

MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Monday, January 25, 2021 ~ 5:00 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
Commissioner Ira Combs, Jr.
Commissioner Richard Corriveau (NEW)
Commissioner Zenna Elhasan
Commissioner Regina Gasco Bentley
Commissioner Anupama Kosaraju (NEW)
Commissioner Gloria Lara (NEW)
Commissioner Portia Roberson

CALL TO ORDER / ROLL CALL

The meeting of the Michigan Civil Rights Commission was called to order by Chair Clayton at 5:03 P.M. Roll Call of the Commissioners was taken by Clerk Dan Levy to determine a quorum. Chair Clayton, Commissioner Combs, Commissioner Gasco Bentley, Commissioner Elhasan, Commissioner Corriveau, Commissioner Kosaraju, Commissioner Lara. With seven of eight Commissioners present, quorum requirements were met. *Commissioner Roberson arrived after the meeting was in progress, 5:29 p.m.*

SWEARING IN OF NEW COMMISSIONERS

Richard Corriveau, Anupama Kosaraju and Gloria E. Lara were appointed by Governor Gretchen Whitmer on December 17, 2020. Chair Clayton swore in the new Commissioners, administering the Oath of Office: ***"I do solemnly swear or affirm that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of Michigan Civil Rights Commissioner according to the best of my ability."***

APPROVAL OF MEETING AGENDA

MOTION: Move to Approve the Meeting Agenda as submitted. No discussion initiated. On Motion duly made (Gasco-Bentley) and supported (Lara), the Meeting Agenda was Approved. Motion carried unanimously.

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OPENING MATTERS

WELCOME

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

Sylvia Elliott

The Michigan civil rights governing documents exist in the Michigan constitution, the Elliott-Larsen Civil Rights Act and the Rules of the Michigan Civil Rights Commission and Department. The Commission is established in Article 5 of the Michigan constitution and directs the Commission to investigate allegations of discrimination, secure equal protections of the laws without discrimination and that the legislature shall provide an appropriation for the effective operation of the Commission.

The second governing document is the Elliott-Larsen Civil Rights Act, one of the two civil rights laws in the State of Michigan. Article 6, section 601, outlines the powers and duties generally of the commission, quorum, and other matters.

Article 7, section 705, states the Commission is not prevented from securing civil rights guaranteed by law other than those spelled out in Elliott-Larsen Civil Rights Act. Which means the Commission's powers are very broad and any right deemed to be a civil right, falls within the jurisdiction of the Commission.

The final document is the Commission and Department rules. Therein is the jurisdiction of the Commission which is not limited to the processing of complaints. The Commission has quasi-judicial authority to enforce the civil rights laws, to hold hearings, to order opinions and decisions, to award attorney fees, interest, and damages to the harmed claimant and to adopt interpretive or procedural guidelines to govern the work of the Commission.

RECOGNITION OF SIGNIFICANT DAYS IN JANUARY

Commissioner Combs recognized significant dates and holidays for the month of January including:

- National Day of Racial Healing in Michigan, January 19
- National Holiday – Birthday of Rev. Dr. Martin Luther King, Jr., January 18
- Fred T. Korematsu Day in Michigan, January 30

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PUBLIC COMMENT PROTOCOL

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

ACKNOWLEDGEMENT OF FORMER COMMISSIONERS

Chair Clayton was joined by former Commissioners Laura Reyes Kopack, Jeffrey Sakwa and Denise Grim, acknowledging their years of service as Commissioners. Several Commissioners thanked them for their service and recollected on significant work accomplished during their terms.

RESOLUTION AND TRIBUTE HONORING THE LIFE OF JUDGE DALTON ROBERSON, SR.

Whereas, the Michigan Civil Rights Commission joins the family, friends and colleagues of the Honorable Judge Dalton Roberson, Sr., in honoring his committed life to justice and public service. Judge Roberson was born on May 11, 1937 and died on November 10, 2020 at the age of 83. While the dates designate his birth and death, his story is truly told by the noble life he lived between these dates; and

Whereas, although there was no high school near where they lived in rural Alabama, Judge Roberson's family recognized the power of education so much that his father paid a local farmer \$2 a week to provide a daily ride in the back of his truck to the nearest school; and

Whereas, after graduating from Mobile Training School in Mobile, Alabama, Judge Roberson moved to Detroit in 1953. Judge Roberson served his country as a boom operator in the United States Air Force. After being honorably discharged, Judge Roberson attended Michigan State University, where he earned a bachelor's degree and was active in the Delta Pi Chapter of Kappa Alpha Psi.

Whereas, Judge Roberson then worked for the City of Detroit's Department of Social Services before deciding to enroll in what was then the Detroit College of Law. Upon obtaining his Juris Doctor from the Detroit College of Law in 1967, Judge Roberson worked as a Wayne County Assistant Prosecutor, Assistant U. S. Attorney, and in private practice. Judge Roberson was appointed to the Michigan Civil Rights Commission in 1972, where he served until Governor William Milliken appointed him to the Detroit Recorder's Court in 1974; and

Whereas, Judge Roberson was elected as Chief Judge of the Recorder's Court in 1987. The National Conference of Black Lawyers named Roberson Judge of the Year in 1992. Detroit Recorder's Court merged with Wayne County Circuit Court in 1997, where Judge Roberson continued to serve as a judge until retiring in 1999. After a brief retirement of playing golf in Diamondhead, Mississippi, Judge Roberson returned to Detroit in 2013 and frequently presided in Wayne County Circuit Court as a visiting judge until his passing; and

Whereas, Judge Roberson is remembered for the sage counsel and advice he provided to assist both young prosecutors and defense attorneys who appeared before him. Judge Roberson was committed to making the legal profession more diverse. He is often cited as an inspiration, role model, and mentor by a great many African American attorneys; and

Whereas, Judge Roberson was respected as a champion of justice who treated those who appeared before him, having been accused of a crime, with the same respect and humanity as he did their attorneys. Judge Roberson leaves a lasting legacy of striving for both equity and excellence in all aspects of the practice of law; and

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Whereas, that the Michigan Civil Rights Commission commemorates Judge Dalton Roberson, Sr.'s, life and his contributions to the City of Detroit, the State of Michigan, and beyond. We join his family, friends and colleagues in remembering him as a torch bearer who loved the law; and therefore, be it further

Resolved, that on this 25th day of January 2021, the Commission recognizes and honors Judge Dalton Roberson, Sr.'s legacy of service and commitment to the American Justice System.

Commissioner Roberson arrived after the meeting was in progress, 5:29 p.m.

RESOLUTION AND TRIBUTE HONORING THE LIFE OF WAYNE COUNTY SHERIFF BENNY NAPOLEON

Chair Clayton invited and acknowledged Tiffani Jackson, daughter of Sheriff Napoleon, to virtually join the Commission in tribute to her father.

Whereas, the Michigan Civil Rights Commission joins the family, friends, and colleagues of Wayne County Sheriff Benny Napoleon in honoring his committed life to law enforcement and public service. His beloved daughter, Tiffani, summarized her father's essence with three words: generosity, integrity, and faithfulness; and

Whereas, a lifelong Detroit, Napoleon was born on September 10, 1955, as one of seven children to Betty and Rev. Harry Napoleon. Known in his youth as "skinny Benny," Napoleon was a star basketball player at Cass Technical High School and graduated in 1973; and

Whereas, while working as a salesman at Sibley's Shoes in downtown Detroit, Napoleon was inspired to apply when he saw a Detroit Police recruiting van. Napoleon rose through the ranks of the Detroit Police Department and was promoted to sergeant in 1983, lieutenant in 1985, inspector in 1987, and commander in 1993. He was promoted to Deputy Chief in 1994 and to Executive Deputy Chief in 1995, the only member ever to hold that title. Napoleon was appointed Chief of Police by the Honorable Mayor Dennis W. Archer in 1998. He retired from the Detroit Police Department in 2001 after 26 years of service. Under Napoleon's leadership, Detroit's crime rate was reduced by 30%; and

Whereas, Napoleon graduated from the FBI National Academy; the United States Secret Service Dignitary Protection School; the Northwestern University School of Police Staff and Command; the Aresty Institute of Executive Development at the Wharton School of the University of Pennsylvania; and Harvard University's Kennedy School of Government. With these accomplishments, Napoleon ranks amongst Michigan's top law enforcement officials; and

Whereas, while working as a full-time Detroit Police officer, Napoleon put himself through night school earning an Associate Degree in Law Enforcement, Cum Laude, from Mercy College of Detroit in 1980; a B.A. in Criminal Justice, Cum Laude, from

Mercy College of Detroit in 1982; and a Juris Doctor Degree from what was then the Detroit College of Law in 1986. Additionally, Napoleon was appointed to the Michigan Civil Rights Commission in 1984, at the age of 29. He served on the Commission until 1991 and during his tenure was elected chair of the Commission for three consecutive terms; and

Whereas, in 2004, Napoleon was named Assistant Wayne County Executive, appointed to fill a vacancy as Wayne County Sheriff in June 2009, and then won his first election in a landslide victory. He was re-elected to four-year terms in subsequent years, and earned 74% of the vote for his last term. Just before the beginning of his 2021, Napoleon lost his courageous battle with COVID-19 on December 17, 2020. Upon his passing, numerous elected officials and others bestowed well-deserved platitudes upon his memory; and

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Whereas, Governor Gretchen Whitmer cited Napoleon’s “. . . quick laugh, eager partnership, and candid counsel” while describing how “Sheriff Napoleon’s love for the people he served was returned many times over.” Lt. Governor Garlin Gilchrist II, remembers Napoleon as “. . . a pillar in the community—a model public servant who led by example through conscientious words and selfless service;” and

Whereas, Detroit Mayor Mike Duggan said that he “. . . cannot think of a leader in this town who has been more loved and admired than Benny. He was born in the city, served our community courageously his entire adult life, and loved Detroit as much as anyone I’ve ever known.” Reverend Wendell Anthony, President of the Detroit Branch of the NAACP, reminded us that “Napoleon . . . was not just a sheriff, he was a watchman who loved and protected this community . . . He was a selfless warrior for peace through justice;” and

Whereas, James E. White, Executive Director of the Michigan Department of Civil Rights and who previously served as Assistant Chief of the Detroit Police Department, described Napoleon as “. . . the kind of leader who paved the way for others to follow,” calling Napoleon a personal mentor “. . . who was always about his people – his people on the force and his people in the community;” and

Whereas, current Michigan Civil Rights Commission Chair Stacie Clayton, who also had the personal privilege of working with Napoleon in the Archer Administration, called him “a favorite son of Detroit who dedicated his adult life to unwavering service to its people,” explaining that “Benny Napoleon’s public service went beyond law enforcement. His legacy of fairness and civility continues with the Commission today;” and therefore, be it

Resolved, that the Michigan Civil Rights Commission commemorates Sheriff Benny Napoleon and recognizes him as a champion of the community, a devoted public servant, role model, mentor, family man, and friend. We join Benny Napoleon’s loving daughter, grandson, mother, siblings, other relatives, colleagues, and constituents in honoring the legacy of a life well-lived; and be it further,

Resolved, that on this 25th day of January 2021, the Commission recognizes and honors Sheriff Benny Napoleon’s legacy of service and commitment to the American Justice System and the cause of Civil Rights.

MOTION: Move to Adopt the Resolutions honoring the life of Judge Dalton Roberson, Sr. and the life of Wayne County Sheriff Benny Napoleon.
On Motion duly made (Combs) and supported (Elhasan), the Resolutions were Adopted. Motion carried unanimously.

2021 ELECTION OF OFFICERS

Commissioner Elhasan reported on behalf of the Nominating Committee, which also included former Commissioners Laura Reyes Kopack (Chair) and Jeffrey Sakwa. The following nominations were presented:

For the Office of Chair: Commissioner Stacie Clayton

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For the Office of Vice Chair: Commissioner Zenna Elhasan
For the Office of Secretary: Commissioner Ira Combs, Jr.

MOTION: To accept slate of officers as presented. No discussion initiated.

ROLL CALL VOTE:

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

On Motion duly made (Roberson) and supported (Lara), the slate of officers was Approved.
Motion carried unanimously.

ADOPTION OF CONSENT AGENDA

MOTION: Move to Adopt the Consent Agenda as submitted. No discussion initiated. On Motion duly made (Combs) and supported (Lara), the Consent Agenda was Adopted. *Motion carried unanimously.*

APPROVAL OF MINUTES FROM NOVEMBER 23, 2020 MEETING

MOTION: Move to Approve the Meeting Minutes as submitted. Commissioner Roberson abstained from voting as she was not present at the meeting.
On Motion duly made (Elhasan) and supported (Corriveau), the Minutes from the November 23, 2020 Commission Meeting were Approved. *Motion carried with a majority vote of 7 Yeas – 0 Nays – 1 Abstention.*

PUBLIC COMMENT

Diana Marin – Ms. Marin's brought concerns regarding several key COVID-19 vaccination issues affecting migrant seasonal and farmworkers. Written public comment is attached.

Michelle George – Ms. George brought concerns regarding facial recognition and law enforcement, requesting that the Commission hold hearings.

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GUEST PRESENTATIONS

Introduction of the following Commissions to the MCRC:

- Kim Trent, Deputy Director of Prosperity, LEO (Department of Labor and Economic Opportunity)
- Black Leadership Advisory Council, Co-Chair Rochelle Riley and Co-Chair Robert Womack
- Commission on Middle Eastern American Affairs, Chair Manal Saab
- Michigan Asian Pacific American Affairs Commission, Chair Ayesha Ghazi Edwin and Outreach Coordinator Denise Grim
- Michigan Women's Commission, Shannon Garrett
- Hispanic/Latino Commission, Chair Monica Reyes and Executive Director Felipe Lopez Sustaita

DIVISION AND OTHER REPORTS

Enumeration Study Update, Mariza Gamez-Garcia

Recommitment of \$260,000 to be used for the 2021 Migrant and Seasonal Farmworker Enumeration Profiles Study, by the following state departments: Michigan Department of Agriculture and Rural Development (MDARD); Michigan Department of Education (MDE); Michigan Department of Health and Human Services (MDHHS); Michigan Department of Labor and Economic Opportunity (MLEO) and Michigan Department of Civil Rights (MDCR).

Update on Education Equity in Michigan Report Recommendations, Alfredo Hernandez

The Council for Governments and Education on Equity and Inclusion met on December 11, 2020 (which included representatives from the Michigan Department of Education) to establish a work group that will implement and oversee MCRC's recommendations as outlined in the MCRC's Education Report. The Council's first meeting of this year is scheduled for February 5, 2021. At this meeting, the Council will determine which recommendations in the report will be targeted and addressed.

Executive Director's Report, James White

Director White submitted his written report to the Commission; reported on the Director's activity from November 2020 to January 2021.

Attorney General Report, Ron Robinson

Mr. Robinson submitted his written report to the Commission, reporting on status updates of several current cases.

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COMMISSION BUSINESS

Chair Report, Stacie Clayton

At the Special Meeting on Nov. 23rd, former Commissioner Sakwa made a motion to remove from the Education Equity in Michigan report the recommendation that charter schools be funded at 25% less than traditional public schools to balance funding and transparency inequities.

Commissioner Sawka’s motion was tabled to allow for a formal analysis of the funding structure of charter schools in Michigan as they compare to the traditional public school model. Vanguard Public Affairs, the report’s original consultant, will provide the Commission with a comparative analysis of school funding structures and associated patterns of expenditures of funds by February 12.

The Commission will review the report and then have a final vote at our March meeting on the tabled motion to remove the funding recommendation.

Discuss possible dates for the 2021 Commission Instructional Retreat. Options were March 5th and March 10th.

Commission agreed on March 5th, 9:00 a.m. to 1:00 p.m.

ONGOING BUSINESS

There was no ongoing business.

NEW BUSINESS

There was no new business.

COMMISSIONER CLOSING COMMENTS

ADJOURNMENT

MOTION: Move to Adjourn. No discussion initiated. On Motion duly made (Combs) and supported (Elhasan), the meeting of the Michigan Civil Rights Commission Adjourned at 8:10 P.M. Motion carried unanimously.

The next regular meeting of the Michigan Civil Rights Commission will convene on March 22, 2021 at a time and location to be determined.

Chair

Secretary

DRAFT MINUTES TO BE SUBMITTED FOR APPROVAL AT MARCH 22, 2021 MEETING