



**DELBERT HOSEMANN**  
*Secretary of State*

MISSISSIPPI SECRETARY OF STATE

**CONSTITUTIONAL INITIATIVES PUBLIC HEARING**

HATTIESBURG, MISSISSIPPI

JULY 26, 2011

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PRESIDING:

DELBERT HOSEMANN  
Mississippi Secretary of State  
401 Mississippi Street  
Jackson, Mississippi 39201

ALSO PRESENT:

LEA ANNE BRANDON  
MEMBERS OF THE PUBLIC

REPORTED BY: SHARRON F. ALLEN, CSR, RPR  
CSR NO. 1144

1           SECRETARY HOSEMANN: Good afternoon,  
2           everyone. My name is Delbert Hosemann. I'm  
3           Secretary of State of the state of Mississippi.

4           It's good to have everybody here tonight,  
5           and we're going to be discussing the issues that  
6           will be on the general election ballot -- not on  
7           the one next Tuesday. We will be on the general  
8           election ballot for November 8, 2011. Those are  
9           personhood, voter identification, and eminent  
10          domain.

11          The initiative process is not an easy task  
12          as passed by the Mississippi legislature. It  
13          requires 89,285 signatures even to get on the  
14          ballot. Each of the initiatives that we'll  
15          discuss tonight have over 100,000 signatures.  
16          Those signatures were required to be obtained  
17          over the old five congressional districts; so  
18          they not only have to be over 89,285, but they  
19          have to be equally spread out between the old  
20          five congressional districts in Mississippi.

21          In addition to passing on November the 8th,  
22          those ballots must all receive at least  
23          40 percent of the total votes cast on that  
24          election day. So you will hear us speaking about  
25          the fact that not only do you need to make your

1 decision about whether to vote for or against,  
2 but you need to make sure you vote on the general  
3 election all the way down the ballot. These  
4 initiatives will be at the bottom of the ballot  
5 in November.

6 Currently, we're in the voter education part  
7 of our process. This is the fifth public hearing  
8 in Mississippi we have held. In those hearings  
9 we try to obtain as much information as we can  
10 for the public so that they can make an informed  
11 decision when they cast their ballot in November.

12 Each of you was asked to sign up for the  
13 initiative, and we welcome you to speak tonight.  
14 We would tell you that this, of course, is  
15 transcribed, and every word that's spoken here  
16 today will be available not only to you, of  
17 course, but to all of the Mississippi citizens  
18 that go on our website. Southaven and  
19 Starkville's initiative discussions are already  
20 on our websites.

21 In addition, we request and encourage  
22 written statements from individuals, Mississippi  
23 citizens, and we are putting those on the  
24 website. And we have between 50 and 100 of  
25 those. So we encourage you not only to take the

1 opportunity to speak this evening, which will be  
2 transcribed and given to all Mississippians or  
3 anyone else in the country that wants to see it,  
4 but would ask you also if you would desire to  
5 give us a written statement, we of course will  
6 place that on our website as well.

7 The format for tonight is as follows: Each  
8 sponsor of the initiative is offered the  
9 opportunity to speak for and against the  
10 initiative. Each one of them will be given five  
11 minutes on each one of the initiatives. We will  
12 then go through a process -- and each of you  
13 should have signed a speaker card in the back of  
14 the room. We will then go in the process. And I  
15 alternate those for and against each of the  
16 petitions.

17 So we'll call you to the microphone. We  
18 would ask that you speak clearly and identify  
19 yourself when you come up. Lea Anne is here.  
20 You are given two minutes to speak, and we also  
21 have given you a few seconds to close, usually,  
22 that kind of thing. She will show you when  
23 you're at a minute and when you're at the end of  
24 the two-minute time for you to start your  
25 closing. So we'll give you the opportunity to

1 watch Lea Anne. She'll wave a little thing at  
2 you. Please pay attention.

3 These initiatives set forth by the  
4 legislature are very important to Mississippians.  
5 It's the first time we have ever had three  
6 constitutional initiatives on the ballot. Prior  
7 to this time only two have ever made it, and  
8 those were term limits. Both were defeated by  
9 the citizens. So these three on one initiative  
10 ballot are historic for the state of Mississippi.  
11 Our constitution was written in 1890.

12 So we're pleased to have everyone here. I  
13 see Senator Fillingane from the legislature is  
14 here on your right. He will be speaking for  
15 voter ID. Representative Barker is in the back.  
16 How are you, Toby? Good to see you. Are there  
17 any other members of the legislature? Yes, we  
18 have another one. The father of Senator  
19 Fillingane is here. It's good to see you,  
20 Representative. Thank you very much. There we  
21 are. We've got them all. How many do we have?  
22 Well, we're glad to have all of you here this  
23 evening, and we appreciate all of your coming.

24 Tonight is a civil debate about the issues,  
25 and while I want to speak to each of you, I want

1 to remind you that in any civil debate that we're  
2 here because of the fact that servicemen and  
3 women are fighting overseas today for you to be  
4 able to speak in public. Over 60 Mississippians  
5 have given their lives in Afghanistan and Iraq  
6 for you to be able to speak tonight. We ask that  
7 you be civil with your fellow citizens and you  
8 conduct yourselves and your language on the  
9 microphone that is taped in the most appropriate  
10 manner for everyone here.

11 When we go forward tonight, we're going to  
12 start in the order that the initiatives were  
13 presented to us, and those are the personhood  
14 amendment will be first, voter identification,  
15 and then eminent domain will be third.

16 And, Senator, if you would lead us, I think  
17 we should start with the Pledge of Allegiance to  
18 the flag. Senator Fillingane.

19 (PLEDGE OF ALLEGIANCE)

20 SECRETARY HOSEMANN: Speaking this evening  
21 on behalf of the "for" in the personhood  
22 amendment is Brad Prewitt. Following him will be  
23 Dr. Kay Lundy to speak against it. I will then call  
24 the names of you as you have signed up. If you  
25 haven't had an opportunity to sign up, the sheets

1 are still in the back, and we would welcome you  
2 to sign up at this time or as you come in.

3 Brad, would you like to start, please, sir.

4 Oh, I can save him part of his five minutes.

5 He reminded me the last time.

6 Each of you has been presented a pamphlet.

7 The first one, if you will look at the pamphlet,  
8 is "Definition of person." If you need one, we  
9 will be happy to bring one out for you.

10 In the definition of person, the legislature  
11 has required us to draft this pamphlet, and we  
12 give you the actual initiative. And the  
13 initiative says, "Be it enacted by the people of  
14 the state of Mississippi:

15 "Article I. Article III of the constitution  
16 of the state of Mississippi is hereby amended by  
17 the addition of a new section to read:

18 "Section 33. Person defined. As used in  
19 this Article III of the state constitution, the  
20 term 'person' or 'persons' shall include every  
21 human being from the moment of fertilization,  
22 cloning, or the functional equivalent thereof."

23 Inside the initiative pamphlet that we  
24 prepared are the proponents' and opponents'  
25 300-word survey. So I would encourage you to

1 read these, in addition to the oral presentations  
2 that will be made to you. These are written by  
3 each of them individually, not by the Secretary  
4 of State. The ballot title is enclosed at the  
5 top that you will see on the ballot, and a  
6 summary is also enclosed, which in this case  
7 mimics the language I just read to you.

8 Brad Prewitt actually was one of the  
9 initiative sponsors here and was part of the  
10 actual argument for the initiative. Lynn Evans,  
11 who was with the Public Health Advocacy Group,  
12 wrote the 300-word essay against the initiative.  
13 Both of those are included. And you're welcomed  
14 and encouraged to take these with you, distribute  
15 them in your neighborhood, and give them to your  
16 friends and civic leaders.

17 Okay, thanks, Brad. I got that right.  
18 We'll start with Brad Prewitt to speak five  
19 minutes for the initiative. Brad.

20 MR. PREWITT: Thank you, Secretary  
21 Hosemann. It's a pleasure to be back in the Pine  
22 Belt and see what is the best crowd of our now  
23 five hearings. It's great for Hattiesburg and  
24 this area to really show up and listen and pay  
25 attention.

1 I'm Brad Prewitt, executive director of  
2 YesOn26.net, which is a newly formed broad-based,  
3 mainstream campaign coalition to support passage  
4 in November -- on November 8th -- of the ballot  
5 Initiative No. 26, the personhood amendment. It  
6 would establish that the unborn at the earliest  
7 biological moment are considered persons, whether  
8 that's through artificial or natural means. It  
9 would radically -- not radically, but it would  
10 redefine paradigm shift in the abortion and  
11 cloning fight. We've got lots of medical  
12 technologies, a lot of different things happening  
13 in the scientific front that need to have a clear  
14 definition of who a person is and when that  
15 begins.

16 Now, personhood is not a novel concept.  
17 Personhood has been around for a while. In fact,  
18 you can go to the very beginnings of the Bible,  
19 Genesis, and see where personhood begin.

20 Now, some have suggested in previous  
21 hearings that this is not a Christian nation and  
22 that we shouldn't invoke God. Well, two reasons  
23 that we should invoke God is that whatever our  
24 nation is, we're a Christian state. The  
25 constitution of Mississippi sets forth in the

1 very preamble that the constitutional fathers of  
2 this state invoke the Almighty God, His  
3 providence, and His mercies. And so I look to  
4 the Almighty God as well in the way we approach  
5 this issue and I think in our efforts to amend  
6 the constitution and clarify the definition.

7 Second, George Washington, our founding  
8 father, the father of all fathers, said, "It is  
9 impossible to rightly govern a nation without God  
10 and the Bible." So let's invoke George  
11 Washington's wisdom as well.

12 Now, beyond that, we know that in Psalms, it  
13 says in 139:16 that David -- God had seen his  
14 unformed substance. That's biblical authority.  
15 We know in Genesis that God made man in his own  
16 image; in our image, God said. Well, if every  
17 man is created in God's image, every man has an  
18 intrinsic spiritual as well as physical value.  
19 That's eternal value. God created that. Even in  
20 a fallen state, we had eternal value -- each  
21 person, unique person, womb or not. That is a  
22 given under God's law.

23 Now, beyond the Bible, as I said, the  
24 founding fathers in the Declaration of  
25 Independence said there are unalienable rights,

1 self-evident, given by our Creator; among those,  
2 the right to life. All men are created equal.

3 Now, beyond the founding fathers, even  
4 Ronald Reagan in 1988 had his own personhood  
5 proclamation where he said "Our country must  
6 protect the unborn and must declare them persons  
7 so that they have equal protection under the  
8 law." So that's been consistent.

9 Our state law itself recognizes personhood  
10 at conception. The criminal statutes say that if  
11 you kill a pregnant woman, even if her child is  
12 merely conceived, that that is two persons for  
13 purposes of felony law. So this is not a radical  
14 change either. It's state law. This is merely  
15 carrying it to its natural end, which is that  
16 personhood begins at conception.

17 Now, science itself, whether you're a  
18 Christian or not, or you're Judeo-Christian,  
19 science itself is unequivocal that life begins at  
20 conception. The head of Mayo Clinic's medical  
21 genetics department said that "Science has a very  
22 simple concept of man. As soon as he has been  
23 conceived, a man is a man." So there you go,  
24 friends.

25 Now, what happened in Roe v. Wade in 1973?

1 They disregarded that. And even in disregarding,  
2 though, they had to concede that if Texas had  
3 considered the fetus, the unborn, a person, that  
4 the whole case would be thrown on its head and  
5 that equal protection would apply to the unborn.  
6 Well, 40 years later we've had 53 million murders  
7 in this country. Murders, that's what they are.

8 So we cannot disregard that.

9 This effort seeks to replace the current  
10 approach by saying, Look, don't forget the unborn  
11 is a person. We've been so focused on  
12 incremental change on this front that we've  
13 forgotten the core fact: The unborn is a person.

14 Now, who supports this? We've got Phil  
15 Bryant, Stacey Pickering. We've got OB-GYNs on  
16 our board. We've got adoption agencies,  
17 orphanages. We've got all sorts of different  
18 people involved in the debate. We've got  
19 pastors, denominations, black, white. This is a  
20 broad-based effort. Senator Roger Wicker himself  
21 has the same language in a senate bill in  
22 Washington.

23 What does personhood not do? You're going  
24 to hear a lot of Chicken Little the sky is  
25 falling tonight. You won't have prosecution of

1 miscarriages. That didn't happen before abortion  
2 was legal. If the life of the mother is at  
3 stake, there's no change there. God's law  
4 doesn't say you have to sacrifice the mother for  
5 the child. That's not changing here. My wife is  
6 a doctor. She would not allow me to promote this  
7 if that were the case. You won't have medical  
8 research stopped. You just won't be able to use  
9 embryonic stem cells to do that. You won't be  
10 able to make clones of yourself so you can have a  
11 NAPA auto parts store of your own body. You  
12 won't be able to engage in weird science,  
13 friends. We're just setting up some regulations.  
14 IVF won't stop. You just won't be able to  
15 sacrifice embryos for whatever you want. They're  
16 people. If they're not used, they can be  
17 adopted. There are solutions.

18 Friends, there will have to be further  
19 legislation on this. Our legislators will have  
20 to deal with some of these specifics. This is a  
21 simple law here. It just says that a person  
22 begins at the natural beginning of man.

23 So all this is Chicken Little. And it's  
24 unfortunate we're not dealing with a cartoon  
25 character here, friends. This is -- Planned

1 Parenthood is against this. They are an evil,  
2 perverse organization. That sounds like tough  
3 talk in a convention center on the site of an  
4 interstate and a highway, but it's true. Hitler  
5 himself took inspiration from this group at its  
6 outset. So let's not disregard the facts. The  
7 facts are the facts.

8 What does Mississippi have the opportunity  
9 to do, my friends, tonight -- on election day?  
10 They have the opportunity to be the first in the  
11 nation to recognize what the facts of life say  
12 and what God himself says. Friends, I encourage  
13 you to vote yes on 26 in November.

14 SECRETARY HOSEMANN: Let me get this right  
15 for you, Kay. Dr. Kay Lundy. Kay would like to rise  
16 and speak against the personhood amendment Number  
17 26. She's recognized for five minutes.

18 DR. LUNDY: My name is Kay Lundy, and I'm  
19 pleased to have the opportunity to speak in  
20 opposition to Initiative 26 today.

21 I would also like to thank every one of you  
22 for attending this hearing to learn more about  
23 this issue. And I will also be listening and  
24 learning as well.

25 Because of the potential consequences of

1 this initiative, many of which are unintended,  
2 nor do we know what the extent of these  
3 initiatives -- these consequences will be -- I  
4 urge all voters who care about women, children,  
5 and families to give serious and thoughtful  
6 consideration to this issue.

7 I am a nursing professor. I'm a college  
8 professor of nursing and sociology over 27 years.  
9 And I'm also a former neonatal intensive care  
10 nurse, transport nurse, as well as a public  
11 health nurse in maternity and pediatric clinics.  
12 I have literally devoted my career to promoting  
13 the health of women and children and their babies  
14 through prevention and education by working  
15 directly with these patients -- our patients --  
16 as well as teaching nurses and advanced practice  
17 nurses such as nurse practitioners and nurse  
18 midwives in the care of women and children in  
19 Mississippi. This initiative could greatly  
20 influence and affect real women and families if  
21 it is put into practice.

22 Consider this: A Mississippi woman at age  
23 44 has three children. She is a breast cancer  
24 survivor. Following a mastectomy and successful  
25 treatment for the cancer, she has a greater

1 chance for a long-term survival. A mastectomy  
2 has given her the opportunity, as well as the  
3 treatment, of allowing her three children to grow  
4 up, to get married and have children of their  
5 own, and she would have the good chance of being  
6 a part of their lives. Because of her cancer,  
7 she is unable to take oral contraceptives. Our  
8 expansion of child rearing has occurred at both  
9 the young age and the older age, so we are seeing  
10 younger and older women having children. If  
11 Initiative 26 was law in Mississippi and this  
12 woman became pregnant, she would have no other  
13 choice but to continue the pregnancy. She would  
14 also have to stop the drugs that keep her cancer  
15 from returning because of the potential risk to  
16 the fetus. Initiative 26 would keep her from  
17 making choices about her body and her living  
18 children. Instead, it would legally compel her  
19 to continue a pregnancy that has a high  
20 likelihood of shortening her own life. Her  
21 children would face growing up without her and  
22 the baby she might birth would never know its  
23 mother potentially.

24 Is this the life we want for Mississippi  
25 women? I ask you. This is not, by the way, a

1 case study that I would present to my nursing  
2 students. I know this woman. She is alive  
3 today, and she has just watched her youngest  
4 child become a mother. She had the choice to  
5 terminate her pregnancy at the recommendation of  
6 a physician, and I'm sure with consultation and  
7 great prayer. You and I might have made a  
8 different choice.

9 Women facing these potentially  
10 life-and-death situations such as this one should  
11 have the ability to make decisions that are in  
12 the best interest for themselves and for their  
13 family. Initiative 26 would interject the state  
14 in these decisions that are better left to women,  
15 to their physicians, their caregivers, their  
16 nurse practitioners, their families, and those  
17 they choose to become involved. The clergy and,  
18 yes, God.

19 Personally, I was blessed with a late  
20 pregnancy, a first pregnancy at an advanced  
21 age -- one I knew would have risks for myself and  
22 for my child. I wanted to know the risk that I  
23 had, as well as my child. So as I faced this  
24 decision, my husband and I chose an  
25 amniocentesis. If my husband and I had

1 discovered through this advanced technology that  
2 our child was damaged or our child would have a  
3 physical abnormality that was incompatible with  
4 life and suffering, it was my choice to decide  
5 whether to continue the pregnancy. To have the  
6 state take away that right, my Mississippi, is  
7 unthinkable.

8 God has provided us with brains and thinking  
9 ability. We enjoy the greatest technology,  
10 including safe termination of pregnancy and  
11 family planning, as well as most importantly the  
12 moral imperative to use these to benefit the life  
13 of women, men, and children. How we decide and  
14 define life is personal.

15 Do we really want to be the only state that  
16 criminalizes the reproductive capacity of women?

17 Possible unintended consequences of  
18 Initiative 26 will create compulsory motherhood,  
19 no matter the circumstances, no matter how  
20 dangerous.

21 If this initiative passes, it will send a  
22 clear message to our daughters and granddaughters  
23 that in the great state of Mississippi, they do  
24 not deserve the same rights as men. They will,  
25 in essence, become second-class citizens because

1 they were born with a uterus. We are condemning  
2 these women to the servitude of the laws of  
3 Mississippi.

4 As many of you -- in closing, as many of us,  
5 I wish so much that we had a world in which every  
6 pregnancy is planned, cherished, and a part of a  
7 family in which parents assume the responsibility  
8 of raising healthy children. Because of this  
9 belief, I oppose Initiative 26.

10 Thank you.

11 SECRETARY HOSEMANN: We'll now begin the  
12 remaining public speaking part. We start with  
13 Douglas Lee from Hattiesburg, Mississippi, who  
14 rises to speak for the personhood initiative.

15 Mr. Lee, you're recognized for two minutes.

16 MR. LEE: Thank you.

17 When I hear about examples of women who  
18 would almost certainly die if they had to go  
19 through with the birth of a child, as a parent  
20 and a husband, I'm horrified. As a lawyer, I  
21 understand that there's always a right to  
22 self-defense, and this initiative will in no way  
23 take that away.

24 This initiative, as Brad said earlier, does  
25 not mean that women will be dying of drugs

1 because they have to give birth to a baby because  
2 of some medical condition. It's simply one of  
3 those red herrings that's thrown out, a trail  
4 we're supposed to go down because we're supposed  
5 to feel sorry for these real world examples, when  
6 that is actually a real world example that's  
7 exceedingly rare.

8 But what is not rare is abortion. What is  
9 not rare is killing unborn children at the rate  
10 of 53 million just since 1973. If you were born  
11 in 1973, you're around 38 years old right now.  
12 Think about the people that are not sitting in  
13 here today that are not with us because of the  
14 simple fact that for any reason -- a good reason,  
15 a bad reason, or no reason at all -- you can go  
16 and abort your unborn child.

17 We also would like to see all women with  
18 equal rights and all the same rights as all men.  
19 We think that every unborn woman should have  
20 equal protection of every born woman and every  
21 born man. That's all that we're asking for. We  
22 want equal protection for people from the moment  
23 that they are a person. The current constitution  
24 guarantees us that, and we're just saying it's  
25 time to stand up and recognize when a person is a

1 person, and that's when the moment of conception  
2 happens. Not at midnight on the day before the  
3 third trimester. Not at 11:30 a.m. some day that  
4 some judge decides. It happens the moment of  
5 conception.

6 Thank you.

7 SECRETARY HOSEMANN: Thank you, Mr. Lee.

8 We would next move to Jim Puckett, and  
9 Mr. Puckett from Hattiesburg, Mississippi, rises  
10 to speak against the amendment.

11 MR. PUCKETT: My name is Jim Puckett. I'm  
12 a physician in Hattiesburg. For the past almost  
13 30 years I've dealt almost exclusively with  
14 contraceptive clinics, so-called family planning,  
15 and STDs, sexually transmitted disease clinics.

16 Over the years I've come to the conclusion  
17 that there's really not much that's more  
18 disruptive or that can be more disruptive to a  
19 woman's life, especially the young, is to have an  
20 unplanned pregnancy. And for this reason I'd  
21 like for -- would like for our public policies to  
22 further the advance of -- well, let me back up  
23 just a minute.

24 I've never said this in public before, but I  
25 say it every day in clinics. The people that I

1 see may think that they get pregnant because they  
2 had sex or they may think they have a sex disease  
3 because they had sex, and that's undeniable, but  
4 I think there's a better way to explain it.

5 The way I explain it is these folks that are  
6 getting pregnant by accident or unintended  
7 pregnancies, getting sex diseases, are having  
8 stupid sex. And I would like to see our public  
9 policies further the advance of what I would  
10 consider to be smart sex. And smart sex, as I  
11 define it, is lowering your risk.

12 One of the ways to lower the risk  
13 appropriate to this proposition is adequate  
14 access to contraception. And the problem I have  
15 with Proposition 26 is -- the risk of Proposition  
16 26 is that it's restricted access of  
17 contraception. I think there ought to be  
18 unrestricted access to contraception, and that  
19 will reduce the issue of unintended pregnancies,  
20 the issue of abortions.

21 I'm opposed to Proposition Initiative 26.

22 SECRETARY HOSEMANN: Thank you,  
23 Dr. Puckett.

24 Kyle Jones from Lumberton, Mississippi.

25 Kyle rises to speak for the personhood

1 initiative.

2 Mr. Jones, you're recognized for two  
3 minutes.

4 MR. JONES: Good evening, ladies and  
5 gentlemen. I'm delighted to be here.

6 My name is Kyle Jones. I stand before you  
7 as a Baptist pastor and as an adopted person.  
8 Several years ago a lady in Chalmette, Louisiana,  
9 experienced what has just been defined as a  
10 disruption to her life. Yes, she made a choice,  
11 a positive choice. She chose adoption rather  
12 than abortion.

13 A few weeks ago my wife and I returned from  
14 the country of Ukraine with a little  
15 eight-year-old boy whom we adopted.

16 I stand before you to support passage of  
17 Initiative 26. I have had a rich experience as a  
18 citizen of Mississippi and a citizen of this  
19 great country. I've had the privilege of working  
20 with my fellow community members in starting not  
21 one but two pregnancy support centers -- one in  
22 Pearl River and one in Stone County. I have also  
23 had the privilege of literally writing a book  
24 about the rhetorical strategies at pregnancy  
25 support centers, including the visual rhetoric,

1 the fetal ultrasound technology. I am here to  
2 tell you that I have talked with women who have  
3 experienced post-abortion stress disorder.

4 Let me also set the record straight that  
5 there is empirical evidence that suggests that  
6 post-abortion women are more vulnerable to  
7 depression, more likely to experience drug abuse.  
8 Post-abortion women run the risk of infertility.  
9 They are at greater risk for suicide and for  
10 grief and so forth, not to mention the fact that  
11 the Bible affirms that life does indeed begin at  
12 conception.

13 I'm here today to encourage you to vote yes  
14 on November the 8th to Initiative 26. It's very,  
15 very simple. All we're doing is defining life as  
16 beginning at the point of conception, not at  
17 implantation or at some arbitrary period or time  
18 at a future date.

19 You may not be aware, but Peter Singer with  
20 Princeton University has even suggested that  
21 women be allowed to define the personhood of  
22 their children at some period sometime maybe even  
23 two years after that child was born. Where do we  
24 draw the line?

25 I think that Mississippi has the privilege

1 of leading the nation in setting the record

2 straight that life begins at conception.

3 Please vote yes for Initiative 26. Please

4 encourage your family members, your fellow

5 community members, your fellow Mississippians to

6 get involved and do the same.

7 Thank you.

8 SECRETARY HOSEMANN: Thank you, Reverend

9 Jones.

10 Zach Booth rises to speak against -- from

11 Hattiesburg, Mississippi -- to speak against

12 Initiative 26.

13 MR. BOOTH: As you-all just heard, my name

14 is Zach Booth, and I'm here to speak against

15 Initiative 26.

16 As someone who was born and raised in

17 Mississippi, I see this initiative as very bad

18 for our state. Mississippi has the highest rate

19 of teenage births in the country and also the

20 highest unintended pregnancy rate for women of

21 all ages. This makes us poor, less healthy, less

22 educated, and more dependent on federal and state

23 welfare resources. This is a time when we should

24 be supporting initiatives that make us healthier

25 and better off economically, and Initiative 26 is

1 going to do exactly the opposite.

2 It's a misguided plan that does nothing to  
3 improve the health or welfare of women in this  
4 state. In fact, Initiative 26 can only make  
5 things worse by allowing access to the birth  
6 control pill, IUDs, and emergency contraception,  
7 because it defines a fertilized egg as a legal  
8 person before it implants in the uterus and  
9 pregnancy even begins.

10 Women who wish to prevent pregnancies  
11 wouldn't be the only ones affected by this  
12 initiative. Families who want to conceive a  
13 child through in vitro fertilization would be  
14 affected as well. The process creates multiple  
15 embryos in order to ensure the survival of one  
16 embryo that can be implanted in the woman's  
17 uterus.

18 Our state will be better off if the  
19 government stays out of people's reproductive  
20 decisions. Individuals know more better than the  
21 state about the best choices for their own lives  
22 and for their families.

23 I urge my fellow Mississippians to stop  
24 supporting initiatives that distract from what  
25 our state and country need right now -- better

1 healthcare policies and plans to produce jobs for  
2 our citizens. Initiative 26 is a distraction,  
3 and I urge all to reject it.

4 Thank you.

5 SECRETARY HOSEMANN: Thank you, Mr. Booth.

6 Stephen Hannabass. Stephen, if you will  
7 come forward, please. From Purvis, Mississippi.  
8 He is rising to speak for Initiative 26, the  
9 personhood amendment.

10 Mr. Hannabass, you're recognized.

11 MR. HANNABASS: I'm here today to defend  
12 the children and speak for those who have no  
13 voice -- the 4,000 children a day in the U.S.  
14 whose voice was taken away, killed, murdered.  
15 Who are we to decide who should live and who  
16 should die? Our worldly wants and worldly lusts  
17 and selfishness that has let this continue for  
18 almost 40 years that we have remained silent.

19 Jesus said, "No man can serve two masters,  
20 for either he will hate the one and love the  
21 other, or else he will hold to the one and  
22 despise the other. You cannot serve God and  
23 man."

24 He's given us a choice, and I think that's  
25 clear in this election what that choice is. Are

1 you going to serve God, or are you going to serve  
2 man? It's time for us to make some choices in  
3 this country. We've got the blood of 50 million  
4 children on our hands. That's one-sixth of our  
5 population that's not here today -- gone,  
6 vanished. We'll never know them. Your mother  
7 chose life.

8 Think about what kind of society we've  
9 become that we're so selfish that human life  
10 means no more than just the word "choice." The  
11 word "choice" ain't going to get the blood off  
12 your hands. We've got to repent. We've got to  
13 come before God and beg for mercy for our state  
14 and for our country. The choice is laid before  
15 us in this election, and we've got to decide who  
16 we're going to serve. I'm going to choose God.

17 SECRETARY HOSEMANN: Thank you,  
18 Mr. Hannabass.

19 We have Reverend Dr. Marie de Young, and she  
20 is rising from Ocean Springs, Mississippi. She  
21 rises to speak against the personhood initiative.

22 REV. DR. MARIE de YOUNG: Thank you,  
23 Mr. Secretary.

24 I am Reverend Dr. Marie de Young. As a  
25 Unitarian Universalist minister, I serve

1 congregations in south Mississippi and in rural  
2 Louisiana. In the past I have served several  
3 combat units as a military chaplain in the United  
4 States Army. One of my duties was to support  
5 pregnant soldiers and pregnant spouses as they  
6 lived through very, very challenging high-risk  
7 pregnancies and sometimes the death of their  
8 unborn in utero.

9 I was trained to provide this neonatal  
10 support while serving as a resident chaplain for  
11 one year at the Hospital of the University of  
12 Pennsylvania.

13 Today I am here to speak against Amendment  
14 26, which purports to give full civil rights  
15 status to human fetuses from the moment of  
16 conception. I believe this amendment attempts to  
17 place the state government in full control of  
18 women and their bodies when they become pregnant.

19 When I see my parishioners or my hospital  
20 patients during medical crises, most often these  
21 patients strive to maintain their dignity and  
22 their personal sense of control as they struggle  
23 through painful decisions for or against medical  
24 aggressive treatment. Most hospitals provide  
25 chaplains to help their patients discern because

1 they're obligated -- the hospitals and physicians  
2 are obligated to respect the rights of the  
3 individual patient as a result of an act that  
4 used to be called -- I don't know if it still  
5 is -- the 1991 Patient Self-Determination Act.

6 If I have learned anything from my work as a  
7 chaplain, it is that Americans do not want the  
8 state to invade their privacy when they are being  
9 treated by medical professionals. We don't want  
10 our state to control our healthcare decisions in  
11 any way.

12 I served in the military. Sixty men and  
13 women died in Afghanistan to preserve our  
14 freedoms.

15 And I'm shortening my statement here. I  
16 would just like to say to you that if you  
17 remember when this war started, Mrs. Bush and  
18 other dignitaries spoke about the oppression of  
19 women in Afghanistan. We were fighting this war  
20 to give freedom to women. Please, Mississippi,  
21 let's not be this state, the first state in  
22 America that takes away the full civil rights of  
23 women in this state.

24 Thank you very much.

25 SECRETARY HOSEMANN: Thank you, Dr. de

1 Young.

2 And the next speaker is Scott Murray. Is  
3 Mr. Murray here? Scott Murray is from  
4 Hattiesburg, Mississippi, and he rises to speak  
5 for the personhood initiative.

6 Scott, you're recognized for two minutes,  
7 sir.

8 MR. MURRAY: Thank y'all. I really  
9 appreciate the opportunity just to speak, and I'm  
10 thankful for the freedoms that we have in this  
11 country and in this great state. And it just  
12 reminds me of the freedoms that these unborn  
13 children, people, human beings do not have.

14 My colleagues have done a great job of  
15 covering a lot of this, but I want to reiterate  
16 some things and quote the Psalms where it says,  
17 "My frame is not hidden from you. When I was  
18 made in a secret place, when I was woven together  
19 in the depths of the earth, your eyes saw my  
20 unformed body." Unformed, yet most assuredly a  
21 body none the same.

22 I'd like to mention Richard Dawkins, who is  
23 a zoologist and biologist, a devout, very  
24 outspoken atheist, who said that the information  
25 in one human cell contains enough information to

1 fill 100,000 full sets of Encyclopedia  
2 Britannica. At 21 days from conception, a child  
3 has a heartbeat. I think this is such a simple  
4 decision. At 21 days there's a heartbeat. One  
5 cell has enough information to fill 100,000 sets  
6 of encyclopedias.

7 It's my belief that anything that would make  
8 it complicate to anyone is simply just  
9 volitional. And I do believe in prevention, too,  
10 and I know that there is an issue with  
11 pregnancies, unmarried pregnancies, but I tell  
12 you the greatest prevention is God, and we've got  
13 to return to God. And His word says we need to  
14 return to Him so that He may return to us.

15 And it's my prayer that this great sovereign  
16 state of Mississippi be the vanguard to determine  
17 personhood and define it as of the date of  
18 conception.

19 Thanks.

20 SECRETARY HOSEMANN: Thank you, Scott.

21 Kristen Welch from Hattiesburg, Mississippi.

22 Kristen rises to speak against Initiative 26, the  
23 personhood initiative, and you're recognized for  
24 two minutes, please, ma'am.

25 MS. WELCH: Like Mr. Hosemann said, my

1 name is Kristen Welch. I'm from Hattiesburg.

2 And I want to talk to you today a little bit

3 about my family.

4 I have a wonderful, supportive partner who

5 is a staff sergeant in the United States Air

6 Force, and our desperate attempt -- our hope is

7 that one day we can raise children together.

8 That's something that means a lot to both of us.

9 We might not fit everybody's definition of a

10 family, but having a family for us means being

11 together, having a baby, and raising the baby

12 together.

13 Because of health issues, my partner is not

14 able to have children. Artificial insemination

15 would be an option for us, but that would

16 completely preclude my partner from the process

17 of having a child together. In order for us to

18 have children, the only option for us would be

19 through IVF or in vitro fertilization.

20 In advance of starting our family, I have

21 done a lot of research, because this is not

22 something you go into lightly, and I have come

23 across a list of questions from a group called

24 Resolve, which is a national infertility support

25 group. And they've written a lot about other

1 personhood initiatives in other states.

2       Resolve states that personhood laws would  
3 raise questions about what medical treatment  
4 would be acceptable under a personhood law and  
5 what treatments might land a doctor or a patient  
6 in prison. They believe that personhood may  
7 compromise access to treatments to such a degree  
8 that they would become completely unavailable.

9 I'm going to read you a couple of other questions  
10 that they've posted on their website.

11       "What if one or more of my embryos stopped  
12 developing in the lab? Would I have to report my  
13 doctors with allegations of murder or  
14 manslaughter? What if I transferred two embryos  
15 and they do not implant and I do not become  
16 pregnant? Would I be subjected to investigation  
17 for something that I may have done to prevent  
18 implantation? If I had something like a uterine  
19 fibroid, would I be at risk for investigation  
20 because my uterus would not be the most  
21 hospitable place for that embryo to develop?"

22       The wording of this initiative is very  
23 vague, leaving these questions unanswered, and  
24 access to IVF might be in jeopardy for me.  
25 Please protect our access to these assisted

1 reproductive technologies and vote no on

2 Initiative 26.

3 Thank you.

4 SECRETARY HOSEMANN: Thank you, Ms. Welch.

5 Mickey Lyon. Mickey rises from Petal,

6 Mississippi. He is a speaker for Initiative 26,

7 personhood.

8 MR. LYON: Thank you. Good evening.

9 So far tonight I think mostly what we've

10 heard opposing this initiative are what in the

11 realm of logic are called straw man arguments.

12 We're not here to discuss a woman's right or

13 whether she can choose to abort her pregnancy.

14 We're here to determine when we're going to call

15 the fetus a person. So stay focused on what

16 the issue is.

17 And we've heard many people give information

18 from science that a fetus is a person at the time

19 of conception. I'd also like to offer some more

20 individuals from the scientific realm who have

21 said the same. This is from Dr. Jerome Lejeune,

22 from the University of Descarte in Paris. He's

23 known as the father of modern genetics. He says,

24 "To accept the fact that after fertilization has

25 taken place, a new human has come into being is

1 no longer a matter of taste or opinion. It is  
2 plain experimental evidence. It's a human  
3 being."

4 In our constitution and even during the Roe  
5 v. Wade decision in 1973, the chief justice who  
6 issued the opinion of the entire court said that  
7 if it is ever proven that the fetus is a person,  
8 they would be protected under the 14th Amendment  
9 of the United States Constitution.

10 And thanks to modern science, today we are  
11 seeing that it is a person at the time of  
12 fertilization. So, again, this is not about a  
13 woman's choice to end her pregnancy. It's about  
14 a child's right to live. A child's right to  
15 live. That's what this is about. Stay focused  
16 on the matter at hand, I ask you.

17 There's also been another incidence in  
18 history when the supreme court got it wrong. In  
19 the year 1857 in a case called Dred Scott, they  
20 decided that Dred Scott was not a human being.  
21 He was a black slave who was the property of his  
22 master. I don't think anyone in this room would  
23 argue that the supreme court got it wrong then,  
24 and they got it wrong in 1973 in the Roe v. Wade  
25 issue.

1       So to conclude, I would just like to quote  
2       from the late President Ronald Reagan when he  
3       said, "I notice that everybody who's in favor of  
4       abortion has already been born."

5       Thank you for your attention. Vote yes on  
6       the initiative.

7       SECRETARY HOSEMANN: Thank you, Mr. Lyon.

8       Beejee Dickson. Ms. Dickson is from  
9       Hattiesburg, Mississippi, and she rises to speak  
10      against the Initiative 26, personhood.

11      MS. DICKSON: I believe that we've had a  
12      lot of positions presented this evening. I don't  
13      think that we have heard many things that will  
14      change many people's minds. I do want to say  
15      that for every complex problem -- and we  
16      certainly have had a lot of complex problems  
17      posed -- there is an elegant and simple and wrong  
18      solution, and I think this resolution is such an  
19      elegant, simple, wrong solution.

20      Thank you.

21      SECRETARY HOSEMANN: Thank you,

22      Ms. Dickson.

23      David Cupstid from Columbia, Mississippi, is  
24      rising to speak for the personhood amendment.

25      When you start speaking, you're recognized

1 for two minutes. Thank you very much.

2 MR. CUPSTID: Thank you, Mr. Secretary.

3 Thanks for the privilege to be here today.

4 A lot of good speakers. I really appreciate what  
5 you just shared with us. We do need to stay on  
6 that point.

7 I'm here today. I'd like to say to Zach I  
8 know you were born since Roe v. Wade. Thank God  
9 your mom chose not to murder you.

10 Ms. Lundy, it amazes me that you call  
11 yourself so pro-woman, yet you disregard the more  
12 than 26 million women that have been murdered in  
13 their mother's womb. A mother's womb, the most  
14 safest place that we should ever be.

15 I'm a United States Marine, and I am a  
16 post-abortion survivor. In 1980 I brought my  
17 girlfriend to an abortion clinic and paid a man  
18 \$360 to murder my baby. I carry that scar deep  
19 in my heart. That's where my passion to see this  
20 amendment pass to decide that a baby is a person  
21 upon the moment of conception.

22 Everybody quotes scripture and talks about  
23 it, and that's great. I'm a Christian, and I  
24 love Jesus more than anything; but if we keep  
25 allowing babies to be murdered in our state --

1 not just our nation, but this state -- the blood  
2 of every innocent baby murdered is going to be on  
3 our hands.

4 Something's been said let's not be the first  
5 state to take away a woman's rights. I say let's  
6 be the first state to stand up and fight for the  
7 rights of these innocent babies that's been  
8 murdered. I love every person in this nation.

9 The Holocaust was one of the most horrible  
10 things that has ever happened in the history of  
11 this world other than this Holocaust in America  
12 today. We built a museum in Washington, D.C., to  
13 represent the Holocaust victims. Let's build a  
14 museum in Mississippi to represent the babies  
15 that we save when we pass this amendment.

16 Thank you.

17 SECRETARY HOSEMANN: Thank you,  
18 Mr. Cupstid.

19 David Masters. David is from Hattiesburg,  
20 Mississippi, and he rises to speak against the  
21 personhood amendment. You're recognized for two  
22 minutes.

23 MR. MASTERS: This is not the -- with  
24 deference to the bluegrass groups, this is not  
25 the atheist songbook.

1 Greetings, everyone. I am David Masters,  
2 the proud father of five women whom I love and  
3 respect. I'm 74 years old, a resident and  
4 citizen of the state of Mississippi and Lamar  
5 County for many, many years.

6 I object to this proposed amendment because  
7 it would destroy a family's privacy and capacity  
8 to make reproductive health decisions.

9 For example, a few years ago, one of my five  
10 daughters and her husband were happy to be in the  
11 midst of a pregnancy. They were crushed to learn  
12 that the fetus had a developmental anomaly, could  
13 become nonviable. And they decided as a  
14 family -- my son-in-law and daughter -- to safely  
15 terminate the pregnancy. That was a decision  
16 made in privacy by a family -- a husband and  
17 wife -- who would be prohibited by this amendment  
18 from coming together as a family to make such a  
19 decision. Some 12 months later, that husband and  
20 wife -- that family -- was blessed with the birth  
21 of a healthy baby boy.

22 Thank you.

23 SECRETARY HOSEMANN: Thank you,  
24 Mr. Masters.

25 Douglas Lee. You've already spoken.

1 We would recognize anyone else who would  
2 like to rise to speak for or against the  
3 amendment.

4 Hearing none, we will go forward to -- we've  
5 got one? Yes, ma'am, please step forward. I'm  
6 sorry, I didn't see your hand. If you would  
7 please identify yourself clearly into the mike so  
8 she can get it. I didn't get your card. You're  
9 recognized for two minutes. Thank you.

10 MS. RICHARDSON: Thank you. Okay, this is  
11 my first time ever speaking in front of people,  
12 so if I start stammering, don't worry.

13 My name is Christen Richardson. I'm a  
14 senior at the University of Southern Mississippi,  
15 and I am strongly opposed to Amendment 26.

16 As a woman myself, I'm at childbearing age.  
17 I can have kids. The thought of Mississippi  
18 government being intrusive into my life and my  
19 reproductive organs is something that greatly  
20 disturbs me, and it should disturb you.

21 Amendment 26, from many of the arguments  
22 that have been presented, is predicated upon a  
23 religious belief that life begins at the moment  
24 of fertilization and that abortion needs to be  
25 outlawed on that basis. While I respect the

1 religious beliefs of all people and believe that  
2 everyone in this state should have the right to  
3 support whatever religious ideology they find  
4 appropriate, one of the problems that I have with  
5 this initiative is that it's being used to codify  
6 religious belief rather than addressing the real  
7 issue that causes women to consider the idea of  
8 terminating their pregnancies.

9       Pregnancy, like abortion, is not a  
10 black-and-white issue. To use religion as a  
11 primary justification for outlawing a medical  
12 procedure is dangerous, irrational, and contrary  
13 to the religious freedom that we and religious  
14 minorities are supposed to have in this country.

15       To outlaw abortion outright without  
16 consideration for individual circumstances  
17 disregards a woman's choice to live her life and  
18 place women in a submissive position.

19       While Amendment 26 disguises itself as an  
20 amendment that will ensure that all life is  
21 protected under the law, the initiative fails to  
22 address or offer remedies to these women who are  
23 already facing tough decisions in regards to  
24 their pregnancies. The threat that Amendment 26  
25 poses to birth control only compounds the issues

1 that women in Mississippi face in trying to be  
2 responsible, thoughtful citizens.

3 I am a pro-choice advocate, and that does  
4 not mean that I'm against the life of an unborn  
5 child. I simply believe that all women should  
6 have the right to be prepared financially,  
7 physically, and emotionally to prepare for a  
8 child. No woman should ever have the  
9 responsibility or to be subjugated to ever give  
10 life to a child that they were not necessarily  
11 prepared for.

12 If you truly care about the children in our  
13 state, if you really want to ensure that all  
14 human children are equally protected under the  
15 law, then your efforts are better spent reforming  
16 our archaic healthcare system and supporting  
17 comprehensive sex education to give the women the  
18 knowledge and resources needed to prevent  
19 unintended pregnancies.

20 No woman goes to an abortion clinic wanting  
21 to have an abortion. No one wakes up one day  
22 pregnant saying, Hey, let me get an abortion. We  
23 need to oppose this law because it's detrimental  
24 to all women in this state, including myself and  
25 your future children, your sisters, your mothers,

1 your nieces. It's just, to me, not right.

2 Thank you.

3 SECRETARY HOSEMANN: Thank you, Christen.

4 Would anyone like to speak for or against  
5 the amendment? Anyone else? Yes, sir. Could  
6 you please identify yourself.

7 MR. McCLEOD: I'm Ken McLeod from  
8 Lucedale, Mississippi.

9 SECRETARY HOSEMANN: Go ahead and speak in  
10 the microphone. Ken, you're recognized for two  
11 minutes. Thank you.

12 MR. McCLEOD: As I stated just now, I'm  
13 Ken McLeod from Lucedale, Mississippi. I've  
14 enjoyed the pros and the cons.

15 Ladies and gentlemen, this, to me, is not a  
16 matter of a woman's rights. We're not trying to  
17 run over anyone. It's a matter of what is right.  
18 Is murder right by any measure of the law?  
19 That's what we're done for, what, since '73?

20 And I tell people any more -- I bring it  
21 down to the local level. Chancery clerk, circuit  
22 clerk, our local counties, they can make over  
23 \$100,000 a year legally. Does that make it  
24 right? We can kill babies. Does that make  
25 murder right? Let's say no.

1 Let's pass this amendment and give these  
2 people the equal protection that we expect from  
3 our government. That's all we're trying to do.  
4 It's not a matter of putting anybody down,  
5 stepping on anyone. They should have the equal  
6 rights, like I'm saying, that we as human beings  
7 enjoy to come out here and meet and speak our  
8 piece. Everybody's not going to agree with us.  
9 Don't expect them to.

10 I graduated from Southern back in 1965. I'm  
11 70 years young. Some people say 70 years old. I  
12 refuse. If I think I'm young, maybe I'll stay  
13 young. But, anyway, that's a personal thing.

14 But I am very much for Proposition 26. I  
15 supported it. I collected signatures for it. We  
16 go to the Tea Party meeting down on the Coast,  
17 and they promote stuff like this. And to me it's  
18 not a matter of religion; it's what's right and  
19 what's wrong. And this proposition is trying to  
20 correct something that has been wrong for too  
21 long.

22 Thank you, ladies and gentlemen.

23 SECRETARY HOSEMANN: Thank you, Ken.

24 Was there one other speaker? Yes, ma'am,  
25 you're recognized. Could you please state your

1 name clearly into the mike so she can pick it up  
2 here.

3 MS. CUPSTID: My name is Heidi Cupstid.  
4 I'm from Columbia, Mississippi.

5 I didn't plan on speaking today. I was just  
6 here to support my husband and support the  
7 amendment, and I am for Amendment 26. But as I  
8 sat here and I listened to everybody go back and  
9 forth and the opposing side and I hear a bunch of  
10 what-ifs -- what if this happens and what if that  
11 happens -- and a woman's rights and everything  
12 about her chemo and the sad story that she told.

13 Well, I'm here to tell my story. I'm a  
14 mother of four. And I've been pregnant five  
15 times, and I had a miscarriage. And I have three  
16 beautiful stepchildren, so we have seven children  
17 altogether. I've been healed of cancer. I've  
18 had five high-risk pregnancies. One of my  
19 children was born at 31 weeks, and she had to  
20 stay in NICU. And that was hard for me to go  
21 through, but with God's grace, we made it through  
22 that.

23 But I can't imagine -- one of the speakers  
24 said that what could be more disruptive to a  
25 woman than to have a child that was unwanted.

1 What's shocking to me is to know that I had any  
2 hand in murdering that child. I'm sorry.

3 We just go back and forth about different  
4 things and saying that children are unwanted and  
5 everything. Well, if it's an unwanted pregnancy,  
6 then you're taking -- you're making that decision  
7 when you're active with your partner, so you have  
8 to make the right choices. There are other  
9 choices that could be made or other treatments  
10 that could be used that won't harm a child if  
11 someone has chemo.

12 So let's get the blood of these murdered  
13 children off our hands and vote yes for 26 on  
14 November 8th.

15 Thank you.

16 SECRETARY HOSEMANN: Thank you, Heidi.

17 Is there anyone else who would like to  
18 speak? Yes, ma'am. If you could come forward,  
19 please. If you will give your full name, please,  
20 and your location, and then you're recognized for  
21 two minutes. Thank you.

22 MS. STRAHAN: Hi. My name is Alex  
23 Strahan. I am a graduate from Southern Miss. I  
24 work with Brad YesOn26. I'm a field director for  
25 the southern 21 counties in Mississippi.

1 My best friend about two years ago had an  
2 abortion, and not only did we lose that child  
3 that day, I also basically lost my best friend --  
4 not physically; she didn't die -- but mentally,  
5 psychologically, physically, she changed. Never  
6 been the same. So women's health, that's BS.  
7 Sorry. Excuse my language. That's ridiculous.  
8 So all of you who are out there for women's  
9 health, sorry, that's not an excuse.

10 We are for contraceptives. We're not for  
11 the morning after pill; we're not for IUDs. The  
12 birth control pill we're for. Condoms, all that,  
13 fine. Use contraceptives. So the excuses for  
14 birth control and all that don't stand. We are  
15 for in vitro. If you're going to harvest ten  
16 eggs, implant all ten eggs. If you're going to  
17 harvest three eggs, implant all three. But if  
18 you harvest ten eggs and you implant three and  
19 you throw away the other seven, you're aborting  
20 seven children. You're aborting seven humans.  
21 You're killing seven humans. So do it the right  
22 way and don't kill children. Save the people who  
23 could be doctors, the people who could be  
24 lawyers, people who could cure cancer. Just vote  
25 yes on 26. And visit our website [yeson26.net](http://yeson26.net).

1 SECRETARY HOSEMANN: Thank you.

2 Anyone else who would like to speak? Yes,  
3 sir. If you could identify yourself for the  
4 court reporter, please.

5 MR. GIBSON: My name is Troy Gibson. I  
6 work here at the University, and I'm in support  
7 of Prop 26 or vote yes on 26.

8 I've studied this issue a good bit. There  
9 are some things that I wanted to say. I like  
10 what was said earlier about not getting  
11 distracted. I think that's easy to do. We can  
12 talk about the repercussions and so on, but when  
13 it comes to abortion, the central question, the  
14 question that takes precedence over every other  
15 question is: What is it?

16 If my son come in out of the back yard and  
17 comes inside and says, "Dad, I found something in  
18 the back yard. It's a living thing." I say,  
19 "Okay." He says, "Can I kill it?" At that point  
20 I don't care what any of his excuses are; I don't  
21 care what any of his reasons are. They may be  
22 perfectly wonderful reasons, that whatever it is  
23 may pose a significant threat to his enjoyment of  
24 life. All I care about is the same question  
25 you're asking right now. I'm going to ask that

1 question to my son. "Well, son, what is it?" If  
2 it's a roach, I don't much care what he does with  
3 it. If it's his brother, there is no possible  
4 reason or excuse he can provide that will  
5 persuade me you've made a good case, you've  
6 explained all the repercussions. I guess you can  
7 go ahead and kill it.

8 If it is a person, there can be no  
9 compelling reason to kill it. If we don't  
10 know -- which is what I consider the pro-choice  
11 position -- if we don't know what it is and we  
12 kill it, that's manslaughter. That would be like  
13 me looking down the street, seeing something that  
14 looks like it might be a person, but I'm just not  
15 sure, and shooting to find out. That's illegal.  
16 We call that manslaughter. If I'm not sure, what  
17 reason could I ever give for killing it?

18 And, finally, every reason you can give for  
19 morally justifying abortion -- it's rescuing the  
20 child from an unwanted hard life -- I can give  
21 for slipping cyanide in an infant's bottle.

22 Those same excuses work. If it's a difficult  
23 life before he's born, after he's born it's the  
24 same thing. If I'm rescuing him before he's born  
25 from that life, after he's born I can rescue him

1 with cyanide in a milk bottle. There's no  
2 ethical difference that one centimeter in the  
3 birth canal makes at all.

4 So I would ask you pro-choicers to be  
5 consistent. Support Peter Singer's position on  
6 infanticide if you support a pro-choice position  
7 on abortion.

8 Thank you.

9 SECRETARY HOSEMANN: Thank you.

10 Anyone else who would like to speak for or  
11 against the amendment?

12 Okay, we'll move now to voter ID. We have  
13 the author here. We're privileged to have the  
14 author with us.

15 Brad and Kay, you are excused. Thank you  
16 very much.

17 We'll move to voter ID. Voter ID is  
18 outlined in the pamphlet that you have before  
19 you. Concerning voter ID, it says -- and I won't  
20 read the whole part to you, but it says, "Except  
21 as provided in Subsection 2, a qualified elector  
22 who votes in a primary or general election,  
23 either in person at the polls or in person in the  
24 office of the circuit clerk, shall present a  
25 government-issued photo identification before

1 being allowed to vote."

2 If goes, then, forward to say that the  
3 government issues a voter ID at no charge through  
4 the Mississippi Department of Public Safety.

5 It also excludes persons from a licensed  
6 care facility, an elector who has a religious  
7 objection, an elector who has a government-issued  
8 photo identification but doesn't present it at  
9 that time and can present it five days after the  
10 election. And it is not construed to require  
11 photo ID to register to vote.

12 This voter ID initiative for and against.  
13 The ballot title is listed on your brochure in  
14 the ballot summary.

15 The argument for the initiative was given by  
16 Senator Joey Fillingane, who was the initiative  
17 sponsor. This evening the con arguments were to  
18 be given by Sue Harmon. She is not with us  
19 tonight. But we will start with Senator  
20 Fillingane, who will be recognized for five  
21 minute to speak for the voter ID constitutional  
22 initiative.

23 Senator Fillingane.

24 SENATOR FILLINGANE: Thank you all for  
25 being here. I appreciate the fact that y'all are

1 all busy and it's a week night, so I will try to  
2 be brief. And I know there's another very  
3 important initiative which I also support on  
4 eminent domain coming after me.

5 Let me just say a special thanks to  
6 Secretary Hosemann and his cracker jack staff,  
7 including Pam Weaver in the back, a dear friend  
8 of ours, and others with the Secretary. They  
9 have done yeomen's work in putting all these  
10 together. As you have heard earlier if you were  
11 in earlier for the introduction, you know that  
12 it's historic truly that Mississippi is having  
13 this first sort of taste of direct democracy. I  
14 had a conversation with a gentleman in my office  
15 this afternoon for about 20 minutes -- and,  
16 Secretary Hosemann, I'm sure you've had some of  
17 these as well -- where people are asking, "What is  
18 this?" You know, "Why do we have it and what is it  
19 all about and how do we participate?"

20 Well this is your closest form of direct  
21 democracy. Many other states like California and  
22 others have lots and lots of initiatives all the  
23 time on their ballots. But as Secretary Hosemann  
24 pointed out, we've only had two previous  
25 initiatives make it all the way through the very

1 rigorous process of the collection of signatures  
2 from the right spots in the state to get  
3 something like this on the ballot. And I'm  
4 hoping that this one and maybe both of the others  
5 will be the first time it has actually  
6 successfully made its way all the way through the  
7 process. So thanks to them for all the hard work  
8 they've put in on this.

9 Let me just say this: Why do we need voter  
10 ID? Why does almost every other state in the  
11 nation -- I think all but about seven, maybe --  
12 have a voter ID requirement? And the sad truth  
13 is that people still in 2011 cheat. They still  
14 try to steal elections. We've had numerous  
15 examples -- in Madison County, which is a heavily  
16 Republican county; in Jeff Davis County that I  
17 happen to represent in my senate district; up in  
18 Holmes County, in Benton County. All over the  
19 state of Mississippi we have proven examples.  
20 This is not hearsay or rumor. These are  
21 identified cases that have gone all the way to  
22 court and proven in a court of law that dead  
23 people voted on election day, people that were in  
24 the hospital and not in the district voted on  
25 election day. People who were living who went to

1 vote found that someone else had already voted  
2 for her or for him before they got to the polling  
3 place.

4 Why does this happen? Well, people like to  
5 win elections. They spend lots of money -- ask  
6 me or any of the other representatives here. We  
7 spend a lot of time knocking on doors in the  
8 summer in this July and August heat trying to get  
9 people to vote for us. And some people have no  
10 scruples, and they do whatever they think it  
11 takes to win elections. And that's true of  
12 Republicans; that's true of Democrats, north,  
13 south, central, all parts of the state. We have  
14 proven examples where people try to cheat in our  
15 election system.

16 Now, the opponents of this will say, Well,  
17 you don't have proof that enough of this has gone  
18 on to really change the outcome of an election  
19 and so therefore it's not widespread enough that  
20 we ought to be addressing it or fooling with it.

21 Well, to me, that is a very specious argument.

22 If we know that cheating is going on and taking  
23 place in our election system, should it really  
24 bother us that it happened once or a hundred  
25 times or a thousand times, I mean, if cheating is

1 taking place? And simply by pulling out your  
2 wallet and whipping out your driver's license and  
3 showing that I am Joseph Fillingane and my face  
4 matches the name on my government-issued photo  
5 ID, and then I can vote for myself to protect the  
6 integrity of our election system, I think that's  
7 a very small inconvenience, a small price to ask  
8 citizens of our state to ensure that we have fair  
9 and efficient elections.

10 And that is what we're asking for. Over  
11 130,000 Mississippians signed this initiative to  
12 have this issue placed before the voters on  
13 November the 8th. And I really would urge and  
14 ask for your support of this particular  
15 initiative.

16 As I said earlier, almost every other state  
17 in the nation has this already, because they  
18 recognize to fly out of an airport, to cash a  
19 check, to even rent a video at the Blockbuster  
20 video store, you have to show some form of  
21 identification and photo ID.

22 The very argument made by the opponents that  
23 this is going to intimidate people from voting in  
24 our elections, I think really is offensive. It's  
25 offensive not only to people who have minds who

1 can think, it's also offensive to those people,  
2 in my opinion, they're saying that this would  
3 disenfranchise. The very idea that we went all  
4 the way through the civil rights movement in the  
5 1960s, that people actually were hosed and they  
6 were intimidated with dogs and things of this  
7 nature in Selma and other places and that the  
8 idea that by asking them to flip out a driver's  
9 license and show that in order to vote, which  
10 they fought so hard to win in the first place,  
11 that that would intimidate them from voting?

12 That is offensive. It's offensive to them; it's  
13 offensive to me as a legislator.

14 And I would really urge each and every one  
15 of you to not only vote for Initiative 27, but  
16 also ask your family members, your church  
17 members, and everyone you know at the clubs and  
18 your workplaces to get out and vote for this to  
19 ensure fair elections in our state.

20 Thank you very much for the opportunity.

21 SECRETARY HOSEMANN: Do we have anyone to  
22 speak against the voter ID? They would be  
23 recognized now.

24 Yes, sir. Would you state your name,  
25 please, clearly.

1 MR. ROSS: My name is William Ross, and  
2 I'm from here in Hattiesburg.

3 Do I get five minutes?

4 SECRETARY HOSEMANN: Yes, sir, you do,  
5 because you're the first one and the only one  
6 that we have on the other side of this amendment.

7 MR. ROSS: Fantastic. All right.

8 I would just like to point out initially the  
9 little bit of contrast that we have in the first  
10 proposition which was discussed in which we were  
11 pointing out is our state trying to be the leader  
12 on all this in the nation, yet what we can see  
13 with this proposition is that we will be a little  
14 bit more a follower. But unlike many other  
15 states, we don't have the resources necessary to  
16 be able to carry out such a policy, nor do we  
17 have the resources to spare. This is where I  
18 would like to first start on why we cannot pass  
19 this initiative.

20 The first reason is because it's going to  
21 decrease the amount of voter turnout that our  
22 state has already seen. According to George  
23 Mason University, in 2006 the United States voter  
24 turnout is far from ideal. But we see even worse  
25 when we look at a per-state basis. Our state of

1 Mississippi had the lowest voter turnout in the  
2 entire nation, save DC, which has significantly  
3 less incentive to vote seeing as they don't  
4 actually have voting representation. So we can  
5 see that Mississippi actually has a lower voter  
6 turnout.

7 Now, how does this tie back to this  
8 initiative? If we turn to the Berlin Center, it  
9 shows how 12 percent of the population does not  
10 have a voter ID by any form of government  
11 identification. By demanding that they have this  
12 will in turn increase the red tape that one must  
13 take in order to actually vote; and by doing  
14 this, it's going to decrease the amount of  
15 voting. Mississippi already has a low voter  
16 turnout. This is simply not going to be very  
17 beneficial to us.

18 But the fact is that people who do not have  
19 a voter ID isn't something that goes across all  
20 scales, but rather is many isolated areas,  
21 particularly the elderly, minorities, lower  
22 socioeconomic groups, as well as my demographic  
23 of students. This is something that we should  
24 not pass. We shouldn't pass an initiative that  
25 is going to make it even harder for people to

1 actually vote.

2 While I understand fraud does occur -- yes,  
3 it's always going to happen. You're going to  
4 have your cases where the starting lineup for the  
5 Dallas Cowboys (indiscernible). What we need to  
6 examine is that this initiative isn't going to  
7 directly combat that, because people can still  
8 fake IDs, as we see time and time again.

9 Recently there was a bust around prom night at a  
10 high school where a bunch of students entered gas  
11 stations with fake IDs. These IDs were not only  
12 mirror images of the real IDs, but also included  
13 holograms, as well as actually passing a scan  
14 test.

15 I'm not sure how rigorous we're going to do  
16 these type tests if we were to actually pass this  
17 initiative, but if we were to do it where we  
18 would do every possible conceivable test, all  
19 it's going to do is increase the amount of time  
20 at the voting polls, and that's just going to  
21 deter people even further.

22 Also we need to examine cost. Now, this is  
23 something that you hear time and time again on  
24 the news about the cost of implementation. What  
25 we can do is look at other states and when they

1 have tried to do it, how did they estimate cost  
2 there. What I would like to turn to as an  
3 example in Minnesota where they're potentially  
4 trying to do this exact same type of initiative.  
5 The estimated cost in Minnesota is \$5 million  
6 over the course of three years.

7 Now, granted Mississippi does have a  
8 substantially lower population, if we were to  
9 adjust the population growth we've got on the  
10 same scale, around a \$45 million price tag over  
11 the next three years, \$15 million a year. That's  
12 something our state can simply not afford. You  
13 turn on the news every night and there's a  
14 segment talking about how those up on the Capitol  
15 Hill -- not just Washington, as well as  
16 Jackson -- are trying to figure out the debt  
17 crisis. Now, to try to figure out another  
18 \$15 million is something that we simply just  
19 cannot allow, and it's just going to be more  
20 irresponsible.

21 So just looking back, we can see Mississippi  
22 has a low voter turnout, and all this is going to  
23 do is increase the amount of red tape, because  
24 people are going to have to go through the whole  
25 entire documentation process just to be able to

1 obtain an ID and have to go through the entire  
2 documentation process again to be able to vote.  
3 We can also see that this is going to have a  
4 substantial price tag and people can still fraud  
5 the system through the fake ID process.

6 And it's for these reasons why as voters we  
7 need to vote against this initiative.

8 Thank you.

9 SECRETARY HOSEMANN: Thank you. I'm going  
10 to let the court reporter rest for just a second.  
11 I hope you got all that.

12 Thank you very much for rising to speak.  
13 It's the best part of the democracy.

14 Is there anyone else who would like to speak  
15 for or against the initiative for voter ID,  
16 Initiative No. 27?

17 Hearing none, we will now move to eminent  
18 domain. Ron, are you speaking?

19 Continuing on this evening, the last ballot  
20 initiative is Initiative No. 31. It is the  
21 eminent domain initiative. Eminent domain is  
22 described in the brochure that has been given out  
23 to you before. We won't read all of this, but I  
24 will give you the salient parts at the beginning.

25 It is Initiative No. 31. "No property

1 acquired by the exercise of the power of eminent  
2 domain under the laws of the state of Mississippi  
3 shall, for a period of ten years after its  
4 acquisition, be transferred or any interest  
5 therein transferred to any person,  
6 nongovernmental entity, public-private  
7 partnership, corporation, or other business  
8 entity with the following exceptions."

9 The exceptions are listed there, and they  
10 include public airports, toll roads, public  
11 ports, etc.

12 If further goes on in paragraph 2 to say:  
13 "The above provisions shall not apply where the  
14 use of eminent domain removes a public nuisance,  
15 removes a structure that is beyond repair or  
16 unfit for human habitation or use, is used to  
17 acquire abandoned property, or eliminates a  
18 direct threat to public health or safety caused  
19 by the property in its current condition."

20 Initiative No. 31, the arguments for and  
21 against are listed here. David Waide from the  
22 Mississippi -- former president of the  
23 Mississippi Farm Bureau, was the individual who  
24 wrote the initiative "for" argument.

25 We're pleased tonight to have Leland Speed,

1 who is currently the director of the Mississippi  
2 Development Authority, and also prior to that has been in  
3 many public companies, and I can't keep up with  
4 all of them. But he's been a public servant for  
5 a long time and also served prior. He works for  
6 the state of Mississippi for the pay of \$1 per  
7 year. I don't know if you ever got your dollar.  
8 Anyway, we're blessed to have Mr. Speed, who will  
9 speak against the initiative this evening.

10 So we will start with Larry Jeffcoat. And  
11 we have a number of speakers on this issue. We  
12 will start with Larry Jeffcoat to speak for the  
13 initiative. And Mr. Jeffcoat is recognized for  
14 five minutes.

15 MR. JEFFCOAT: Thank you for letting me  
16 speak to you tonight about the initiative.

17 I'm Larry Jeffcoat. My family and I have a  
18 small farm in Jones County, and I'd like to talk  
19 to you tonight in favor of the Initiative 31.

20 We tried for three years to get this put on  
21 the ballot through the legislature, to get the  
22 law where private property would be protected.  
23 And last year we got it passed through both  
24 houses, and then the governor vetoed it. We  
25 failed to get a veto -- an override veto from the

1 senate, so then we took the initiative to go out  
2 and get the signatures to let the people of  
3 Mississippi vote.

4 Since that time this has been challenged to  
5 whether we need to put it on the ballot or not,  
6 but I think tonight what would be more American  
7 is to let the people vote on what would happen to  
8 their property, if it could be taken for private  
9 use and not for public use.

10 The constitution granted us the right --  
11 granted the government the right to take our land  
12 for eminent domain for true public use. But the  
13 supreme court in their 5-4 decision changed the  
14 historical understanding of the definition of  
15 eminent domain takings by their interpretation of  
16 the Kelo case in Connecticut a few years back.

17 This set off a lot of protest, and 43 other  
18 states in our nation have enacted reforms to  
19 prevent such confiscation of private property,  
20 and I think Mississippi should do the same.

21 Those in opposition to having this  
22 initiative on the ballot want to tell you that  
23 it's not the right thing to do. They say that if  
24 this initiative had been in place, we wouldn't  
25 have the Tennessee Waterway, the Stennis Space

1 Center, the Barnett Reservoir, the Nissan plant,  
2 or the Toyota plant.

3 Well, that's really not true, because the  
4 Barnett Reservoir was for public use. Jackson  
5 gets their water from that reservoir. The  
6 Tombigbee Waterway, the Stennis Space Center was  
7 federal projects; they were not state projects.  
8 They didn't fall under the state eminent domain  
9 laws.

10 The Nissan plant, they did try to use  
11 eminent domain there, and it failed. One family  
12 fought it for a long time and finally gave in and  
13 sold. The other family fought it in court for  
14 two years and finally won and got to keep their  
15 property. No telling what it cost them, but they  
16 did get to keep their property.

17 They claim they used eminent domain in the  
18 Toyota plant, which they did. They took some  
19 mineral rights, which was unnecessary. They took  
20 that because of the abandoned land. They could  
21 have got it that way. They didn't have to use  
22 eminent domain.

23 This initiative does not change the right to  
24 take property. It just says that if you take it,  
25 you can't use the property for anything other

1 than true public use for ten years.

2 Through this initiative we want to provide  
3 the opportunity for Mississippi citizens to vote  
4 and retain their ownership of their land, their  
5 private property.

6 In 57 counties in Mississippi approximately  
7 66,000 acres of industrial park space are  
8 available for industries to come to Mississippi.  
9 That's not including many people in Mississippi  
10 that's willing to sell their land. They want to  
11 sell it to industry. You know, a buyer-seller  
12 agreement, they can do it that way.

13 I'm the fourth-generation farmer on my  
14 place. All my great granddaddy's land still  
15 belongs to his decedents so far. We're proud to  
16 live on our land, and we would hate to see  
17 somebody come in there and say, "I can make  
18 another dollar more than you can, and we're going  
19 to take your land." That would just be not the  
20 right thing to do. I would not want someone to  
21 take the property just because they could make  
22 more money and pay more taxes, which supposedly  
23 would help the public.

24 One of the opponents said we need to trust  
25 our judges and courts. We need to trust that our

1 judges and courts will look after the people of  
2 Mississippi. Well, I'm sure the people from  
3 Connecticut thought their courts would look after  
4 them too. So we need to vote this initiative in,  
5 and that would take the obligation off of those  
6 people and they wouldn't have to worry about  
7 making that decision.

8 Thank you.

9 SECRETARY HOSEMANN: Leland Speed is in  
10 his capacity as an individual citizen today. He  
11 is recognized to speak for five minutes.

12 Leland, you're recognized to come forward.  
13 Then we'll start. We have a number of speakers  
14 for and against, so we'll start right after that  
15 with our for and against.

16 Mr. Speed.

17 MR. SPEED: I would like to urge you to  
18 vote against Proposition 31. I have two specific  
19 reasons.

20 The first reason, I think it's illegal. Our  
21 founding fathers made it very difficult to amend  
22 the constitutions. You know, the federal  
23 constitution, you have to go through Congress;  
24 then you have to go through three-quarters of the  
25 states have to ratify it. So it doesn't happen

1 very often. The state of Mississippi, they tried  
2 to make it difficult as well. And this is a part  
3 of the Bill of Rights of our state constitution.  
4 And I don't think it makes a lot of sense for us  
5 to have an -- I don't think it's legal for us to  
6 have a referendum on it where 50 percent of the  
7 votes plus one amend our constitutional Bill of  
8 Rights, and so the courts are going to decide  
9 that question.

10 But I think we need to be very slow before  
11 we mess with the Bill of Rights of our state  
12 constitution. We need to make sure we better  
13 hear both sides of the story, because the way we  
14 have it now, one interested party that has lots  
15 of resources can sway public opinion, and what  
16 have you got on the other side? Me, an  
17 individual citizen. I bring a suit to try to  
18 say, "Please, stop and think about this a minute."  
19 Why do I want you to stop and think about this a  
20 minute? It's a very emotional issue. But the  
21 fact is they can't produce one victim of the  
22 situation that we presently have.

23 We've been able to make some major economic  
24 strides in our state, specifically the projects  
25 that have been cited here before. And I beg to

1 differ as to whether or not those things would be  
2 here without the use of eminent domain as we  
3 presently have it structured with five levels of  
4 protection.

5 You see your state legislators. They are  
6 skiddish as all get out on this subject. You've  
7 got to -- before you can use this thing for  
8 economic development -- it's only been used a  
9 handful of times -- you've got to go -- the local  
10 politician has got to bless it -- the board of  
11 supervisors or the mayor and board of aldermen in  
12 your town -- before they take your farm or  
13 whatever it is. Then the Mississippi Development  
14 Authority has to bless it. Then the House and  
15 the Senate have to bless it. Then the governor  
16 has got to bless it. Then you can still go to  
17 court.

18 And the situation at Canton was cited as an  
19 example. I submit that as Exhibit A that the  
20 system works. This particular family said, "We  
21 don't care about the Nissan plant. We want to  
22 keep our 24 acres." Well, they went to court,  
23 and they kept it. The system worked. I submit  
24 that as evidence that we've got a great system.

25 But let's go back to Toyota. In the middle

1 of the Toyota site was a church site. The church  
2 went defunct in 1927. They couldn't even find  
3 anybody that could act on behalf of the church.  
4 Toyota says, "Hurry up and get this deal put  
5 together or we're moving to Tennessee."

6 Well, we were able through the use of  
7 eminent domain to take that defunct church site  
8 and also to clear up a bunch of mineral  
9 interests, which they said they weren't touching  
10 it until it was clean. You've got to move fast  
11 on one of these deals.

12 I've been working for you now for the better  
13 part of four years as running economic  
14 development for this state, and I see how  
15 valuable it is and I see how well the system we  
16 now have works. We ain't got no problems. This  
17 is a solution looking for a problem. It almost  
18 reminds me of the guy that says, "I think I'm  
19 going to have my feet amputated because I'm  
20 afraid I'm going to get athlete's foot." We  
21 ain't got no problem. There are no victims.

22 We've got a bunch of -- we've got to have  
23 some confidence in our legislators, our local  
24 elected officials, our governor, and our court  
25 system. And it's worked. We don't have any

1 victims. None. Zero. And for us to sit here  
2 and talk about precluding our ability to  
3 compete -- because let me tell you: He talks  
4 about 43 states have changed their laws. There's  
5 three of them got it just exactly the way we got  
6 it, and that's Alabama -- they're a big-time  
7 competition; Tennessee -- that Toyota plant was  
8 on its way to Tennessee if we weren't able to  
9 deliver that deal, and 3300 people are going to  
10 get fine jobs. And we've got a state with  
11 10 percent unemployment; we can't be blowing  
12 opportunities.

13 Arkansas, Tennessee, and Alabama, our three  
14 biggest competitors on every deal that we're  
15 looking at, all have it where the legislature and  
16 the governor can utilize eminent domain for  
17 economic development purposes.

18 So I just say thank you for this opportunity  
19 to come down here and visit with you. I have  
20 enjoyed working for you. I'll be working for you  
21 until the end of December. And please, I beg of  
22 you, think this thing through. I understand the  
23 emotions, but we don't have a problem. Once in a  
24 while in Mississippi we actually get things  
25 right, and this is one of those times.

1 Thank you.

2 SECRETARY HOSEMANN: Thank you, Leland.

3 We will now go to the public speaking  
4 portion. Reggie Magee. Mr. Magee is rising from  
5 Mt. Olive, Mississippi. And, Reggie, you are  
6 speaking for the initiative. You're recognized  
7 for two minutes, sir.

8 MR. MAGEE: Thank you, Mr. Speaker.

9 Sixty-seven years ago my father got killed  
10 in World War II, and I think that when he died,  
11 that give me the freedom to do with my land that  
12 I had what I have to do with it. And at that  
13 time, which was a long time ago, my mother had  
14 four children, and she had to sell 80 acres of  
15 land for us to survive. But at this time right  
16 now we don't have to sell land. We have land.  
17 And this initiative will keep anybody from taking  
18 this land from us for public use.

19 And I'm speaking for this initiative,  
20 because I think it's everybody's right to be able  
21 to do what they want to for their own property.

22 SECRETARY HOSEMANN: Thank you, Mr. Magee.

23 Is it William Ross?

24 MR. ROSS: I'll talk a little bit slower.

25 SECRETARY HOSEMANN: Take your time.

1 You've got two minutes. And you're recognized to  
2 speak against the amendment.

3 MR. ROSS: I agree with Mr. (Speed) on a  
4 number of the points he brought out. I'd like to  
5 somewhat reiterate those.

6 The first point that I would like to bring  
7 up is exactly why we can't pass this initiative.  
8 It's going to be the impact it's going to have on  
9 the large scale industry that might be  
10 considering moving to Mississippi.

11 First I would like to start off as quoting  
12 something that our current governor, Governor  
13 Haley Barbour said. He mentioned that the Nissan  
14 plant might not have been able to move to  
15 Mississippi had the eminent domain initiative  
16 already been passed. And this is something that  
17 we can clearly see would have been detrimental to  
18 our state. The Nissan plant currently employs  
19 4,800 people. This is a substantial amount of  
20 individuals that would otherwise be unemployed  
21 without this plant.

22 What we need to see is right now Mississippi  
23 is battling a very harsh unemployment rate of  
24 nearly 10 percent. So by passing this  
25 initiative, what it's going to do is deter the

1 ability for large scale industries, particularly  
2 those within the factory sector, from moving to  
3 Mississippi -- sorry, I'll speak a little  
4 slower -- moving to Mississippi and bringing in  
5 jobs with them.

6 It was brought the example about how the  
7 Toyota plant was on its way to Tennessee. This  
8 is something that we need to examine when it  
9 comes to this initiative. Future projects, they  
10 might overlook Mississippi and look to some of  
11 our neighboring states of Alabama and Tennessee  
12 if we make it harder for these larger businesses  
13 to move into Mississippi.

14 I understand we want to protect property  
15 rights, but we need to look at this on a large  
16 scale, how it's going to help the collective  
17 public. And we also need to understand that  
18 there are some people who might wish to sell  
19 their individual land to an industry but really  
20 aren't able to because one or two of their  
21 neighbors is unwilling to do so and ends up  
22 pretty much nullifying the entire process. And  
23 that's something that's really not fair to those  
24 individual landowners, because they're not being  
25 able to capitalize on their own land.

1       So looking back at really this initiative, I  
2       would also like to point out another last point  
3       that was brought by Representative -- not  
4       Representative, I'm sorry. Mr. (Speed) had  
5       brought out this would be an amendment to the  
6       Mississippi Bill of Rights. Turn to the  
7       Mississippi chapter of the ACLU, which shows you  
8       cannot really do an initiative process through  
9       the -- an amendment to the Bill of Rights through  
10      the initiative process, potentially challenging  
11      this. This is something that we also need to  
12      examine as well when it comes to whether or not  
13      we're actually going to be voting for this  
14      initiative.

15      And it is for these reasons I would  
16      encourage you to vote against the initiative.

17      SECRETARY HOSEMANN: Thank you, Mr. Ross.

18      Ed Rawls. Ed rises from Wiggins,  
19      Mississippi. He is speaking for Initiative 31,  
20      eminent domain.

21      You're recognized, Mr. Rawls, for two  
22      minutes.

23      MR. RAWLS: Good evening.

24      My name is Ed Rawls, and I own a small  
25      business in Wiggins, Mississippi. I've been an

1 entrepreneur for over 25 years in this and other  
2 businesses.

3 I'm here tonight to share with you my  
4 feelings concerning eminent domain and its effect  
5 on the real people. First, I am in favor of the  
6 amendment to limit eminent domain to public use  
7 only.

8 Secondly, while I'm not a history expert, I  
9 do enjoy history, and over the last ten years  
10 have taken it upon myself to read about our  
11 founding fathers and our history of the country  
12 as it was being founded. It's clear to me that  
13 their intent was exactly what they recorded, not  
14 what many times people from each side --  
15 politicians on each side of the aisle seem to  
16 pick and choose from the information, not taking  
17 the whole council of information that they left  
18 on these subjects.

19 One of the fundamental building blocks of  
20 our country is private property rights. Without  
21 this protection, many people would be hesitant or  
22 scared to invest in homes, businesses, or farms  
23 for the fear that they could be taken away from  
24 them in the name of higher taxes, sometimes  
25 disguised as economic development, smart growth,

1 or the new socialist slogan of the day.

2 If taking personal property and giving it to  
3 another for an increased ad valorem, payroll, or  
4 other taxes is the end result, what will restrict  
5 the local government from taking a homeowner's  
6 property that has homestead exemption and giving  
7 it to me to rent and pay higher taxes? What  
8 would prevent them from taking it from me and  
9 giving it to a developer to build apartments or  
10 condominiums for additional higher taxes? At  
11 what point does it stop?

12 I want to close by saying I don't want to  
13 forfeit my judgment for someone else's judgment,  
14 and I am in favor of supporting the eminent  
15 domain amendment and encourage you to do so also.

16 Thank you.

17 SECRETARY HOSEMANN: Thank you, Mr. Rawls.

18 J.B. Brown from Wiggins, Mississippi. And  
19 J.B. is here to speak for the eminent domain  
20 issue.

21 J.B., you're recognized for two minutes,  
22 sir.

23 MR. BROWN: Thank you, Filbert. You got a  
24 good thing going there.

25 I'm a beef and timber farmer from Stone

1 County, and I'd like to speak in favor of this  
2 amendment.

3 As Mr. Speed illustrated, our founding  
4 fathers did include eminent domain in our  
5 constitution. When it was written, they had  
6 great forethought. They wanted to protect us  
7 from the charity of the federal government. They  
8 would not -- the legislature would not ratify  
9 that constitution until there was a Bill of  
10 Rights attached to it. The first one was freedom  
11 of speech and religion; the second one, gun  
12 control or gun ownership.

13 But let me go to the fifth amendment: "Nor  
14 shall private property be taken for public use  
15 without just compensation." Now, this is what we  
16 have labored under, even our state  
17 constitution -- look at page 8 -- public use.  
18 And that's what we've labored under. Yes, they  
19 were able to keep their property, but we were  
20 under public use doctrine at that time.

21 Since the *Kelo v. New London*, the most  
22 flawed decision -- as the *Wall Street Journal*  
23 wrote a year ago, the most flawed decision ever  
24 by the supreme court, a 5-4 decision that allowed  
25 a private development to take private property.

1 It's still not been developed.

2 But that is why I speak in favor of this.

3 This initiative would protect -- go back to what  
4 it was our founding fathers wanted, public use  
5 only, not because another entity says they will  
6 pay a little bit higher tax or get more money.

7 So I speak in favor of this initiative.

8 Thank you.

9 SECRETARY HOSEMANN: Thank you, Mr. Brown.

10 Gerald Moore. Mr. Moore is from Petal,  
11 Mississippi, and he rises to speak for the  
12 eminent domain.

13 Mr. Moore.

14 MR. MOORE: Thank you, sir.

15 My wife and I own property in Forrest County  
16 and Lauderdale County. We have a beef cattle  
17 farm here in Forrest County. The Lauderdale  
18 County property I'm the fifth generation that  
19 owns that property. Forrest County property, my  
20 wife is the fourth generation to own that  
21 property. And we don't want to lose it, and it  
22 is not for sale.

23 During the drive to get eminent domain  
24 through, we've noticed some opposition and who  
25 it's come from. Primarily, the opposition has

1 come from attorneys and politicians, and we trust  
2 them to look after our interest.

3 Now the opposition also from Initiative 31  
4 has said that industrial economic development  
5 would suffer should it pass. Well, we're  
6 suffering right now for the like reason of  
7 economic development because we're not taking  
8 advantage of what forestry has offered in the  
9 state of Mississippi. And we have 70 times more  
10 economic development potential in forestry than  
11 we do any Nissan or Toyota plant, so this is  
12 where we're missing the boat.

13 There are other things other than just  
14 acreage that you need for industrial development.  
15 Having had ten years of experience working with  
16 that, we have some knowledge of what's going on.  
17 But such things as a well-educated and trained  
18 work force, available financing, tax relief,  
19 environmental problems, legal issues, all of  
20 those have to be considered.

21 Yes, public health and safety is a very  
22 important thing, and in Initiative 31 we will  
23 provide the use of eminent domain to remove  
24 public uses or things that would be detrimental  
25 to our health and our safety.

1 I don't have the time, but if we don't do  
2 something, it would be very possible for me to  
3 get a hold of land adjoining me to put on an  
4 active forestry program. And as a 48-year  
5 experienced forester, I believe I have better  
6 management possibilities with forestry than the  
7 average landowner does out here, so I think we  
8 could get a lot more revenue by proper  
9 management. And so by leaving it with the  
10 landowner and rather than taking it away, we will  
11 be ahead for taxes and for the growth of the  
12 state of Mississippi.

13 SECRETARY HOSEMANN: Thank you, Mr. Moore.

14 Ron Farris is here. Would you like to rise  
15 and speak, please? Mr. Farris will speak against  
16 the initiative. You're recognized, Ron, for two  
17 minutes.

18 MR. FARRIS: Thank you, Mr. Secretary.

19 Good evening, ladies and gentlemen. It's  
20 good to be home. My friend, Gerald Moore, you  
21 hurt my feelings now talking about lawyers.  
22 Sometimes we get it right. I was your lawyer  
23 once upon a time.

24 I want to say some very quick things to sort  
25 of reiterate what's been said tonight by the

1 people against this initiative.

2 Number one, in the state senate for eight  
3 years and for all of my life I have fought to try  
4 to move Mississippi to a better place. I have  
5 worked with people like Leland Speed, like Haley  
6 Barbour, like some of the other people in this  
7 room, to try to lay a foundation and put the  
8 tools in the toolbox so that our economic  
9 developers here in Hattiesburg and Forrest and  
10 Lamar County and all over this state could work  
11 hard to bring good jobs that pay good wages to  
12 Mississippians, to my children and to my  
13 grandchildren, and to your children and  
14 grandchildren.

15 Governor Haley Barbour said it best: This  
16 is the worst thing we have done since 1935 when  
17 we started our efforts organized under the  
18 balanced agricultural industry program under the  
19 Hugh White administration to build an economic  
20 development system that enables us to compete  
21 with Alabama, to compete with Tennessee, to  
22 compete with Georgia, to compete with Texas, to  
23 compete with Louisiana and Arkansas for jobs.  
24 Large-scale developers will not come unless you  
25 can give them large tracts of land. And one

1 holdout who invested in that property for no  
2 other purpose than to hold out and get a  
3 profit -- and they usually don't live in  
4 Mississippi -- they are the people who will use  
5 this initiative to kill our efforts at trying to  
6 woo these economic development people here.

7 I've been a part of Nissan. I voted with my  
8 vote representing you to spend \$487 million in  
9 borrowed money to get Nissan here, but there are  
10 10,000 people who go to work every day who thank  
11 us for that. There are 3300 people that are  
12 going to work at Toyota that thank us for that.

13 And the bottom line is that this initiative,  
14 if it passes, will hang the closed sign out in  
15 every corporate boardroom in this world -- not  
16 just in this country, in this world -- that says  
17 If you want to go to Mississippi, then you're  
18 going to have to go in there and you're going to  
19 have to pay top price in a state that has nothing  
20 else to give you except expensive land. Because  
21 we have been having to woo these people in with  
22 these packages so that we can use that tax base  
23 to build our education system, to build up the  
24 programs that we use to get our people educated  
25 and ready to take these jobs. You have to have

1 one or the other, and I believe we have to do  
2 everything we can do to preserve our ability to  
3 bring large scale, high wage employers to this  
4 state.

5 This initiative, ladies and gentlemen, if  
6 you vote for it, will kill us in that department.

7 So I ask you to consider carefully before you  
8 vote.

9 SECRETARY HOSEMANN: Thank you.

10 Jason Ellzey from Moselle, Mississippi, and  
11 he rises to speak for the initiative.

12 MR. ELLZEY: My name is Jason Ellzey. I'm  
13 from Moselle, Mississippi, and I'm a proud member  
14 of the Mississippi forestry industry. And I am a  
15 large acreage holder, and my land is expensive.

16 And I do -- if I was going to sell my land, it  
17 would be for a lot of money.

18 This is basically Robin Hood in reverse,  
19 people. I mean, we're taking money -- we're  
20 taking land from the poor and giving it to the  
21 people to do rich, you know, to make money. And  
22 it ain't just the large landowners, you know.

23 What if it comes down to taking your house to put  
24 up a McDonald's? I mean, you know, we're talking  
25 they can dang near qualify to fall under eminent

1 domain.

2 I just believe that we need to protect our  
3 land rights. I can stand up here and say that  
4 anybody that leaves here and goes north on I-59  
5 is going to go through some of my land that was  
6 taken through eminent domain from my granddaddy  
7 to build Interstate 59, and I'm proud of that.  
8 That makes our family a part of the  
9 infrastructure of Mississippi, and I'm proud of  
10 that. That was a public use. That wasn't to  
11 come in and build somebody else a -- make  
12 somebody else rich.

13 Thank you.

14 SECRETARY HOSEMANN: Thank you,  
15 Mr. Ellzey.

16 Is there anyone else who would like to speak  
17 for or against the amendment? Yes, sir.

18 MR. LEE: Doug Lee.

19 SECRETARY HOSEMANN: Come on. You're  
20 recognized for two minutes.

21 MR. LEE: Guess which side I'm on? I  
22 appreciate your remarks while ago. And I  
23 struggled with this issue first. I said so on  
24 the radio the other day. I wasn't very well  
25 educated on the issue. I am now.

1       Let me tell you what it's all about. It's  
2       just all about money. It's how much money. The  
3       state is going to get some land to develop. It  
4       will; it can. And it can buy land and just give  
5       it to Nissan if it wants to, but what's going to  
6       be the cost? Well, there's going to be a cost.  
7       Now, who's going to bear that cost is the issue.  
8       Is it going to be the landowner or is it going to  
9       be the state of Mississippi? Because the state  
10      of Mississippi wants a factory to come in here,  
11      and the issue is, Well, we want this much land at  
12      this price, the state of Mississippi can do that.  
13      Now, think about this: If the state of  
14      Mississippi is doing that and the price is jacked  
15      up a little bit and it's going to cost more,  
16      yeah, and that's going to come from taxpayer  
17      dollars, certainly. But let's spread that cost  
18      over -- if it's something that's good for  
19      Mississippi, then it's good for the state, then  
20      the taxpayers, we probably don't have that much  
21      against it. If it's going to create jobs here,  
22      Lord only knows I want to see more jobs -- high  
23      paying, good wage jobs created here. Let's do  
24      it. Let's build more Nissan plant, let's build  
25      more Toyota plants. Maybe even build an American

1 car here. But let's not do it on the backs of  
2 the landowners. Let's all get together as a  
3 community, as a state, and say that we're going  
4 to do this as a state and not put it all on the  
5 farmer, a rancher, somebody that's got a house  
6 they've lived in all their life.

7 We've got the land. There's plenty of  
8 undeveloped land. Let's just use it wisely and  
9 let's vote yes on this initiative.

10 SECRETARY HOSEMANN: Thank you, Doug.

11 Anyone else who would like to speak for or  
12 against? Yes, sir. Please state your name.

13 MR. LYON: I'm Mickey Lyon.

14 I'm all for jobs as well, but I'm not for  
15 jobs at the expense of the private property  
16 owner. This document that I hold right here is a  
17 copy of the Bill of Rights, and this was ratified  
18 December 15, 1791.

19 I'm a-self professed history geek. And if  
20 you know your history, our constitution almost  
21 was not ratified because this document, the Bill  
22 of Rights, was not in it initially.

23 And one of the key points under Article 5 is  
24 "private property shall not be taken for public  
25 use without just compensation."

1        Now, again, in a historical context, you  
2        have to think why was this so important to the  
3        founding fathers? Because for century after  
4        century, the king, at his will and leisure, could  
5        go in and seize anyone's property for whatever  
6        purpose he wanted. They wanted to ensure that  
7        the government could not take your property  
8        without just compensation and just reason. And  
9        the concept was that it would be for public use  
10       like roads and bridges, not like in the New  
11       London, Connecticut, case where the supreme court  
12       decided in favor of the City of New London, and  
13       they seized private property in order to give it  
14       to another private organization. That is not the  
15       intent of the founding fathers, and that's why  
16       they made sure that it was placed in the Bill of  
17       Rights.

18       In America, private property ownership is a  
19       key value and one that we hold dearly, and it  
20       should be defended and protected.

21       Thank you for your attention.

22       SECRETARY HOSEMANN: Anyone else to speak  
23       for or against the initiative? Yes, sir.

24       MR. McCLEOD: Ken McCleod. I'll just talk from here.

25       One little key point. I've read this, I

1 supported it, I gathered signatures for it to get  
2 it on the ballot. It is not preventing the  
3 taking of the land. It's preventing someone  
4 taking it from you today and selling it to Joe  
5 Blow tomorrow so he can make a lot of money out  
6 of it or the state can. In ten years it's gone.  
7 All the other things we have in place remain in  
8 place. If you need a road, you got the road. If  
9 you need a power line, you got the power line. I  
10 think people are overlooking that fact. I even  
11 heard on the local news in Moss Point --  
12 yesterday, I believe it was, or today -- Fox news  
13 even had it wrong. Anyway, I just thought I  
14 would put that in.

15 Thank you.

16 SECRETARY HOSEMANN: Thank you, Ken.

17 Is there anyone else to rise to speak? Yes,  
18 sir. You're recognized. If you could come up to  
19 the mike, please, sir, so she can make sure she  
20 gets your comments.

21 While he's coming, Larry, would you like to  
22 speak? I think this might be our last one.

23 Would you like to speak on any of the  
24 initiatives? I'm going to offer Representative  
25 Fillingane. Would you like to speak on any of

1 the initiatives? I think this may be our last  
2 speaker.

3 Okay, sir, if you would identify yourself,  
4 please, clearly into the microphone, and you're  
5 recognized for two minutes.

6 MR. HINTON: My name is Don Hinton. I'm a  
7 attorney -- local attorney -- here in  
8 Hattiesburg. I specifically practice in the area  
9 of eminent domain. I've faced litigation for  
10 both. I'm on both sides of the fence.

11 And it's real important when you look at  
12 Initiative 31 what exactly is it trying to  
13 effect. Mr. Speed had comments dealing with big  
14 industrial items. Well, this also affects small  
15 industrial parks that are located within our  
16 counties and our municipalities.

17 And you say, Well, we've got land all over  
18 in the state of Mississippi. We can develop land  
19 everywhere. Well, when you're developing an  
20 industrial park, one thing you need to remember  
21 is you need to be located near a highway, you  
22 need to be located near a rail surface, the land  
23 needs to be zoned for that particular use, it has  
24 to be typically outside the arena of where people  
25 are residing.

1       So you do have land all over this state that  
2       can be used for this, but you have a very small  
3       amount of land that can be put to a very specific  
4       use. Nissan wanted their land located where it  
5       was located. I mean, that's where it had to go.  
6       It was near a bypass. They're a large industry.

7       So it's not just the big business we're  
8       talking about; we're also talking about the small  
9       business. And I keep hearing lots of comments  
10      about, Well, they'd take my house and give it to  
11      a McDonald's. No, they can't. The statutes are  
12      very clear that they can't do that. The statutes  
13      on the books right now say they can't do it.

14      And I've heard the constitution read several  
15      times. Remember, the Mississippi constitution,  
16      when it comes to condemnation litigation or  
17      condemnation is stronger than the U.S.  
18      Constitution. The U.S. Constitution says there  
19      can be no taking without just compensation. The  
20      Mississippi constitution says there can be no  
21      taking or damage done to people's property  
22      without just compensation.

23      So this is one of those times -- and born  
24      and raised here. My family is from here; has  
25      been for eight generations, as long as I can

1 remember. There are very few times when we get  
2 it exactly right, but eminent domain is one of  
3 those areas in Mississippi where we have gotten  
4 it exactly right. Our constitution is super  
5 strong; our statutes are super strong; our  
6 supreme court, which doesn't seem to get any more  
7 liberal anytime soon in the near future -- that I  
8 can tell, anyway; we seem to keep electing very  
9 conservative judges -- have gotten it exactly  
10 right.

11 In Vicksburg they had a very similar  
12 situation where the City of Vicksburg took a  
13 piece of property and tried to give it for a  
14 dollar to a casino for parking. The supreme  
15 court said no. Our statutes say you cannot do  
16 that.

17 This is one of those initiatives that sounds  
18 good, but I really think it's misplaced, and I  
19 urge you to defeat it.

20 Thank you.

21 SECRETARY HOSEMANN: Thank you, Don.

22 Anyone else who would like to speak?

23 I want to thank each of you for  
24 participating tonight. Many of you have spoken.  
25 This is democracy at its best. This is a public

1 forum where we are able to, in a civil manner,  
2 discuss both for and against several key  
3 constitutional initiatives. I appreciate your  
4 participation in the process.

5 All of tonight will be on the website in  
6 about eight to ten days. All of your comments  
7 will be there, as well as the ones that have gone  
8 before you. I urge you to look at yours as well  
9 as others. If you have written statements, I'd  
10 again request you send written statements. I  
11 will post them on our website. And I anticipate  
12 this is going to be the site to go back to; and  
13 for individual Mississippians who have not made  
14 up their mind on these initiatives, that this  
15 will end up being the site in which they get both  
16 sets of views and can make an informed voter  
17 decision.

18 Thank you again for all coming out tonight,  
19 and we will proceed to your sixth one, which I  
20 think is Thursday in Meridian. It's kind of like  
21 Groundhog Day. I'm not sure where we're waking  
22 up.

23 I would like to thank Mr. Speed for coming  
24 tonight. It's good to see you, Leland. Thank  
25 you very much. And as well as Mr. Jeffcoat for

1 participating in this last group.

2 With that, we'll stand adjourned. Thank

3 y'all all for coming.

4 (PROCEEDINGS CONCLUDED AT 7:34 P.M.)

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1 CERTIFICATE OF COURT REPORTER

2 I, SHARRON F. ALLEN, Certified Shorthand

3 Reporter and Notary Public in and for the State of

4 Mississippi at large, hereby certify that the

5 foregoing pages contain a full, true, and correct

6 transcript of the proceedings as taken by me at

7 the time and place heretofore stated in the

8 aforementioned matter and later reduced to

9 typewritten form by me to the best of my skill and

10 ability.

11 I further certify that I placed the

12 witness under oath to truthfully answer all

13 questions in this matter under the authority

14 vested in me by the State of Mississippi.

15 I further certify that I am not in the

16 employ of or related to any counsel or party in

17 this matter and have no interest, monetary or

18 otherwise, as to the final outcome of this

19 proceeding.

20 WITNESS MY SIGNATURE AND SEAL, this the

21 1st day of August, 2011.

22

\_\_\_\_\_  
SHARRON F. ALLEN, CSR, RPR  
CSR NO. 1144

23

24 My Commission Expires:

25 November 5, 2011