

## Introduction

The Coalition to Defend Affirmative Action, Integration & Immigrant Rights and Fight for Equality *By Any Means Necessary* (CDAAIIRFEBAMN, commonly known as BAMN) and its affiliates have proven in the challenge submitted that they truly will use *any means necessary* in order to keep the Michigan Civil Rights Initiative (MCRI) off the ballot. Fraud permeates the BAMN organizations and is, not only tolerated, but taught by its leadership, (see *BAMN Defends Purpose* Michigan Daily Feb. 12, 2002, reprinted at: <http://www.alternet.org/wiretap/12394>). Luke Massie, BAMN's current co-chairman, told the conference that "activists counterfeited tickets to the University's affirmative action lawsuits hearing in Cincinnati...which shows what the new Civil Rights Movement is willing to do to win." Massie is quoted in the article as saying "There's not a lot of case law on counterfeiting federal court tickets ... When we say 'By Any Means Necessary' we mean it." This last quote says it all, BAMN is willing to lie, cheat, intimidate, and commit fraud to win "by any means necessary".

## Examples

### A. BAMN Witness - Jessica Curtin

1. All "affidavits" witnessed by Ms. Curtin are dated after the date in which the challenge was due. The "affidavits" are dated on April 20, 2005, however, by notarized affidavit Ms. Curtin claims to have talked with these signers prior to, or on, April 16, 2005.

2. According to Jessica Curtin's notarized affidavit, John Irving (doc # 46534), among others, says that he was led to believe "the petition favored affirmative action and that if he had been told it opposed affirmative action, he would not have signed it." However, after talking with John Irving, it is clear that he opposes race preferences and that it was BAMN, et al that misrepresented the issue. See Irving affidavit submitted by MCRI.

### B. BAMN Witness - Kate Stenvig

1. According to Kate Stenvig's notarized affidavit, James Tock (doc #11729), among others says that "MCRI circulators told him either that the petition supported affirmative action or concealed from him the true purpose of the petition." However, after talking with James Tock, it is clear that he opposes race preferences, that he understood the issue when he signed the petition, and that it was BAMN, et al that misrepresented the issue. See affidavit submitted by Gratz outlining conversation with Tock.

### C. BAMN Witness - Tristan Taylor

1. Witnessed an "affidavit" stating "under penalties of perjury" that "the circulator led me to believe that the petition was a civil rights petition for affirmative action. ... The true aim of the petition ... was concealed from me ..." (see cookie-cutter "affidavit" language) but the signer (Christie Fields, doc # 37416) "[does] not recall what [the circulator] said" (see notarized affidavit submitted by Taylor, paragraph 9).

2. Witnessed an "affidavit" stating "under penalties of perjury" that "the circulator led me to believe that the petition was a civil rights petition for affirmative action. ... The true aim of the petition ... was concealed from me ..." (see cookie-cutter "affidavit" language) but the signer, Renitta Bowers (doc #3900), says that she was told by the circulator that the petition "would increase the number of persons going to college" (see notarized affidavit submitted by Taylor, paragraph 10) and the circulator of Ms. Bower's petition (Lerwonia Summers) says that she told people the petition was "to let people get into college based on their intelligence" (see notarized affidavit submitted by Taylor, paragraph 11) These statements indicate that Renitta Bowers cannot "declare under penalties of perjury" that the circulator mislead or misrepresented the issue (see "affidavit" signed by Renitta Bowers).

### D. BAMN Witness - Stephen Conn

1. Spoke with and secured an "affidavit" by Charles Thompson stating "under penalties of perjury" that "the true aim of the petition, to limit or end affirmative action was concealed from me" (see cookie-cutter circulator "affidavit" language). But, the circulator (Charles Thompson) "went to the training and learned that it was a petition against affirmative action" (see notarized affidavit submitted by Conn, paragraph 5).

2. Witnessed a circulator “affidavit” by Sammy Williams stating “under penalties of perjury” that “the true aim of the petition, to limit or end affirmative action was concealed from me” (see cookie-cutter circulator “affidavit” language). However, after speaking with Sammy it is clear that he understood the issue (see affidavit outlining conversation with Williams submitted by Lindsay).

E. BAMN Witness - M. Heather Miller

1. Witnessed an “affidavit” stating “under penalties of perjury” that “the circulator led me to believe that the petition was a civil rights petition for affirmative action. ... The true aim of the petition ... was concealed from me ...” (see cookie-cutter “affidavit” language) but the signer, Nicole McCoy (doc #2889), “[does] not recall what [the circulator] said” (see notarized affidavit submitted by Miller, paragraph 3).

F. BAMN Witnesses - Joseph Wagner & Candice Young

1. Witnessed a circulator “affidavit” by Charles Thompson stating “under penalties of perjury” that “the true aim of the petition, to limit or end affirmative action was concealed from me” (see cookie-cutter circulator “affidavit” language). But, the circulator, Charles Thompson, “went to the training and learned that it was a petition against affirmative action” (see notarized affidavit submitted by Conn, paragraph 5).

2. Claims in a notarized affidavit under the penalties of perjury that addresses don’t exist (by way of mapquest and driving down the street) that clearly do exist. See addresses for Gloria Vasser (doc #42970), Richard Brown (doc #10738), Charlene Thomas (doc #20645), and Anitria Patterson (doc #15581).

G. BAMN Witness - Melissa Greene

1. Claims in a notarized affidavit, under the penalties of perjury, to have submitted an “affidavit” for K Marshall (doc # 17780), but no affidavit was submitted.

2. Referring to Shirley Long’s (doc #50446) address at 16695 Rossini, Ms. Greene claims from “a personal visit to [the] street ... there is no such address”. However, the address has been shown by MCRI to clearly exist. Further, another BAMN witness, Stephen Conn, signed an affidavit for Shirley Long as residing at 16695 Rossini in Detroit, MI.

3. Referring to Judith Down’s (doc #39517) address, Ms. Greene claims that there is no such street in the city of Detroit. However, the address has been shown to clearly exist.

H. BAMN Witness - Allison Felarca

1. Claims “under the penalties of perjury” that “81 names from the sample of 500...did not appear on the Qualified Voter File or did so at addresses and/or cities that were different from those listed on the petition.” However, Ms. Felarca lists 90 names as unregistered signers.

### Conclusion

The presumption that witnesses are trustworthy and that their statements are valid disappears if it can be shown that the witness has committed fraud. Using the standards set forth by BAMN, it can be shown that many of their witnesses committed fraud and that fraud permeates the organization from the top down. Beyond that, the Michigan Court of Appeals ruled in the 2004 case *Deleeuw v. State Board of Canvassers* “There is a fundamental difference between actions taken to get ... [an issue] on the ballot and actions taken to prevent it from appearing. Associating for the purpose of getting a ... proposal on the ballot is protected activity under the First Amendment; conspiring for the purpose of having it removed is not. *Meyer v Grant*, 486 US 414, 421-422; 108 S Ct 1886; 100 L Ed 2d 425 (1988).” Therefore, all challenges submitted by witnesses who told deliberate lies and/or falsified information should be thrown out. See *Citizens Committee for the lottery v. District of Columbia Board of Elections*.