



DELBERT HOSEMANN
Secretary of State

MISSISSIPPI SECRETARY OF STATE
CONSTITUTIONAL INITIATIVES PUBLIC HEARING
STARKVILLE, MISSISSIPPI
JULY 12, 2011

PRESIDING:

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

ALSO PRESENT:

MEMBERS OF THE PUBLIC

REPORTED BY: SHAUNA W. STANFORD, CSR
CSR NO. 1380

1 SECRETARY HOSEMANN: Lea Anne, if you'll
2 ask those outside to come in, we'll get started
3 on time. It's 5:30 and everybody is busy.
4 Thank y'all for coming. If y'all come on
5 in, we'll have a seat right quick. We'll get
6 started. There will be people coming and going
7 as initiatives start, and we want to welcome
8 everyone this evening to this discussion that
9 we're going to have on the ballot initiatives in
10 the state of Mississippi. These initiatives will
11 be on the ballot on November the 8th, 2011, for
12 the general election. As you know, we have a
13 primary election coming on August the 2nd and the
14 runoff three weeks thereafter.

15 The three ballot initiatives are the
16 personhood initiative, the voter identification
17 initiative, and the eminent domain initiative.
18 To get on the ballot here in Mississippi, the
19 legislature requires us to have 89,285
20 signatures. The ballot initiative is approved
21 and sent to the Secretary of State and approved
22 by the attorney general and given to the
23 proponents and opponents for their work. And
24 then, gradually, over the course of a period of
25 one year, they have to gather 17,000 signatures

1 from each of the five congressional districts.

2 All of the initiatives we will discuss
3 tonight have passed that initiative test of being
4 on the ballot and having the required number of
5 signatures. Tonight's process is the second part
6 of this initiative, and that is that we will
7 start with an open discussion among
8 Mississippians about their constitution.

9 That's what this is about. It's
10 constitutional initiatives. The people in the
11 state of Mississippi have voted and have signed
12 petitions to vote on whether or not to have these
13 added to the Mississippi Constitution.

14 Tonight, we will have, of course, a limited
15 time to hear your public comments. We welcome
16 your public comments, and I'll go through exactly
17 how the matter will be conducted; but in addition
18 to that, we welcome your written input, and we
19 encourage your written input. Every one of you
20 who writes anything to me that is printable, we
21 are going to put on our website. So not only
22 would you have the benefit tonight of having your
23 oral presentation heard, but you'll also have the
24 benefit of having your written word available to
25 everyone in the state, not just those in the

1 Starkville, Columbus, Golden Triangle area. So
2 we encourage each of you to give us your written
3 comments.

4 The contact information is out front that
5 Lea Anne has, and she will give you the written
6 information, as well as we've got it on our
7 ballot initiative process I'm going to go
8 through.

9 Here's the format for tonight: First is
10 we'll discuss each initiative in the order that
11 they were filed with our agency, beginning with
12 personhood, then voter identification, and then
13 eminent domain.

14 We will begin each segment with five minutes
15 allocated to the argument for and against, and we
16 have offered each of the proponents for and
17 against to speak first, five minutes.

18 Then, as you have signed up, Lea Anne will
19 bring me and we will take oral presentations at
20 this microphone from each of you who would like
21 to make an oral presentation for two minutes
22 each. Once that is concluded, we'll move to the
23 next issue.

24 You'll see in the back she'll give you a
25 one-minute warning when you get started. There

1 she is. Lea Anne's got them right up front here.

2 She'll give you a one-minute warning, 30-second

3 warning, and then you get a blank slate, so that

4 blank slate means you need to wrap it up.

5 We recognize, of course, and we would ask

6 you to be very straightforward in your comments.

7 This is not a question as to whether or not this

8 will be on the ballot. That decision has been

9 made by the individuals who signed the

10 initiatives. It's going to be on the ballot

11 absent a supreme court order to the contrary.

12 Tonight's comments are whether or not you should

13 vote for or against.

14 We have three constitutional amendments this

15 year. Mississippi has never had three

16 constitutional amendments before, ever. It's the

17 first time in our history. Our constitution is

18 120 years old. We have had two other initiatives

19 proposed, both of which were term limits, both of

20 which were defeated by the Mississippi voters at

21 the polls. There's never been one of these

22 passed.

23 So if you look at this, we have some very

24 basic constitutional issues that are presented to

25 you as Mississippi citizens: The right to vote

1 and show an identification, the right to life
2 with the personhood amendment, and the right for
3 the government to seize your property for a
4 nonpublic purpose. All of those very basic
5 constitutional rights are debated among the
6 population. We are required to have five of
7 these hearings. We're going to have nine of
8 them. We want to make sure that Mississippians
9 have a voice in whether or not their constitution
10 ought to be amended.

11 In addition to those nine parts, we have
12 paid particular attention to the historical
13 nature of this. We've never had one of these
14 passed. This is precedent making for us. We've
15 never put anything on the Internet like we are
16 now. We've not ever had the public access to
17 information for you to make an informed decision.
18 And my role as Secretary of State is to make sure
19 you have the proper information before you to
20 make an informed decision in November.

21 So without further ado on that particular
22 part, we will start with the personhood
23 amendment. In the back you have each been handed
24 a brochure that was drafted by us at the request
25 of the Mississippi Legislature. In it, it will

1 say the "Definition of a person. Should the term
2 'person' be defined to include every human being
3 from the moment of fertilization, cloning, or the
4 equivalent thereof?"

5 Then on the inside -- a cute picture of me
6 back before I had these initiatives. A little
7 bit older since then -- is the "Ballot Title,"
8 and it says, "Should the term 'person' be defined
9 to include every human being from the moment of
10 fertilization, cloning, or the equivalent
11 thereof?"

12 The "Ballot Summary," which will be on the
13 ballot, is that we "would amend the Mississippi
14 Constitution to define the word 'person' or
15 'persons' as those terms are used in Article III
16 of the state constitution, to include every human
17 being from the moment of fertilization, cloning,
18 or the functional equivalent thereof."

19 We have someone for and someone against
20 these initiatives. Both of those will be
21 speaking this evening to start off.

22 The second thing I would remind all of us is
23 that we are here based on the good and long work
24 or long-suffering and, in some cases, death of
25 Mississippi servicemen and women. That's how

1 come we're able to hold a public forum to discuss
2 difficult issues to be addressed by the
3 population. This is the basis of the democracy.
4 And because we are able to have men and women
5 that risk their life today for you to be in this
6 room, I would ask that you make your comments as
7 civil as you can to your fellow Mississippians on
8 matters that I know you feel fervently about
9 "for" or "against." So I would ask you to
10 address your fellow citizens in a manner that you
11 and the people that are serving your country
12 today overseas would be proud of.

13 So to start on the definition of personhood
14 amendment, we have asked Brad Prewitt -- Brad?
15 And up next will be Jonelle. Where is Jonelle?
16 Is she here to speak?

17 Okay. If you would move to the front,
18 please, ma'am, we've got a special seat with a
19 ribbon there so we won't -- you're welcome to
20 come up here. You'll be speaking from the podium
21 when you do.

22 There'll be no questions during the public
23 speaking portion of this. We'll ask everybody to
24 make their addresses. And every word of these
25 will be transcribed by our court reporter and

1 will be on our website as you speak now.

2 So we'll start with, Brad. If you'll start

3 off.

4 MR. PREWITT: Thank you, Secretary

5 Hosemann. It's a pleasure to be in Starkville

6 tonight.

7 I'm going to address personhood with six

8 questions. The first is, What is personhood?

9 What is "yes" on 26, the organization of which

10 I'm executive director? And who I am? Well, I'm

11 a tenth-generation Mississippian, a farmer, a

12 lawyer, married to a doctor; and several weeks

13 ago I was asked by American Family Association to

14 look at the personhood issue and to organize a

15 campaign around it.

16 I have to admit I hadn't signed the

17 petition. Hadn't been a pro-life activist

18 before. I'm a conservative evangelical

19 Christian. I certainly am pro-life but had never

20 delved into the issue to the depth of which I had

21 to over the next few weeks. So I think the

22 process that Secretary Hosemann is sponsoring is

23 very effective and very useful.

24 What is personhood? That's the second

25 question. Well, you know, personhood is not a

1 novel concept. Tonight you may hear that it's
2 some conservative conspiracy, some conspiracy by
3 Christians to impose their moral views. Well,
4 friends, this starts off at the very beginning in
5 Genesis. God created man in his image. Now, if
6 you disagree with that and -- it's foolish. It
7 surely is foolish, but that is the worldview
8 under which we operate in this forum. So.

9 God started this off, made man in his image,
10 not as a physical being, not just as tissue, but
11 as spiritual. We're here to glorify God and to
12 witness to him as salt and light in our
13 communities.

14 Second, the "Founding Fathers" of our very
15 nation codified this in the Declaration of
16 Independence. Said that man has a right -- an
17 unalienable right -- to life.

18 Well, we also know in scripture, like Psalms
19 139, David says, "Your eyes saw my unformed
20 substance; in your book written every one of
21 them, the days that were formed to me, when as
22 yet there were none of them."

23 Mississippi case law and statutes have a
24 personhood emphasis. Statute 97-3-37 says that
25 an un- -- protects the unborn "at every state of

1 gestation from conception until live birth." So
2 that right there, you have personhood implied
3 right there in Mississippi Statute.

4 Also, you know, so that -- with all this
5 preface, how do we get to abortion, 53 million
6 babies lost since 1973? Well, in Roe v. Wade,
7 even the U.S. Supreme Court cited personhood as
8 an opportunity. They said that "if the
9 personhood were established of the fetus, the
10 case would collapse, because then they would be
11 guaranteed due process rights."

12 For 40 years pro-life activists have tried
13 to incrementally push back Roe v. Wade, to
14 regulate abortion, to try to protect the innocent
15 life through incremental enforcement. And that
16 has worked to some degree, but, friends, we've
17 forgotten the first principle, that a fetus, that
18 an unborn, is a person.

19 Now, who supports personhood? Well, we've
20 got God. Conservatives like Ronald Reagan
21 support it. In 1988, in January, he had a
22 personhood proclamation where he said, "The
23 well-being and future of our country demand that
24 the protection of innocents must be guaranteed
25 and the personhood of the unborn be declared and

1 defended throughout our land." That was Ronald
2 Reagan.

3 We've got Phil Bryant on our board, Stacey
4 Pickering on our board, Don Wildmon on our board.
5 We've got Roger Wicker, who sponsored the same
6 bill in the U.S. Congress in the senate.

7 Now, what does personhood not do? You're
8 going to hear tonight from Planned Parenthood
9 surrogates who will push their family values line
10 and claim that they are for the family, they are
11 for the woman.

12 Well, here's the deal: It does not ban
13 contraception. It does impact the morning-after
14 pill. If you're using that, it is impacted. It
15 does not stop IVF.

16 I have two kids that are products of IFV,
17 praise God. I would not impose my will on
18 somebody to deny them the joy that my wife and I
19 have.

20 Third, it doesn't impact the life of the
21 mother. If the life of the mother is in jeopardy
22 with the pregnancy, the standard of care
23 continues to operate. My wife is a doctor. She
24 would not allow me to push that if it was
25 otherwise.

1 Finally, it doesn't stop medical research.
2 There is adult stem cells. You don't have to
3 kill the unborn to get medical research done in
4 this country. And still there has to be enabled
5 legislation. There has to be legislation to deal
6 with all these little particulars that the
7 Planned Parenthood is going to put on you.

8 Who is not supporting this? As I said, ACLU
9 has sued to stop this. The Planned Parenthood
10 community has tried to stop this. Who are they?
11 They are not family values. They were
12 inspirational figures for Adolph Hitler and the
13 Klan. Go research it. It's facts. Planned
14 Parenthood gets \$360 million a year from the U.S.
15 taxpayer. That's y'all. That's me. And they
16 are down here trying to impose their will on us
17 and trying to go against the will of God. And
18 that sounds preachy, but that's the way we have
19 to view things if we believe in God.

20 And our state is different. Let this be
21 other places, but don't let this be in
22 Mississippi. We have the first chance in the
23 nation to pass this and put this where it needs
24 to be in our constitution, our statement of
25 values as Mississippians.

1 Friends, please, let's do it right in
2 Mississippi this time. This is the civil rights
3 cause of our age. If you don't define personhood
4 as the youngest, then how do you protect the
5 oldest when they get senile, when they can't know
6 things?

7 Friends, people are in jeopardy right now.
8 Personhood through technologies and all these
9 other threats are in jeopardy. We need to define
10 it now at the very beginning. Friends, vote for
11 life. Give the unborn a chance.

12 Thank you.

13 SECRETARY HOSEMANN: Thank you.

14 And Jonelle will come up. You can use this.

15 We'd like to thank -- Representative Gary
16 Chism is here. Thank you for coming. I saw him
17 at lunch today. I can't believe he came twice.
18 It's good to see you.

19 Are you ready?

20 MS. HUSAIN: Thank you.

21 SECRETARY HOSEMANN: She'll be speaking
22 against the initiative.

23 MS. HUSAIN: Good afternoon. My name is
24 Jonelle Husain.

25 When I was 27 years old, I was brutally

1 raped in the safety of my home. The man who
2 raped me insisted that I hold him in his arms and
3 I kiss him and I cradle him as though he were my
4 lover. Had I become pregnant as a result of this
5 brutal rape, this amendment would force me to
6 carry that pregnancy to term.

7 This amendment treats women like children
8 and assumes that no woman can make thoughtful and
9 informed decisions concerning an unplanned or
10 unwanted pregnancy. This amendment values women
11 only for their capacity for pregnancy and
12 denigrates every other life choice other than
13 motherhood. In short, this amendment defines
14 women as second-class citizens in need of
15 legislative oversight and supervision.

16 I stand before you as a rape survivor who
17 can truly imagine the impact of a pregnancy
18 resulting from rape. Passing this amendment will
19 strip women of their decision-making authority to
20 decide the outcome of one of the most violent
21 acts that can be perpetrated against a woman. It
22 will revictimize women traumatized by rape and
23 make her pay the penalty for the brutal act of
24 her rapist.

25 Supporters of this amendment argue that

1 providing a framework to support victims of rape
2 will enable women to continue a pregnancy
3 resulting from rape. Such arguments assume that
4 pregnancy and childbearing are healing
5 experiences. Such arguments treat rape as a
6 minor inconvenience and the trauma of having your
7 life threatened as part and parcel of being a
8 woman.

9 I am not a second-class citizen. My
10 85-year-old mother is not a second-class citizen,
11 nor is my 32-year-old daughter. I shudder to
12 think that any woman would endure as I did,
13 awaking to the abject terror of a cold metal gun
14 barrel at her temple and my body being subjected
15 to rape. More importantly, I shudder to envision
16 a state where I could be forced to continue a
17 pregnancy initiated through the rape act. That
18 we would change our constitution to subordinate
19 women to second-class status worthy only because
20 of our reproductive capacity is shameful.

21 As a citizen, I support the right of all
22 women to make reproductive decisions that are in
23 their best interest. Do you really want a state
24 where your daughters and granddaughters are
25 stripped of their autonomy and only valued for

1 their ability to have children? Do you want to
2 live in a state where we voted to denigrate women
3 and to turn a blind eye and a deaf ear to the
4 trauma of rape, a state where we have voted to
5 support the revictimization of women who have
6 endured this most horrible experience?

7 As a woman, as a feminist, as a rape
8 survivor, I cannot support the personhood
9 amendment. This amendment does nothing to
10 support women. Rather, this amendment justifies
11 the unequal treatment of all women and inserts
12 the government and law enforcement into the most
13 personal decisions a woman can make.

14 Thank you.

15 SECRETARY HOSEMANN: Thank you, Jonelle.

16 We have several individuals who will be
17 speaking for and against. Dana Copeland will be
18 the first one who will be speaking for the
19 personhood amendment. Where is Dana? Is she
20 here? If you'd come up, the microphone is here.
21 You can address us facing the audience. Thank
22 you. You have two minutes, please, ma'am.

23 MS. COPELAND: Bear with me as I read

24 this.

25 I'm Dana Copeland, and I'm from Greenwood

1 Springs, Mississippi. I am a wife, a mother, a
2 daughter, sister, aunt, and grandmother. I am
3 also a nurse by profession, and I, too, am a
4 woman, a citizen of Mississippi, affected by four
5 abortions.

6 This is not about rape. This is not about
7 rape victims. We will hear from many today on
8 both sides of the issue. Let's pause for a
9 moment, and let's hear from the over 50 million
10 unborn babies just in the United States alone.
11 Did you hear that? Nothing. None are able to
12 voice how abortion affected them. They had no
13 choice. But along with other men and women in
14 this land affected by abortion, I will speak up.

15 Abortion not only ends a life of an unborn
16 child, but it's medically unsafe, unregulated,
17 and harmful to women. Yes, rape is horrible. I
18 have met women who have been the victim of rape.
19 Very few conceive out of that. Basically, the
20 same procedure is performed when a woman has a
21 miscarriage as abortion, but she is at a hospital
22 with a licensed physician, practicing OB/GYN, a
23 surgical staff, and a recovery room, and she has
24 follow-up visits.

25 Why are abortions the same? Death surrounds

1 abortions. We don't just go into an abortion
2 clinic. Otherwise, we would openly share our
3 abortions like we do births, deaths,
4 miscarriages, illnesses, and other procedures.
5 Instead, we keep it a secret.

6 Years ago, the Psalmist wrote in 139 that we
7 were "known before we had substance." We were
8 "knit and woven." Today, thanks to medical
9 technology, we know DNA contains all of our
10 substance. We are genetically known through a
11 woven double helix.

12 I recently -- excuse me. Several years ago
13 I spoke with the infamous Jane Roe of Roe v.
14 Wade. She did not choose abortion; she chose
15 adoption. But you won't hear that. Don't ask
16 lawyers and activists and others about abortion.
17 Ask a post-aborted woman. Ask me.

18 Thank you.

19 SECRETARY HOSEMANN: Nina Peele. Or Nina?
20 Is it Nina or Nina?

21 MS. PEELE: Nina.

22 SECRETARY HOSEMANN: Nina. She will be
23 speaking against the personhood amendment.

24 MS. PEELE: Well, I would like to thank
25 you for having these hearings and so many around

1 the state. We appreciate it very much, and I
2 would like to speak -- sorry.

3 I would like to speak against the amendment,
4 the personhood amendment, and address the more
5 practical aspects of this amendment that is so
6 against women.

7 My name is Nina Peele, and I am from
8 Starkville. And Mr. Prewitt said that birth
9 control will not be affected, but it will. Many
10 forms of birth control prevent a fertilized egg
11 or a zygote from being attached to the lining of
12 the uterus, and women will not be able to have an
13 IUD or some birth control pills that prevent this
14 implantation from occurring. And I can see in
15 the audience that perhaps they don't believe
16 this, but you're going to get entangled up in
17 many legal aspects if this amendment is passed.

18 How are you going to say that fertilized egg
19 is not going to be prevented from being into the
20 woman if you pass this amendment? But a very
21 heavy burden -- I better read, because I'm losing
22 my train of thought. I'm sorry about that.

23 A very heavy burden will be placed on women
24 and their professional healthcare providers. As
25 a nurse, I see this every day already; and if you

1 try to implement a legal standard or how
2 healthcare providers can care for the patients,
3 it will be very difficult, ending up in a
4 nightmare of legal issues.

5 Thirty seconds? And the cost of healthcare
6 will go up and up and up if this amendment is
7 implemented. I would hope that everyone would
8 use common sense in this and please vote "no"
9 against this initiative.

10 Thank you.

11 SECRETARY HOSEMANN: Thank you, Nina.

12 Joseph Parker speaking for the personhood
13 amendment.

14 MR. PARKER: Yes. My name is Pastor
15 Joseph Parker, and I, along with my wife, Birdie,
16 we co-pastor Trinity AME Church in West Point,
17 Mississippi, in the Golden Triangle area. And
18 it's my honor and privilege to be able to
19 encourage you to vote for this amendment.

20 I've been a pastor for most of the last 35
21 years, and over that period of time have seen the
22 lives of many -- especially women -- who they and
23 their families have been devastated by the
24 tragedy of abortion. Time and time again,
25 families who are at the point where, for example,

1 parents that regret children and grandchildren
2 that they don't have because they made a mistake
3 that they regret; time and time again
4 parishioners and others just state clearly they
5 regret that decision.

6 I have never had a woman come and say that
7 she was glad that she did it. I'm speaking
8 myself as a pastor.

9 Not long ago I recall an instance where my
10 wife was bringing the children's message with the
11 children in the congregation, and she was asking
12 them what they were thankful for. Many of them
13 said the usual things, "I'm thankful for my
14 family, my home," but then two of the children --
15 not one but two -- said, "I'm thankful that my
16 mother didn't abort me." Well, obviously so.

17 We live in a culture where children
18 understand that grown-ups kill some children and
19 grown-ups keep some children. What a tragedy
20 that we would try to -- that we'd raise our
21 children in an environment where they think that
22 parents have even thought about the possibility
23 of getting rid of them.

24 For the rights of the children -- the boys
25 and the girls, the women-to-be, the men-to-be --

1 they too should have a right to live. So I
2 encourage you to take the step of voting for
3 Amendment 26 and allow Mississippi to be the
4 first to help bring a great blessing on our state
5 and our nation as well.

6 Thank you.

7 SECRETARY HOSEMANN: Thank you.

8 Albert Gore, Jr., is speaking against the
9 personhood amendment. Mr. Gore?

10 MR. GORE: I don't believe that we as
11 human beings have the right to take from God the
12 privilege of determining when life begins.
13 Another problem -- if you want a problem -- how
14 do you explain the birth of our Lord and Savior,
15 Jesus Christ? She was a virgin, the Bible says.
16 How do you explain that?

17 If this amendment is adopted, are you
18 prepared for the increase in taxes -- since I
19 know that many of you here support eliminating
20 taxes -- because it will require the coroner to
21 -- each one that has a miscarriage, to determine
22 whether or not it was a criminal act or not.

23 It will also require you as a parent that
24 you be able to bury that child with a name. Now,
25 when I say "child," I'm assuming that this

1 amendment is passed. If you have this
2 miscarriage, then I don't know how it will work
3 for you to be able -- for all the medical bills
4 that will incur.

5 How will you be able to have the funeral
6 home take care of the -- whatever mass there may
7 be, whatever age of the fetus, because, remember,
8 you've named it a person, and you have to -- you
9 have to bury that child with a name.

10 Thank you.

11 SECRETARY HOSEMANN: Thank you, Mr. Gore.

12 Birdie Parker will be speaking for the
13 personhood amendment. Mrs. Parker?

14 MS. PARKER: Good evening, ladies and
15 gentlemen. How are you? Praise God.

16 My name is Birdie Parker, and I am a native
17 of Starkville, Mississippi. And I, also my
18 husband -- he was just here -- we are pastors of
19 Trinity AME Church in West Point, Mississippi.

20 I thought, like some of you, that we have
21 choices, God give us choices; but when I read
22 Deuteronomy chapter 30 verse 19, I became
23 convinced. God's word is above every word. His
24 thought is above every thought. Your opinion
25 dropped to the ground when it comes to God's

1 word.

2 I will read to you something from
3 Deuteronomy. This is from God. Deuteronomy
4 chapter 30 verse 19: "I call heaven and earth as
5 witnesses today against you, that I have set
6 before you life and death, blessing and cursing;
7 therefore, choose life."

8 God has given us what to do, so if you go
9 against this Word, you go against God and you
10 participate with the adversary, which is Satan,
11 the devil.

12 "Choose life, that both you and your
13 descendants may live; that you may love the Lord
14 your God, that you may obey his voice, and that
15 you may cling to him, for He is your life and the
16 length of your days; that you may dwell in the
17 land which the Lord swore to your fathers."

18 Vote "yes" for Amendment 26, November 8th,
19 2011. Honor the Creator who created all human
20 life. This Amendment 26 will protect those.
21 Ensure equal rights for all human beings,
22 regardless of race, size, location, development
23 stage. Fifty millions or more babies murdered.

24 SECRETARY HOSEMANN: Thank you,
25 Mrs. Parker.

1 Sheila Hailey. Ms. Hailey will be speaking
2 against the personhood amendment.

3 MS. HAILEY: My name is Julie Hailey, and
4 I'm from Kemper County, Mississippi. I don't
5 have a town in Kemper.

6 You know what? Everybody that's got up and
7 spoke has told you why they are against it, and
8 everybody has quoted the Old Testament. The only
9 person who quoted the New Testament was Mr. Gore.
10 I'm Jewish, and you know when I think life
11 starts? When you take that first breath, when
12 God's breath enters you.

13 So what you're trying to do with this
14 amendment is institutionalize a religious belief,
15 something that Thomas Jefferson -- if I may be so
16 bold as to quote him -- said we would never do.
17 We would never establish a religion in this
18 country, that everybody would be free to practice
19 and believe as they chose.

20 This is not going to stop abortion. This is
21 not about abortion. Abortion, as long as Roe v.
22 Wade is in place, is going to happen. And if you
23 try to fight it, you're going to spend more money
24 in court; and Mississippi doesn't have that money
25 to spend.

1 But I'm telling you right now what you're
2 about to do is you're about to institutionalize
3 Christian belief in the constitution, something
4 that is un-American. And I don't care who's
5 Christian and who's not and who's any religion,
6 but we said that plainly we would never establish
7 a religion in this country. They came to this
8 country, not to be persecuted in England, because
9 James and Charles was giving them a fit. And so
10 you're going to do the same thing.

11 Please vote against this. It is a simple
12 ploy to get people to the polls to vote in
13 something that people know will have no effect.
14 Please vote against it.

15 SECRETARY HOSEMANN: Thank you, Ms.
16 Hailey. Is it.

17 Sarah Pellegrine? Sarah will be speaking
18 for two minutes against the personhood amendment.

19 MS. PELLEGRINE: My name is Sarah
20 Pellegrine. I'm a senior at Mississippi State.
21 I'm a Mississippian, born and raised in Jackson.
22 I've lived my entire 20 years in this state.

23 Proponents of this amendment will frame this
24 as a debate about abortion, and it is a debate
25 about when life begins but that's not the issue

1 here. This initiative does absolutely nothing to
2 override Roe v. Wade. In fact, if it were to
3 pass, abortion would be just as legal and
4 accessible in Mississippi the day after it passed
5 as it is today.

6 In reality, this initiative is about the
7 intersection of medicine and social policy. It
8 is unfounded, it is unnecessary, and it is
9 extreme. Though it won't end the impact of
10 abortion, the amendment does have the potential
11 to affect many other aspects of reproductive
12 healthcare.

13 Contrary to previous testimony, it does have
14 the potential impact to the ability of couples
15 who have difficulty conceiving to access safe and
16 effective fertility treatments. It does have the
17 potential to impact the use of common
18 contraceptives. The truth is that it's
19 dangerously open to interpretation.

20 Previous supporters have even told you that
21 this amendment is going to put these decisions
22 into the hands of law enforcement and
23 legislators. I want my reproductive healthcare
24 decisions to be made by me, my family, and my
25 doctors.

1 Further, it can complicate routine
2 gynecological and prenatal healthcare for every
3 pregnancy, including planned pregnancies.
4 Mississippi has the highest infant mortality rate
5 of any state in this country. We have also led
6 the nation in low and very low birth weight
7 babies, a complication that can lead to a myriad
8 of future health problems. Complicating access
9 to prenatal care only exacerbates these issues.

10 You know, Mississippi State University
11 awards degrees every semester to female students
12 across all disciplines. We trust women to
13 represent this University and to go on and
14 represent this state and be leaders in their
15 fields. How can we trust them not to make
16 decisions about their own healthcare?

17 If I could leave you with only one point to
18 take with you, it's that this initiative is not
19 what it appears. It is not about when life
20 begins. It is about legalese. It does not
21 impact abortion. It only inhibits access to
22 common and vital healthcare. If we pass this
23 amendment, we fail women, children, and families
24 throughout Mississippi.

25 Thank you.

1 SECRETARY HOSEMANN: Thank you, Sarah.

2 Right on time.

3 Is there anyone else who would like to speak
4 for or against the amendment? Yes, ma'am. If
5 you would step forward, we'll give you two
6 minutes. If you could say your name, please,
7 ma'am, because I didn't have a sign-up card. If
8 you would speak distinctly so she can pick you
9 up.

10 MS. SHED: My name is Julie Shed, and I
11 oppose this initiative.

12 I noticed that nobody who has spoken so far
13 has been pregnant. I am currently three months
14 pregnant with my first child. I am 30 years old.

15 I've been doing some research. El Salvador
16 passed a personhood initiative in 1999. What has
17 happened in El Salvador is that not only every
18 abortion, but every miscarriage has become a
19 crime scene.

20 There's a case from 2009. An 18-year-old
21 went to her doctor seeking help for her
22 miscarriage. That doctor, as he is supposed to
23 do, contacted the authorities. She was arrested.
24 She faced 30 years in prison for abortion and
25 aggravated homicide, and she was finally released

1 in July of last year.

2 I would dearly love to believe that
3 something like that would not happen here, but
4 there is already a case on the books. Rennie
5 Gibbs is facing life in prison for depraved-heart
6 murder, because she may have used cocaine during
7 her pregnancy and she had a stillbirth. No
8 matter that the medical examiner who worked that
9 case has no basis in fetal medicine, does not
10 know what cocaine does to the fetus, and is
11 actually a disgrace and should not really be
12 performing examinations.

13 So that is my fear -- that if I lose this
14 baby, I will be a homicide suspect.

15 On top of that, I think it is also important
16 to point out we heard from a lady who is Jewish
17 earlier; and there are not many of us, but there
18 are plenty of people in Mississippi who believe
19 in no God. That may be foolish, but that is
20 maybe what we believe. And what God says or does
21 not say about abortion, which actually is not
22 that much, does not matter to us. We just want
23 to live our lives, to consult our doctors in
24 privacy, and to be left alone to raise our
25 families.

1 So thank you.

2 SECRETARY HOSEMANN: Thank you.

3 Is there anyone else who would like to speak
4 for or against the amendment?

5 Gary, if you would, please, identify
6 yourself. We'll give you two minutes. I think
7 this is the last one. I see no one --

8 MR. CHESSER: I'm Gary Chesser. I'm an
9 old guy, but I've seen some patterns in our
10 country over the years. And I'm not speaking
11 from a religious perspective, but just a pattern
12 perspective.

13 We've seen abortion come in, and we've seen
14 the legality of it, we've seen the abuse of it,
15 we've seen the effects of it, and we see a
16 pattern now that's really scary.

17 A recent court case just ended last week, I
18 think. The value of life, period, has diminished
19 to the point that -- you know, a lot of mothers
20 may not be Christian, may not be Jewish, may not
21 believe in God at all, you know, but it's the
22 thinking process, the pattern that we see
23 developing in our country -- there's no
24 difference in killing a child that's in the womb
25 now than killing a child outside of the womb.

1 There's a law against it -- harming a child
2 that's already been born. You know, that's
3 murder now. You know, it's been murder -- but
4 there seems to be a pattern developing, and it's
5 more and more prevalent.

6 And I'm for this personhood amendment.
7 We're going to define it as the moment it becomes
8 a person is when it becomes alive.

9 SECRETARY HOSEMANN: Thank you.

10 All right. Any others? Anyone else? All
11 right. We'll move on to our second group. And,
12 Brad, thank you -- Jonelle -- both of y'all for
13 setting up.

14 The second amendment is -- the second
15 amendment is the voter identification amendment.
16 The voter identification says, "Should the
17 Mississippi Constitution be amended to require a
18 person to submit government-issued photo
19 identification in order to vote?"

20 Inside you will see the both "for" and
21 "against" -- the "Ballot Titles" "for" and
22 "against" on the brochure. The "Ballot Title,
23 "Should the Mississippi Constitution be amended
24 to require a person to submit a government-issued
25 photo identification in order to vote?"

1 The initiative would state "would amend the
2 Mississippi Constitution to require voters to
3 submit a government-issued voter identification
4 before being allowed to vote; provides that any
5 voter lacking government-issued voter
6 identification may obtain a photo identification
7 without charge from the Mississippi Department of
8 Public Safety; and it exempts certain residents
9 of state-licensed care facilities and religious
10 objectors from being required to show photo
11 identification in order to vote."

12 The voter identification bill, voter ID
13 bill, and each of these amendments will become
14 effective 30 days after the Secretary of State
15 certifies the election in Mississippi. So this
16 particular voter identification bill would not be
17 present in the November election. Once you vote
18 on it, though, it will be available for future
19 elections. So we encourage you to get these too.

20 And speaking for the voter identification
21 amendment, we find Representative Gary Chism is
22 here. Gary, if you would step forward. Get my
23 notes out of the way.

24 REPRESENTATIVE CHISM: Thank you,
25 Secretary Hosemann, for putting on this

1 information seminar for these three initiatives.

2 I'm going to sort of be like what Henry VIII

3 said to his fourth wife, "This ain't going to

4 take long."

5 If you need a photo ID to cash a check, if

6 you need a photo ID to board a plane, if you need

7 a photo ID to rent a movie, surely, we need to --

8 in voting, we need to find some way to make sure

9 you are who you say you are.

10 Thirty states require some form of voter ID;

11 fourteen states require a photo ID. And that's

12 what this initiative is all about. This

13 initiative is just like the Indiana law that the

14 U.S. Supreme Court has already approved as being

15 valid for Indiana. I mean word for word like it,

16 so surely they would approve it for us.

17 Although, we do know that Mississippi would

18 have to send this to the justice department and

19 have it -- if it does pass, we would have to send

20 it to the justice department and have them to

21 okay it for us, but we feel like that it will --

22 it will be approved if we pass it on November the

23 8th.

24 You know, it's simple. Everybody that wants

25 to vote will have a government-issued photo ID,

1 and they would show that at the polls, period.

2 There's three exceptions: One, if you're in
3 a nursing home, you don't have to have one;
4 number two, if you've got a religious objection
5 to have your photo taken -- and, you know, I've
6 looked. I've looked on the Internet on different
7 religions, and I really don't see any. There may
8 be some sects of Amish communities that don't
9 like to have their picture taken; but other than
10 that, only thing I can find was some groups in
11 South America that don't like their pictures to
12 be taken. And the third one is if you forgot
13 your photo ID and you showed up at the election
14 and you didn't have it with you, they are going
15 to allow you to vote by affidavit.

16 You've got five days to be able to go to the
17 circuit clerk's office and show them your photo
18 ID, and if you do that, your vote is going to
19 count. So it's very simple.

20 You know, we Republicans have been trying to
21 get this for years. Many of our other joining
22 states have got this. You know, we've had a
23 tough time to get it through the Democratic
24 house. But, you know, we Republicans feel like
25 that you ought to have a couple of things if

1 you're going to vote: We like for you to just
2 vote one time, and we would like for you to be
3 breathing. So those are the two criteria that we
4 would really like.

5 So I ask you to please vote for photo ID on
6 November the 8th. Thank you.

7 SECRETARY HOSEMANN: He is equally as
8 entertaining in the Mississippi Legislature.

9 Bear Atwood? Mr. Atwood is here?

10 MS. ATWOOD: Me?

11 SECRETARY HOSEMANN: Yes, come on. I'm
12 sorry. Is your first name "Bear"?

13 MS. ATWOOD: It is.

14 SECRETARY HOSEMANN: That's better than
15 Delbert. Come on.

16 MS. ATWOOD: Thank you for the opportunity
17 to speak tonight.

18 Nothing is more fundamental to our democracy
19 than the right to vote. Through our voice at the
20 ballot box, citizens entrust presidents,
21 legislators, aldermen, judges, secretaries of
22 state, school board members, and others to make
23 crucial decisions for our state and for our
24 country. It is through our voting rights that we
25 protect all of the rights in our state and

1 national constitutions.

2 Amending the Mississippi Constitution to
3 require a government-issued ID as a ticket to the
4 ballot box will strip many Mississippians of the
5 right to vote. No eligible voter should have to
6 pay to gain entrance to the voting booth. This
7 amendment to our state constitution is nothing
8 more than a poll tax in disguise.

9 Now, the proponents of this amendment will
10 tell you that there is no cost because the State
11 will issue IDs free of charge; however, as we all
12 know, there are costs associated with getting an
13 ID that are more than the price of the ID card.
14 All of the documents you will need to provide to
15 the State to get that ID card cost money. You
16 might need to get a certified copy of your birth
17 certificate. Lord knows, I couldn't find my
18 son's when he was old enough to register to vote.
19 You need a new copy of your social security card
20 if you've misplaced that. If you've been married
21 and changed your name, divorced and changed your
22 name, you'll need certified copies of both the
23 marriage certificate and your divorce decree.
24 And this amendment assumes that all of these
25 documents will be available to you, but for many

1 Mississippians -- Mississippians born in rural
2 places, Mississippians born in towns that have
3 been ravaged by Katrina -- that's simply not
4 true. For many Mississippians those documents
5 are not readily available. Those 5- or \$10
6 charges can add up, and what they add up to is a
7 poll tax.

8 And by the way, if you don't have a
9 government ID now, that means you don't have a
10 driver's license. So how are you supposed to get
11 to the Department of Public Safety to get this
12 ID?

13 This raises serious burdens, financial
14 burdens, for people for the privilege of going to
15 the voting booth. But it's not a privilege to
16 vote; it's a right. Writing a check, that's a
17 privilege; voting, that's a right.

18 Voter ID requirements have a
19 disproportionate and unfair impact on low-income
20 people, African-American, and Latino voters,
21 senior citizen voters with disabilities, and
22 others who do not have a government-issued ID.
23 Our democracy cannot value a person's vote over
24 another's, but that is exactly what this
25 amendment would do. In particular, senior

1 citizens and African-Americans are
2 disproportionately impacted by these kinds of
3 laws and constitutional amendments because they
4 are disproportionately represented in the people
5 who don't have a government ID.

6 And what that means is that they are
7 disproportionately represented and the people who
8 will have the voting rights stripped away from
9 them. Imagine an older Mississippian living on a
10 fixed income in the same town she was born and
11 raised in, a woman who has been voting ever since
12 that first election when she was eligible to
13 vote. Now imagine that same voter having to give
14 up the right to vote. Why? Because she can't
15 afford to get all of her documents reissued and
16 she doesn't have a family member or friend who
17 can take her to get her ID.

18 Taking someone's vote away because they
19 don't have the money to get an ID, that's a
20 travesty. And in these days of low voter
21 turnout, our democracy cannot afford to lose even
22 a single eligible voter.

23 Proponents of this amendment will tell you
24 that they are about ensuring honesty at the
25 polls, but they have not been able to provide

1 credible evidence that there is voter fraud in
2 Mississippi or individual voter fraud across our
3 country. The real problem with voter fraud comes
4 when voters are harassed, when they are given
5 false information about where to vote; it happens
6 when voter rolls are purged improperly. But this
7 amendment ignores those very real issues.

8 We should spend our limited tax dollars to
9 address the real problems with voter integrity.
10 We cannot disenfranchise voters in the name of a
11 delusional problem. Mississippi has made
12 incredible gains in civil rights, and we still
13 have work to do. Changing our constitution to
14 require a government-issued ID would be a step
15 back toward to the good old days: The bad old
16 days.

17 To change our constitution to raise serious
18 barriers would be a travesty. We should be for
19 fairness and equality, and I urge you to vote
20 "no" on this amendment.

21 SECRETARY HOSEMANN: Thank you.

22 Gary Chesser from Starkville for the voter
23 ID initiative. Gary, if you'll step up, and
24 we'll give you two minutes, please, sir.

25 MR. CHESSER: Last time I looked, I

1 believe we're still a republic. You know, when
2 the Starkville TEA party started gathering
3 signatures, we set up at a local store, local
4 grocery store, and people coming in all the time.
5 We really thought it was going to be a racial
6 issue. We really thought that there would be a
7 divide, that white people would want to vote for
8 voter ID and black people wouldn't. We had been
9 told that all the black people were against it.

10 Lo and behold, the black people that came,
11 they'd see our sign out there in the parking lot
12 and they would walk straight to us. We collected
13 as many black signatures as we collected white
14 signatures, so it's not a racial issue. We found
15 that it is not a racial issue. We found that
16 citizens see the common sense of -- if you've got
17 to go cash a check, you've got to have some sort
18 of an ID; if you're going to have an -- open an
19 account, you've got to have some sort of ID --
20 people have to know who you are. Why should we
21 expect -- why should we not expect the same thing
22 for the most important thing that a citizen has
23 to do? And that's at the polls when you come to
24 vote. Just let them know who you are.

25 I think all those little details are going

1 to be worked out in the legislation once it gets
2 passed and everything, but it's a very important
3 thing. We're way behind the curve on this, and
4 there have been lots of -- there have been lots
5 of stories -- I don't know whether anything's
6 been proven. Certainly, some local or close to
7 local places down here have been caught messing
8 up the voter rolls and keeping people from voting
9 and stuff like that, so chicanery goes on all the
10 time.

11 And I would appreciate it -- and I believe
12 all Mississippians will appreciate it -- when you
13 vote for voter ID. Thank you.

14 SECRETARY HOSEMANN: Thank you, Gary.

15 Albert Gore to speak against the amendment.
16 Mr. Gore?

17 MR. GORE: Mr. Chism doesn't know me, but
18 I'm in his district; but that's all right. I
19 don't need to know you. I'm Albert Gore. I'm
20 also the chairman of the Oktibbeha County
21 Democratic Party. So that tells you where I
22 stand.

23 Voter ID sounds good, but in conducting
24 elections that I -- in the primary election, the
25 chairperson of each party selects the people that

1 work the polls; and we try to select people that
2 will run a good ship, so to speak.

3 But the community is like here on campus.
4 Many of you send your children to Mississippi
5 State and to other schools. If they are under 21
6 -- if they are under 21 -- you can be assured
7 they have more than one ID and it says that they
8 are 21. This law will not prevent those who want
9 to cheat from cheating, so I ask you to vote
10 against the voter ID.

11 My wife signed a petition for it, and she's
12 been getting letter after letter from the
13 Republican group that backed it. And maybe
14 they'll quit. I don't know. I hope they do,
15 because I'm tired of seeing it in my mailbox.
16 But vote against voter ID, because there's not
17 that much that goes on out there, for sure.

18 MR. CHESSER: She may be becoming a
19 Republican.

20 SECRETARY HOSEMANN: Is there anyone else
21 who would like to speak for or against voter
22 identification? Yes, ma'am.

23 MS. HAILEY: Sheila Hailey.

24 SECRETARY HOSEMANN: Sheila, would you
25 come forward. We'll give you two minutes,

1 please, ma'am.

2 MS. HAILEY: I don't need two minutes.

3 SECRETARY HOSEMANN: She doesn't even need
4 two minutes.

5 MS. HAILEY: Like Mr. Gore, I'm a Yellow
6 Dog Democrat, and I guess everybody knows what
7 that means.

8 But I don't have but one thing to say is
9 they always use the examples: If you cash a
10 check, you've got to have an ID; if you open a
11 bank account, you've got an ID. You know -- and
12 I don't have any statistics to back this up, but
13 -- I would almost bet you people that are out
14 there kiting checks aren't trying to vote.

15 SECRETARY HOSEMANN: Is there anyone else
16 who would like to speak for or against voter ID?
17 Yes, ma'am. Would you identify yourself, please,
18 when you come to speak, because I didn't have a
19 card on you. If you speak into the microphone,
20 please, ma'am, you're recognized for two minutes.

21 MS. McFALLS: Hi, my name is Rachel
22 McFalls. I'm a student in aerospace here at
23 Mississippi State, and I registered to vote
24 today.

25 At the bottom of the general instructions, I

1 just wanted to read y'all what it says.
2 "First-time voters who register by mail: If
3 you're registering to vote for the first time in
4 your jurisdiction and are mailing the
5 registration application, federal law requires
6 you to show proof of your identification for the
7 first time you vote. Proof of identification
8 includes a current and valid photo identification
9 or a current utility bill, bank statement,
10 government check, paycheck, or government
11 document that shows your name and address."

12 I thought that was pretty cool.

13 SECRETARY HOSEMANN: Thank you.

14 Anyone else? Anyone else?

15 The last amendment for this evening is
16 eminent domain, and it says in your brochures --
17 if you don't have one, Lea Anne will get you one
18 outside -- "Eminent Domain: Should government be
19 prohibited from taking private property by
20 eminent domain and then transferring it to other
21 persons?"

22 Inside the brochure, you will see the
23 "Ballot Title" is "Should government be
24 prohibited from taking private property by
25 eminent domain and then transferring it to other

1 persons?"

2 The "Ballot Summary" is as follows:

3 "Initiative 31 would amend the Mississippi
4 Constitution to prohibit a state and local
5 government from taking private property by
6 eminent domain and then conveying it to other
7 persons or private businesses for a period of ten
8 years after acquisition. Exceptions from the
9 prohibition include drainage and levee
10 facilities, roads, bridges, ports, airports,
11 common carriers, and utilities. The prohibition
12 would not apply in certain situations, including
13 public nuisance, structures unfit for human
14 habitation, or abandoned property."

15 The individuals who wrote the "for" and
16 "against" on each of these were not written by
17 the Secretary of State. We asked for the
18 opponents and proponents of these to write a
19 300-word essay for or against it, so the
20 individuals wrote these particular essays, not
21 the Secretary of State.

22 Our focus in this part is to be the unbiased
23 person that allows for the public debate of the
24 matter, not necessarily be for or against any of
25 these initiatives.

1 The pro argument -- and the signatures
2 required, the 89,000 signatures were led by David
3 Waide, who was formerly the -- what were you?
4 The executive director?

5 MS. WAIDE: President.

6 SECRETARY HOSEMANN: He was president of
7 Farm Bureau. And I've asked David to come. He
8 actually wrote the one that's in here. And then
9 we have Gordon Flowers, who's also here, who will
10 be speaking against the amendment.

11 So we'll start with you, David, and we have
12 five minutes, please, for the eminent domain,
13 Amendment No. 31.

14 MS. WADE: Thank you, Mr. Secretary.

15 It's indeed an honor to come and to make my
16 presentation on why I believe so strongly in the
17 right of Mississippians to have the right to vote
18 on whether or not he will have his property taken
19 for something other than a public use.

20 We didn't try to change the constitution.
21 We've always believed that the constitution
22 granted the right of government to take land
23 through the eminent domain process for a true
24 public use. It's the definition of "public use"
25 that the supreme court got confused on in their

1 5-4 decision. The Kelo case could have been in
2 Madison, Mississippi, with the Nissan plant, but
3 the jury there got it right. They decided that
4 the Archies had the right to own their property.

5 I can tell you that the opposition is going
6 to use that we wouldn't have a Nissan or a Toyota
7 if we didn't have the right to take property by
8 eminent domain, but that's simply not true. In
9 the Toyota case, eminent domain was used to take
10 some mineral rights, but it was not necessary.
11 Because of the technology we have today, you can
12 drill offsetting wells without actually being on
13 the property.

14 What this is is about your right as an
15 American to be able to do what we thought our
16 "Founding Founders" ensured us of doing in their
17 Declaration of Independence. They said to pursue
18 life, liberty, and property. We, the Farm
19 Bureau, felt so strongly that we didn't want the
20 rights that had been guaranteed us as Americans
21 to be taken away that we decided to initiate this
22 process.

23 And because in the initiative process years
24 before, when we got the right to petition by
25 initiative, they exempted things that were in the

1 Bill of Rights. We had to do something a little
2 bit different than we would have liked to have
3 done. But we simply didn't change their right to
4 take property; we just said you can't do it and
5 use that property for anything other than a true
6 public use for a period of ten years.

7 We tried for three years, unsuccessfully, to
8 get it through the legislature, a constitutional
9 amendment or a statute that would prohibit the
10 taking of private property for something other
11 than a true public use. The third year we were
12 successful, but we got a gubernatorial veto that
13 we were unable to override.

14 We're trying to make an opportunity in this
15 initiative -- and it will be on the ballot -- to
16 give the Mississippi voter the right to decide
17 whether or not they believe in the principles our
18 "Founding Fathers" came and established this
19 great nation. We're tired of seeing our rights
20 eroded because nobody's willing to do what it
21 takes to see that they are protected.

22 We hope that as you ponder your decisions on
23 this initiative and the other two that will be on
24 the ballot to not think about whether it is
25 precedent, to not think about whether or not this

1 is something that has not been done before on an
2 issue in Mississippi. We hope you'll think about
3 the rights that this initiative gives you as an
4 individual; that you don't have to be afraid that
5 government can take your land for something other
6 than a true public use.

7 We believe so strongly in that that we think
8 that when our "Founding Fathers" declared our
9 independence that they believed this should have
10 been part of our constitution. While the Kelo
11 case changed that by interpretation, we hope that
12 as individuals you'll decide whether or not you
13 believe it's in your best interest to decide
14 whether or not economic development really begins
15 with a willing buyer and willing seller.

16 I think we've made it to this far -- to this
17 point in our history and have been most
18 successful, and I hope that you will indeed
19 support Initiative 31.

20 Thank y'all.

21 SECRETARY HOSEMANN: Thank you, David.

22 Gordon, if you'd come up. He's speaking
23 against the initiative for five minutes. Gordon
24 Flowers.

25 MR. FLOWERS: Thank you, Mr. Secretary. I

1 appreciate your having this meeting tonight so
2 that these important topics can be discussed, and
3 it's an honor for me to be here.

4 I am here on behalf of Mr. Leland Speed, who
5 could not be here. Mr. Speed is, among other
6 things, the interim director of the Mississippi
7 Development Authority and an economic leader for
8 many years in the state of Mississippi.

9 My name is Gordon Flowers. I stand before
10 you tonight as a fourth-generation Mississippian.
11 I own property. I own farmland. I hope my
12 daughters continue to be here in Mississippi.
13 I'm a lawyer, and my practice for 30 years has
14 from time to time involved real estate
15 transactions, so I know -- or I think I know --
16 how important real estate transactions and how we
17 use property in this state can be for economic
18 development. It in fact can be the thing that
19 actually drives the economy.

20 So let me tell you a few points: First, I
21 believe in private property rights; and as I
22 mentioned, they affect the quality of life in any
23 particular situation. They produce taxes that
24 are used by all of us for public reasons --
25 infrastructure improvements and otherwise.

1 Second, I don't like eminent domain. It is
2 not something that can be used willy-nilly.
3 Neither did the "Founding Fathers" of this
4 country or of the state of Mississippi. You
5 don't have to like it either, but our "Founding
6 Fathers" realized that there were rare occasions
7 when eminent domain was and continues to be an
8 appropriate tool to be used by our government.
9 And the rarity of that or the careful way that
10 that has to be accomplished is the reason our
11 federal "Founding Fathers" put the 5th Amendment
12 in the Bill of Rights.

13 That's the reason our forebearers in
14 Mississippi in the Constitution of 1817 had those
15 protections. They stayed there, and they were
16 kept in the Constitution of 1890 and are still
17 there. And what they put there was a protection
18 for all owners of private property in this
19 country and in the state. It says that your
20 property and my property will not be taken except
21 for a public purpose and then only upon payment
22 of just compensation. And we have that
23 constitutional right today and have had it from
24 the very beginning.

25 The third reason I oppose this initiative is

1 for a couple of reasons: It's a bad idea -- it's
2 bad public policy -- it will do irreparable harm
3 to Mississippi in terms of our economic
4 development, and, third, there are more
5 reasonable alternatives.

6 It's just a bad idea and bad public policy.

7 It's not about preserving private property.

8 That's not what this is about. If you read the
9 initiative, you will see that two votes of the
10 highway commission can still take your property
11 for MDOT purposes, three votes of any board of
12 supervisors can still take your property, and the
13 majority of any municipal board can take your
14 property.

15 And there are a number of exceptions that
16 were carved out and created when this initiative
17 was prepared and put on the ballot. You heard
18 Secretary Hosemann read about those. The
19 provisions don't apply to drainage and levee
20 facility usage, roads and bridges for public
21 conveyance, flood control projects with a levee
22 component, and on and on. So we do not need this
23 -- we do not need this initiative passed.

24 Governor Hailey Barbour said it this way in
25 his veto message, which was alluded to by my

1 long-time friend, David Waide. He said,
2 "Initiative 31 will do more damage to job
3 creation and economic development than any
4 government action since Mississippi rightfully
5 began trying to balance agriculture with industry
6 in 1935. It puts Mississippi at a catastrophic
7 disadvantage in creating jobs and expanding our
8 economy."

9 Leland Speed comments similarly about that,
10 and we don't have to think about it very long
11 before we actually see some of the things that
12 have benefited us in this area from the power of
13 eminent domain. We wouldn't have the Tenn-Tom
14 Waterway. The Ross Barnett Reservoir wouldn't
15 exist in Jackson, and we wouldn't have the 10,000
16 jobs at Nissan or the Toyota plant at Blue
17 Springs in Mississippi. So I urge you to vote
18 against it.

19 Thank you.

20 SECRETARY HOSEMANN: Thank you, Gordon.

21 Those were both well done.

22 First speaker is for the initiative, and
23 that would be Ed Williams. Is Ed here? Going
24 once. Here's Ed. You have two minutes to speak
25 for the initiative, sir.

1 MR. WILLIAMS: Thank you, Mr. Secretary.

2 I would like to speak in support of the
3 Initiative 31, eminent domain. I'm a private
4 property owner and have worked with farmers and
5 landowners, rural and urban residents for over 30
6 years. I've seen firsthand the value of private
7 land ownership for the lives and livelihood of
8 the citizens of our state.

9 Our nation was founded on the principals of
10 freedom, liberty, and private property ownership,
11 that each individual has a right to own and keep
12 private property. I believe this is a basic
13 right that we have the obligation now to protect.
14 Yes, we recognize the right of government to have
15 eminent domain for those purposes agreed upon by
16 our citizens for public good such as for
17 utilities, public roads, schools, and the like.

18 Recently, we have seen threats from various
19 levels of government to use eminent domain to
20 take privately owned property for private use,
21 shopping malls, real estate development, and
22 industry. This I strongly feel is contrary to
23 the basic principles of our "Founding Fathers."

24 The support of the protection of private
25 property from the seizure by government for

1 private use is an important issue, one that the
2 people of our state have the right and privilege
3 to vote to protect. Vote for Initiative 31 to
4 protect our private property rights.

5 Thank you.

6 SECRETARY HOSEMANN: Thank you,
7 Mr. Williams.

8 Bobby Moody from Louisville, Mississippi.
9 Bobby is going to speak for the eminent domain
10 issue. Mr. Moody?

11 MR. MOODY: Thank you.

12 You know, on the way over here I thought, I
13 can't believe that I am a Mississippian, born and
14 raised in the U.S., and am having to go to
15 Starkville, Mississippi, to speak to protect the
16 rights to keep my property, keep somebody else
17 from taking it from me to do something else other
18 than for public good, to give to another
19 individual.

20 My brother and I own property that we are
21 the fifth generation on our mother's side and the
22 fourth on our father's side to be on the same
23 property. Hopefully, the sixth and seventh
24 generation are there. We are trying to keep them
25 there every day. We just put in a poultry

1 operation on a 20-acre piece of property. Next
2 year it will generate about 10- to \$12,000 worth
3 of income in taxes for our county.

4 I've got a neighbor that's got 20 acres
5 right beside me. If I went to the board of
6 supervisors -- and what happened to them happened
7 up in New Jersey-- and said, Look, if you'll
8 make those folks let me have that property that's
9 generating about \$200 a year in taxes, then I can
10 generate at least \$12,000 worth of taxes, and
11 I'll just forget about the jobs. That's what
12 we're trying to protect from.

13 I was a member of the Mississippi
14 Legislature when the initiative process was first
15 introduced. Nobody had more problems with it
16 than I did, but I saw a way that Mississippians
17 need to be able to address issues that are
18 important to them.

19 This is an important issue to
20 Mississippians. This is an important issue to
21 landowners. I can't believe that all the work
22 that went into it and all this time that one
23 individual is trying to thwart the efforts of
24 everybody and keep this off the ballot.

25 I would encourage you: Go to the polls and

1 vote. Mississippi has one of the most stringent
2 policies that there is in the nation to get
3 something on the initiative. This is important
4 to Mississippians. I encourage you to go and
5 vote for this initiative.

6 Thank you.

7 SECRETARY HOSEMANN: Thank you, Mr. Moody.

8 Douglas Yelverton from Columbus,
9 Mississippi. Mr. Yelverton who is going to speak
10 for the eminent domain.

11 MR. YELVERTON: Thank you.

12 I may get up and here and embarrass myself.

13 You go back to the spring of 1964. I was a
14 student here at Mississippi State finishing up a
15 master's degree in dairy nutrition. I was
16 intending to work for the University somewhere.
17 Bear with me. A dairyman died in the county at a
18 farm with a registered Jersey herd of cattle. We
19 decided one morning to farm.

20 We have worked long and hard on this piece
21 of land. I can see Severstall from my house. I
22 don't want them to decide they want to expand and
23 come over there and take my property. If they
24 want to give me enough money for it and make me
25 want to move, that's fine, but don't take my

1 property.

2 Again, I apologize.

3 SECRETARY HOSEMANN: Thank you,
4 Mr. Yelverton. You don't have to apologize for
5 being a speaker.

6 Ted Kendall from Bolton, Mississippi, who is
7 going to speak for the eminent domain.

8 MR. KENDALL: Thank you very much.
9 Appreciate the opportunity to be here.

10 I'm a fifth-generation farmer and landowner,
11 family farm, and I just want to stress to you all
12 how important private property rights are to
13 farmers and agriculture.

14 As many of you know, it's not always the
15 most lucrative enterprise there is, but one of
16 the main focuses that farmers have in most cases
17 is preserving their land and pass it on to the
18 next generation. And I don't know of anything
19 much more important to farmers in our state and
20 other states.

21 And, you know, we've heard that there have
22 not been problems in Mississippi with eminent
23 domain; and there probably haven't been many, but
24 the problem that I see is that the highest court
25 in our land has ruled against what I would call

1 private property rights. And it's been said that
2 we in our state can take our grievances to the
3 court. Well, you know, if we go to the highest
4 court in the land, I think we may be in trouble
5 there.

6 So I want to urge you to vote for this
7 initiative. I respect very much the governor and
8 agree with most of what he says and does, as well
9 as Mr. Speed. And I thought about that long and
10 hard when I read the arguments from both sides,
11 but what it came down to to me was, you know,
12 whether I believed in private property rights or
13 not. And to me, taking private citizen's
14 property and giving it to another individual or
15 private enterprise is not in the best interest of
16 us reserving our private property rights. So I
17 want to urge you to vote for Initiative 31 on
18 November the 8th.

19 Thank you.

20 SECRETARY HOSEMANN: Thank you, Ted.

21 Rhonda Jolly. Ms. Jolly, if you'd come
22 forth. She wants to speak for the eminent domain
23 initiative. She's from Houston, Mississippi.

24 MS. JOLLY: I see I'm the only female
25 that's speaking up so far, but land that we have

1 in Mississippi is worth something to me, and it's
2 worth something to my family.

3 I am a native Mississippian. I'm proud to
4 be that, even though there are constant reminders
5 that the media gives to us and even other
6 individuals gives to us that we are often last in
7 many areas of importance. We are one of eight
8 states with an "F" rating in the lack of eminent
9 domain reform, and we need to be the first to be
10 removed from that list. Our placement on this
11 list indicates to me that our state endorses the
12 idea that personal property can belong to the
13 landowner one minute and to a developer who can
14 produce more tax revenue the next minute.

15 My family and my husband and I are
16 landowners. We have spent hours through the
17 generations of blood, sweat, and even tears
18 paying for this land. All landowners, not just
19 my family, have not only paid with dollars but
20 most with hours and hours of hard labor to secure
21 and develop their land. This is land that can
22 provide a homeplace. It may be a farm. It may
23 provide for a family. It may be even a part of
24 providing for a nation. This is land that should
25 be at the discretion of the owner the price that

1 will be paid for it and to whom it will be sold.

2 Economic development is important, but

3 personal rights are more important. The

4 landowner is an economic developer.

5 Mississippians should be allowed to decide for

6 themselves if eminent domain reform is needed,

7 and this should be done in November.

8 Thank you.

9 SECRETARY HOSEMANN: Thank you. Richard

10 -- is it Canull? C-A- -- how do you pronounce

11 the last name, Richard?

12 MR. CANULL: Canull.

13 SECRETARY HOSEMANN: Canull.

14 MR. CANULL: That's a Yankee name, but

15 don't hold it against me.

16 SECRETARY HOSEMANN: Known to his friends

17 as Bobby Mack. We're happy you're here, Richard.

18 Thank you. From Brooksville, Mississippi, to

19 speak for the initiative.

20 MR. CANULL: Thank y'all.

21 I wasn't supposed to speak tonight, to tell

22 you the truth. A friend of mine was supposed to,

23 but he had another meeting. But I am for eminent

24 domain. And, also, I'm from Noxubee County --

25 Brooksville, Mississippi, Noxubee County -- and

1 president of Noxubee County Farm Bureau.

2 When Farm Bureau sent us to get signatures
3 for the eminent domain, the first question was
4 asked, "Will this keep us from getting industry
5 in our county?" I said, "No, it won't."

6 Another thing is this will keep people from
7 taking your land. That's what it's all about is
8 keeping from taking the land. And I ain't for
9 sure, but I believe Mississippi is one of the
10 eight states that hadn't got eminent domain.

11 Here we go again. We're lagging behind all the
12 other states. I don't know how many states --
13 which states it is. I know Oklahoma is one of
14 them that hadn't got it, Mississippi is one of
15 them, and then there's some out east.

16 I can't talk for a minute, please, but I'm
17 for eminent domain, and I hope everybody votes
18 for it. We need it in this state, but it will
19 not stop industry from coming in.

20 Thank you.

21 SECRETARY HOSEMANN: Thank you, Richard.

22 Is there anyone else that would like to
23 speak for or against eminent domain? Hearing
24 none.

25 I think you can see why we have these forums

1 all over the state. We have some eloquent,
2 touching, personal comments made by people tonight.
3 They were made at the first one. They'll be made
4 at the next seven. It is the heart of our
5 democracy. It's why it beats strong, to have
6 public forums where people can debate public
7 issues. And it makes me feel good about the
8 state and where we're going to know people care
9 enough about their constitution to come out for a
10 night and argue in a public debate. So all of
11 you are to be congratulated for coming and taking
12 time to do that.

13 You will be seeing this. If you will send
14 me your written statements, you will see them on
15 the web. We are pushing our stenographer to get
16 the comments together as quickly as she can.
17 Those will have to be edited somewhat to put on
18 there, but your general comments and thought
19 processes will be on the website as shortly as we
20 can get them up there. We encourage you to read
21 others and what they say about all of these three
22 constitutional initiatives we have going forward.

23 I do want to thank y'all for coming and for
24 speaking. It's good to be back at Mississippi
25 State University today. I got to come a little

1 bit early and watch the basketball team work out.
2 They are real big. I was 6 foot 4 when I
3 started. I looked up at all these guys, and I
4 saw a couple of the football players who were
5 bigger. I think we're fixing to have a good year
6 here.

7 I want to thank y'all for coming tonight.
8 Appreciate so much your help. With that, we
9 stand adjourned.

10 (HEARING CONCLUDED AT 6:55 P.M.)

11 * * * * *

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF COURT REPORTER

2 I, SHAUNA W. STANFORD, Certified

3 Shorthand Reporter and Notary Public in and for

4 the State of Mississippi at large, hereby certify

5 that the foregoing pages contain a full, true, and

6 correct transcript of the proceedings as taken by

7 me at 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 20th day of July, 2011.

22

SHAUNA W. STANFORD, CSR

23

CSR NO. 1380

24 My Commission Expires:

25 April 12, 2012

