

U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

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THURSDAY,
JULY 28, 2006

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The Commission was convened in Room 540 of 624 Ninth Street, N.W., Washington, D.C. at 12:00 p.m., Gerald A. Reynolds, Chairman, presiding.

PRESENT:

GERALD A. REYNOLDS	Chairman
ABIGAIL THERNSTROM	Vice Chairman
JENNIFER C. BRACERAS	Commissioner, (via telephone)
PETER N. KIRSANOW	Commissioner
ASHLEY L. TAYLOR, JR.	Commissioner
MICHAEL YAKI	Commissioner
KENNETH L. MARCUS	Staff Director

STAFF PRESENT:

DAVID BLACKWOOD
TERESA BROOKS
TYRO BEATTY
CHRISTOPHER BYRNES
DEBRA CARR, Associate Deputy Staff Director
RANITA CARTER
IVY DAVIS, Chief, Regional Programs Coordination Unit
DEREK HORNE
PATRICIA JACKSON, Chief, Budget and Finance
MAHA JWEIED
SOCK-FOON MacDOUGALL
TINALOUISE MARTIN, Director of Management
EMMA MONROIG, Solicitor/Parliamentarian
AUDREY WRIGHT

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COMMISSIONER ASSISTANTS PRESENT:

CHRISTOPHER JENNINGS

LISA NEUDER

KIMBERLY SCHULD, via telephone

RICHARD SCHMECHEL

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Adjourn

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P-R-O-C-E-E-D-I-N-G-S

12:01 P.M.

CHAIRMAN REYNOLDS: Okay, folks, we're going to start up now.

APPROVAL OF AGENDA

CHAIRMAN REYNOLDS: The first item on the agenda is the approval of the agenda. May I have a motion to approve the agenda?

COMMISSIONER TAYLOR: so Moved.

COMMISSIONER YAKI: I thought we were going to change one thing. Okay, then I'm fine with it.

CHAIRMAN REYNOLDS: Okay. All in favor?

(Off the record comments.)

CHAIRMAN REYNOLDS: All in favor?

(Chorus of ayes.)

CHAIRMAN REYNOLDS: Any objections? Any abstentions? Okay, it is passed unanimously.

I move to amend the agenda to add a subitem labeled proposed August 2006 business meeting immediately after the subitem labeled proposed regulation on outside employment under the general item labeled management and operations. Oh, it's going to get complicated.

There will be a series of amendments.

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1 Including one that is near and dear to your heart.

2 COMMISSIONER YAKI: Can't you just do it
3 all at one time?

4 Do it as a package.

5 CHAIRMAN REYNOLDS: That would be more
6 difficult than this painful approach.

7 COMMISSIONER KIRSANOW: Second.

8 CHAIRMAN REYNOLDS: Okay, all in favor,
9 please say aye.

10 (Chorus of ayes.)

11 CHAIRMAN REYNOLDS: Any objections,
12 abstentions? It passes unanimously.

13 Okay, I move to amend the agenda to delete
14 the item labeled announcements and have the discussion
15 of the item labeled program planning and its
16 associated subitems take place right after the State
17 Advisory Committee Issues and have the discussion of
18 the item labeled Staff Director's Report take place
19 after Program Planning and its associated subitems,
20 but before discussion of Future Agenda Items and this
21 is purposefully convoluted so no one will object.

22 VICE CHAIRMAN THERNSTROM: I don't even
23 understand it.

24 (Laughter.)

25 CHAIRMAN REYNOLDS: That's good. All in

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1 favor, say aye, please.

2 (Chorus of ayes.)

3 CHAIRMAN REYNOLDS: Any objections? Okay,
4 no abstentions. It passed unanimously.

5 Approval of the July 5, 2006 meeting
6 minutes. May I have a motion?

7 COMMISSIONER KIRSANOW: I want to amend
8 the agenda.

9 CHAIRMAN REYNOLDS: Actually, you raised a
10 good point.

11 COMMISSIONER KIRSANOW: I simply want to
12 amend the agenda to include an item that I will rush
13 to the Commission a document by Dr. Richard Sander
14 related to the Commission that he and Professor
15 Wentworth have proposed at the last meeting.

16 CHAIRMAN REYNOLDS: We may not have time.
17 We have a half an hour basically.

18 COMMISSIONER KIRSANOW: I have a proposal
19 and I'm going to share it all with you by email.
20 That's all I wanted to say.

21 CHAIRMAN REYNOLDS: Okay, done deal.
22 Also, I move that the recharter discussion with
23 respect to the California SAC be tabled.

24 COMMISSIONER YAKI: Second.

25 CHAIRMAN REYNOLDS: Okay, all in favor say

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1 aye.

2 (Chorus of ayes.)

3 CHAIRMAN REYNOLDS: Any in opposition? Any
4 abstentions? Okay. Passed unanimously.

5 **APPROVAL OF THE JULY 5, 2006 MEETING MINUTES**

6 CHAIRMAN REYNOLDS: May I have a motion to
7 approve the minutes of the July 5, 2006 meeting?

8 VICE CHAIRMAN THERNSTROM: So moved.

9 COMMISSIONER KIRSANOW: Second.

10 CHAIRMAN REYNOLDS: All in favor?

11 (Chorus of ayes.)

12 CHAIRMAN REYNOLDS: Any objections? Any
13 abstentions? Passes unanimously.

14 Okay, into the meat.

15 **MANAGEMENT AND OPERATIONS**

16 CHAIRMAN REYNOLDS: Okay, the next item on
17 the agenda is the consideration of the 2008 budget
18 request from OMB. Pursuant to OMB guidance, the
19 Commission is requesting a budget of \$8,992,000 for
20 Fiscal year '08. By comparison, the Commission's
21 appropriations for 2006 is \$8,932,439. The budget
22 will incorporate our decisions from this year's
23 planning meeting, current plans for '08 operations and
24 projections from Agency managers.

25 Upon your approval, this budget will

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1 become the basis for the Commission's 2008 budget
2 request to OMB. May I have a motion to approve the
3 budget?

4 VICE CHAIRMAN THERNSTROM: So moved, but
5 do we have any choice about this? I don't really get
6 this.

7 COMMISSIONER YAKI: Our budget?

8 VICE CHAIRMAN THERNSTROM: I don't get --
9 I mean we're voting on something that we don't have
10 any choice but to say yes to.

11 CHAIRMAN REYNOLDS: Okay, well, sometimes
12 in life we don't have a choice. That was explained to
13 me at the briefing earlier.

14 (Laughter.)

15 This is another example. So I have a
16 second, all in favor?

17 (Chorus of ayes.)

18 CHAIRMAN REYNOLDS: Any in opposition?

19 COMMISSIONER YAKI: I don't know. You are
20 pretty emphatic about individual choices.

21 (Laughter.)

22 CHAIRMAN REYNOLDS: I choose to support
23 this. How about that?

24 COMMISSIONER YAKI: Do you whole heartedly
25 choose to support it?

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1 CHAIRMAN REYNOLDS: No, not wholeheartedly
2 but --

3 COMMISSIONER YAKI: I'm not too sure.
4 Maybe I'll abstain. No, I'm just kidding.

5 CHAIRMAN REYNOLDS: This motion passes
6 unanimously.

7 Next up we have our strategic goals and
8 objectives. The working group on strategic planning
9 prepared a draft of these goals for our consideration
10 which was distributed on July 20th. These goals and
11 objectives will provide guidance to the working group
12 on strategic planning and Commission staff as they
13 continue congressional outreach, prepare appropriate
14 metrics, prepare a proposed final strategic plan and
15 work to integrate the preliminary strategic planning
16 documents into our '08 budget submission which is due
17 in September.

18 Commissioner Kirsanow, would you care to
19 update the Commission?

20 COMMISSIONER KIRSANOW: First of all, I
21 want to thank all the members of the working group,
22 those who are here and not here, for their work in
23 putting together this strategic plan. I think this
24 captures precisely what not only the working group
25 tried to accomplished, but what was the charge of the

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1 entire Commission as a whole after the first strategic
2 plan had been sent back to us for revision.

3 You have them in front of you. I think
4 you do, and they're self explanatory. They've been
5 distilled. The strategic plan itself, as you know, is
6 about 35 pages long. We've distilled down for your
7 consideration the four goals and subcomponents to
8 those goals that are the essence of the strategic
9 plan. And the working group on reform recommends
10 passage or adoption of this strategic goal.

11 VICE CHAIRMAN THERNSTROM: Was that
12 unanimously --

13 COMMISSIONER KIRSANOW: I don't know. We
14 didn't get a vote from Commissioner Melendez because
15 he's not on the line. Does anyone know whether or not
16 Commissioner Melendez is on board with this?

17 COMMISSIONER YAKI: He has not
18 communicated --

19 COMMISSIONER KIRSANOW: Well, of those who
20 participated there was unanimous agreement. That
21 included Commissioner Braceras, Chairman Reynolds,
22 myself.

23 VICE CHAIRMAN THERNSTROM: So do we need a
24 motion here?

25 CHAIRMAN REYNOLDS: Commissioner Kirsanow,

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1 are you finished?

2 COMMISSIONER KIRSANOW: Yes.

3 CHAIRMAN REYNOLDS: All right, I move that
4 we approve the proposed strategic goals and objectives
5 that were distributed to Commissioners on July 20th.
6 Approval of this motion does not constitute approval
7 of the strategic plan as these goals and objectives
8 are preliminary.

9 Is there a second?

10 VICE CHAIRMAN THERNSTROM: Second.

11 CHAIRMAN REYNOLDS: Discussion?

12 COMMISSIONER YAKI: I feel I had no
13 choice.

14 (Laughter.)

15 VICE CHAIRMAN THERNSTROM: You don't.

16 CHAIRMAN REYNOLDS: All right, all in
17 favor say aye.

18 (Chorus of ayes.)

19 CHAIRMAN REYNOLDS: Any in opposition?

20 Any abstentions? The motion passes unanimously.

21 The next item is to establish a policy for
22 Commissioner review of national office projects
23 pursuant to the most recent set of GAO
24 recommendations. I need a motion that with respect to
25 national office projects the Commissioners will be

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1 asked to review these projects from the project
2 concept paper to draft report stages for several
3 factors including the consistency with the project
4 concept, proposal, outline and discovery plan, the
5 existence of objectivity, the quality and breadth of
6 the research, the strength of the reasoning and
7 analysis, and the strength of the evidence supporting
8 the findings, conclusions and recommendations.

9 This list of factors is not intended to be
10 exhaustive. Commissioners have traditionally reviewed
11 national office projects using these factors, so I've
12 asked the Staff Director who has been doing, why do we
13 have to waste time doing this, but he says that we
14 should and I defer to his better judgment.

15 This motion shall formalize a policy what
16 Commissioners have always done informally in practice,
17 when reviewing national projects, is there a second?

18 VICE CHAIRMAN THERNSTROM: Second.

19 CHAIRMAN REYNOLDS: Discussion? All in
20 favor?

21 (Chorus of ayes.)

22 CHAIRMAN REYNOLDS: Any in opposition? Any
23 abstentions?

24 The motion passes unanimously.

25 CHAIRMAN REYNOLDS: The Staff Director has

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1 recommended the adoption of a policy of peer review
2 for national office reports. The GAO in its May 2006
3 report recommended that the Commission strengthen the
4 objectivity and the integrity of the Commission's
5 written work product. This peer-review policy would
6 be included in our implementation plan in which we
7 will submit to GAO by July 31, 2006. Under this peer-
8 review process, a draft national office report would
9 be reviewed to determine whether it is objective and
10 academically sound.

11 The Commission plans to use a small
12 balanced panel of either uncompensated state advisory
13 committee members with appropriate skills and
14 background aided by our new selection criteria which
15 emphasizes social science, legal and statistical
16 training and technical writing skills and/or
17 compensated outside professionals working on an
18 expedited time frame of up to one week to conduct the
19 peer review. The extent to which peer-review
20 recommendations were resolved may be considered by the
21 Commissioners during their vote to approve the final
22 draft report for publication.

23 This process would apply to national
24 office statutory reports and other national office
25 reports containing findings and recommendations.

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1 Is there a second?

2 COMMISSIONER KIRSANOW: Could you repeat
3 that?

4 (Laughter.)

5 CHAIRMAN REYNOLDS: Is there a second?

6 COMMISSIONER KIRSANOW: Second.

7 CHAIRMAN REYNOLDS: Discussion?
8 Commissioner Yaki.

9 COMMISSIONER YAKI: A question about the
10 peer review panels as they are selected. Is the goal
11 of the peer review panel to be -- how shall I put
12 this? Ideologically diverse for the purposes of
13 reviewing the report or is simply going to be all the
14 people who believe in what the report is saying to
15 provide the report?

16 CHAIRMAN REYNOLDS: Well, it's clear that
17 whatever we do someone is going to be happy, someone
18 around this table is going to be unhappy, but to
19 answer your question, there will be a diversity of
20 views, but --

21 COMMISSIONER KIRSANOW: What's the
22 critical mass?

23 CHAIRMAN REYNOLDS: This is eating up time
24 here, folks.

25 VICE CHAIRMAN THERNSTROM: I have a

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1 serious question. It's the same question as Michael
2 Yaki's really. I am extremely concerned about the
3 composition of these peer review panels, how they're
4 going to be picked, how -- I mean how are we going to
5 decide on who is really trained and scholarly?

6 CHAIRMAN REYNOLDS: And a lot of the
7 issues that we deal with, it seems to me that on
8 certain pieces it makes sense, for example, did we get
9 our facts right? Is our methodological approach
10 sound.

11 VICE CHAIRMAN THERNSTROM: We just had a
12 panel in which nobody -- people couldn't agree on
13 basic facts.

14 CHAIRMAN REYNOLDS: Well, the point that I
15 was making is that the subject matter that we deal
16 with is controversial and there are different first
17 principles and I see limited value in having our
18 reports reviewed by so-called experts, but that's why
19 we're having this conversation.

20 VICE CHAIRMAN THERNSTROM: And what are we
21 going to do with the reviews when they come in and
22 they're, you know, shoddy pieces of work and -- or
23 questionable to some of us, but not to others. This
24 process it seems to me is a mine field.

25 CHAIRMAN REYNOLDS: Well, I'm voting no,

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1 so you can joint me.

2 VICE CHAIRMAN THERNSTROM: Good, I'm
3 voting no.

4 COMMISSIONER YAKI: I move to table.

5 CHAIRMAN REYNOLDS: Table? Don't you want
6 to vote against it?

7 COMMISSIONER YAKI: Sure.

8 CHAIRMAN REYNOLDS: Okay, good.

9 (Laughter.)

10 STAFF DIRECTOR MARCUS: Mr. Chairman, may
11 I speak to the issue of tabling, if that is a serious
12 issue?

13 CHAIRMAN REYNOLDS: No, it's not, it's
14 not.

15 COMMISSIONER YAKI: I withdraw the motion
16 to table.

17 CHAIRMAN REYNOLDS: Okay, any other
18 comments?

19 All in favor, please say aye.

20 (No response.)

21 All in opposition.

22 (Chorus of nos.)

23 CHAIRMAN REYNOLDS: Okay, this motion
24 fails and we have received -- the vote --

25 STAFF DIRECTOR MARCUS: May I make just an

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1 observation, just for the information of the
2 Commissioners. The reason that the motion had been
3 put out is that this was one of the recommendations of
4 the GAO. Our Corrective Action Plan is due on Monday.
5 So if we are not doing a peer review, then the
6 ramification of this vote is that we will have to
7 indicate that we are not implementing in full and that
8 there is at least one recommendation that we have
9 declined.

10 VICE CHAIRMAN THERNSTROM: That we have
11 rejected.

12 STAFF DIRECTOR MARCUS: That's right.

13 VICE CHAIRMAN THERNSTROM: We have
14 rejected one of their recommendations.

15 STAFF DIRECTOR MARCUS: We have the
16 authority to do that, but that will be the statement
17 that we will have to make to GAO.

18 VICE CHAIRMAN THERNSTROM: That's fine.

19 CHAIRMAN REYNOLDS: We have accepted many
20 of their recommendations and we've accepted them not
21 because they made the suggestion but because what they
22 suggested was sound and needed to be done. And in
23 this particular case, that's not the case. So let the
24 record reflect that there were five votes against the
25 motion.

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1 Okay, the Commission, with the concurrence
2 of the Office of Government Ethics is issuing these
3 proposed regulations for employees of the Commission
4 that would supplement the standards of ethical conduct
5 for employees of the Executive Branch, issued by OGE.
6 The first proposed regulation would require employees
7 of the Commission to obtain prior approval before
8 engaging in outside employment. The second proposed
9 regulation would remove the Commission's existing
10 conduct regulation which is inconsistent with OGE's
11 standard and replace it with a reference to the
12 current OGE standard.

13 OGE published a new Executive Branch
14 Standards of Ethical Conduct regulation --

15 VICE CHAIRMAN THERNSTROM: Gerry, give us
16 the bottom line here.

17 CHAIRMAN REYNOLDS: The bottom line is if
18 you would like to -- if employees would like to get
19 other employment while working here, they would have
20 to get permitting from their supervisor. That is to
21 ensure that their outside work is not having an
22 adverse effect on their jobs here.

23 VICE CHAIRMAN THERNSTROM: Okay.

24 COMMISSIONER TAYLOR: This would mirror
25 what everybody else in Federal Government --

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1 VICE CHAIRMAN THERNSTROM: Just you,
2 Michael.

3 CHAIRMAN REYNOLDS: Just the first piece.
4 And the second piece has to do with --
5 apparently, our standards -- we want to make sure that
6 our standards are consistent with the new regulations
7 that have been issued by OGE. So that's the purpose
8 of the second --

9 VICE CHAIRMAN THERNSTROM: Fine.

10 CHAIRMAN REYNOLDS: All in favor.

11 (Aye.)

12 CHAIRMAN REYNOLDS: Would anyone like to
13 join him?

14 COMMISSIONER YAKI: It doesn't apply to
15 us.

16 CHAIRMAN REYNOLDS: That's correct.

17 COMMISSIONER YAKI: Aye.

18 CHAIRMAN REYNOLDS: Okay, the motion
19 passes unanimously.

20 Okay, next item on the agenda is a motion
21 to hold a Commission business meeting on August 18,
22 2006. May I have a motion that the Commission hold a
23 business meeting at its headquarters in Washington --

24 VICE CHAIRMAN THERNSTROM: So moved.

25 CHAIRMAN REYNOLDS: Okay, is there a

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1 second?

2 COMMISSIONER KIRSANOW: Second.

3 CHAIRMAN REYNOLDS: Discussion?
4 Commissioner Yaki?

5 COMMISSIONER YAKI: Due to a Court thing
6 where actually I'm a lawyer, I will not -- probably
7 not be able to attend in person. And it is dubious
8 that I will be able to attend via phone.

9 CHAIRMAN REYNOLDS: Would you like to give
10 me a proxy?

11 COMMISSIONER YAKI: Absolutely.

12 VICE CHAIRMAN THERNSTROM: Will we at that
13 meeting be able to cover the ground that we can't
14 cover today?

15 (Off the record comments.)

16 VICE CHAIRMAN THERNSTROM: That's not the
17 notice that was sent out. It was an afternoon
18 meeting.

19 STAFF DIRECTOR MARCUS: Oh, that was an
20 afternoon -- I forgot. I thought that was the
21 September meeting. No?

22 VICE CHAIRMAN THERNSTROM: The September
23 meeting is in Omaha.

24 STAFF DIRECTOR MARCUS: Right, but I
25 thought that was in the afternoon.

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1 VICE CHAIRMAN THERNSTROM: No, it can't
2 be.

3 CHAIRMAN REYNOLDS: That was one of the
4 options and we chose the 18th of August.

5 STAFF DIRECTOR MARCUS: I don't recall
6 that, for the 18th it was 1 o'clock. Of course it's
7 being said right now, so it could be set at 1 rather
8 than 5.

9 VICE CHAIRMAN THERNSTROM: I got some sort
10 of notice that was an afternoon meeting. It can't be
11 the Omaha one.

12 CHAIRMAN REYNOLDS: Okay, but the question
13 on the table though is do you believe that what we are
14 unable to finish here today we'll be able to squeeze
15 in the August business meeting.

16 STAFF DIRECTOR MARCUS: If it's from 1
17 until 5, then I think we have a good chance of
18 finishing everything that's left over from here. Now
19 there are other things that I would hope to have ready
20 for a vote then and whether we can get through all of
21 that, all I can say is we'll do the best we can.

22 CHAIRMAN REYNOLDS: Are folks amenable to
23 starting earlier, to starting at 9 o'clock, if that's
24 required?

25 VICE CHAIRMAN THERNSTROM: We can start

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1 earlier.

2 CHAIRMAN REYNOLDS: And in fact, we'll
3 have to finish this up at a later point, but I think
4 that we need to consider starting at 9 --

5 VICE CHAIRMAN THERNSTROM: Whatever.
6 Let's wrap things up.

7 CHAIRMAN REYNOLDS: Okay, all right, we
8 had our discussion. All in favor, please say aye.

9 (Chorus of ayes.)

10 CHAIRMAN REYNOLDS: Any objections? Any
11 abstentions? The motion passes unanimously.

12 **STATE ADVISORY COMMITTEE ISSUES**

13 CHAIRMAN REYNOLDS: Okay, first up we have
14 -- okay. There's a motion to recharter the
15 Connecticut State Advisory Committee. Under the
16 motion the Commission appoints the following
17 individuals to that Committee, based on the
18 recommendations of the Staff Director: Patrick
19 Johnson, William Alpert, Darlene Alvarado-Canales,
20 Lewis Andrews, Leroy Bailey, Brian Brown, Brian
21 Freeman, Gerald Gunderson, Brian Langdon, Theophilus
22 Meekins, David Metzger, Werner Oyandel, Farouk
23 Rhymaun, Edward Sabaria and Karen Torre.

24 VICE CHAIRMAN THERNSTROM: Excuse me, Mr.
25 Chairman. Wasn't there a motion to approve the --

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1 CHAIRMAN REYNOLDS: It's in here
2 somewhere.

3 VICE CHAIRMAN THERNSTROM: Okay, that came
4 before the budget OMB.

5 CHAIRMAN REYNOLDS: Hold on. Okay, I have
6 it in a different order.

7 VICE CHAIRMAN THERNSTROM: That's all
8 right. That's fine.

9 CHAIRMAN REYNOLDS: Okay, and finally
10 Karen Torre. With this motion, the Commission
11 appoints Patrick Johnson as chair of the newly
12 rechartered Connecticut State Advisory Committee.
13 These members will serve as uncompensated government
14 employees and the Commission appreciates the hard work
15 that they will no doubt contribute to the State
16 Advisory Committee. Under this motion, the Commission
17 authorizes the Staff Director to execute the
18 appropriate paperwork for the appointment.

19 Is there a second.

20 VICE CHAIRMAN THERNSTROM: Second.

21 CHAIRMAN REYNOLDS: Discussion. All in
22 favor, please say aye.

23 (Ayes.)

24 CHAIRMAN REYNOLDS: Any opposition?
25 Abstentions.

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1 Please let the record reflect that
2 Commissioner Kirsanow abstains from the vote. And the
3 remaining voted in favor.

4 In order to give an opportunity to anyone
5 interested in providing information on the briefing we
6 had this morning, the record should be kept open for
7 30 days. Is there a second?

8 VICE CHAIRMAN THERNSTROM: I second that,
9 although I thought there was some discussion of more
10 than that.

11 CHAIRMAN REYNOLDS: During the discussion,
12 I expect Commissioner Yaki to --

13 COMMISSIONER YAKI: I want 60 days.

14 CHAIRMAN REYNOLDS: So there's a second.
15 Discussion.

16 Commissioner Yaki?

17 COMMISSIONER YAKI: I want 60 days.

18 CHAIRMAN REYNOLDS: Why?

19 COMMISSIONER YAKI: Because there's a lot
20 of stuff.

21 VICE CHAIRMAN THERNSTROM: He's going to
22 do a document.

23 COMMISSIONER YAKI: There's a lot of
24 stuff. I think that this is -- I think in terms of
25 the number of people who are out there who we could

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1 outreach to, who might want to provide some of the
2 studies that were talked about, at least four or five
3 different studies were thrown out there. These people
4 tend to want to polish it, make it prettier or
5 whatever. That may -- reaching them, doing that,
6 editing or whatever, probably more than 30 days.

7 VICE CHAIRMAN THERNSTROM: I am going to
8 ask the Staff director a question. We certainly want
9 to have a completed document in published form, it
10 seems to me before the argument in November on these
11 two cases.

12 How does the 60 days affect that?

13 STAFF DIRECTOR MARCUS: Well, if we're
14 getting complicated articles and materials in late
15 September, trying to analyze them to get a final draft
16 voted on against the argument in November --

17 VICE CHAIRMAN THERNSTROM: Not possible.

18 STAFF DIRECTOR MARCUS: It would be
19 difficult and I'm not sure that it's possible.

20 VICE CHAIRMAN THERNSTROM: Is it possible
21 if we have a 30-day window?

22 STAFF DIRECTOR MARCUS: With a 30 day we
23 have a fighting shot at it.

24 VICE CHAIRMAN THERNSTROM: I mean,
25 Commissioner Yaki, can't we get this stuff in 30 days?

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1 I don't want to cut off the marketplace of ideas here
2 to close it, but 30 days is a long time.

3 COMMISSIONER YAKI: I want 60. Let's vote
4 on it.

5 VICE CHAIRMAN THERNSTROM: Let's vote on
6 it.

7 CHAIRMAN REYNOLDS: Any other comments?
8 All in favor of the motion as read into the record,
9 please say aye.

10 (Ayes.)

11 COMMISSIONER KIRSANOW: For 30 days?

12 VICE CHAIRMAN THERNSTROM: That's correct.

13 CHAIRMAN REYNOLDS: Objections?

14 COMMISSIONER YAKI: I oppose.

15 CHAIRMAN REYNOLDS: Abstentions. The
16 motion passes. Please let the record reflect that
17 Commissioner Yaki voted against the motion.

18 COMMISSIONER YAKI: With extreme
19 prejudice. As always.

20 **PROGRAM PLANNING**

21 CHAIRMAN REYNOLDS: On July 11th an
22 article was published in The Washington Post regarding
23 the United States Naval Academy's use of
24 questionnaires in which potential sponsors were asked
25 their religious and racial preferences in connection

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1 with the placement of cadets. We thought this was a
2 topic appropriate for briefing.

3 Staff Director, please describe the
4 newspaper article and the concept paper on this topic
5 that was sent to the Commissioners.

6 STAFF DIRECTOR MARCUS: Certainly, Mr.
7 Chairman, and the article was sent around. Very
8 briefly, it was disclosed that the Naval Academy has a
9 program under which people in the Annapolis area are
10 able to sponsor midshipmen to provide them a place to
11 stay during their recreational hours. The paper
12 reported that it was primarily for midshipmen to watch
13 television. Sometimes the sponsors would have other
14 amenities like swimming pools where the midshipmen
15 would have an opportunity to enjoy recreational time.
16 The questionnaire that is used by the Academy
17 apparently asks for sponsoring families to indicate
18 various preferences that they might have with respect
19 to midshipmen.

20 Among the preferences, they're asked
21 whether they would want midshipmen who were interested
22 in various sports or smokers or nonsmokers or members
23 of one gender or the other and also whether they have
24 a preference in the race of the midshipmen or of the
25 religion of the midshipmen.

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1 The indication of the article is that the
2 Naval Academy takes this into account or tries to take
3 this into account in order to place midshipmen with
4 sponsoring families. There's not much of this that is
5 in the literature. There is a questionnaire that has
6 been on the internet which appears to have questions
7 of this sort.

8 The Naval Academy currently has maintained
9 that this is intended to help provide the minority
10 midshipmen with mentors but it's not clear whether
11 that is the purpose and one of the issues in briefing
12 is the reason for this policy, whether it is the
13 policy and how it impacts midshipmen of various races
14 and religions.

15 CHAIRMAN REYNOLDS: I move to have the
16 Staff conduct a briefing in Annapolis on the United
17 States Naval Academy's use of religious and racial
18 preferences in placement of cadets with local
19 sponsors, as soon as feasible, in 2007. This briefing
20 would be based on the concept paper that was
21 distributed on July 21st. Is there a second?

22 VICE CHAIRMAN THERNSTROM: Second.

23 CHAIRMAN REYNOLDS: Discussion?
24 Commissioner Yaki?

25 COMMISSIONER YAKI: I'm just concerned

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1 that we keep on adding briefings as we're pushing
2 other briefings back.

3 CHAIRMAN REYNOLDS: That is a concern that
4 I share. But I guess the challenge is what do we do
5 when we have these events unfold? Do we respond?

6 COMMISSIONER YAKI: I would say that two
7 of the briefings that I proposed that were voted on
8 and are scheduled also had -- were the result of
9 events that had unfolded and yet they keep on getting
10 pushed further and further back.

11 CHAIRMAN REYNOLDS: Which ones are those?

12 COMMISSIONER YAKI: One was the Patriot
13 Act one. The other one was the -- but the more
14 important one was the domestic eavesdropping.

15 CHAIRMAN REYNOLDS: Well, if I recall, we
16 could not get a hold of --

17 COMMISSIONER YAKI: Forgetting about the
18 Patriot Act, when we did the revote, for the next set
19 of briefings, like for example, the domestic
20 eavesdropping scored 9.5. It was in the top four, top
21 five that was done that should be there among the top
22 five done in the next set. That also is timely. That
23 also is very current. This comes along and it is
24 timely and current, but it just bumps other ones back.

25 CHAIRMAN REYNOLDS: Well, I propose that

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1 we have further discussion on whether this should be
2 put into the queue, but not at this point though.

3 COMMISSIONER YAKI: When you say the words
4 "as soon as feasible" that's what brought to mine.

5 CHAIRMAN REYNOLDS: But we haven't
6 selected a month yet. We haven't had further
7 discussions.

8 Commissioner Thernstrom?

9 VICE CHAIRMAN THERNSTROM: Clearly, those
10 further discussions have to involve, once again,
11 setting our priorities in terms of these briefings. I
12 think we can't just kind of mindlessly bump things so
13 that the rest of the briefings that have been
14 scheduled are in the order they were before.

15 So Commissioner Yaki, it seems to me that
16 question is -- will be, has to be on the table of the
17 relative importance and the shelf life of various
18 issues. You know, there are issues that don't need to
19 be -- we don't need to decide immediately, but I'm not
20 saying yours is one of them, but anyway, let us go
21 through the priorities here once again.

22 CHAIRMAN REYNOLDS: Commissioner Taylor?

23 COMMISSIONER TAYLOR: I don't have the
24 list of the briefings we've agreed upon and the
25 schedule, but it's my sense that this is not, in my

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1 view, not as important as the other items we've
2 already identified. It seems rather narrow.

3 I would like to get some more information
4 from the Academies, the Coast Guard Academy included
5 which means about similar programs, but I don't sense
6 this is something that's worthy of the full blown
7 briefing and bumping what we currently have on the
8 schedule.

9 STAFF DIRECTOR MARCUS: If I may,
10 Commissioner Taylor, we've informally inquired in at
11 least one of those academies that appears to be using
12 similar criteria and I believe it's the Coast Guard.
13 So apparently the Coast Guard is using a similar
14 program. As for the Merchant Marine, I don't believe
15 that we were able to determine that they are using
16 that.

17 COMMISSIONER TAYLOR: I would be in favor
18 of sending them a request by asking them to submit in
19 writing to us what exactly they're doing and what
20 other policies they may have and whatever practices
21 they employ on this issue, but again, I don't -- it's
22 not my sense at least without having the information
23 in front of me that this is worthy of bumping that we
24 currently have in the agenda.

25 CHAIRMAN REYNOLDS: Why don't we vote on

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1 the motion in front of us with the understanding that
2 we will have further discussions about whether this
3 particular project should bump anything in 2007.

4 VICE CHAIRMAN THERNSTROM: I don't
5 understand voting on in it then. If we're -- if a
6 question is open of whether we're going to have a
7 briefing at all on this, then we should just table
8 this motion.

9 I mean what you've just agreed to is to
10 discuss the question of whether this is of sufficient
11 importance to hold a briefing on.

12 COMMISSIONER TAYLOR: I have a substitute
13 motion.

14 CHAIRMAN REYNOLDS: Let's hear it.

15 COMMISSIONER TAYLOR: Perhaps we can
16 gather the information I discussed from all the
17 relevant academies and then put this motion back on
18 the table. So that would be to table this motion --

19 VICE CHAIRMAN THERNSTROM: Or not.

20 COMMISSIONER TAYLOR: Right, as we have
21 the additional information and then discuss whether or
22 not this motion would be appropriate.

23 CHAIRMAN REYNOLDS: Okay, well, since I
24 read the motion into the record, I will accept your
25 substitution.

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1 All in favor?

2 (Chorus of ayes.)

3 CHAIRMAN REYNOLDS: Any objections? The
4 motion passes unanimously.

5 Next up, a report was produced by Staff
6 reflecting Commissioner and panelists input on the
7 briefing the Commission held on November 18, 2005 on
8 campus anti-Semitism along with any concurring and
9 dissenting statements submitted by any Commissioner by
10 August 11, 2006. This report was distributed in draft
11 form to Commissioners on July 21st, 2006. It
12 contained a summary of the discussion and public
13 comments received. A summary of the responses to
14 defame and degrade letters sent out pursuant to AI's 1
15 through 6 and -- well, 1-6 and 7-1.

16 The Commission's findings and
17 recommendations previously approved on April 3, 2006,
18 and witness statements. May I have a motion to
19 approve the publication of this campus anti-Semitism
20 briefing report, together with any concurring or
21 dissenting statements received within two weeks of
22 today?

23 COMMISSIONER TAYLOR: So moved.

24 CHAIRMAN REYNOLDS: Is there a second?

25 VICE CHAIRMAN THERNSTROM: I'll second it

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1 then.

2 CHAIRMAN REYNOLDS: Discussion? All in
3 favor?

4 (Chorus of ayes.)

5 CHAIRMAN REYNOLDS: Any objections? Let
6 the record reflect that the Chairman abstains and the
7 remaining Commissioners voted in favor of it.

8 On January 20, 2006, the Commissioners
9 voted unanimously to have the Staff Director develop
10 proposals to communicate with colleges about their
11 rights and remedies when faced with anti-Semitic
12 harassment. At that meeting, the Staff Director
13 described some proposals for the public education
14 campaign consistent with our funding constraints.
15 These included an electronic document available on the
16 Commission's website providing in-depth information on
17 rights available to students under federal anti-
18 discrimination laws and a poster to complement the
19 website providing general information and directing
20 students to the website for more detailed information.

21 Staff Director, will you please provide us
22 with an update on what's happened with this campaign?

23 STAFF DIRECTOR MARCUS: Certainly, Mr.
24 Chairman. As the Commissioners will see in the side
25 of the room, we have a poster, a proposed poster which

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1 the Government Printing Office has prepared working in
2 conjunction with the Office of Civil Rights Evaluation
3 and Public Affairs Unit which is a suggestion for a
4 part of the campaign. During a prior Commission
5 meeting we discussed a proposal to have a combination
6 -- several pages on our website which would provide
7 information to students, as well as a poster that
8 would be circulated which, among other things, would
9 direct students to the website and let them know what
10 is available there.

11 In addition to that, more recently, Staff
12 has suggested that we consider looking into the
13 possibility of a brochure also to provide further
14 information, particularly with respect to the
15 availability of information on our website. For now
16 though, what is available is this proposed poster. As
17 you can see, the main language on it "Hate has an
18 Ally: Silence, speak out against anti-Semitism."

19 Now there are a couple of changes that I
20 would recommend making and so I think part of the
21 motion is to approve this with some changes. One is I
22 think we need to add a word like "campus" perhaps
23 "campus anti-Semitism." There's also the word "crime"
24 in the small print, asking students to speak if
25 they're aware of crimes and I think we need to broaden

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1 it so that it's not just about crime, but it is about
2 college campuses.

3 Does anyone need me to read the small
4 print at the bottom of the poster?

5 VICE CHAIRMAN THERNSTROM: No, but I have
6 a general comment here. The poster would be clearer
7 if it's to students and it says silence is an ally of
8 hate. It makes the point more directly, more simply.
9 I think there are going to be students who are going
10 to look at this and say what?

11 CHAIRMAN REYNOLDS: Okay, any other --

12 STAFF DIRECTOR MARCUS: There is one other
13 point I would make and I don't know if there needs to
14 be discussion first of the Vice Chair's comment or if
15 I should just continue with the update and then there
16 could be discussion of the --

17 VICE CHAIRMAN THERNSTROM: All right, I'm
18 sorry.

19 CHAIRMAN REYNOLDS: Let's take a look at
20 the -- I can't read the --

21 STAFF DIRECTOR MARCUS: I'll go up to the
22 front and read the language at the bottom.

23 And as I do this, I'd also like to thank
24 Sock-Foon MacDougall and Manuel Alba for their good
25 work in preparing this. "Hate has an Ally: Silence.

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1 Speak out against anti-Semitism. Ready to take
2 action? We can help. To report an anti-Semitic crime
3 against you or someone you know, call the U.S.
4 Commission on Civil Rights at" and it provides a phone
5 number for our complaint line, "or visit our website
6 at" and it will provide a URL address.

7 I indicated the change would be something
8 like the following: "Ready to take action? We can
9 help to report an anti-Semitic incident on your campus
10 of the U.S. Commission on Civil Rights."

11 CHAIRMAN REYNOLDS: So the proposed
12 changes, one would be deleting crime and replacing it
13 with something broader.

14 STAFF DIRECTOR MARCUS: That's right.
15 Instead of crime, it would say "incident" and instead
16 of simply saying "against you or someone you know" it
17 would say "on your campus" and make some connection
18 with colleges because this is a campus anti-Semitism
19 public education campaign.

20 CHAIRMAN REYNOLDS: And as to Vice Chair
21 Thernstrom's comment, well first, do the other
22 Commissioners share Vice Chair Thernstrom's views?

23 VICE CHAIRMAN THERNSTROM: It would be
24 simpler to say "Hate is an ally of silence" or
25 "Silence has an ally of hate" something a little more

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1 direct. Maybe I'm being an idiot, but I looked at
2 this before I completely got it. It seems a little
3 convoluted to me.

4 CHAIRMAN REYNOLDS: Does anyone have
5 strong feelings about this?

6 VICE CHAIRMAN THERNSTROM: Maybe I was
7 being a little thick headed, I don't know.

8 CHAIRMAN REYNOLDS: I guess one --

9 (Off the record comments.)

10 CHAIRMAN REYNOLDS: I guess my one comment
11 is silence. It just fades into the background there
12 and maybe this is just a function of my poor vision
13 and maybe that was unintended. Maybe that's some type
14 of effect, but in any event, I just make that comment.
15 I'm not making any suggestions, I'm not suggesting any
16 changes.

17 Okay, does Mr. Kirsanow realize that he is
18 needed for a quorum?

19 STAFF DIRECTOR MARCUS: Is Commissioner
20 Braceras on the line right now?

21 VICE CHAIRMAN THERNSTROM: And in two
22 seconds, you're not going to have a Thernstrom to
23 vote.

24 Let's get Kirsanow back.

25 CHAIRMAN REYNOLDS: And then we can wind

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1 up.

2 COMMISSIONER BRACERAS: Hello? I'm here.

3 CHAIRMAN REYNOLDS: Okay, good, we have a
4 quorum.

5 (Laughter.)

6 COMMISSIONER BRACERAS: In about 15
7 minutes I have to go to a different phone.

8 VICE CHAIRMAN THERNSTROM: No, no, no. It
9 will be done.

10 CHAIRMAN REYNOLDS: Jennifer, right now we
11 have the proposed anti-Semitism poster. You can't see
12 it. I don't know if you were able --

13 COMMISSIONER BRACERAS: I saw it when it
14 came over the computer.

15 STAFF DIRECTOR MARCUS: That's the one.

16 CHAIRMAN REYNOLDS: We're just about to
17 vote on it. Do you have any comments or concerns?

18 COMMISSIONER BRACERAS: No, I'm all set to
19 approve it.

20 CHAIRMAN REYNOLDS: Okay. All in favor?

21 (Ayes.)

22 CHAIRMAN REYNOLDS: Is that an aye?

23 VICE CHAIRMAN THERNSTROM: I'd like to see
24 it a little changed, but whatever. Okay.

25 COMMISSIONER BRACERAS: What are your

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1 changes?

2 VICE CHAIRMAN THERNSTROM: Instead of
3 "Hate has an ally: silence" I'd rather have a more
4 direct statement "Silence is an ally of hate." And a
5 couple of students in the audience said basically --
6 voted for my suggestion.

7 I just think it's --

8 COMMISSIONER YAKI: They have no choice in
9 this matter.

10 (Laughter.)

11 VICE CHAIRMAN THERNSTROM: I just think
12 it's --

13 CHAIRMAN REYNOLDS: What's involved in
14 making a change in the poster at this point?

15 STAFF DIRECTOR MARCUS: I don't think
16 there's going to be a problem. After all, there are
17 some other changes we have to make. I think we've got
18 one set of changes that they're contractually
19 obligated to make with additional -- I think that we
20 could get this done, either without any additional
21 money or a very small amount.

22 CHAIRMAN REYNOLDS: Does anyone object to
23 Vice Chair Thernstrom's suggested revision?

24 COMMISSIONER BRACERAS: No.

25 CHAIRMAN REYNOLDS: Okay --

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1 STAFF DIRECTOR MARCUS: Just to be clear,
2 the language would be "Silence is an ally of hate."

3 VICE CHAIRMAN THERNSTROM: Yes.

4 CHAIRMAN REYNOLDS: Okay, all in favor for
5 the motion, as revised, including the Vice Chair's
6 revisions, please say aye.

7 (Chorus of ayes.)

8 CHAIRMAN REYNOLDS: Any objections? Yes?
9 Very good. The motion passes unanimously. Thank you,
10 folks. We covered everything in the agenda, except
11 the Staff Director's report.

12 COMMISSIONER BRACERAS: Wait, hold on.
13 How did we cover everything on the agenda? I thought
14 I was being brought in at the beginning of the
15 business meeting?

16 VICE CHAIRMAN THERNSTROM: You didn't come
17 in at the beginning of the business meeting.

18 COMMISSIONER BRACERAS: Why?

19 VICE CHAIRMAN THERNSTROM: I don't know.

20 COMMISSIONER BRACERAS: I've been sitting
21 here at my desk all morning, waiting to be brought in.

22 STAFF DIRECTOR MARCUS: We thought you
23 were in at one point.

24 VICE CHAIRMAN THERNSTROM: We thought you
25 were here for the briefing and we called on you for

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1 questions.

2 COMMISSIONER BRACERAS: I was not at that
3 point.

4 CHAIRMAN REYNOLDS: Well, Jennifer, I
5 apologize.

6 COMMISSIONER BRACERAS: This is the first
7 time I'm coming in, I mean the first time I'm coming
8 in to participate in the business portion of the
9 meeting.

10 COMMISSIONER YAKI: You weren't on for the
11 briefing?

12 COMMISSIONER BRACERAS: I was on for part
13 of the briefing. And then I had to go to take care of
14 some things. So I hung up.

15 And I contacted Kim and asked her to plug
16 me back into the beginning of the business meeting.

17 CHAIRMAN REYNOLDS: I instructed Staff to
18 call you before we began the business meeting and
19 unfortunately, the individual that I spoke with is not
20 present.

21 COMMISSIONER BRACERAS: That's fine.

22 STAFF DIRECTOR MARCUS: Commissioner
23 Braceras, I am sorry. Staff had been under the
24 impression that you were on the line, so I don't know
25 what the snafu was and whether it was with the phone

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1 call --

2 COMMISSIONER BRACERAS: Did you have a
3 quorum? Because I wasn't there.

4 CHAIRMAN REYNOLDS: Yes, we did.

5 COMMISSIONER BRACERAS: Okay. And you
6 were able to vote on everything you wanted to vote on.
7 I just wanted the record to reflect that I did not
8 vote on anything because I didn't -- in case you
9 thought I did.

10 CHAIRMAN REYNOLDS: Okay, let's be clear.
11 Let the record reflect that Commissioner Braceras did
12 not vote on -- she didn't vote on anything --

13 COMMISSIONER BRACERAS: Anything other
14 than the poster. Although I would have liked to. I
15 was prepared to discuss and vote on all of these
16 things on the agenda. I've been sitting here waiting.

17 CHAIRMAN REYNOLDS: Okay. Sorry about
18 that, Jennifer.

19 COMMISSIONER BRACERAS: That's all right.
20 Maybe somebody can call me or send me an email and let
21 me know how the vote turned out or if there's anything
22 I need to know.

23 CHAIRMAN REYNOLDS: Yes, Ken will give you
24 a call.

25 COMMISSIONER BRACERAS: Okay.

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1 STAFF DIRECTOR MARCUS: Are any of the
2 Commissioners interested in a Staff Director's Report?
3 We don't need a quorum for that. We have, I believe,
4 four Commissioners to the extent that Commissioner
5 Braceras is on.

6 COMMISSIONER KIRSANOW: Fine with me.

7 **STAFF DIRECTOR'S REPORT**

8 STAFF DIRECTOR MARCUS: Well, let me just
9 provide you with a little bit of information. I'll
10 make it a little bit briefer, but there may be some
11 things that you'd be interested to know.

12 First of all, let me just publicly
13 indicate as some of you know that we do now have a
14 General Counsel who was just appointed, Mr. David
15 Blackwood. David Blackwood joined the Agency as
16 General Counsel on July 10. He was previously
17 Associate Deputy Assistant Secretary for Enforcement
18 at the U.S. Department of Housing and Urban
19 Development. He has over 20 years of experience in
20 EEOC, HUD and other civil rights areas.

21 I'd also -- I'm not sure if Tyro Beatty is
22 still here, but I'm pleased that we have a new
23 Director of Human Resources who has just joined us
24 July 10. He worked as Director of Human Resources for
25 nine years for a company called NCG, Inc. He's also

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1 done work for the Department of the Navy and he was
2 recently the head of a consulting firm he founded
3 called Bizm, B-I-Z-M, Corporation. I'd also like to
4 recognize that Maha Jweied has joined the Office of
5 General Counsel as an Attorney Advisor on June 21.
6 She was previously an associate with the law firm of
7 Arent Fox.

8 Also, I would like to express our
9 appreciation for the Department of Housing and Urban
10 Development which in addition to giving us our new
11 General Counsel, is also providing us with a detail of
12 Fatima Johnson who is here in the Office of Staff
13 Director for the summer, working both on the strategic
14 planning and also on this briefing and associated
15 briefing report. At the Office of Fair Housing and
16 Equal Opportunity, she is the special assistant to the
17 Deputy Assistant Secretary for Operations and
18 Management.

19 I'd also like to recognize some of the
20 students in the back who weighed in, who have been
21 serving as interns for the Office of the Staff
22 Director and the Office of General Counsel in
23 providing terrific research and analysis over the
24 course of the summer. Eric Daleo is not here now, but
25 he is a law student at Rutgers who served for quite

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1 some time. Ms. Bridget Fay has been here as a summer
2 intern. She just finished her second year at
3 Washington Lee University School of Law. Ryan Pardue
4 is here. He is a summer intern now. He just finished
5 his second year at Seton Hall Law School. Within
6 Office of General Counsel, I believe we still have
7 Adam Evans in the back. He's a law student at William
8 and Mary School of Law. Mr. James Chiu, who provided
9 input on the public education campaign, is a rising
10 third year student at Georgetown University Law School
11 and I think Ryan Kinder is also in the back here.
12 He's with the Office of General Counsel this summer,
13 second year law student at Wake Forest.

14 Second, I'd like to say just a word about
15 the upcoming financial audit. As you know, we've just
16 gotten a first full-scale audit we had from Williams
17 and Adley. We've now been able this year to move
18 forward and get ready for our second full-scale audit.
19 This time we were much more advanced in terms of
20 getting the procurement done quickly, thanks to the
21 work of Pam Dunston. In February, the Commission
22 contracted with Walker and Company, LLP, to perform a
23 full-scale audit of its financial statements. Walker
24 and Company is a full service financial and advisory
25 firm. Some of its clients include the Federal Transit

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1 Administration, the U.S. Department of Housing and
2 Urban Development, the Corporation for National and
3 Community Service and various Washington, D.C. law
4 firms.

5 I'd also like to say a word about the OPM
6 audit. I mentioned in a prior Staff Director's Report
7 that the Office of Personnel Management conducted an
8 audit of the Agency. This is a routine audit which it
9 does every few years. The reason it's doing an audit
10 of this agency is simply that we were on the list and
11 hadn't been here in a few years. It completed its
12 audit. It found a number of issues for which it had
13 either recommended or required changes. In our
14 assessment and our understanding of theirs, the number
15 of items was not unusual, relative to other agencies,
16 particularly with its size.

17 With respect to their recommended and
18 required action items, we have developed a plan for
19 addressing all of them. We have recently completed a
20 response to that audit and we are in the process of
21 implementing it. Some of the implementation is done.
22 Some of it is under way.

23 Also, with respect to this year's budget,
24 I have mentioned in prior meetings that while we as an
25 Agency are typically very cash constrained, this

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1 fiscal year, as a result of some of the late hires,
2 some of the people that I mentioned, for instance,
3 came in late in the year, as well as senior staff
4 departures, we are in a sound position. In fact,
5 we're able as a result of lower than anticipated
6 payroll expenses as a result of attrition, to make
7 some additional purchases that haven't been on the
8 budget. So for instance, we are prioritizing State
9 Advisory Committee travel and travel by the regional
10 staff for purposes of recruiting staff members. We
11 are able to do that now over the course of the summer
12 and early fall.

13 We're also looking at some technology
14 purchases including computers and software, other
15 equipment and furniture and we're able to provide some
16 limited staff training that would otherwise not have
17 been available.

18 I think I ought to say just a few words
19 about a new AI-1-6 national project that we are
20 planning to issue as part of our response to the GAO.
21 Some of the key items were reduced to motions that we
22 have -- that we have acted on over the course of the
23 meeting today. I would want to focus in on a few
24 issues though in the new AI.

25 First, Section 1B provides that we will

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1 ensure objectivity in national office work products
2 and foundational documents, such as proposals,
3 outlines and discovery plans and define objective as
4 reflecting in consideration of varied and opposing
5 views, opinions and perspectives.

6 Second, Section 14.03 creates criteria for
7 the Staff Director to use when directing a program
8 office to incorporate Commissioner comments into the
9 draft report. This responds specifically to some
10 comments made in the GAO audit. The criteria would
11 include the following: they should be supported by
12 the existing research, including any supplemental
13 research which may be reasonably conducted within the
14 existing time constraints, viewed as strengthening the
15 quality and objectivity of the report consistent with
16 the approved scope and purpose of the project as
17 reflected in the Commissioner approved concept paper
18 proposal outlined, discovery plan and any subsequent
19 modifications approved by the majority of the
20 Commissioners and consistent with the structure and
21 thrust of the report.

22 Third, Section 4.04 will create factors
23 that Commissioners are asked to consider while
24 reviewing reports and those are the factors that the
25 Commission voted on today.

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1 The AI would have also created a peer-
2 review process that portion of the AI will be stripped
3 out as a result of the vote taken today.

4 Those are my Staff Director's comments.
5 I'd be happy to respond to any questions.

6 COMMISSIONER BRACERAS: I need to hang up
7 at this time, but if somebody could email me or call
8 me later in the day to debrief me on this meeting
9 which I was not plugged into. I would appreciate
10 that.

11 STAFF DIRECTOR MARCUS: I'll be happy to
12 call you.

13 COMMISSIONER BRACERAS: Okay, all right,
14 bye.

15 CHAIRMAN REYNOLDS: Okay, there being no
16 questions posed, the meeting is adjourned.

17 (Whereupon, at 12:56 p.m., the meeting was concluded.)

18

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