

8

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DETROIT BRANCH OF THE NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF COLORED PEOPLE,
LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER
LAW,

Plaintiffs,

v.

JUDGE : Rosen, Gerald E.
DECK : S. Division Civil Deck
DATE : 11/08/2005 @ 16:43:44
CASE NUMBER : 2:05CV74296
CMP DETROIT BRANCH VS MI
REPUBLICAN STATE (LE)

MICHIGAN REPUBLICAN STATE COMMITTEE, a.k.a.
MICHIGAN REPUBLICAN PARTY, REPUBLICAN
NATIONAL COMMITTEE,

Defendants.

Melvin Butch Hollowell (P-37834)
John E. Johnson, Jr. (P-29742)
Harold D. Pope (P-34882)
Attorneys for Plaintiffs
2990 East Grand Boulevard
Detroit, MI 48202
313-871-2087 (O)
313-871-0765 (fax)

Margaret Van Houten (P-51899)
Attorney for Defendants
7457 Franklin Road, Suite 250
Bloomfield Hills, MI 48301
248-406-5100 (O)
248-406-5111 (fax)

PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER

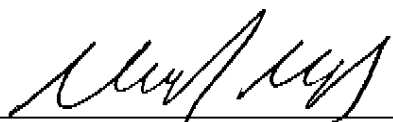
NOW COMES, Plaintiffs, DETROIT BRANCH NAACP, and LAWYERS'
COMMITTEE FOR CIVIL RIGHTS UNDER LAW, by and through their Attorneys,
Melvin Butch Hollowell, John E. Johnson, Jr., and Harold D. Pope, and pursuant to
FRCP 65 moves the court to enter its temporary restraining order forthwith, upon the
following reasons:

1. Immediate and irreparable injury, loss, and damage will result from Defendants' actions in today's general elections, to intimidate, harass, and obstruct voters and election workers.

WHEREFORE, Plaintiffs request that the court enter its temporary restraining order as follows:

- (a) Restraining and enjoining Defendants and their agents and employees, from entering into polling locations and/or serving as challengers in the city of Detroit on November 8, 2005.

Respectfully submitted.



Melvin Butch Hollowell (P-37834)
Attorney for Plaintiffs
2990 East Grand Boulevard
Detroit, MI 48202
313-871-2087

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DETROIT BRANCH OF THE NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF COLORED PEOPLE,
LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER
LAW,

Plaintiffs,

JUDGE : Rosen, Gerald R.
DECK : S. Division Civil Deck
DATE : 11/08/2005 @ 16:43:44
CASE NUMBER : 2:05CV74296
CMP DETROIT BRANCH VS MI
REPUBLICAN STATE (LE)

v.

MICHIGAN REPUBLICAN STATE COMMITTEE, a.k.a.
MICHIGAN REPUBLICAN PARTY, REPUBLICAN
NATIONAL COMMITTEE,

MAGISTRATE JUDGE DONALD A. SCHEER

Defendants.

Melvin Butch Hollowell (P-37834)
John E. Johnson, Jr. (P-29742)
Harold D. Pope (P-34882)
Attorneys for Plaintiffs
2990 East Grand Boulevard
Detroit, MI 48202
313-871-2087 (O)
313-871-0765 (fax)

Margaret Van Houten (P-51899)
Attorney for Defendants
7457 Franklin Road, Suite 250
Bloomfield Hills, MI 48301
248-406-5100 (O)
248-406-5111 (fax)

PLAINTIFFS BRIEF IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER

NOW COMES, Plaintiffs, DETROIT BRANCH NAACP, and the LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW, by and through their attorneys Melyin Butch Hollowell, John E. Johnson, Jr., and Harold D. Pope state as follows:

The Defendants, are attempting to execute a shameful orchestrated campaign to harass and intimidate African American voters at polling locations throughout the city of Detroit during the city's November 8, 2005 general election.

Defendants have interfered with voters' rights to vote by asking them questions such as "Have you been convicted of a crime?", "Do you have your ID?", or "Are you up to date on your child support?" These questions are illegal and constitute voter intimidation under the Civil Rights Act of 1957 (42 USC Sec 1971b), the Voting Rights Act of 1965 (42 USC 1973(i)(b)), as well as the 1st and 14th Amendments to the US Constitution.

The legal test relied upon by the federal courts in intimidation cases is whether there has been an interference with a citizens right to vote through threat, coercion or intimidation of any kind. 42 USC Sec 1973(i)(b) Id.

Furthermore, Republican Defendants have no legal cause to be in Detroit as challengers since they have no "interest" in this non-partisan election where there are no Republican candidates on the ballot and there are non Republican endorsed candidates on the ballot. MCL 168.730.

Sadly, voter intimidation has been a staple of Republican election day operations for decades. Defendant Republican National Committee is currently under a federal consent decree prohibiting further acts of intimidation of minority voters. This arose out of a finding by a federal court in New Jersey.

Plaintiffs have obtained an October 18, 2005 memo from Defendants whereby two majority African American cities, Detroit and Ecorse, were targeted. Another intercepted memo from Defendants, dated October 19, 2005, indicates that this election is "a big test run" for next year's gubernatorial elections.

MCL 168.727 (1) and (2) provide that a voter may only be challenged if there is "good reason to suspect that an individual is not a registered elector in that precinct". The statute further provides that a challenger may not interfere with or unduly delay the work of an election worker, and under no circumstances may a challenger "annoy" or "delay" any voter.

WHEREFORE, Plaintiffs respectfully request that this court enjoin Defendants from serving as challengers for the remainder of the November 8, 2005 general election in Detroit.

Respectfully submitted,



Melvin Butch Hollowell (P-37834)
Attorney for Plaintiffs

8770 East Grand Boulevard
Detroit, MI 48202

November 8, 2005



**MICHIGAN
REPUBLICAN PARTY**

Memo

To: Republican Activists and Volunteers
From: Eric Morris
Date: 10/18/2005
Re: Election Day 2005

The Michigan Republican Party needs your help!

We are recruiting volunteers to "work the polls" on Election Day, November 8th, 2005. Our goal is to help guarantee free and fair elections in the great state of Michigan. The polling locations that we are recruiting challengers for are in Detroit and Ecorse for their municipal elections.

There are two shifts available for each location. Two people will be scheduled to work each shift, if you know of anyone who may be interested in working with you, please let us know. The first shift begins at 6:30AM and ends at 1:30PM. The second shift begins at 1:30PM and ends at 8:30PM. If you are able to work both shifts, it will be greatly appreciated. Lunch and/or Dinner will be provided for each shift.

If you have any questions or are interested in joining our efforts, please contact Eric Morris (517) 487-5413 or Eric@migop.org.

Paid for by the Michigan Republican Party with regulated funds.
Not authorized by any candidate or candidate's committee.

2121 E. Grand River Ave., Lansing MI 48912-3289

From:
To:
Date: 10/19/2005 9:21:07 PM
Subject: FW: We need help....please distribute to possible volunteers

We need all the folks we can get...this is going to be a big test run for us...a good learning experience for you....please help if you can.

Thanks.

Saulius "Saul" Anuzis
Chairman
Michigan Republican Party
2121 E. Grand River Avenue
Lansing, MI 48912
TEL: 517-487-5413
FAX: 517-487-0090

email: sanuzis@migop.org
www.migop.org <<http://www.migop.org>>

+-----+
| Paid for by the Michigan Republican State Committee with |
| regulated funds. Not authorized by any candidate or candidate |
| committee. 2121 E. Grand River Ave., Lansing MI 48912-3299 |
+-----+