



8220 Second Avenue – Detroit, Michigan 48202 – (313) 871-2087 phone – (313) 871-7745 fax

Rev. Dr. Wendell Anthony,
President
Donnell R. White,
Executive Director

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CONTACT: WardHill Omni Media
LaToya Henry, 313-447-6404 (c)
Tonie Bell, 313-802-1817 (c)

Detroit Branch NAACP and Michigan State Conference NAACP File Federal Court Challenge to End Michigan's Emergency Manager Law

DETROIT – The Detroit Branch NAACP and the Michigan State Conference NAACP filed a legal challenge seeking an injunction from the federal court to declare the Local Fiscal Stability and Choice Act (PA 436) unconstitutional, invalid and unenforceable. The lawsuit filing was announced today, Monday, May 13, 2013 outside the Theodore Levin U.S. Courthouse located at 231 W. Lafayette Blvd in Detroit. The plaintiffs in the lawsuit are the Detroit Branch NAACP; the Michigan State Conference NAACP; Michigan State Representative Thomas Stallworth III; Maureen Taylor, State Chairperson, Michigan Welfare Rights Organization; Michigan State Representative Rashida Tlaib and Donnell White, Executive Director, Detroit Branch NAACP.

The lawsuit makes the following arguments:

1. PA 436 is unconstitutional under the Equal Protection Clause of the 14th Amendment because as it strips power from locally elected officials and grants power to unelected Emergency Managers, in some parts of the state but not others, this violates the constitution's guarantee of equal dignity for every vote.

The evidence shows that PA 436 disproportionately impacts voters of color. A majority, 50.4%, of the state's 1,413,320 African American residents are now ruled by unelected Emergency Managers compared to 1.3% of the state's 7,926,454 White residents now ruled by unelected Emergency Managers.

2. PA 436 is unconstitutional under the Substantive Due Process Clause of the 14th Amendment because the state selected communities of color for emergency manager oversight, even though there were White communities that had the same or worse "Fiscal Health Scores."

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NAACP Files Lawsuit Against EM Law

The NAACP's two month investigation of state records reveals, for example, that in Oakland County, the state gave four cities an identical total score of "6" (on a scale of 0 to 10, with 0 to 4 being fiscally neutral, 5 to 7 being "Watch List" and 8 to 10 being "Fiscal Stress": Hazel Park (9.8% African American population), Pleasant Ridge (1.9% African American population), Troy (4.0% African American population), and Pontiac (52.1% African American population). Notwithstanding the fact that Hazel Park, Pleasant Ridge, and Troy had identical scores of 6, Pontiac, the majority African American city, was the only city of the five with a fiscal score ranking of 6 to be chosen to receive an Emergency Manager.

And the Walled Lake Consolidated School District with 15,000 students, has a deficit of \$10 million, cancelled classes and stopped bus service. No Emergency Manager has been appointed there.

3. PA 436 is Illegal under section 5 of the Voting Rights Act of 1965 because the state failed to get the prior approval (called "preclearance") of the U.S. Attorney General before the law went into effect on March 28, 2013, as it was required to do.

"Our federal challenge to this repeat Emergency Manager Law is fueled by our desire to make sure the will of the people is respected," said Rev. Dr. Wendell Anthony, President, Detroit Branch NAACP. "The original Emergency Manager Law was rejected overwhelmingly by voters and for the Governor and the Republican led legislature to create more bad public policy that is a carbon copy of the first law shows no respect for Michigan voters."

Former U.S. Secretary of Labor Robert Reich, who now serves as the Chancellor's Professor of Public Policy for the University of California at Berkley shares the belief that the right to democracy cannot be thrown away on the basis of economic distress.

"The right to vote is the guiding principle of our democracy," said Reich. "A community that suffers financial hardship should be allowed to make the difficult decisions that hardship necessitates, rather than be subject to unilateral dictate. Self-government does not end when creditors are displeased."

Detroit Branch NAACP General Counsel Atty. Melvin Butch Hollowell and Arab American Civil Rights League General Counsel Atty. Nabih Ayad serve as lead counsel for the lawsuit.

"The lawsuit is all about protecting the right to vote," says Atty. Hollowell. "The Emergency Manager Law takes away that right in a manner that is totally inconsistent with the constitution and federal law. Unelected Emergency Managers illegally strip voters of the democratic process at the local level. We are therefore looking forward to our day in federal court."

To view the full complaint please visit www.detroitnaacp.org