



DELBERT HOSEMANN
Secretary of State

MISSISSIPPI SECRETARY OF STATE

CONSTITUTIONAL INITIATIVES PUBLIC HEARING

NATCHEZ, MISSISSIPPI

AUGUST 25, 2011

PRESIDING:

DELBERT HOSEMANN

Mississippi Secretary of State

401 Mississippi Street

Jackson, Mississippi 39201

ALSO PRESENT:

LEA ANNE BRANDON

MEMBERS OF THE PUBLIC

1 SECRETARY HOSEMANN: Welcome, everyone.

2 My name is Delbert Hosemann. I'm Secretary of

3 State for the state of Mississippi, and I

4 appreciate so much y'all coming this evening.

5 I'd like to welcome you to our public

6 hearings initiatives. And the issues that we're

7 going to discuss tonight will be on the ballot on

8 November the 8th, on the general election ballot.

9 The ones that will be covered will be personhood,

10 eminent domain, and voter identification.

11 The initiative process set up by the

12 Mississippi legislature is not an easy task.

13 There is a minimum of 89,285 signatures required

14 from at least 17,857 each congressional district.

15 There are five congressional districts. We go

16 under the old five congressional districts, even

17 though Mississippi only has four now. In order

18 to receive a -- for the initiative to actually

19 pass, it must receive not only a majority of the

20 votes, but more than 40 percent of the total

21 votes must be cast in the initiative election.

22 So it's even harder than the fact that we have to

23 have 89,285 people actually sign it.

24 The part that we're in right now is the

25 voter education portion of the initiative

1 process. We are required by state law to hold
2 five of these hearings at each congressional
3 district. It's an opportunity for individuals to
4 step forward and give their opinions about the
5 constitutional initiatives. A complete schedule
6 is out front. This is the eighth one that we
7 have held. We will hold nine across the state of
8 Mississippi.

9 If you are not able to speak tonight, we
10 welcome written contacts from each of you. You
11 can submit those written statements to us on our
12 sos.ms.gov website. It's under "initiatives."
13 And please feel free to bring those to us, even
14 if you're able to speak this evening. We put
15 each of your comments -- and now we're
16 approaching 100 different comments -- on the
17 website at the time you give them to us.

18 Tonight's will be recorded, and there will
19 be a stenographer who will put every word that
20 you speak this evening back into our website. If
21 you go on our website, you will see the other
22 hearings are already there. I think you will
23 find them of great interest.

24 Part of what we're doing in Mississippi --
25 our constitution was 1890. This initiative

1 process only becomes into effect at the time the
2 Mississippi legislature does not pass the
3 constitutional initiative. All of these matters
4 have been considered by the legislature at one
5 point or another and have not been voted on or
6 have been vetoed by the governor. So what you're
7 seeing here is the population -- the individual
8 population -- rise up and bring a matter that
9 they have concern back to become part of
10 Mississippi's constitution.

11 No constitutional initiative has ever
12 passed. Two term limit ones have been proposed.
13 Both of those were defeated. This will be the
14 first time in Mississippi history that we have
15 three constitutional initiatives on the same
16 ballot.

17 The format for tonight is as follows: We
18 will discuss each initiative in the order that
19 they were filed with the agency, beginning with
20 personhood, then voter ID, and then eminent
21 domain. Each of the proponents and opponents
22 will be given five minutes to speak on the
23 topics. After that we will have an open mike
24 here for you to come and speak your mind. We
25 welcome your comments.

1 When you make those comments, we would ask
2 you to please address the crowd. You don't have
3 to address me. Address the crowd as you deem
4 appropriate. And please give your name when you
5 come up to speak. I have had several of you
6 register to speak as we start. She'll keep up
7 with the names. And we have eight of those
8 segments, and you will be asked to limit your
9 comments to two minutes. Lea Anne will show you
10 a little card when you get to two minutes so that
11 you can wrap up your particular comments. Again,
12 if you want to go further, we welcome your
13 written statements.

14 Please remember that these initiatives are
15 already on the ballot, so we're not here to
16 discuss tonight whether or not the initiatives
17 will go on the ballot. They will be on the
18 ballot on November the 8th.

19 With that background, we want to get started
20 this evening. I would like to remind you that
21 servicemen and women are fighting today, and
22 Mississippi has lost 60 individuals giving their
23 life in Iraq and Afghanistan for the right for
24 you to stand up tonight and give your statements.
25 This is a free and fair democracy. I would ask

1 that you make -- that you honor these individuals
2 who have given that sacrifice by being as civil
3 as possible with your fellow citizens and as
4 direct and as brief and concise with your
5 comments as possible.

6 Now, I think we will start this as we have
7 started each of the others with the Pledge of
8 Allegiance. If you will stand and pledge with
9 me.

10 (PLEDGE OF ALLEGIANCE)

11 SECRETARY HOSEMANN: Thank you.

12 As I indicated, we will start this evening
13 with the definition of a person. This is
14 Constitutional Initiative No. 26. Each of you
15 should have been given a pamphlet. This is
16 required to be prepared by the Secretary of
17 State. In that pamphlet we outline the actual
18 initiative itself, and it is listed here on the
19 inside flap of that document, and I'll read that
20 to you shortly. We also prepared for and against
21 statements as required by the legislature. The
22 initiative comments "for" were prepared by Brad
23 Prewitt, who's with us this evening to speak.
24 The "against" comments were prepared by Lynn
25 Evans. I encourage you to read the brochure as

1 it's been published.

2 Further, an outline of what activities are
3 required are placed herein. The initiative
4 itself says as follows: "Be it enacted by the
5 people of the state of Mississippi:

6 "Section 1. Article III of the constitution
7 of the state of Mississippi is hereby amended by
8 the addition of a new section to read:

9 "Section 33. Person defined. As used in
10 this Article III of the state constitution, the
11 term 'person' or 'persons' shall include every
12 human being from the moment of fertilization,
13 cloning, or the functional equivalent thereof."

14 That is the entire constitutional
15 initiative.

16 And we'll start with Mr. Brad Prewitt to
17 speak on behalf of the constitutional initiative.

18 Brad.

19 MR. PREWITT: Good evening.

20 I'm Brad Prewitt from Tupelo, Mississippi,
21 fifth-generation Mississippian, and grateful to
22 be the executive director of yeson26.net, which
23 is a broad-based, mainstream coalition formed
24 recently to support the passage in November of
25 Proposition 26, the amendment to define the

1 unborn as persons from the moment of
2 fertilization, from the moment of conception,
3 either artificial or natural.

4 Now, personhood is not a novel concept.
5 There will be a lot made of that this is some
6 radical change; and, frankly, it isn't. It's not
7 novel, because it starts in the Bible. Now, some
8 have said in these previous hearings that our
9 nation is not a Christian nation anymore. And I
10 would beg to differ, at least in Mississippi's
11 case. And I go to the 1890 constitution which
12 our Secretary of State has kindly put out at each
13 of these hearings where the very preamble itself
14 invokes God Almighty in its proceedings.

15 I'd also say that George Washington, the
16 founder of our nation, said that "it is
17 impossible to rightly govern a nation without God
18 and the Bible." So the spirit of our
19 constitutional fathers of Mississippi, as well as
20 George Washington, the father of our country, all
21 invoke God.

22 In Genesis 1, in the first part of Genesis,
23 God says, "Let us make man in our image." And
24 that means that each life at the very outset in
25 the womb has significance, because God is

1 significant. God is all significance, and his
2 image bearer is man. And we as his image bearers
3 have significance.

4 David himself in the Psalms in 139:16 said
5 that "God saw his unborn substance in the womb."
6 Well, that's unformed. That's the very beginning
7 of life. And so that's where we start this
8 discussion.

9 Our founders shared this Biblical
10 perspective, and the Declaration of Independence
11 said that "All men are created equal, unalienable
12 rights, the right to life granted by our
13 creator." And those founding fathers, that image
14 of life and the right to life carried forth.

15 Ronald Reagan as late as 1988 himself had a
16 personhood proclamation in which he declared that
17 "the well-being and future of this country demand
18 the protection of innocence and that personhood
19 of the unborn must be declared and defended
20 throughout the land."

21 Friends, this is not a novel concept that
22 Mississippi is pursuing. In fact, we're one of a
23 dozen states right now pursuing this.
24 Mississippi, my friends, is simply the first that
25 has the opportunity to pass this and show the

1 nation that from this civil rights perspective,
2 we are here to protect the innocent.

3 Now, science itself, beyond God's
4 perspective -- now, science is God's science too.
5 The scientists have declared universally that
6 life begins at conception. The head of Mayo
7 Clinic's genetics department said that "Science
8 has a very simple conception of man: As soon as
9 he has been conceived, a man is a man." So
10 science says it as well.

11 Mississippi law -- this is not new to
12 Mississippi law. The statute itself declared
13 that a pregnant woman, if she is the subject of a
14 crime, then that crime is not committed against
15 one, but two, and that second person is from the
16 moment of conception forward. So personhood
17 under criminal law is already established for
18 Mississippians, so this is nothing new. Roger
19 Wicker himself in the U.S. Senate has this same
20 language before the congress for adoption that we
21 have on our ballot.

22 Right now in American abortion continues to
23 proceed at an unparalleled pace of 1,000,003
24 babies per year lost, 53 million since 1973.

25 Our coalition is formed of people like Phil

1 Bryant, our co-chairman, and Don Wildmon, our
2 co-chairman. People like Stacey Pickering. We
3 have African-American and white pastors across a
4 nondenominational spectrum. We have people from
5 all over the state -- adoption agencies to
6 orphanages to special needs camp directors to
7 nuns. We have a broad base of people, including
8 OB-GYNs and doctors, on our advisory board. So
9 we're very complete in the way we approach this,
10 as Mississippi is committed to pro-life and
11 Mississippi is a pro-life state.

12 Now, what does personhood not do? You're
13 going to hear a lot of Chicken Little the sky is
14 falling tonight. Friends, the proponents of this
15 are Planned Parenthood, an evil, perverse
16 organization that Adolph Hitler himself took
17 inspiration from that provoked genocide. That's
18 what it is, genocide.

19 They want to claim that birth control will
20 be outlawed through this initiative. It will
21 not. There will not be prosecutions of
22 miscarriages. That didn't happen before. Women
23 themselves will not be in jeopardy. My wife is a
24 physician. She would not let me out the door
25 promoting this if that were the case. IVF will

1 not be in jeopardy. It simply says you cannot
2 destroy embryos. I have two IVF children. I
3 would not be advocating this if it were going to
4 jeopardize that gift that God has given us. It
5 will not result in medical research being
6 stopped. You simply just can't use embryos. And
7 as far as birth control, if you use the
8 morning-after pill as birth control, then that's
9 a problem, but other birth control is not at
10 issue in this case.

11 Finally, special needs kids and others,
12 their lives are sacred in this kind of thing.
13 They won't be aborted, because we will simply get
14 rid of abortion with this. Cloning and other
15 issues will be put to the test.

16 How about rape and incest? That's a tough
17 one, friends. We have to show grace to the
18 victim of rape and incest, surely, but killing
19 the baby is not the answer. The rape will still
20 be there. There's adoption. There's orphanages.
21 There are all sorts of options out here that
22 affirm life, and we have to stand by that.
23 Killing is killing, and that's what we say on
24 this issue.

25 Friends, this is not something that is going

1 to hold us back. It will liberate us. It will
2 set a standard in the country that others will
3 have to follow. I urge you in November to vote
4 yes on 26.

5 Thank you.

6 SECRETARY HOSEMANN: Thank you, Brad.

7 Dr. Olga Osby is recognized for five minutes
8 to speak against the initiative. If you would
9 like to come forward.

10 DR. OSBY: Good evening, everyone.

11 I want to start off by thanking our
12 secretary of state for hosting this hearing today
13 and thank you-all for this opportunity to come to
14 speak.

15 My name is Dr. Olga Osby, and I've been a
16 social worker for over 25 years and a social work
17 educator for the past 16. I'm here to speak out
18 against the proposed personhood amendment to the
19 Mississippi constitution.

20 This measure would have a tremendously
21 negative impact on the lives of woman who are
22 poverty stricken and the working poor.
23 Mississippi has one of the highest poverty rates
24 in the country and one of the highest rates of
25 citizens without medical care and leads this

1 nation in every negative health indicator, such
2 as obesity, heart disease, kidney disease, and
3 infant mortality.

4 Amendment 26 does nothing to ensure that
5 children born as a result of this initiative will
6 have a better quality of life. Families in this
7 state are struggling to survive and to help their
8 children thrive. This amendment in the
9 constitution will restrict the ability of women
10 and their families to ensure that the children
11 that they choose to bring into this world have
12 the optimal chance to survive, thrive, and to
13 have every possible advantage that these women
14 can provide for them.

15 This amendment takes away opportunities for
16 women, especially those with low incomes, to
17 enhance their quality of life and to make
18 critical decisions about their health and their
19 well-being, their plans for their education and
20 career advancement, and to decide for themselves
21 when to start and to stop their family planning.

22 Our state also ranks 50th in the United
23 States on the quality of life index for women.
24 This amendment will be one more example of how
25 women in this state are restricted from having

1 self-determination and the free will to decide
2 something as fundamentally personal and private
3 as to when and if to start a family.

4 Furthermore, this amendment is blatantly
5 unfair to women by forcing them to carry to term
6 a pregnancy with no thought to the social,
7 emotional, and financial burdens of child rearing
8 that are placed on single-mother households.

9 For a woman who may find herself in a
10 situation in which her husband or partner decides
11 not to participate in the raising of the
12 children, this child is left -- this woman is
13 left to rear her child without support. This
14 amendment will not help her with child support
15 enforcement.

16 For a woman who may be a victim and a
17 survivor of rape, incest, or domestic violence,
18 that woman will be forced to carry a child to
19 term despite the tremendous emotional scars she
20 may have. This amendment will not make her
21 safer.

22 In fact, Amendment 26 does nothing to ensure
23 that men carry their share of the social,
24 emotional, and financial responsibility and
25 obligation of rearing children.

1 In an ideal world there would be no need for
2 Amendment 26 because there would be no need for
3 women to make such painful decisions at critical
4 times in their lives. Women would not have to
5 figure out what social, emotional, and financial
6 support exists in their lives to assist them in
7 making such decisions and making sure that their
8 children will have equal opportunities for
9 success in society.

10 This is not a perfect world. The reality is
11 that Mississippi has a lot of work to do to make
12 sure that the children who are here now are well
13 cared for, protected, and will be reared to lead
14 productive lives. Amendment 26 does nothing to
15 enhance the lives of these children, their
16 families, or their communities.

17 Thank you.

18 SECRETARY HOSEMANN: Thank you, Doctor.

19 We'll start the part of the program now
20 where individuals rise to speak independently.

21 We'll start with Mr. Kendall Boutwell from
22 Brookhaven, Mississippi.

23 Mr. Boutwell, you're recognized for two
24 minutes to speak for the initiative.

25 MR. BOUTWELL: Yes. I would like to say I

1 am pro-life and I believe the people of
2 Mississippi understand this is a commonsense
3 thing. I think most people in Mississippi would
4 say and believe that life does begin at
5 conception. Why shouldn't every child be able to
6 go to a football game, eat a hot dog, go to
7 church?

8 Listening to the last person speaking there
9 mentions quality of life. You know, in our
10 constitution we're supposed to have the right to
11 life, liberty, and the pursuit of happiness, but
12 you have no other right if you are dead.

13 And I hear talk about quality of life. Just
14 because you're poor, that means your life don't
15 matter? You know, there was once a time in this
16 nation where black people, because of their skin
17 color, were discriminated against. Now it's not
18 color; it's size.

19 And the Bible teaches us that righteousness
20 exalted the nation, but sin is a reproach to any
21 people. And God is abandoning this nation as he
22 did Israel. I want to encourage you to read the
23 Bible. We see where Israel abandoned God's
24 commandments. God turned his back on them and
25 said, Don't even pray to Me. He would not even

1 hear them. And it don't matter how much money we
2 have in America unless America turns back to God
3 and starts here in Mississippi.

4 Since 1973 -- you can look at the
5 statistics -- our nation has went down since we
6 took the word of God out of the schools, out of
7 the courthouses, and since abortion became legal
8 in 1973.

9 So this is common sense. A child -- I've
10 seen children can tell you as little as -- as
11 soon as they can speak, you could show them a
12 picture of a live baby or a dead baby, and they
13 can tell you which child they like the most -- a
14 living child.

15 This is very important we turn back to life
16 in Mississippi and this nation.

17 Thank you.

18 SECRETARY HOSEMANN: Thank you,
19 Mr. Boutwell.

20 Nicole Northrup. Ms. Northrup is recognized
21 for two minutes to speak against the personhood
22 initiative.

23 MS. NORTHRUP: Hello. My name is Nicole
24 Northrup, and I am concerned about the extreme
25 consequences Initiative 26 could have on my life

1 and health.

2 I have a condition called temporal lobe
3 epilepsy. To control this and other health
4 issues, I take a combination of medications,
5 including anti-seizure medication, to sustain a
6 happy and healthy life.

7 I take birth control because I want to be
8 responsible and stay healthy. If I become
9 pregnant, it could be catastrophic for my life
10 and that of any potential child. Continuing to
11 take my seizure medication and other medications
12 would put the baby at risk for severe birth
13 defects. Stopping my medications could cause me
14 to have seizures, depriving both me and the baby
15 of oxygen.

16 My chances of miscarriage or stillbirth
17 would increase dramatically. I would be at risk
18 for serious pregnancy complications, even death.
19 If Initiative 26 were to pass and I became
20 pregnant, I could not have an abortion to protect
21 my health because there are no exceptions, but I
22 also might be unable to take birth control to
23 avoid pregnancy in the first place. Hormonal
24 contraceptives may in theory act to prevent a
25 fertilized egg from implanting in the uterus,

1 thus preventing a pregnancy. If this initiative
2 passes, that fertilized egg would be considered a
3 person, and that means Amendment 26 may ban
4 commonly used forms of birth control like the
5 pill, NuvaRing, or IUD.

6 The yes on 26 campaign claims that this is
7 not a real threat and the legislature will work
8 these little details out later. I don't know
9 about you, but I don't think my fellow
10 Mississippians or our lawmakers should be able to
11 decide whether or not I can take birth control.

12 When you think about Amendment 26 on
13 election day, think of me and the other women
14 that you know personally who could be affected.
15 A vote against Amendment 26 is a vote for healthy
16 woman and children.

17 Thank you.

18 SECRETARY HOSEMANN: Thank you,
19 Ms. Northrup.

20 Beverly McMillan from Jackson, Mississippi.
21 Dr. McMillan rises to speak for the personhood
22 amendment.

23 DR. McMILLAN: My name is Dr. Beverly
24 McMillan. I'm a recently retired OB-GYN
25 physician, and I am talking in favor of the

1 amendment.

2 I am interested in the concerns other folks

3 have expressed about the amendment.

4 Number 1, birth control issues. There is an

5 effective birth control measure that has no side

6 effects called natural family planning that is

7 more effective than even hormonal contraception

8 that is available to people who have serious

9 medical problems.

10 I want to say that if in a rare case that

11 the mother's life is indeed endangered by

12 continuation of the pregnancy, sound medical

13 practice would dictate that every effort be made

14 to save both lives.

15 It is not a foregone conclusion that

16 anti-seizure medications would cause a birth

17 defect. And there are medications that are more

18 safe in that situation than others, and I have

19 certainly had the opportunity of handling

20 pregnancies where the mom had to have the

21 medication tweaked so that she could safely

22 continue the pregnancy seizure-free and also

23 protect her child. It can be done.

24 Rape and incest. Abortion does not un-rape a

25 woman. A woman is going to have to deal with the

1 trauma of the rape in her life whether she
2 continues the pregnancy or not. To tell a woman
3 whose innocent body has been violated by a rape
4 that the answer to her problem is to kill the
5 innocent baby that she is carrying doesn't
6 compute.

7 Ethel Walters, her mother was age 13 when
8 she was conceived in rape, and what a poorer
9 place our world would be without Ethel Walters.

10 I'll end with a statement by Mother Teresa:

11 "It is a great poverty that a child must die in
12 order that we can live the way we want to."

13 Thank you.

14 SECRETARY HOSEMANN: Thank you,
15 Dr. McMillan.

16 Sam Tomlinson from Natchez, Mississippi.

17 Sam is recognized for two minutes to speak
18 against the personhood initiative.

19 MR. TOMLINSON: Thank you.

20 I am a retired Episcopal priest and 50 years
21 of service in my church. And I have had many
22 occasions to counsel women about problem
23 pregnancies, and I have never found one that took
24 the matter very lightly or selfishly. I've never
25 found one -- and the man involved is never there

1 with her. Let me say that first of all. But
2 I've never found a woman to take that very
3 lightly.

4 And I've always found that the women who
5 come to me have values -- Christian values -- and
6 they understand the sanctity of life and they
7 understand the importance of family, but they
8 have many obligations. Life is not always black
9 and white with all good over here; all evil over
10 there. That's not the way real life is.

11 And I have often found that this is one time
12 when I'm glad that I have a box of Kleenex in the
13 office. Whenever I go to a new church -- well,
14 I'm retired now, so I don't have to worry about
15 that. I always made sure I had a box of Kleenex
16 in the office, because these are times such at
17 this when women weep because of the conflicts
18 that they are facing.

19 I've also had a funeral service for a late
20 miscarriage, and I know the grief of a mother who
21 wanted the child and lost the child through a
22 natural miscarriage.

23 So my plea is this: I don't think the
24 government has any business in telling a woman
25 what she should do in establishing some

1 definition which her church may or may not agree
2 with. This may be supporting the doctrines of a
3 church that she doesn't go to. And so I say I
4 think the government should stay out of this
5 business and leave it to God Almighty and the
6 conscientiousness of the women of this state.

7 SECRETARY HOSEMANN: Thank you,
8 Mr. Tomlinson.

9 Is there anyone else who would like to speak
10 for or against the personhood amendment?

11 Hearing none, we'll move on to the voter ID,
12 our next one. And voter ID, if you will look at
13 your pamphlet, is described -- the for and
14 against are both described in the voter ID
15 initiative. Then, in addition -- and I won't
16 read all of this because it's quite lengthy.

17 Initiative No. 27 -- I would remind y'all
18 that this is initiative 26 and 27. No initiative
19 in Mississippi has ever passed. We had two that
20 made it through the number of signatures. Those
21 were term limits. Both failed.

22 Initiative No. 27 says: "Except as provided
23 in subsection 2, a qualified elector who votes in
24 a primary or general election, either in person
25 at the polls or in person at the office of the

1 circuit clerk, shall present a government-issued
2 photo identification before being allowed to
3 vote."

4 It goes further to say that "a qualified
5 elector who does not have a government-issued
6 photo ID and who cannot afford such
7 identification may obtain one free from the
8 state."

9 They also talk about an exception for
10 licensed care facilities, religious objectors,
11 and someone who has a government-issued photo ID
12 but is not able to present it at the time of the
13 vote can cast an affidavit ballot.

14 "This provision shall not be construed to
15 require photo identification to register to
16 vote."

17 "The legislature shall enact legislation to
18 implement the provisions of this section of the
19 constitution."

20 Both for and against are also included in
21 the discussion for and against voter ID.

22 We normally have Ms. Lambright -- there you
23 are. Ms. Lambright will be rising to speak
24 against the voter ID, Initiative 27. And you are
25 recognized for five minutes.

1 MS. LAMBRIGHT: Good evening. I was
2 waiting for someone else to come up here. I'm
3 not used to being up there by myself.

4 Thank you very much. My name is Nsombi
5 Lambright, and I am the executive director of the
6 American Civil Liberties Union here in
7 Mississippi, and I am here to speak against the
8 voter ID ballot initiative.

9 The ACLU's main purpose is to build a strong
10 Mississippi through voter empowerment and citizen
11 involvement in the formation of public policy
12 around the state. Our state, as everyone here is
13 aware, has a very long history of racism, and one
14 of the main institutions for this racism has been
15 the voting booth.

16 In our opinion, voter ID laws would extend
17 that long history of racism by seeking to exclude
18 certain individuals from the polls. We know from
19 studies across the nation that where voter ID
20 laws are implemented, it has a tremendous impact
21 on the ability of people of color to vote and the
22 elderly and people with disabilities.

23 Many Americans do not have the necessary
24 identification that these laws require and face
25 barriers to voting as a result. As a matter of

1 fact, research shows that more than 21 million
2 Americans do not have a government-issued photo
3 ID. And, like I said, a disproportionate number
4 of these Americans are low income, racial ethnic
5 minorities, and elderly.

6 One of these individuals that I am aware of
7 is my own grandmother from Rankin County,
8 Mississippi, who has never had an identification
9 card. She's lived in the same town all her life.
10 Never driven. My grandfather drove her around.

11 Knew all the people at the bank and at the
12 grocery store and just never had the need for a
13 government-issued ID. I'm sure that many of you
14 know people who do not have IDs.

15 We do not need voter identification law to
16 help us with some of our voting problems in
17 Mississippi. What we need is more money spent on
18 training for election officials. Some of our
19 poll managers and some of our election
20 commissioners that govern our local elections,
21 they are only required to attend one statewide
22 training each year to teach them about election
23 law. We need more than that.

24 We also need to do a better job of
25 recruiting more people to work our polling places

1 and to spend more resources in training of these
2 individuals.

3 There is no credible evidence that
4 impersonation voter fraud is a pervasive problem
5 in this state and that voter ID would solve this
6 problem.

7 Our country has come a long way because of
8 the civil rights movement and the passage of the
9 Voting Rights Act. Voter ID requirements would
10 be a step backwards for us.

11 Voter ID requirements are a dangerous and
12 misguided step backwards in our ongoing quest for
13 a more democratic society. Elected officials
14 should be seeking ways to encourage more voters,
15 not inventing excuses to deny the ability of
16 voters to cast their ballot. Voter ID
17 requirements present substantial barriers to
18 voting and negatively affect voter participation.

19 Let's establish integrity by training poll
20 managers and establish an inclusive process that
21 doesn't intimidate citizens, and let's work
22 together to improve our voting system in
23 Mississippi by encouraging all people to vote and
24 by removing all those barriers and making it as
25 easy as possible to accomplish this right, not

1 privilege.

2 Thank you.

3 SECRETARY HOSEMANN: Thank you,

4 Ms. Lambright.

5 We'll now move to the voter ID section.

6 We'll move to the two-minute speeches.

7 MS. ARCENEAUX-MATHIS: Mr. Secretary?

8 SECRETARY HOSEMANN: Yes, ma'am.

9 MS. ARCENEAUX-MATHIS: Joyce

10 Arceneaux-Mathis. You might remember me from a

11 previous election meeting I participated in.

12 Why are there not any questions to clarify

13 the initiatives before we speak?

14 SECRETARY HOSEMANN: You're able to speak

15 on whatever you want to speak on.

16 MS. ARCENEAUX-MATHIS: No. I'm saying --

17 SECRETARY HOSEMANN: Yes, ma'am. And I'm

18 running a meeting, and I'm telling you you are

19 welcome to speak on anything you want. There are

20 no questions back to the speakers.

21 MS. ARCENEAUX-MATHIS: No. I'm saying why

22 in this process are there no questions that we

23 can ask you to clarify?

24 SECRETARY HOSEMANN: Yes, ma'am, and I'm

25 telling you you're recognized to speak for two

1 minutes on anything you want to. As Secretary of
2 State, I run the meetings. Whether I be for or
3 against these particular amendments you'll not
4 hear me speak on them, like this one. While
5 there's no voter ID person speaking, I will not
6 speak on the amendment. I'm required to provide
7 you with a pamphlet, which I have provided out
8 front and you're welcome to, and a forum from
9 which you can speak. But you won't see me
10 speaking on any of these issues. I'm here in my
11 official capacity this evening.

12 MS. ARCENEUX-MATHIS: I think you're
13 misunderstanding me. I'm not asking you about
14 speaking for the initiative or against the
15 initiative. I guess I'm asking like how will the
16 initiative be carried out if it were to pass.
17 I'm not asking your opinion on it.

18 SECRETARY HOSEMANN: Yes, ma'am. And what
19 will happen, if you will read the pamphlet, the
20 last words in the pamphlet on voter ID indicate
21 that the legislature will implement the ways for
22 each of these to be implemented. So we have no
23 legislative agenda that has been brought to us by
24 the legislature.

25 MS. ARCENEUX-MATHIS: Okay.

1 SECRETARY HOSEMANN: Although to answer
2 your question further, in preparation for this
3 and in anticipation that this might occur, the
4 Secretary of State's office and the Department of
5 Public Safety have been meeting to discuss the
6 implementation of voter ID, and in that we have
7 tried to track such states as Georgia who has
8 gone through this process before. So we are in
9 the process of acquiring information for the
10 legislature. In the event this passes, the
11 constitutional issue is the Secretary of State
12 certifies it 30 days after the certification of
13 elections. Elections are certified in the
14 counties within ten days. Ten days after the
15 election they will be certified by the Secretary
16 of State. The Secretary of State has 30 days in
17 which to certify the election, and they will
18 become a part of the constitution. They will
19 then swing into these issues that you talked
20 about. Any other issues that may come up from
21 personhood to voter ID to any of them will be
22 addressed by the members of the legislature.

23 On this particular issue I will tell you
24 that because the Department of Public Safety is
25 involved in it and we are involved in the voting,

1 we have been preparing information for the
2 legislature to address issues that we anticipate
3 will arise.

4 MS. ARCENEAUX-MATHIS: Thank you.

5 SECRETARY HOSEMANN: So, for example, how
6 do we get a free voter ID as required by the
7 constitutional amendment to each and every
8 Mississippian at a zero cost.

9 James Gray. Mr. Gray is recognized to speak
10 against the Initiative No. 27. Mr. Gray is from
11 Natchez, Mississippi. Mr. Gray, you're
12 recognized for two minutes.

13 MR. GRAY: First I want to thank you for
14 coming to Adams County to give us an opportunity
15 to speak on these issues.

16 My name is James "Ricky" Gray. I'm an
17 alderman in Ward 2 of the city of Natchez, and I
18 have basically a senior citizen area with a lot
19 of senior citizens. And we don't have enough
20 information on voter ID for the people I
21 represent to go out and vote for something that
22 we don't have enough information on. The timing
23 is bad.

24 What I mean by that is we have to vote on
25 this in November and turn around -- the city of

1 Natchez is a special charter, and we have an
2 election next year. Are we going to have time to
3 get all these people -- if it pass, get these
4 individuals the proper ID they need? Are they
5 going to skip over Natchez because we have a
6 special charter and won't have enough time to get
7 these individuals with the proper ID?

8 Like I say -- Ms. Lambright touched on
9 pretty much what I wanted to say, and I think she
10 did a great job, and I want to thank
11 Ms. Lambright for her comments.

12 And like I say, I do represent a low income
13 area, and I really have a problem with voter ID
14 at this particular time, and they need to come up
15 with more information. They need to give us
16 information on the front end and not try to pass
17 something and then figure out how they're going
18 to implement it.

19 I also think that absentee ballots, how are
20 they going to do -- how are they going to handle
21 absentee ballots since they mail them out to you?
22 Are they going to have somebody at your house to
23 check your ID or whatever the case might be? We
24 need information on the front end, and we don't
25 need to wait until a issue is passed and then try

1 to figure out how we're going to implement all
2 this.

3 Thank you.

4 SECRETARY HOSEMANN: Thank you, Mr. Gray.

5 Suzanne Tomlinson from Natchez, Mississippi.

6 Ms. Tomlinson rises to speak against Initiative
7 27, voter ID.

8 MS. TOMLINSON: I moved to Mississippi 22
9 years ago when I married a Mississippian, and I
10 discovered that it's already not that easy to
11 vote in Mississippi. Y'all who have lived here
12 all your lives don't realize that in other places
13 it's actually easier to vote than it is here.

14 In Mississippi it seems to me we have
15 elections during odd times. I know I voted at
16 least in May and in August when people sometimes
17 are still on vacation, and in November. In
18 Natchez we vote at odd places. We've lived in
19 the same house ever since we moved here 13 or 14
20 years ago, and we've voted in three different
21 places. And we've spent up to an hour wandering
22 around from one polling place to another polling
23 place to another polling place trying to figure
24 out where we're supposed to go to vote. I guess
25 it depends upon local election or a state

1 election or a federal; but, you know, it just
2 sort of seems to me intentionally made rather
3 complicated and difficult.

4 And there's no advance voting. A lot of
5 places you can vote in advance and go in on a
6 Saturday so you don't have to take time off of
7 work. And you don't get a postcard to notify you
8 when the election is compared to other places
9 I've lived where you do get that to help in
10 knowing where to go. And here the polls close at
11 7:00. A lot of places they don't close until
12 8:00, 9:00, 10:00 so that people who work can
13 vote more easily.

14 And now we're going to add a new
15 requirement, and I just think it's really sad.
16 As was said, there is no evidence of huge voter
17 fraud. And I don't think any voter should have
18 to pay for an ID. And, apparently, according to
19 the literature, they no longer charge \$14 for the
20 free ID; it's going to then cost the state
21 \$1.5 million to implement this. And I think
22 taxpayers have better use for that \$1.5 million.
23 There are so many things that need to be done in
24 our state, and we don't need to spend it on this.

25 And it will, of course, hurt the elderly,

1 hurt people who work. We should be encouraging
2 people to vote. We shouldn't be discouraging
3 them. And I'm just disappointed that this state
4 that I have grown to love so much would try to
5 keep people from voting. And I do think that in
6 our hearts we all know that that's what this is
7 about.

8 SECRETARY HOSEMANN: Thank you,
9 Ms. Tomlinson.

10 Joyce. Ms. Arceneaux-Mathis, you are
11 recognized for two minutes to speak against
12 Initiative 27.

13 MS. ARCENEAUX-MATHIS: Thank you very
14 much, Mr. Secretary.

15 I'm Joyce Arceneaux-Mathis, mayor pro tem
16 for the city of Natchez and alderman for Ward 1.

17 This particular initiative does, as everyone
18 has said previously before me, disproportionately
19 discriminate against the elderly and minorities.

20 But I want to tell you a story very quickly
21 that was very humbling to me. In the last
22 election that I participated in and ran, there's
23 a lady I know very well who was not sent a
24 ballot, a mail-in ballot to do an absentee vote.
25 And the lady is on -- she's on a walker. She

1 lives in a trailer. She is very heavysset, and
2 she has humongous medical problems. I went by
3 and saw her on Sunday, because that's usually the
4 last area of the city that I end my -- when I'm
5 trying to go out and get people to vote, I end in
6 that area. I spoke with her then, and she said
7 she had not done an absentee ballot. And, of
8 course, it was too late then.

9 And I said, Well, would you consider if I
10 came back, would you consider me taking you to
11 the polls on Tuesday and you will vote by the
12 window? You won't have to get out. You just
13 have to get into the car and out of the car back
14 home.

15 And she said, Yes, she would. And she did.

16 But are we going to make people have to,
17 number one, go -- in that situation go out and
18 get an ID first? You're going to have to take
19 them to get an ID and then bring them back. And
20 in some instances we're going to have to take
21 them to the polls. I just think that this
22 disproportionately affects the elderly; it
23 disproportionately affect minorities.

24 And I would hope that this state, as has
25 been previously said, would be wanting to get

1 more people out to vote. Right now we're
2 electing people with a small minority of votes.
3 So hopefully we'll take it in our heart, think
4 about the elderly, the disabled, and those not
5 able to accomplish this.

6 Thank you very much.

7 SECRETARY HOSEMANN: Thank you,
8 Alderwoman.

9 Anyone else who would like to speak for or
10 against voter ID?

11 Representative Mims is recognized for two
12 minutes.

13 REPRESENTATIVE MIMS: Thank you.

14 My name is Sam Mims. I'm a state
15 representative for this area.

16 So, first, Secretary Hosemann, thank you for
17 coming to southwest Mississippi and explaining
18 these initiatives that will be on the ballot.

19 Just a general statement about all three of
20 these initiatives. As the Secretary said, it's
21 very rare that these are on the ballots in
22 November. It's very rare that they pass. But I
23 will tell you all three of these initiatives are
24 vital for Mississippians. We have been voting on
25 these issues for many years in the Mississippi

1 legislature, and we really believe -- and I
2 believe -- that protecting the unborn, protecting
3 property rights, and a strong voter ID is what we
4 need in Mississippi. And so I would encourage
5 everyone to please vote and to learn about these
6 issues, but also to vote for all three of these
7 initiatives. I do think that it is just what we
8 need here in Mississippi.

9 And, again, the legislature has been dealing
10 with these issues for several years, and these
11 are concerns that we all have. And I think we
12 have a chance to really make a difference in
13 November, so I would encourage y'all to please
14 vote for these initiatives. Thank you.

15 And, again, thanks for coming to Co-Lin
16 tonight.

17 SECRETARY HOSEMANN: Thank you,
18 Representative Mims.

19 Would anyone else like to speak for or
20 against voter ID?

21 Hearing none, we will move to eminent
22 domain. Eminent domain also has a brochure. And
23 I would ask Representative Bill Pigott if you
24 would come up, please, sir, and we'll get
25 started. And John Junkin in the back; John, if

1 you will come up, please.

2 I'll read this to you. Eminent domain:

3 "Should the government be prohibited from taking
4 private property by eminent domain and
5 transferring to other persons?"

6 Eminent domain is listed as Initiative
7 No. 31. "No property acquired by the exercise of
8 the power of eminent domain under the laws of the
9 state of Mississippi shall, for a period of ten
10 years after its acquisition, be transferred or
11 any interest therein transferred to any person,
12 nongovernmental entity, public-private
13 partnership, corporation, or other business
14 entity, with the following exceptions:

15 "The above provision shall not apply to
16 drainage and levee facilities" -- and it goes
17 into a whole list here -- "toll roads, public
18 harbors, carriers, electricity, water, sewer,"
19 etc.

20 Second, "The above provision shall not apply
21 where the use of eminent domain removes a public
22 nuisance, removes a structure that is beyond
23 repair or unfit for human habitation, is used to
24 acquire abandoned property, or eliminates a
25 direct threat to public health or safety caused

1 by the property in its current condition."

2 Eminent domain, we have two representatives
3 here that will be recognized for five minutes
4 each. The first representative, Bill Pigott, for
5 Lamar, Marion, Pike, and Walthall counties, will
6 be recognized for five minutes in favor of the
7 eminent domain initiative.

8 Bill.

9 REPRESENTATIVE PIGOTT: Thank you,
10 Mr. Secretary.

11 Ladies and gentlemen, good evening. It's a
12 pleasure to be here. I appreciate the Secretary
13 hosting this.

14 I am Bill Pigott from south Mississippi. My
15 home is in Tylertown. As the Secretary said, my
16 district is comprised of Lamar, Marion, Walthall,
17 and Pike County. It is a rural district with a
18 long history of people making their livelihood
19 and raising their families on private farms,
20 using their land to better educate their kids and
21 provide a better life for them and their
22 families.

23 A little history about myself. I have been
24 a lifelong farmer before I served -- and still as
25 a farmer serve in the state legislature. Private

1 property rights are very important to me. Going
2 back, I think all our forefathers came here to
3 this country to have freedoms that they did not
4 enjoy in the old country they came from. And I
5 think it's very important for us to continue on
6 those conditions, being able to have personal
7 privileges. I think it's a privilege to be able
8 to vote, to be able to own land. Of course, many
9 of them never were allowed to own their land
10 where they came from.

11 Another important thing is bearing arms. We
12 have a lot of personal privileges that I think we
13 need to carry on with.

14 Eminent domain, Initiative 31, is a private
15 property right. It is protection for people who
16 own land. It may not be a large acreage, but
17 it's theirs. They've worked hard. They've paid
18 taxes. They have provided for their family with
19 this land. And I think it's their right to
20 continue that on to other generations.

21 It's also a lot of people will tell you what
22 they are is security; and owning real property,
23 whether it's a home, a personal business, a small
24 family business, or a farm land, it is a more
25 secure environment for a business to come and

1 thrive.

2 Being in the legislature, we have voted on
3 this, and we've voted more than once. It passed
4 the house, and I was privileged to vote for this.
5 It went to the senate, and it passed the senate,
6 and the governor vetoed it. So here we are today
7 trying to decide if this is what Mississippi
8 wants.

9 And there could be a case where there can be
10 abuse. On both sides of this issue it could be
11 some abuse. But it is my personal feeling that
12 it is the individual having a right to negotiate
13 the sale of his real property or to keep that
14 property and continue to pass it on to the family
15 in the future. This is the real issue here.

16 And I think sometimes government gets too
17 involved in personal business, and I think this
18 may be a case where government can intrude. And
19 more important and probably the best way to
20 handle this is let the people speak theirself,
21 vote their conviction on Initiative 31, eminent
22 domain.

23 Thank y'all.

24 SECRETARY HOSEMANN: All right.

25 Next is John Junkin, attorney. He's

1 recognized for five minutes to speak against the
2 initiative.

3 MR. JUNKIN: Thank you, Mr. Secretary, and
4 thank you for coming to Natchez. A lot of times
5 we in southwest Mississippi get left out of these
6 kind of events, and we're proud to have you and
7 your staff with us.

8 I've got some good news and some bad news.
9 The bad news first: I'm not the original speaker
10 here tonight, so my presentation will be a little
11 bit off the regular, beaten path. It might not
12 be as good as you would have gotten from the one
13 who was supposed to be here. The good news is
14 that I'm limited to five minutes, so you only
15 have to listen to me for five minutes, one way or
16 the other.

17 For those of you who are from out of town
18 and don't know me, I'm Johnny Junkin. I'm a
19 lifelong resident of Adams County, and I've owned
20 property in this county since I was a young
21 adult. And for those of you who do know me,
22 you're going to find it a little bit odd that I'm
23 up here tonight. I'm about as conservative and
24 about as pro-individual and pro-property rights
25 of anybody in this room, and I'll put my record

1 on that of eight years in the legislature and
2 after that up against it.

3 In about nine out of ten times, my friends
4 in the Farm Bureau and I will be on the same side
5 of most every issue. We just happen to differ
6 about this one, and there's a reason for that.

7 The two initiatives that we were here prior
8 to and that have been spoken to in my opinion
9 dealt with a problem that exists today. The one
10 we're talking about here is not that type
11 problem. There may be individual problems here,
12 there, and yonder, but it's not a massive problem
13 across the state. If it was, you would have been
14 reading about it in the paper every other day
15 about uses and misuses. That just really doesn't
16 exist.

17 I had some exceptions. You're not doing
18 away with eminent domain by voting for this. The
19 list of exceptions is pretty long. They can
20 still -- the MDOT, the county board of
21 supervisors, the city of Natchez, they can still
22 come take your property even if you pass this for
23 public use just like before.

24 The things that worry me most about it --
25 particularly in southwest Mississippi -- deal

1 with mineral rights. In Mississippi you have two
2 estates that exist; you've got a mineral estate
3 and a surface estate. They're divided. They can
4 be divided. And in Adams County, 25 years ago,
5 30 years ago -- maybe even longer, probably 50 to
6 100 years ago -- people came through and bought
7 mineral rights and separate from the surface
8 rights. Those people then left town. They sold
9 those mineral rights. Their children inherited
10 them. They're spread out all over everywhere.

11 If you get an industrial prospect today that
12 comes to Adams County and wants to build a
13 multimillion dollar plant, they have to get clear
14 title not only to the surface, but they have to
15 get clear title to the minerals. That can almost
16 be impossible. And without this eminent domain,
17 they will just go elsewhere.

18 You say, "Oh, that's not going to happen."
19 Well, go look at Tupelo. Tupelo just built the
20 Toyota plant. They had about 200 acres up there
21 that they couldn't find the mineral owners on.
22 Toyota said, "Either get it cleared up, or we're
23 out of here." They used eminent domain and
24 cleared it up. They now have a 1500-man plant
25 sitting outside of Tupelo.

1 The other thing that brings to mind is the
2 economic developer in Tupelo spoke at one of
3 these very functions up in that neck of the
4 woods. And he said, "This is not going to be a
5 problem if it passes for Tupelo for two reasons:
6 We've already got our plant. We don't need it."
7 Secondly, they have three industrial parks ready
8 to take anybody who comes. He said, "The thing
9 it's going to hurt are the small rural areas who
10 don't have industrial parks and the people who
11 are behind the curve in economic development."

12 Let me tell you that is a picture -- a
13 snapshot -- of Natchez and Adams County and
14 probably a lot of southwest Mississippi. And so
15 we're the ones who are going to end up getting
16 hurt when the plant says "If you can't clear up
17 the mineral rights, we're out of here."

18 I'm about as big a proponent of personal
19 property rights as you can get, but there has to
20 be a provision in which you can at least take
21 care of certain problems. Let's don't shoot
22 ourselves in the foot. Let's try to do some
23 economic development without stepping on personal
24 property rights.

25 I urge you to vote against this amendment

1 and for the other two. Thank you.

2 SECRETARY HOSEMANN: Thank you,

3 Mr. Junkin.

4 We have a number of speakers. We'll begin
5 with J.B. Brown. Mr. Brown is from Perkinston,
6 Mississippi. Mr. Brown is recognized for two
7 minutes to speak for Initiative 31.

8 MR. BROWN: Thank you, Secretary Hosemann,
9 for having this tonight.

10 When we were doing the pledge of allegiance,
11 I listened to that part on the republic. We were
12 set up as a republic. Our confederation of
13 founding fathers dealt diligently on writing our
14 constitution. The states would not ratify it
15 until there were several amendments. They were
16 just coming out from under the British government
17 and British troops, and they were very conscious
18 of a strong federal entity. They wrote the Bill
19 of Rights to protect us from our government, not
20 to outline what we can do. Indeed, they did not
21 ratify the constitution until the first Bill of
22 Rights, the first ten amendments.

23 The first one deals with the church and
24 freedom of speech. The second one, our right to
25 own firearms. The fifth amendment said: "Nor

1 shall any property be taken for public use
2 without just compensation."

3 And we have had -- as the gentleman just
4 said, we've had eminent domain for years, but
5 it's been for public use, not to take it for
6 private use for another person because they can
7 pay more tax and make more money until the Kelo
8 v. New London, Connecticut, case came up.

9 In that case the Kelo family went on to the
10 supreme court, and as the Wall Street Journal
11 said about a year ago, the most flawed decision
12 ever -- 5-4 decision -- was rendered and said
13 that they could take it. That property has not
14 been developed yet. But it was taken, not for a
15 public use, but for a private use.

16 Walter Williams -- I don't know if any of
17 you read him -- wrote a great article. Professor
18 of economics at George Mason University, a member
19 of the Hoover Institute. He wrote a great
20 article in the Sun Herald this week, and I
21 brought it with me. "Our liberties are being
22 trivialized and nullified. You might say,
23 Williams, while there are gray areas in the
24 constitution, the U.S. Supreme Court would never
25 brazenly rule against clear constitutional

1 prohibitions. That's nonsense." And he goes on
2 to illustrate two cases, one in Michigan and then
3 one in World War II.

4 It's been done before. They made a flawed
5 decision. Kelo negates our private property
6 rights, and I urge you to vote for the
7 initiative.

8 Thank you.

9 SECRETARY HOSEMANN: Alan Stringer.

10 Thank you, Mr. Brown.

11 Mr. Stringer is from Foxworth, Mississippi,
12 and he rises to speak for the initiative.

13 MR. STRINGER: I stand in favor of
14 Initiative 31. I am a private property owner. I
15 run a dairy, and that's how I make my living,
16 milking cows on the property that I own. For
17 anyone to come in and take that property away
18 from me would not only take away property that's
19 been in my family for years, but it would also
20 take away my livelihood. And to say that the
21 reason that this property is being taken is
22 because this individual has more -- can pay more
23 taxes and provide more for the community than I
24 do is wrong.

25 I agree strongly with the ones. Private

1 property -- we as individuals have rights here in
2 the United States and in the state of
3 Mississippi, and those rights should not be taken
4 away from us, whether we are rich or poor. And
5 by me saying I'm a dairy farmer puts me -- you
6 know what category I'm in -- I'm poor. And
7 because someone has more money and got a smarter
8 lawyer, they shouldn't be able to come in and
9 take my property.

10 As we have already stated, it does not limit

11 our state as far as taking land for public use.

12 As a matter of fact, I had just a small part of
13 my property taken a few months ago so that they
14 could widen and improve the roads next to my
15 property. I had no problem with that. But I do
16 have a problem with someone coming in and taking
17 my property simply because they can add more
18 revenue to my county than I can on the property
19 that I'm using.

20 I urge you to vote in favor of Initiative

21 31.

22 SECRETARY HOSEMANN: Thank you,

23 Mr. Stringer.

24 Charles Davidson.

25 MR. DAVIDSON: I pass.

1 SECRETARY HOSEMANN: He passes.
2 Earl Gay Edwards. Mr. Edwards is from
3 Smithdale, Mississippi. Is that the same
4 Smithdale that was destroyed in the tornado?

5 MR. EDWARDS: No. Smithdale in Amite
6 County.

7 SECRETARY HOSEMANN: Oh, Amite County
8 Smithdale. Mr. Edwards is recognized to speak
9 for the initiative.

10 MR. EDWARDS: Thank you, Mr. Secretary.

11 I'm Earl Gay Edwards from Smithdale,
12 Mississippi. Our farm has been in our family
13 since it started in 1923 with my grandfather.
14 And I'm a strong believer and supporter of a
15 person being able to own his own land and do what
16 he wants to do with his land.

17 Several years ago I had a fellow to come and
18 ask me -- he said, "I want to buy some property
19 to set my business up on." And I told him, I
20 said, "It's not for sale." He said, You haven't
21 heard how much I can offer you." I said, "A lot
22 of people haven't learned that money can't buy
23 everything."

24 That may sound dumb to some, but us farmers,
25 as my wife told me last night, we're kind of a

1 special breed of people. We believe in our land.

2 And if you think that losing your property
3 is -- to me, that's communism. If you think you
4 need a hubcap from the Nissan plant, if you had
5 to give up your livelihood for or your farm or
6 your property is wrong. I just urge everyone to
7 vote for Initiative 31 when it comes time.

8 Remember this, as Mr. Hosemann said: For
9 200 years people have fought and died to be able
10 to own property and their rights of what they
11 believe in. So let's don't forget about what
12 people have died for. A lot of people have died
13 to be able to own their property and do what they
14 want to do with it.

15 So I thank you.

16 SECRETARY HOSEMANN: Thank you,
17 Mr. Edwards.

18 Scott Smith. Mr. Smith is from Brookhaven,
19 Mississippi, and he is recognized for two minutes
20 to speak for the initiative.

21 MR. SMITH: Thank you, Secretary Hosemann.

22 My name is Scott Smith. I'm from
23 Brookhaven, Lincoln County, just east of here.
24 My dad and my brother and I farm about 1200
25 acres. We are chicken farmers, beef cattle

1 farmers, and also we grow shitaki mushrooms for
2 the fresh markets or specialty markets for the
3 restaurants.

4 My farm was handed down to me through our
5 generations from my great grandfather who worked
6 very hard to acquire the land. My dad acquired
7 some land, and my brother and I have acquired
8 some land. We acquired that land to make our
9 living. Just as the speaker who just spoke
10 before me, I make my living from the land. For
11 someone to come along and the government come and
12 take my land and pass it on to another individual
13 or a company for them to make a living is just
14 not right. I have a right to make my own living
15 as well as that company has a right to make a
16 living on their land.

17 Mississippi is ranked with the following
18 states who have received the degree of F for the
19 lack of eminent domain reform: Arkansas, Hawaii,
20 Massachusetts, New Jersey, New York, Oklahoma,
21 and Rhode Island. We are at the bottom again.
22 I'm tired of Mississippi being at the bottom. I
23 think we need to move up.

24 We've had a speaker earlier who spoke about
25 economic development. Well, my question to that

1 is: With only these states lacking economic
2 development, how are all the other states getting
3 industries? They have stronger laws than we do,
4 and they're still able to have industries come to
5 their states. There are ways. It's not that
6 short and that blunt.

7 Also, I would like to end with a quote from
8 John Adams. John Adams emphasized the importance
9 of private property rights, a right which our
10 founding fathers saw as the basic premise of the
11 constitution. This is a quote from him: "The
12 moment the idea is admitted into society that
13 property is not as sacred as the laws of God and
14 that there is not a force of law and public
15 justice to protect it, anarchy and tyranny
16 commence. Property must be secured or liberty
17 cannot exist."

18 I would urge you and others to vote for the
19 Initiative 31. Thank you.

20 SECRETARY HOSEMANN: Thank you, Mr. Smith.

21 Jeff Mullins. Mr. Mullins is from
22 Meadville, Mississippi, and he is recognized for
23 two minutes to speak for the initiative.

24 MR. MULLINS: I would like to tell y'all,
25 too, I inherited some property that my grand

1 grandfather bought back in the depression times.
2 I don't think it's just right for somebody to
3 come in there because they think they can make
4 economic development out of it and take my
5 property and do something else with it. We've
6 been growing trees on our place all these years,
7 and we make part of our living that way.

8 Also, you know, if someone wants to come in
9 there and get -- most everybody has a price they
10 will sell at, you know. And as they talked about
11 a limited industry, you know, that's not true,
12 because we have an industry in our county that
13 leases a piece of property. They can take a
14 lease payment and write it off a lot easier than
15 they can write off a fixed asset for a piece of
16 land. So there are ways around all these laws.

17 For true public use, you know, that's been
18 in the laws for years. Nobody has a problem with
19 that. But I really have an issue with somebody
20 saying, "Okay, your place will make a nice golf
21 course." They're going to put six people to work
22 and take 200 acres of my land to build a golf
23 course on. That's just not right.

24 And I ask y'all to vote for Initiative 31.

25 Thank you.

1 SECRETARY HOSEMANN: Thank you,
2 Mr. Mullins.

3 Gerald Sumrall. Mr. Sumrall is from
4 Monticello, Mississippi. Mr. Sumrall is
5 recognized for two minutes to speak for the
6 initiative.

7 MR. SUMRALL: Thank you, Mr. Secretary.

8 I'm Gerald Sumrall. I'm also a farmer. I
9 am a grass farmer, cattle farmer.

10 My real issue is eminent domain needs to
11 have some brakes put on it, and I'm going to give
12 you some specifics. I'm going to point to MDOT,
13 which is not going to be to these gentlemen over
14 here, but they have gotten out of control
15 entirely when it comes to property rights.

16 And I have not said to MDOT you should not
17 have my property. You can't have my property.
18 At the time that MDOT came to me and wanted
19 15 acres of property, I was buying 50 acres of
20 property next door. And I said, "Fine. You pay
21 for 15 that I'm buying."

22 First of all, I asked them for the same
23 price I was having to pay for my property that I
24 was to purchase. They said, "Man, we can't do
25 that." I said, "Okay. Explain it to me."

1 They offered me -- if you happen to go to
2 Monticello, Mississippi, turn south on Highway
3 27, two and a half miles out of town you will be
4 riding on \$450 property. Gentlemen, that's
5 wrong. That's not fair market price. At that
6 same time I was paying \$1500 an acre for property
7 that they were also splitting.

8 That's not the kicker. If you'll look real
9 close, there's a big hill on each side of that
10 highway. These gentlemen probably travel it.
11 Lots of you have. They received a half a million
12 yards of free red dirt and built Highway 27 clear
13 back to town off of my \$450 an acre property.

14 Now, gentlemen, eminent domain needs some
15 brakes. I'm not anti-public property. I did not
16 ever tell them that they couldn't have the
17 property. I said, "I will not sell it to you for
18 that price." I was paying \$1500 an acre for
19 adjoining property. They were very bold. They
20 said, "That's fine. We'll just take it."

21 It was all settled in about ten minutes
22 there in my living room. They left. A few days
23 later had a little piece of paper saying come to
24 the courthouse.

25 Now, when you go to the courthouse, you

1 don't expect to get justice again, because there
2 again, you're going before 12 people. Some of
3 them might not like you. I didn't think that you
4 could go to my county and pick 12 people that
5 would give my property for \$450. Divide 15.5
6 into 7250 and see what you get.

7 Now, I spent \$3,000 for a guy to go out in
8 the community and get estimates and so forth and
9 appraise property. I spent a couple thousand
10 dollars for an attorney. It was in vain. When
11 the jury sits there and says, "Look, he's got
12 everything he needs. He doesn't need any money.
13 Let that highway go through," then the only thing
14 left is for the judge to sign it. You don't have
15 to sell your property. You don't have to sign
16 it. The judge will take care of that. That is
17 wrong.

18 Thank you. Vote yes on November 8th.

19 SECRETARY HOSEMANN: Thank you,
20 Mr. Sumrall.

21 Is there anybody else who would like to
22 speak for or against?

23 Yes, sir. When you come to the microphone,
24 if you would say your name distinctly and spell
25 it if it's like Delbert or something.

1 MR. McCORMICK: It's Mike McCormick.

2 SECRETARY HOSEMANN: That will do.

3 MR. McCORMICK: I want to speak in favor
4 of and in support of this initiative.

5 I think all of the people that have spoken
6 here tonight are farmers, and I'm a farmer. I
7 live out in Union Church. And my farm, much like
8 a lot of theirs, has been passed down to me since
9 the 1800s from my family. And I don't want it
10 taken away from me if I don't want to sell it,
11 just like all the other people before me.

12 I wasn't supposed to be here tonight, and
13 the reason I'm up here speaking is because I want
14 to change directions a little bit, because I
15 don't think that we're in danger as farmers in
16 Union Church or Foxworth or Meadville as much as
17 somebody here in Natchez. And downtown Natchez
18 is in danger of having this unfair rule placed on
19 them. Because everybody knows, I guess, what
20 happened in the Kelo case. An old couple was
21 living out their life in Connecticut just trying
22 to live in their house, and a developer came in
23 and wanted to develop some property around it,
24 and they didn't want to sell it. And they
25 eminent domain'd the house, threw the old couple

1 out of their house, raised the deal down, and
2 nothing was ever done with the property. The
3 developer went bankrupt.

4 So the odds are that it would be coming to a
5 poor neighborhood in Natchez more than it would
6 be in Union Church on my farm. And they're going
7 to prey on people that can't afford their
8 attorneys to fight this off. And if your
9 neighborhood or your family wants to sell their
10 property in your neighborhood to let them build a
11 shopping mall, that's fine; but if you don't want
12 to do that, it shouldn't be required and your
13 land taken away from you for that purpose.

14 I urge everybody to support our initiative,
15 Initiative 31, to fight off this unfair eminent
16 domain.

17 Thank you.

18 SECRETARY HOSEMANN: Thank you, Mike.

19 Would anyone else like to speak for or
20 against the amendment?

21 Hearing none, I want to take just a minute
22 and tell you how much I appreciate y'all coming
23 out. This is the eighth one. We have one more.
24 And I think after tonight we probably have had
25 over 1,000 Mississippians speak, most of which

1 have never spoken before in a public forum. I
2 think this is healthy for our constitution. I
3 think it's healthy for our state to be able to
4 debate issues as important as these in a civil
5 forum. So I thank you for participating.

6 I want to ask you again if you have written
7 statements, if you will send them to me, I will
8 put them on our website. And we're doing that
9 for a couple of reasons. The first is we're
10 trying to inform all the voters before the early
11 voting starts in September, in mid-September of
12 this year on these constitutional initiatives.
13 So we need to have informed voters, and I want
14 them to be able to share your opinion.

15 The second is we're creating an historical
16 record. This has never been done before. How we
17 went about doing this and how many of these we
18 had -- we were required to have five, and we did
19 nine. We thought it was so important for
20 Mississippi, our generations and generations that
21 follow us to have a reason why we adopted these
22 or didn't, why these failed. And they will look
23 back in history on what we have written and
24 spoken here tonight in our other venues and
25 seeing how we directed the voice of Mississippi's

1 history.

2 So I appreciate so much you coming and

3 participating in what is really a historical

4 event. Y'all please be careful on the way home.

5 Please don't forget to vote on November 8th.

6 We'll see you at the polls.

7 (PROCEEDINGS CONCLUDED AT 6:44 P.M.)

8 * * * * *

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 5th day of September, 2011.

22 _____
23 SHARRON F. ALLEN, CSR, RPR
24 CSR NO. 1144

24 My Commission Expires:

25 November 5, 2011

