

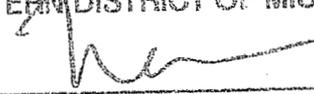
IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CIVIL RIGHTS DIVISION
VOTING SECTION
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THE UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.)
)
CITY OF HAMTRAMCK, MICHIGAN;)
CITY CLERK OF HAMTRAMCK,)
MICHIGAN, ROBERT J.)
CWIERTNEWICZ, in his)
official capacity,)
)
Defendants.)
_____)

Civil Action No.: 0073541
Judge Patrick J. Duggan
Magistrate Judge Scheer

A TRUE COPY
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

BY 
DEPUTY CLERK

SECOND AMENDED CONSENT ORDER AND DECREE

On August 4, 2000, the United States filed a Complaint alleging that Defendants' (hereinafter "the City") failure to stop voter challenges against Arab-American and other dark-skinned voters during the November 2, 1999 election in Hamtramck violated Section 2 of the Voting Rights Act, as amended, 42 U.S.C. 1973, and other federal laws enacted to enforce the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution. Simultaneously, the parties filed a proposed Consent Order and Decree that set forth provisions designed to prevent future such challenges and mitigate the chilling effect of the 1999 election upon Arab-American and Bengali-American voters. This Court entered the Consent Order and Decree on August 7, 2000. The United States moved to amend

the original decree on August 7, 2003 to account for the City's April 2003 consolidation of its voting precincts. This Court entered the First Amended Consent Order and Decree on August 8, 2003.

Under the consent decree, as initially entered and as amended, authorization for the appointment of federal observers to monitor elections in Hamtramck expires on December 31, 2003. See Consent Order and Decree and First Amended Consent Order and Decree, Par. 5. The consent decree as a whole is set to expire on June 1, 2004. Id. at Par. 12. Paragraph 5 provides that authorization for the appointment of federal observers "shall be extended as appropriate to ensure full and ongoing protection of the rights of the voters of Hamtramck either upon agreement of the parties or by Order of this Court, which shall issue if the Court determines that Defendants are not in full compliance with this agreement or if there is otherwise any evidence of discriminatory treatment of minority voters in Hamtramck."

Based on discussions of the effectiveness of the City's prior efforts to fulfill the terms of the consent decree and on an acknowledgment that there is more to be done to accomplish the goals of the original decree, the parties have agreed to a limited extension of the terms pertaining to assignment of bilingual election inspectors and the authorization of federal observers to monitor compliance with these terms. It is the

belief of the parties that the extension of these provisions will effectuate full achievement of the goals of the original consent decree. The terms below, upon entry by the Court, shall supersede and replace the First Amended Consent Order and Decree as the binding agreement between the parties.

Accordingly, the parties stipulate to the following:

1. To continue progress toward achievement of the remedial goals of the original consent decree, the City shall appoint at least two bilingual Arab-American election inspectors, or one bilingual Arab-American and one bilingual Bengali-American election inspector, to each of the City's seven voting precincts. (Referred to hereafter collectively as "bilingual inspectors").

(a) The bilingual inspectors shall at all times be made available to provide assistance as needed, including at the voting booth, in demonstrating the use of voting equipment, and in handling voter challenges should an Arab-American voter or Bengali-American voter need assistance or have his or her eligibility to vote challenged.

(b) The City shall strive to monitor inspector breaks to ensure that both bilingual inspectors are available to the extent possible throughout the day. In any event, the City will take all reasonable steps to ensure that at least one bilingual inspector is on duty at all times. To do so, the City will instruct the bilingual inspectors at each precinct to plan

their break times to ensure that at least one bilingual inspector is available throughout election day.

(c) To recruit the requisite number of bilingual inspectors, the City shall, at a minimum, contact in writing and by telephone communication Arab-American and Bengali-American elected officials, Arab-American and Bengali-American members of political parties, and social service organizations and other groups serving the Arab-American and/or Bengali-American communities in Hamtramck. The City shall also seek to identify new organizations and individuals that might serve as liaisons with Hamtramck's Arab-American and Bengali-American communities for the recruitment of bilingual inspectors. Prior to the August 3, 2004 State Primary election, the City shall initiate a meeting between representatives of the City Clerk's office and members of Hamtramck's Arab-American and Bengali-American communities to discuss ways to recruit and retain bilingual inspectors.

(d) To assist in improving retention of bilingual election inspectors, the City shall keep a database of bilingual inspectors who have worked in past elections and contact them by written and telephone communication prior to each election. In addition, the City commits to considering whether permitting election inspectors to work in shifts on election day would benefit the City's efforts to recruit and retain bilingual election inspectors.

2. To assist in the effectiveness of this Second Amended Consent Order and Decree and to ensure the continued enforcement of the voting guarantees of the Voting Rights Act and the Fourteenth and Fifteenth Amendments of the Constitution, the City of Hamtramck should remain designated for federal examiners pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. 1973(a), which enables the appointment of federal observers.

3. The terms of this Second Amended Consent Order and Decree shall expire on January 31, 2006.

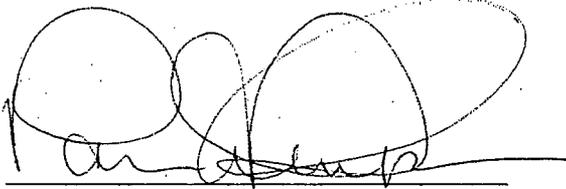
4. The Court shall retain jurisdiction of this case to enter further relief or such other orders as may be necessary for the effectuation of the terms of this agreement and to ensure compliance with the voting guarantees of the Voting Rights Act and the Fourteenth and Fifteenth Amendments to the Constitution.

For Plaintiff:

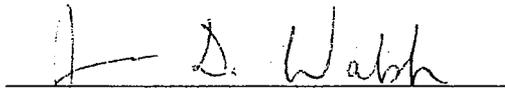
UNITED STATES OF AMERICA

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United States Attorney
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R. ALEXANDER ACOSTA
Assistant Attorney General
Civil Rights Division



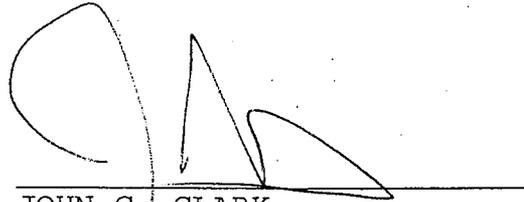
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JAN 28 2004

SO ORDERED, this _____ day of January, 2004:

PATRICK DUGGAN

Judge Patrick J. Duggan
United States District Court Judge
for the Eastern District of Michigan

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE UNITED STATES OF AMERICA,)
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Plaintiff,)
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v.) Civil Action No.: 00-73541
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CITY OF HAMTRAMCK, MICHIGAN;) Judge Patrick J. Duggan
CITY CLERK OF HAMTRAMCK,)
MICHIGAN, ROBERT J.) Magistrate Judge Scheer
CWIERNIEWICZ, in his official)
capacity,)
)
Defendants.)
_____)

JOINT MOTION TO ENTER SECOND
AMENDED CONSENT ORDER AND DECREE

The United States and City of Hamtramck, Michigan, et al.,
(hereafter "the City") seek to modify and extend certain
provisions of the First Amended Consent Order and Decree through
January 31, 2006. The parties have agreed to the terms set forth
in the attached Second Amended Consent Order and Decree, and for
the reasons set forth below respectfully request that the court
enter it.

On August 4, 2000, the United States filed a Complaint
alleging that City's failure to stop voter challenges against
Arab-American and other dark-skinned voters during the November
2, 1999 election in Hamtramck violated Section 2 of the Voting

Rights Act, as amended, 42 U.S.C. 1973, and other federal laws enacted to enforce the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution.

Simultaneously, the parties filed a proposed Consent Order and Decree that set forth provisions designed to prevent future such challenges and mitigate the chilling effect of the 1999 election upon Arab-American and Bengali-American voters. This Court entered the Consent Order and Decree on August 7, 2000. The United States moved to amend the original decree on August 7, 2003 to account for the City's April 2003 consolidation of its voting precincts. This Court entered the First Amended Consent Order and Decree on August 8, 2003.

Under the consent decree, as initially entered and as amended, authorization for the appointment of federal observers to monitor elections in Hamtramck expires on December 31, 2003. See Consent Order and Decree and First Amended Consent Order and Decree, Par. 5. The consent decree as a whole is set to expire on June 1, 2004. Id. at Par. 12. Paragraph 5 provides that authorization for the appointment of federal observers "shall be extended as appropriate to ensure full and ongoing protection of the rights of the voters of Hamtramck either upon agreement of the parties or by Order of this Court, which shall issue if the Court determines that Defendants are not in full compliance with this agreement or if there is otherwise any evidence of

discriminatory treatment of minority voters in Hamtramck."

Federal observers have monitored eight elections in Hamtramck, from the November 2000 Presidential election through the November 2003 municipal general election. During this period, the United States and the City have continued to discuss the City's compliance and progress toward achievement of the goals of the consent decree.

The parties have considered the language governing extension of the consent decree and the City's compliance and progress under the consent decree, and agree that an extension, limited in scope and duration, is appropriate. The United States and the City are fully committed to continuing the work toward ensuring that the electoral process in Hamtramck is open to all voters. While the parties recognize that the remedial goal of the original consent decree is yet to be fully achieved, they are confident that a limited extension of the decree would be sufficient to achieve the decree's objectives and bring finality to this litigation.

WHEREFORE, the parties pray that this Court enter the proposed Second Amended Consent Order and Decree, attached to this motion.

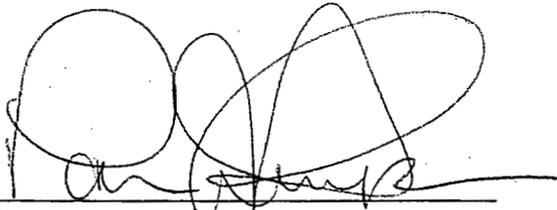
Respectfully submitted,

For Plaintiff:

UNITED STATES OF AMERICA

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United States Attorney
Eastern District of Michigan

R. ALEXANDER ACOSTA
Assistant Attorney General
Civil Rights Division



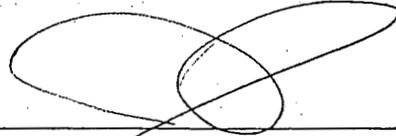
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For Defendants:

CITY OF HAMTRAMCK

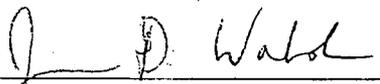


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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of January, 2004, I caused a copy of the foregoing Joint Motion to Enter Second Amended Consent Order and Decree and Second Amended Consent Order and Decree to be served by fax and Federal Express Delivery to the following attorney of record:

John C. Clark, Esq.
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