Chair Clayton presented the following priorities for the Commission to focus on in 2022:

- 1) Continued focus on Education Equity
- 2) Continued focus on Diversity, Equity and Inclusion
- 3) Environmental Justice (water and air quality)
- 4) Voting Rights

MOTION: Move to Approve the 2022 Priorities as presented. Following discussion, **on Motion duly made (Elhasan) and supported (Combs), the 2022 Priorities were Adopted.** *Motion carried unanimously.*

COMMISSIONER CLOSING COMMENTS

Closing comments were provided by Vice Chair Elhasan, Secretary Combs, Commissioner Roberson, and Chair Clayton.

ADJOURNMENT

MOTION: Move to Adjourn. There was no discussion. **On Motion duly made (Combs) and supported (Roberson), the meeting of the Michigan Civil Rights Commission Adjourned at 6:17 P.M.** *Motion carried unanimously.*

The next regular meeting of the Michigan Civil Rights Commission will convene on Monday, January 24, 2022 at a time, location and method to be determined.

DRAFT MINUTES TO BE SUBMITTED FOR APPROVAL AT JANUARY 24, 2022 MEETING

DRAFT