COURTS

Shapiro versus Monaghan

A local attorney is waging a David-and-Goliath battle to stop a sneak attack on Ypsilanti's human rights ordinance.

An array of conservative activists, financed by Domino's Pizza founder Tom Monaghan, have gathered over 1,000 signatures to overturn the law, which they oppose because it protects gay rights. In court, Monaghan's side is represented by a crack team of lawyers, including Eric Baster, the attorney for the Michigan Republican Party, and former Oakland County prosecutor Richard Thompson, who now runs Monaghan's Thomas More Law Center.

On the other side is a gay rights group that is suing to throw the ballot initiative out. It's being represented pro bono by a personal injury lawyer and erstwhile Deadhead, Ann Arbor resident Doug Shapiro.

The initiative is ambitious: it asks voters to change Ypsilanti's city charter—the city's equivalent of the U.S. Constitution—so that the city council could *never* pass an ordinance protecting gay rights. The petition was submitted by a group with the ungainly name of Ypsilanti Citizens Voting Yes for Equal Rights Not Special Rights, and it was opposed almost immediately by a group calling itself the Ypsilanti Campaign for Equality.

Shapiro had helped YCFE defend the human rights ordinance after its adoption by the Ypsilanti city council in 1997. When the petitions were filed, he once again volunteered his time to help. He immediately began hammering the Not Special Rights group in court in an effort to keep the initiative off the November ballot.

Documents obtained by Shapiro reveal that Not Special Rights has almost no Ypsilanti ties. Far from being a local grassroots organization, it appears to be the creation of Monaghan and Gary Glenn—who, according to Shapiro, has been running similar petition drives in cities across the state. Monaghan is virtually the group's sole funder, providing thousands of dollars to hire professional signature-gatherers for the petition drive. Moreover, the group was formed *after* Monaghan hired the petitioners, and it apparently has just one officer, a treasurer. The treasurer testified that even he didn't know where the group's money came from for almost six months.

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Shapiro argued that the Not Special Rights group violated Michigan laws governing the way signatures are gathered. He also contended—and Monaghan's team conceded—that the ballot proposal would actually trash the city's entire human rights ordinance, including its protections against discrimination based on race, religion, and gender. For those and other reasons, the suit argued, the petitions should be invalidated.

In Washtenaw circuit court last month, judge Don Shelton agreed—he threw out the signatures and ordered the initiative removed from the ballot. Monaghan's legal team appealed to the Michigan Court of Appeals. Ruling on a technical issue involving the authority of the city clerk, the appellate court put the initiative back on ballot—but otherwise left Shelton's decision untouched.

The appellate ruling means that YCFE will now have to gear up for a citywide referendum battle. Thanks to Shapiro's work, though, the group will be able to use Shelton's decision as evidence of the initiative's legal defects.

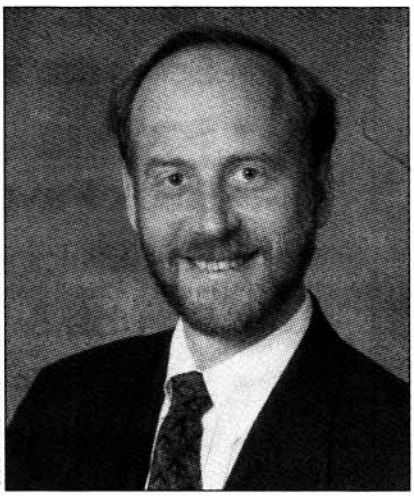
Shapiro contends that the bought-and-paid-for initiative threatens "the democratic process, because here we're having people who don't live in Ypsilanti coming in, purposely creating confusion, and then refusing to enter into the court process.

"It's unbelievable to me that in 2002 we have people who are dedicating themselves to assuring the right to discriminate against gay people."

They just say they're above the law."

The Ypsi human rights ordinance has already survived one repeal attempt, in 1998, and Shapiro says he's optimistic that voters will reject this one, too. "It's unbelievable to me that in 2002 we have people who are dedicating themselves to assuring the right to discriminate against gay people," he says.

"Doug is a bulldog," says Beth Bashert, YCFE's cochair. "We wouldn't be fighting this legal battle without him. Defending rights for gay people is like being Don Quixote . . . and I have this image of Doug charging windmills."



COURTESY MUTH AND SHAPIRO PC

Why is this man smiling? Ann Arbor attorney Doug Shapiro says he's already donated more than 100 hours fighting a Monaghan-funded ballot initiative that would overturn Ypsilanti's human rights ordinance.