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Assaying the vote: Silencing civic discourse

... through misappropriation...

Showdown

In the November 2006 election, Michigan voters approved Proposition 2 by a count of 2,131,096 to 1,545,060 (58% to 42%). This ballot initiative was to amend Michigan's Constitution to bar public institutions from considering race or sex in public education, employment, or contracting. Similar to Proposition 209 passed by California voters in 1996, and ballot initiatives in Washington (state), Texas, and Florida, this amendment to the Michigan Constitution stuck down affirmative action and preferential treatment in the public sector (CRC, 2006).

yea	2,141,010	57.92%
nay	1,555,691	42.08%
total votes	3,696,701	100.00%
difference	586,036	
total voting population of Michigan	3,852,008	

The approved ballot language was:

A proposal to amend the state constitution to ban affirmative action programs that give preferential treatment to groups or individuals based on their race, gender, color, ethnicity or national origin for public employment, education or contracting purposes.

The proposed constitutional amendment would:

• Ban public institutions from using affirmative action programs that give preferential treatment to groups or individuals based on their race, gender, color, ethnicity or national origin for public employment, education or contracting purposes. Public institutions affected by the proposal include state government, local governments, public colleges and universities, community colleges and school districts.

• Prohibit public institutions from discriminating against groups or individuals due to their gender, ethnicity, race, color or national origin. (A separate provision of the state constitution already prohibits discrimination on the basis of race, color or national origin.)

This instance of the voter's prerogative is an act of civic discourse that bears further scrutiny.

Misinformation/Misinterpretation

The misinformation about the purpose of the voting initiative, skewed by the misnamed Michigan Civil Rights Initiative organization, became a frame of string and baling wire that masks a hidden audience. Most of the focus on repealing or challenging this vote lies in two camps—that of revealing the misinformation about the intent of the initiative at the petition process, and that of misconstruing the effect and application of the amendment if approved at the polls. The two main organizations opposing the Michigan Civil Rights Initiative were One United Michigan and By Any Means Necessary (BAMN), the latter being the more radical and confrontational of the two.

Misinforming the intent

The real fight began when the MCRI initiated its petition drive to secure signatures to place their ballot initiative before Michigan voters.

Misconstruing the effect

Grossman (2006) argues that the intent of the MCRI activists and their allies is to target states with more selective public universities, and "play off of voters' anger and nervousness about their children's admission chances."

Let's review the State of Michigan budgets for corrections and education over the last few years:

Michigan Department of Corrections		
year	budget	staff
2000	\$1,475,807,600.00	18,634
2001	\$1,606,999,856.00	18,641
2002	\$1,575,509,777.00	17,827
2003	\$1,683,830,830.00	17,295
2004	\$1,705,772,500.00	16,772
2005	\$1,761,582,600.00	16,935

Source: MDOC Statistical Report

Disenfranchisement of civic discourse

I extend my discussion by examining where those votes lost in the Corrections system could impact civic discourse. Let me use Proposition 2 as a guide.

What I am going to do now is provide a litmus test for you. I have chosen the correctional facilities that are the most expensive to operate, and am going to identify the prison population. Then, we can look at the voting in those two associated counties, and if we subtracted the prison population, or the captive votes, from the “yes” category while adding those same disenfranchised votes to the “no” category, I think we will see that we now have an “Aha!” moment.

2001 Corrections statistics--prison population

facility	county	all prisoners	white	non-white
Chippewa Correctional Facility	Chippewa	1,181	444	737
Kinross Correctional Facility	Chippewa	1,217	691	526
		2,398	1,135	1,263
Mid-Michigan Correctional Facility	Gratiot	951	506	445
St. Louis Correctional Facility	Gratiot	1,201	401	800
		2,152	907	1,245

2004 Corrections statistics--prison population

facility	county	all prisoners	white	non-white
Chippewa Correctional Facility	Chippewa	1,115	431	684
Kinross Correctional Facility	Chippewa	1,199	707	492
		2,314	1,138	1,176
Mid-Michigan Correctional Facility	Gratiot	943	548	395
St. Louis Correctional Facility	Gratiot	1,199	354	845
		2,142	902	1,240



Department of Education

school year	budget
1999-2000	\$16,059,230,550.00
2000-2001	\$17,382,561,969.00
2001-2002	\$18,519,844,172.00
2002-2003	\$19,780,578,620.00
2003-2004	\$19,964,123,748.00
2004-2005	\$21,980,395,056.00

Source: BULLETIN 1011—
Analysis of Michigan Public School Districts

Or misappropriation?

The hidden audience’s civic discourse has become a “privatized” public commodity that may have been used to serve a different and conflicting cause. This hidden audience consists of those entangled in the criminal justice system including prisoners, those on probation, and those former felons who have served their time but are denied the right to vote (Mathis, 2004). In essence, some of the votes for the initiative may have been misappropriated from this hidden audience—which has no voting rights whatsoever.

The Michigan Department of Corrections is a large, fiscally generating entity. Over the last seven years, the MDOC’s budget has averaged over \$1.6 billion, employing over 17,000 people. While the number of prisoners incarcerated or those under the watchful eye of the Corrections system as on parole or on probation averages 119,000, it is the monetary impact a facility brings to the local economy that is staggering.

Michigan Corrections divides the state into three regions for accountability purposes. The three largest budgeted facilities are as follows:

Corrections 2004 largest budget expenditures

facility	county	budget
Kinross Correctional Facility	Chippewa	\$ 44,836,139.00
St. Louis Correctional Facility & Mid-Michigan Correctional Facility	Gratiot	\$ 43,779,842.00
Carson City Correctional Facility	Montcalm	\$ 40,419,650.00

averaged statistics--prison population				
facility	county	all prisoners	white	non-white
Chippewa Correctional Facility	Chippewa	1,148	438	711
Kinross Correctional Facility	Chippewa	1,208	699	509
		2,356	1,137	1,220
Mid-Michigan Correctional Facility	Gratiot	947	527	420
St. Louis Correctional Facility	Gratiot	1,200	378	823
		2,147	905	1,243

2006 Nov general election--Prop 2	county	yes	no
	Chippewa	7,910	4,919
	Gratiot	8,510	5,050

Incorporate the averaged all prisoners population (subtract from "yes" and add to "no"):			
enfranchised prisoner civil discourse	county	yes	no
	Chippewa	5,554	7,275
	Gratiot	6,363	7,197

Note: Corrections 2005 to present data not available

Instead of toying with the idea of coming up with a solution to the dilemma, let's cut to the chase—and I offer Derrick Bell's "The Space Traders" as a solution (1992). In "The Space Traders," an alien race offers to supply the United States with resources to replenish the depleted ones. Their only payment was to take with them every Black person living in the country.

In this projected solution to the problems of fiscal insolvency, air and water pollution, and oil dependence, Bell opines that the United States enacted a law that circumvented the rights of African Americans, and forced them to capitulate to the demands of this space-faring people.

How long will it take us to return these individuals to full citizenship, and can we continue to function as a democracy without full participation from us a

References

- Africana Criminal Justice Project. (2003). *Africana criminal justice: A working annotated bibliography*. Center for Contemporary Black History, Columbia University. Retrieved February 11, 2007, from the *Africana Criminal Justice Project* website, <http://www.columbia.edu/cu/ccbh/acjp/>
- AAUP statement on the passage of the Michigan civil rights initiative. (2006). Retrieved February 11, 2007, from the *American Association of University Professors Online* website, <http://www.aaup.org/AAUP/GR/state/aaban.htm>
- Bell, Derrick. (1992). *Faces at the bottom of the well: The permanence of racism*. New York: Basic Books.
- Capriccioso, Rob. (2006). The Race to frame. Retrieved February 11, 2007, from *Inside Higher Ed.com* website, <http://www.insidehighered.com/news/2006/04/12/race>
- Coalition to Defend Affirmative Action, Integration & Immigrant Rights And Fight for Equality By Any Means Necessary (BAMN). (n.d.). Retrieved February 11, 2007 from the BAMN website, <http://www.bamn.com/index.asp>
- Connerly, Ward. (2004). Wolverine rights: Michigan organizes to fight preferences. Retrieved February 11, 2007, from the *National Review Online* website, <http://www.nationalreview.com/comment/connerly200403030929.asp>
- CRC Memorandum 1082. (2006). Statewide issues on the November general election ballot proposal 2006-02: Michigan civil rights initiative. Retrieved December 2, 2006 from the *Citizens Research Council of Michigan* website, <http://crcmich.org/PUBLICAT/2000s/2006/memo1082.pdf>
- Ending the prison windfall. (2007). Retrieved February 15, 2007, from *The New York Times* website, <http://www.nytimes.com/2007/01/17/opinion/17wed3.html?ex=1326690000&ei=5089&partner=rssyaho&emc=rss>
- Felony disenfranchisement. (n.d.) Retrieved February 15, 2007, from *The Sentencing Project* website, <http://www.sentencingproject.org/IssueAreaHome.aspx?IssueID=4>
- Gratz vs. Bollinger*. (1997). United States district court, Eastern district of Michigan, Southern division, case no.: 97-CV-75231-DT. Retrieved February 11, 2007, from The Center for Individual Rights website, <http://www.cir-usa.org/>
- Grossman, Andrew. (2006). Which state is next for anti-affirmative action activists?: Anti-affirmative action crusaders look ahead. Retrieved November 10, 2006 from the *Michigan Daily News* website, <http://www.michigandaily.com>
- Haberman, Clyde. (2000, April 4). Census time: Will the felon please rise; it's "definitely in my backyard" for prison in upstate towns. *The New York Times*, pB1.

- Harrison, Paige M. & Beck, Allen J. (2006). Prisoners in 2005: Bureau of Justice statistics bulletin, NCJ 215092. Retrieved January 24, 2007 from the *U.S. Department of Justice* website, <http://www.ojp.usdoj.gov/bjs/pubalp2.htm#Prisoners>
- How the 2006 election will affect black opportunities in higher education. (2006). Retrieved February 11, 2007, from the *Journal of Blacks in Higher Education Online* website, <http://www.jbhe.com/latest/election.html>
- King, Ryan S. & Mauer, Marc. (2002). State sentencing and corrections policy in an era of fiscal restraint. Retrieved December 2, 2006 from *The Sentencing Project* website, <http://www.sentencingproject.org>
- Manning Marable. (2006). Retrieved February 11, 2007, from the *Manning Marable* website, <http://www.manningmarable.net/>
- Martin, Tim. (2006). Mich. weighs ban on affirmative action. Retrieved February 11, 2007, from the *Boston.com (The Boston Globe)* website, http://www.boston.com/news/nation/articles/2006/10/26/mich_weights_ban_on_affirmative_action/
- Martinez, Lynne. (2006). Don't be fooled! Retrieved February 11, 2007, from the *Service Employees International Union, Michigan State Council* website, <http://www.seiumi.org/mcriteuth.cfm>
- Mathis, Deborah. (2004). 'Forgiving' nation refuses to let released cons rest their heads. Retrieved February 11, 2007, from the *Black America Web* website, <http://www.blackamericaweb.com/site.aspx/bawnews/forgiving1121>
- Michigan Department of Education. (2007). Bulletin 1011-analysis of Michigan public schools revenue and expenditures. Retrieved October 2, 2007 from the *State of Michigan* website, http://www.michigan.gov/mde/0,1607,7-140-5235_6539-21539--,00.html
- Michigan Department of State. (2007). Election results: General election November 07, 2006 – State proposal – 06-2: Constitutional amendment: Ban affirmative action programs. Retrieved September 11, 2007 from the *State of Michigan* website, <http://miboefr.nictusa.com/election/results/06GEN/90000002.html>
- Michigan Department of Corrections. (2007). Statistical Report. Retrieved February 11, 2007 from the *State of Michigan* website, <http://www.michigan.gov/corrections/0,1607,7-119-1441---,00.html>
- Michigan Proposition 2006-2 ballot language. Retrieved February 11, 2007 from the *State of Michigan* website, http://www.michigan.gov/documents/Bal_Lang_MCRI_152610_7.pdf
- Michigan Prisoner ReEntry Initiative. (2007). Quarterly status report. Retrieved February 11, 2007 from the *State of Michigan* website, http://www.michigan.gov/documents/MPRI_Quarterly_Status_Report_April_2007_2nd_193517_7
- The Michigan Civil Rights Initiative. (2004-2006). Retrieved February 11, 2007 from the *MCRI.org* website, <http://www.michigancivilrights.org/>
- One United Michigan. (2006). Retrieved February 11, 2007 from the *One United Michigan* website, <http://www.oneunitedmichigan.org/>
- An Online Symposium on the Michigan Civil Rights Initiative. (2006). Retrieved February 11, 2007, from *Michigan Law Review* website, <http://www.michiganlawreview.org/firstimpressions/vol1105/MCRI.htm>
- Prisoners and the Census FAQ. (2006). Retrieved February 15, 2007, from *Prison Policy Initiative* website, <http://www.prisonersofthecensus.org/faq.html>
- Roberts, Sam. (2006, September 15). Panel recommends change in census prisoner count. *The New York Times*, pB7.
- Ruderman, Anne. (2001, September 2). Surge in prisoners. *The New York Times*, p. 6.
- Schaffer, Peggy. (2006). MPRI (Michigan Prisoner ReEntry Initiative) & law enforcement: Creating safer neighborhoods together. *MPRI e-news*, 1(3), 3.
- U.N. committee says U.S. bans on former prisoner voting violate international law. (2006). Retrieved February 15, 2007, from the *American Civil Liberties Union* website, <http://www.aclu.org/votingrights/exoffenders/26546res20060825.html>
- U.S. Census Bureau. Retrieved February 15, 2007, from the *U.S. Census Bureau* website, <http://www.census.gov/>
- Ward, Geoff K. & Marable, Manning. (2003). Toward a new civic leadership: The Africana criminal justice project. *Social Justice*, 30 (2), 89-97.
- Wendland, Joe. (2006). Michigan civil rights commission finds campaign deceived voters. Retrieved February 11, 2007, from the *OpEdNews.com* website, http://www.opednews.com/articles/opedne_joel_wen_060624_michigan_civil_right.htm
- West, Clara. (2006). Vote no to save civil rights in Michigan. Retrieved February 11, 2007 from *Political Affairs.Net* website, <http://www.politicalaffairs.net/article/articleview/3985/1/206/>
- Wilyato, Phil. (2000). Ward Connerly & the American civil rights institute. Retrieved February 11, 2007, from the *Media Transparency* website, <http://www.mediatransparency.org/personprofile.php?personID=13>
- Younge, Gary. (2003). A supreme showdown. Retrieved February 11, 2007, from the *Guardian Unlimited* website, <http://www.guardian.co.uk/weekend/story/0,3605,980731,00.html>