

# Voter education forum tackles civil rights

BY D'ANNE WITKOWSKI

**FERNDALE** — A voter education forum held by Citizens for a Fair Ferndale attracted a crowd of 25 people to Xhedos Caf  in Ferndale on Sunday. The forum focused on two of the six proposals Ferndale voters will see on their ballots Nov. 7: the Ferndale Human Rights Ordinance and the statewide anti-affirmative action ballot proposal.

CFF member Ann Heler who stressed the importance of such events moderated the forum. "In some other countries people will never have a chance to ask questions about government decisions," she said.

Jay Kaplan, staff attorney for the American Civil Liberties Union of Michigan's LGBT Legal Project, spoke about the proposed Ferndale Human Rights Ordinance and answered audience questions.

Kaplan explained that the protections offered by proposed Ferndale Human Rights Ordinance differed from Michigan's civil rights protections only in the inclusion of sexual orientation. State law does not cover discrimination based on sexual orientation.

Individual cities, said Kaplan, can choose to offer additional protections that are broader than Michigan law by passing ordinances such as the one Ferndale voters will consider next month. Cities that have similar ordinances, according to Kaplan, include Huntington Woods, Detroit, Grand Rapids and Ann Arbor.

The adoption of a human rights ordinance, said Kaplan, "serves an important educational function," as far as telling people what a community values.

The ordinance reads, in part, "No person or persons shall discriminate against any person or persons within the City of Ferndale regarding employment, housing, public accommodations and public services on the basis of that person's race, color, religion, gender, age, height or weight, marital status, sexual orientation, familial status, national origin, or physical or mental disability."

"This pretty much looks like any other human rights ordinance I've seen," said Kaplan.

Sexual orientation does not just refer to gays and lesbians, said Kaplan. "When you talk about the category of sexual orientation,"

explained Kaplan, "it covers all forms of sexual orientation," including heterosexuality and bisexuality.

Kaplan was asked how such an ordinance might have impacted the recent firing of Charlene Genter, a campus safety officer at Marian High School in Bloomfield Hills who alleges she was fired for coming out as a lesbian.

"If Marian High School existed in the city of Ferndale it would have no effect," he said. Private educational institutions, like Marian, which is Catholic, are exempt from local civil rights ordinances.

The Ferndale Human Rights Ordinance would not force churches to recognize or perform unions or marriages for same-sex couples, according to Kaplan. "Religious organizations always have the freedom ... to set their religious principles," said Kaplan.

Lawsuits alleging discrimination would not be likely to increase under the ordinance. "Bringing civil rights cases isn't easy," said Kaplan. "It's a very difficult task to prove discrimination under any category." In addition, said Kaplan, the Michigan Supreme Court issued a decision several years ago limiting the enforceability of city human rights ordinances.

Also speaking at the forum was Kathryn Brunner James, Ferndale resident and third year law student at the University of Detroit Mercy School of Law. Brunner addressed the anti-affirmative action ballot issue, outlining the positions of the Michigan Civil Rights Initiative, the group backing the proposal, and One United Michigan, the group opposing it.

"People who think of affirmative action as a dirty word are going to talk about quotas," James said. "Proponents [of the ban] want to take race [and gender] out of the equation so everyone has an equal opportunity."

"The opposition claims that passing this proposal would be rolling back the clock," she said, taking Michigan back to 1970s employment and enrollment levels.

The affirmative action proposal, which will be Proposal 2 on the ballot, would ban affirmative action programs based on "race, gender, color, ethnicity or national origin for public employment, education or contracting purposes," according to the ballot language.

"It's fair to say that college admission has

a lot to do with this particular initiative," said James, "but it does go beyond that." James added that two of the proposal's backers were plaintiffs in the cases against the University of Michigan heard before the United States Supreme Court, including Jennifer Gratz, who is MCRI's executive director.

Both Gov. Jennifer Granholm and her Republican challenger Dick DeVos are on recording opposing the affirmative action ban.

Both James and Heler stressed the importance of remembering to fill out both sides of the paper ballot Ferndale voters will use Nov. 7.

*For more information on the Ferndale Human Rights Ordinance visit <http://www.ferndalefavor.com>. For more information on Citizens for a Fair Ferndale visit [www.fairferndale.org](http://www.fairferndale.org).*



Citizens for a Fair Ferndale member and Ferndale resident Ann Heler stresses the importance of filling out both sides of the paper ballot Ferndale residents will use Nov. 7. BTL photo: D'Anne Witkowski