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U.S. COMMISSION ON CIVIL RIGHTS

+ + + + + UNEDITED

COMMISSION BUSINESS MEETING

+ + + + +

THURSDAY, JANUARY 29, 2015

+ + + + +

The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 1:00 p.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

PATRICIA TIMMONS-GOODSON, Vice Chair

ROBERTA ACHTENBERG, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner\*

DAVID KLADNEY, Commissioner

KAREN K. NARASAKI, Commissioner

MICHAEL YAKI, Commissioner

MARLENE SALLO, Staff Director

\* *Present via telephone*

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STAFF PRESENT:

TERESA BROOKS

MARGARET BUTLER

IVY DAVIS

PAMELA DUNSTON, Chief, ASCD

BARBARA DE LA VIEZ

DARREN FERNANDEZ

LATRICE FOSHEE

DORIS GILLIAM

DAVID MUSSATT, Director, RPCU

SEAN GOLIDAY

ALFREDA GREENE

JENNIFER CRON HEPLER, Parliamentarian

MYRNA HERNANDEZ

ROBERT LOCKLEAR, OGC Intern

TINALOUISE MARTIN

PETER MINARIK, Director, WRO

LENORE OSTROWSKY, PAU

JOHN RATCLIFFE, BGT

ROREY SMITH, General Counsel

MELISSA TUCKER

MICHELE YORKMAN, Director, IT

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COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

ALEC DEULL

JASON LAGRIA

CLARISSA MULDER

AMY ROYCE

JUANA SILVERIO

ALISON SOMIN

KIMBERLY TOLHURST

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

1:00 p.m.

CHAIRMAN CASTRO: This meeting will come to order. This is a meeting of the U.S. Commission on Civil Rights.

It is currently 1:00 Eastern Time on January 29th, 2015.

We are meeting at the Commission's headquarters located at 1331 Pennsylvania Avenue, Northwest in Washington, D.C.

I'm Chairman Marty Castro. Commissioners who are present with me at this meeting are Commissioners Heriot, Narasaki, Timmons-Goodson, Kladney, Achtenberg and Yaki. Commissioner Kirsanow is participating by phone.

A quorum of the Commissioners is present.

Is the Staff Director present?

MS. SALLO: Present.

CHAIRMAN CASTRO: Is the court reporter present? Yes, he is.

So, the meeting will now come to order. The first item is the approval of the agenda.

**I. APPROVAL OF AGENDA**

CHAIRMAN CASTRO: Do we have a motion to

1 approve?

2 PARTICIPANT: So moved.

3 CHAIRMAN CASTRO: Is there a second? Is  
4 there a second?

5 VICE CHAIR TIMMONS-GOODSON: Second.

6 CHAIRMAN CASTRO: I understand that there  
7 may be some amendments as well. Do we have any motions  
8 on amendments?

9 COMMISSIONER NARASAKI: Yes, Mr. Chair.

10 CHAIRMAN CASTRO: Yes. Go ahead.

11 COMMISSIONER NARASAKI: I would like to  
12 add approval of a letter to the President about Fred  
13 Korematsu recognition.

14 CHAIRMAN CASTRO: Okay. And I believe  
15 there's also some amendments on removing from  
16 consideration three potential SAC slates from today:  
17 Wisconsin, Virginia and South Carolina.

18 Does someone want to make a motion on that?

19 COMMISSIONER NARASAKI: So moved.

20 CHAIRMAN CASTRO: Is there a second on  
21 these two amendments?

22 COMMISSIONER YAKI: Second.

23 CHAIRMAN CASTRO: Okay. If there are no  
24 further amendments shall we vote to approve the agenda

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1 as amended?

2 All those in favor say aye.

3 (Ayes.)

4 CHAIRMAN CASTRO: And opposed? Any  
5 abstentions? It passes unanimously.

6 Actually, one thing I probably should have  
7 asked to amend is to move up a report.

8 As you all know or I think as most of the  
9 people who work at the Commission know and there's  
10 probably folks here in the audience who don't, Marlene  
11 Sallo, our Staff Director, who has served valiantly  
12 over the last couple of years in that role and prior  
13 to that, served even more valiantly as my special  
14 assistant trying to keep me on track, is going to be  
15 moving on to the next phase of her career much to the  
16 sadness of those of us who worked with her closely  
17 because she has really taken our Agency and put it back  
18 on track and given us the forward momentum that we need  
19 to accomplish the goals that we set for ourselves over  
20 the last few years. But, it's also a great opportunity  
21 to see that someone from our Agency is moving on to  
22 continue to build her career.

23 So, on the one hand, I want to thank her  
24 and recognize her leadership. On the other hand, we're

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1 going to let her speak earlier because she does have  
2 to leave early to go to another meeting.

3 But, I just wanted to tell you how much we  
4 all and I personally appreciate everything you've done  
5 for me and for the Agency. Thank you.

6 Other Commissioners may have a few words  
7 as well. Commissioner Achtenberg.

8 COMMISSIONER ACHTENBERG: Mr. Chairman, I  
9 want to concur in the statements that you just made.

10 When we had our hearing earlier in Florida  
11 and I had the pleasure of meeting Marlene's mother, I  
12 want to reiterate for the record what I told her mother  
13 and that is I so value Marlene's hard work and her  
14 leadership vision and, you know, her kind spirit and  
15 she puts it all together in just a fantastic package  
16 and she's done an enormous service to this Commission.

17 It's because of her leadership we're in a  
18 position to lead in this critical area of civil rights  
19 right now and the Commission I hope is grateful.

20 I know this Commissioner is very grateful  
21 for your leadership and wherever it is you're going,  
22 I know you will take your extraordinary leadership with  
23 you.

24 MS. SALLO: Thank you.

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1 COMMISSIONER ACHTENBERG: Thank you.

2 CHAIRMAN CASTRO: Anybody else?  
3 Commissioner Heriot, I see your hand up.

4 COMMISSIONER HERIOT: I would like to add  
5 my voice to the praise of Marlene --

6 CHAIRMAN CASTRO: Turn your mike up.

7 COMMISSIONER HERIOT: I'd like to add my  
8 voice to the praise being given to Marlene here. She  
9 has been a wonderful staff director. Has worked hard  
10 to get us back on track and I appreciate it very, very,  
11 very much.

12 CHAIRMAN CASTRO: Thank you.

13 MS. SALLO: Thank you.

14 CHAIRMAN CASTRO: Commissioner Kladney.

15 COMMISSIONER KLADNEY: I, too, would like  
16 to add my thanks. I think that Marlene leaves us in  
17 a position to really move forward and actually  
18 accomplish our goals with everything that she's had to  
19 do and all the troubles that she's -- the problems that  
20 she's faced in the organization, organizational chart  
21 and filling positions and doing all that. I think  
22 she's done a wonderful job and I think we're really  
23 ready to move forward.

24 Thank you very much.

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1 MS. SALLO: Thank you.

2 CHAIRMAN CASTRO: Anyone else?  
3 Commissioner Narasaki.

4 COMMISSIONER NARASAKI: I've had a very  
5 short tenure with Marlene, but I've been in Washington  
6 for almost 25 years and her commitment to civil rights  
7 is clear and the way that she's managed to really get  
8 the Commission aligned and get us on mission with our  
9 strategic plan, I think is amazing. It's not easy to  
10 do in any kind of Government agency.

11 And so, I just want to say I really admire  
12 you and I'm sad that we won't be able to continue to  
13 be a partner because you've laid a really great  
14 foundation from which I think we're going to be able  
15 to build.

16 But, I wish you all the best.

17 MS. SALLO: Thank you.

18 VICE CHAIR TIMMONS-GOODSON: And if I  
19 could say just a word, Mr. Chair.

20 I've not been here long. My tenure has  
21 been just as brief as Commissioner Narasaki's. But,  
22 we're all familiar with the tremendous history of this  
23 Commission.

24 I believe that brighter days are ahead for

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1 this Commission and that is due in large measure because  
2 of the valiant efforts and the work that you have put  
3 forward and I join my colleagues in thanking you so very  
4 much.

5 CHAIRMAN CASTRO: Commissioner Yaki.

6 COMMISSIONER YAKI: Thanks very much, Mr.  
7 Chair.

8 Along with Commissioner Kirsanow, I've  
9 been through many, more than I care to count, staff  
10 directors at the Commission and I can say with very  
11 little hesitation that Marlene has done an excellent  
12 job and I join in the comments of all the other  
13 Commissioners and wish her well for the future.

14 CHAIRMAN CASTRO: Thank you.  
15 Commissioner Kirsanow, I don't know if you wanted to  
16 say something.

17 COMMISSIONER KIRSANOW: Yes, I do. Thank  
18 you very much.

19 To echo what Commissioner Yaki just said,  
20 again, you can put this down. It's let's say January  
21 29th. I echo what Commissioner Yaki just had to say.

22 But, it is true I have gone through a number  
23 of staff directors. We've been graced to have several  
24 very talented staff directors. It's a difficult job.

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1 It's herding cats on steroids.

2 I don't know that we've ever had anyone who  
3 was as gracious, as hard working, fair and has the  
4 degree of integrity although all the staff directors  
5 in the past had all of those qualities and I truly admire  
6 what she's done for the Commission.

7 CHAIRMAN CASTRO: Thank you. Do you want  
8 to say something?

9 MS. SALLO: I just wanted to say thank you  
10 to everyone. The past three years has been very good  
11 to me. I have been honored to serve this President.  
12 I have been honored to serve each and every one of you.

13 I have learned a lot and I thank you for  
14 saying that I have integrity because that has always  
15 been the most important value that I've tried to instill  
16 in my children and which I abide by.

17 But, please let it be known that yes, I may  
18 have done what you all said I did, but it couldn't have  
19 been done without the staff of this Agency. They were  
20 the ones that came together and did the work whether  
21 I was directing them or not and I have full confidence  
22 in every single one of our staff members and I know that  
23 the great work that has come out of this Agency will  
24 continue once I am gone.

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1                   And I hope to be able to come back and  
2 visit. Thank you.

3                   CHAIRMAN CASTRO: Thanks to our staff as  
4 well.

5                   And since you will be heading out a little  
6 early, we thought we'd just let you speak to the  
7 management operations before we get into our program  
8 plan.

9                   MS. SALLO: Okay. Here we go.

10                   **II. MANAGEMENT AND OPERATIONS**

11                   **STAFF DIRECTOR'S REPORT**

12                   MS. SALLO: So, I wanted to insure that  
13 everyone knew the status of all of our reports prior  
14 to my leaving next week and so, I'm just going to go  
15 down the list and so everyone is on the same page and  
16 I did circulate this chart yesterday.

17                   But, we have, sorry, the peaceful  
18 coexistence report. That's been circulated. I'm  
19 hoping to receive comments by February 5th so that we  
20 can then incorporate those comments. No, it's 5th. I  
21 gave them the 5th. Okay. So we can circulate those  
22 comments and then send out the report again.

23                   The NVRA report had previously been  
24 drafted. We went ahead and we added some more

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1 information, introductory materials.

2 I did receive some additional comments and  
3 those comments have now been aligned with the most  
4 current version.

5 I have to give it one more go through to  
6 insure that everything is good to go and I will  
7 disseminate it to the Commissioners prior to my leaving  
8 with a due date for the comments and obviously, those  
9 comments will now need to be provided to OCRE.  
10 Originally, that report had been started in OGC.

11 We have the Civil Rights of Vets. That  
12 first draft have been completed. I have given it to  
13 our copy editor who's formatting it prior to  
14 circulation to the Commissioners.

15 We have our sexual -- the Title IX briefing  
16 that took place. So, Lenore is currently putting the  
17 finishing touches on the first draft so that we can then  
18 circulate it. So, we hope to have the first draft  
19 circulated towards the later end of February, mid to  
20 late February.

21 Our Stand Your Ground briefing, so, we had  
22 a phenomenal briefing field hearing down in Florida.  
23 We've had staff diligently working on this. I saw the  
24 first draft. I read it over. I made some comments.

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1 Those comments are now being incorporated with the  
2 hopes of also getting that to the copy editor prior to  
3 circulation towards the end of February.

4 We have, if you recall, the immigration  
5 briefing that took place that we're now making into a  
6 report. So, we're still -- yes. So, we're still  
7 working on the first draft of that. That's looking  
8 like more towards late February to circulate the first  
9 draft.

10 And then we have our briefing tomorrow  
11 which obviously we have 14 speakers set for tomorrow.  
12 We are waiting on confirmation from CSPAN, but they're  
13 definitely interested, but they have to get  
14 confirmation. So, we hope to have confirmation by 4:00  
15 today to see if they'll be here tomorrow.

16 We have a full house. We asked for folks  
17 to RSVP using our website and we had to stop the RSVPs  
18 because otherwise it'll be standing room only and  
19 that's in violation of fire hazards.

20 However, the link to the webcast -- I  
21 disseminated the link to all of our staff members. I  
22 disseminated it to some folks I knew over at the ABA  
23 and other people went ahead -- the link as well. So,  
24 we have capacity for up to 500 folks to log on. So,

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1 that'll be good as well.

2 So, the ongoing things that we have within  
3 house, we had previously discussed setting up the  
4 mapping system. I just saw a dry run of that. It looks  
5 really good. So, it'll be a map of the U.S. and you'll  
6 be able to take your cursor and hover over a specific  
7 state and it'll pop up. Like one of the little balloon  
8 things pops up and it says, you know, 12 percent  
9 complaints had to do with prisoners' rights, 3 percent  
10 housing issues and so, the goal and the vision is to  
11 insure that the information is updated cumulatively  
12 over a one-year period so that the information that's  
13 provided online aligns with our end of the year report  
14 on the complaint process.

15 So, I'm really excited about that and that  
16 continues.

17 The other thing that we've discussed as it  
18 applies to the Stand Your Ground and all of the research  
19 that we've been doing within OCRE is that once we get  
20 some really good data points, we can put those into nice  
21 tables and use that as a resource on our clearinghouse  
22 page. Because for Fiscal Year 2015, that's one of the  
23 goals. Is to start revising an updating the  
24 clearinghouse page as part of our strategic plan. So,

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1 we will be looking at that as well.

2 We continue to improve our complaint  
3 process. OCRE has been very diligent in updating the  
4 letters to kind of make them more specific to the issue  
5 at hand and allows for more personalization now. So,  
6 that is good and then we'll be disseminating samples  
7 of that also to the region offices to insure that  
8 everybody's on the same page and then we'll also  
9 translate them into Spanish since we do receive Spanish  
10 complaints as well and we'll continue identifying any  
11 other languages that come up along the way.

12 As you know, we've implemented a brown bag  
13 luncheon and our first brown bag lunch, we brought in  
14 Eric Tars from the Homelessness NGO and he gave a  
15 presentation to staff. The second brown bag, we  
16 actually had our social side to speak about doing data  
17 analysis which was good for the staff and we hope to  
18 set up another one pretty soon and obviously, OCRE will  
19 be making that announcement.

20 The Uncle Sam is now live in English on the  
21 website and we're just waiting for the final copy --  
22 hard copy for the Spanish one also. So, we've already  
23 ordered the Spanish one.

24 We continue to work to insure that any

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1 persons have access to not only our website, but our  
2 phones and to also comply with Section 508 and so, we  
3 will continue to update that as necessary.

4 And staff just continues making sure that  
5 we're all staying on task with the Strategic Action  
6 Plan.

7 CHAIRMAN CASTRO: Any questions? Any  
8 questions from Commissioners for the Staff Director on  
9 her report?

10 Seeing and hearing none, then we will move  
11 on to the program planning part of the agenda.

### 12 III. PROGRAM PLANNING

#### 13 VOTE ON APPOINTMENT OF VICE CHAIR FOR THE 14 COMMISSION

15 CHAIRMAN CASTRO: The first item up, this  
16 is actually a really cool one as well. This is going  
17 to be a vote on the confirmation of the designation  
18 by President Obama of Commissioner Timmons-Goodman to  
19 serve as Vice Chair of our -- Goodson. I'm sorry.  
20 Yes, he had a typo in his letter. I'm sorry.  
21 Timmons-Goodson to be our Vice Chair for the  
22 Commission.

23 You all have received a copy of the letter  
24 that we received from the White House with the

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1 President's designation.

2 As you know, we must receive a majority  
3 vote of Commissioners to confirm the President's  
4 designation. So, I would be happy to entertain a  
5 motion on the confirmation of Commissioner  
6 Timmons-Goodson as our Vice Chair.

7 COMMISSIONER NARASAKI: So moved.

8 CHAIRMAN CASTRO: Is there a second?

9 COMMISSIONER HERIOT: Second. Second.

10 CHAIRMAN CASTRO: Okay. Any discussion?

11 All those in favor signify by saying aye.

12 (Ayes.)

13 CHAIRMAN CASTRO: Any opposed? Any  
14 abstentions?

15 Congratulations, Madam Vice Chair.

16 VICE CHAIR TIMMONS-GOODSON: Thank you.

17 CHAIRMAN CASTRO: Please share some words  
18 with us.

19 VICE CHAIR TIMMONS-GOODSON: Just a few  
20 words. Just a few words.

21 Mr. Chair and fellow Commissioners, staff,  
22 friends all, I'm honored and humbled by the vote that's  
23 just taken place.

24 I thank my fellow Commissioners for the

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1 unanimous approval of the President's designation of  
2 me as Vice Chair of the Commission on Civil Rights.

3 I appreciate the President's confidence in  
4 my ability to assist Chairman Castro and help lead this  
5 Commission.

6 I pledge to all to work at all times to  
7 further the vital mission of this Commission.

8 I do believe that we are poised to further  
9 the very proud tradition of protecting and advancing  
10 the civil rights of all citizens. Thanks in large  
11 measure to the efforts of our Staff Director to which  
12 we've already alluded.

13 We're at the crossroads -- at a crossroads  
14 here at the Commission. We've experienced modest  
15 gains in our appropriations. Our staffing levels are  
16 closer to where we would like to have them and if I  
17 should say so myself, the Commission is enjoying a  
18 fairly good time in our relationships.

19 And again, I'm glad to be here. I believe  
20 that as I've already indicated that brighter days are  
21 ahead and I join all of you in working hard to make sure  
22 that we get to where it is that we would like to be as  
23 a Commission.

24 Again, I thank you for allowing me a minute

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1 or two.

2 **DISCUSSION ON FY15 APPROPRIATIONS**

3 **EXPLANATORY STATEMENT**

4 CHAIRMAN CASTRO: Next up on the agenda we  
5 have discussion or right to review and approval of our  
6 Fiscal 15 Appropriations Explanatory Statement. I  
7 think we've circulated to all Commissioners a copy of  
8 the letter.

9 I talked to Commissioner Heriot just  
10 before the meeting and she said she had two minor  
11 changes. So, if you want to explain two us that and  
12 then we can make a motion.

13 COMMISSIONER HERIOT: Okay. Probably  
14 the most important one is that instead of the word  
15 unified which we use a couple of times to describe the  
16 Commission as working as a unified body, I would prefer  
17 that we use the word effective. Work as an effective  
18 body.

19 Some of our best work, I think, contains  
20 conflicting views and that it's part of our job to make  
21 it clear. So, effective rather than unified in every  
22 place where we use the word unified.

23 CHAIRMAN CASTRO: Yes.

24 COMMISSIONER HERIOT: So, I think that

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1 would be the only one that I've got here that's likely  
2 to cause anyone to disagree.

3 The second one I have, in the first  
4 paragraph, we have a that/which problem. We use the  
5 word which. We mean that and I've got it marked here.  
6 I don't think anybody's going to object to that.

7 In the bullet points that describe the  
8 special assistant's role, the third bullet point says  
9 -- I'd like to amend it to make it clearer that these  
10 statements are written and they're sometimes lengthy.  
11 Otherwise, it looks like we're just talking about  
12 special assistants telling us what to say during  
13 meetings.

14 So, I would have it read "Drafting, helping  
15 to draft and researching, Commissioners sometimes  
16 lengthy written statements that are included in written  
17 reports."

18 And then the next bullet point down, I  
19 would insert after executive branch officials, local  
20 governments, private individuals and then pick it up  
21 where it goes there and private companies. So that we  
22 have that all included.

23 I've got all this written down. If  
24 anybody wants to take a look at it, I can pass it down.

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1 CHAIRMAN CASTRO: Yes, I think -- seeing  
2 a lot of heads nodding. So, I'm thinking that's all  
3 good.

4 So, why don't you make a -- hold on a  
5 second.

6 COMMISSIONER HERIOT: Okay. I move that  
7 we -- I move that we adopt the letter with the changes  
8 that I've just suggested.

9 CHAIRMAN CASTRO: Okay. We have a second  
10 from Commissioner Achtenberg.

11 Question is called. Let me do -- I guess  
12 we'd have to do a roll call on this. Maybe we'll just  
13 do a -- yes, let me --

14 VICE CHAIR TIMMONS-GOODSON: Mr. Chair,  
15 hold --

16 CHAIRMAN CASTRO: Yes, ma'am.

17 VICE CHAIR TIMMONS-GOODSON: Mr. Chair, I  
18 don't have any serious objection to what my fellow  
19 Commissioner has requested. I just point out that in  
20 all likelihood the unified -- the language that we used  
21 indicating unified goes back directly to the language  
22 that was -- that came to us from the appropriating  
23 folks.

24 CHAIRMAN CASTRO: I understand. I'm sure

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1 they'll know what we're talking about.

2 VICE CHAIR TIMMONS-GOODSON: Okay.

3 CHAIRMAN CASTRO: But, that's a good  
4 point. Thank you for identifying that.

5 So, I'll take a roll call vote then.  
6 Commissioner Kirsanow, how do you vote?

7 COMMISSIONER KIRSANOW: Aye.

8 CHAIRMAN CASTRO: Commissioner Heriot,  
9 how do you vote?

10 COMMISSIONER HERIOT: Yes.

11 CHAIRMAN CASTRO: Commissioner Narasaki,  
12 how do you vote?

13 COMMISSIONER NARASAKI: Yes.

14 CHAIRMAN CASTRO: Commissioner Kladney,  
15 how do you vote?

16 COMMISSIONER KLADNEY: Yes.

17 CHAIRMAN CASTRO: Commissioner  
18 Achtenberg, how do you vote?

19 COMMISSIONER ACHTENBERG: Yes.

20 CHAIRMAN CASTRO: Commissioner Yaki, how  
21 do you vote?

22 COMMISSIONER YAKI: Aye.

23 CHAIRMAN CASTRO: Madam Vice Chair, how do  
24 you vote?

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1 VICE CHAIR TIMMONS-GOODSON: Yes.

2 CHAIRMAN CASTRO: And I vote yes. We have  
3 unanimous approval.

4 Thank you all very much for your efforts  
5 on this. It's very much appreciated.

6 Next we -- oh, thank you. Here's -- do you  
7 want to make sure you make those changes?

8 Next on the agenda, we have consideration  
9 of reports -- of past reports that we want to consider  
10 updating.

11 **DISCUSSION AND VOTE ON UPDATING SELECT**

12 **COMMISSION REPORTS**

13 CHAIRMAN CASTRO: And there are a number  
14 of them you should have received previously as well as  
15 I sent them around again last night. Copies of the  
16 summaries of why in particular we wanted to update  
17 papers on the topic of anti-Semitism, Native American  
18 rights as well as the 2008 paper on the undocumented  
19 immigrants affect on the salary and employment  
20 opportunities for Black American workers.

21 So, what I would suggest we do -- well, what  
22 I want to do is -- we could take these individually or  
23 we could vote on them as a group.

24 A suggestion that some of us had was that

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1 in terms of considering these papers to be updated, what  
2 we would like to do is if we do approve one of these  
3 topics to be updated is go to our OCRE and have them  
4 make an initial review of the existing report to  
5 determine whether it can be updated merely through  
6 staff work and statistical analysis and if so, to do  
7 it that way.

8 If after they review, they feel that they  
9 may also need an additional briefing or hearing or have  
10 some testimony that they would come back and inform us  
11 of that.

12 So, that we're going to actually look at  
13 a two-step process so that we can determine whether  
14 there's a more expeditious and effective way of  
15 updating some of these rather than having all  
16 full-blown hearings on all of them.

17 So, with that in mind, yes.

18 COMMISSIONER HERIOT: Mr. Chairman, I  
19 just want to clarify that if we were to update a report,  
20 it would still be subject to Commissioner statements.

21 CHAIRMAN CASTRO: I haven't thought that  
22 far, but I would imagine so. Unless -- yes, I mean it  
23 would --

24 COMMISSIONER HERIOT: That's going to

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1 make a difference to me whether I --

2 CHAIRMAN CASTRO: Yes.

3 COMMISSIONER HERIOT: -- can vote for.

4 So.

5 CHAIRMAN CASTRO: Yes, I don't have any  
6 objection. I was not planning on altering any of that.

7 COMMISSIONER HERIOT: Okay.

8 CHAIRMAN CASTRO: So, talked about.  
9 Commissioner Yaki.

10 COMMISSIONER YAKI: Yes. Thank you, Mr.  
11 Chair.

12 I had asked, and it probably got lost in  
13 paperwork, for the voter fraud and voter intimidation  
14 paper to be part of that review as well.

15 CHAIRMAN CASTRO: Okay. All right. It  
16 must have gotten lost. Did you -- yes. So, well, a  
17 motion hasn't been made yet. So, if you -- we're going  
18 to at some point make a motion. We can include that.

19 So, in fact, why don't we -- is someone  
20 willing to make a motion at this point on these various  
21 topics? Commissioner Yaki.

22 COMMISSIONER YAKI: Yes, I'd like to move  
23 the topics that you read off along with the voter  
24 fraud/voter intimidation report which I believe was

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1 maybe 2012. I can't quite remember the date.

2 CHAIRMAN CASTRO: Yes.

3 PARTICIPANT: I'll second that.

4 CHAIRMAN CASTRO: Okay. Discussion?

5 COMMISSIONER HERIOT: Why are we doing  
6 this?

7 CHAIRMAN CASTRO: Well, there's various  
8 reasons. I think --

9 COMMISSIONER YAKI: It started with a  
10 request from a Member of Congress just to have us  
11 looking at these issues.

12 CHAIRMAN CASTRO: Right. We were asked  
13 by Congressman Wolf to revisit the anti-Semitism  
14 report.

15 COMMISSIONER HERIOT: Okay.

16 CHAIRMAN CASTRO: And it was in discussion  
17 of that a couple of meetings ago that other  
18 Commissioners thought in addition to that there may be  
19 some other reports that we might want to revisit. So,  
20 we should try to look at them as a group and then we  
21 suggested that we identify prior to this meeting those  
22 that we wanted to revised.

23 So, Commissioner Heriot I don't think is  
24 done with her question.

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1                   COMMISSIONER HERIOT:    I'm just worried  
2                   that we're biting off a lot more than we can chew here.  
3                   This is a lot of topics to be taking on.

4                   CHAIRMAN CASTRO:    Yes, that's why we're  
5                   suggesting this two-step process.    That OCRE take a  
6                   look and see if there's something that can be done short  
7                   of a hearing.    If not, come back to us and we could then  
8                   figure out based on our resources when we could do such  
9                   a hearing.

10                  So, Commissioner Narasaki.

11                  COMMISSIONER NARASAKI:    Yes, I'd like to  
12                  add some further context.

13                  So, we got the request from the Congressman  
14                  on the anti-Semitism paper and I actually felt that --  
15                  first of all, it was before we knew what our budget was  
16                  and so, it was my suggestion that we wait to see what  
17                  kind of resources we had to make sure that we could  
18                  adequately take a look.

19                  But, also, for me, because of the issue of  
20                  constraints on resources, I thought it was important  
21                  to look at what other areas we might want to revisit  
22                  so that we could figure out what priorities make sense.

23                  And I have moved on a suggestion for  
24                  updating the Commission's really great report on Native

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1 Americans called The Quiet Crisis, Federal Funding and  
2 Unmet Needs in Indian Country which was 2003. Over a  
3 decade ago.

4 And the Native American leaders have told  
5 me how important useful that report has been in their  
6 work. They still use it, but they have pointed out that  
7 it is time to update it because there have been -- some  
8 challenges have been addressed, but other challenges  
9 remain.

10 And so, we wanted to look at this in the  
11 context of what other things we might want to look at  
12 and then try to figure out whether we can match the  
13 capacity needed to the issues in terms of what things  
14 we would like the Commission to try to update.

15 CHAIRMAN CASTRO: Any other comments?  
16 Madam Vice Chair. I mean Madam Staff Director.

17 MS. SALLO: I would just like to add that  
18 we currently have ten reports either in the process of  
19 being written or being completed or in the pipeline  
20 because of upcoming briefings. So, as it applies to  
21 bandwidth, I have a concern that we would not be able  
22 to complete this most definitively within Fiscal Year  
23 15.

24 CHAIRMAN CASTRO: But, we can start it.

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1 It doesn't need to be completed in the fiscal year.  
2 Right?

3 MS. SALLO: I'm just concerned about  
4 capacity. I have to be honest. It's a lot for that  
5 department. So, I just wanted to put that out there.

6 CHAIRMAN CASTRO: All right. Thanks.  
7 Any other questions or comments?

8 COMMISSIONER KIRSANOW: Mr. Chair and  
9 Commissioners.

10 CHAIRMAN CASTRO: Yes, Commissioner  
11 Kirsanow.

12 COMMISSIONER KIRSANOW: I'm not sure  
13 maybe I missed it. What was the reservation of  
14 Commissioner Heriot's concern about our ability if this  
15 proceeds to the stage of her vision of giving a report  
16 that we would have the opportunity to file statements?

17 CHAIRMAN CASTRO: That would be allowed.  
18 There's no effort here to change that process.

19 COMMISSIONER KIRSANOW: Also, one other  
20 thing. If this were to go to OCRE and they make an  
21 initial determination that the reports could be updated  
22 without the need for further briefing or a hearing, I  
23 take it that's still subject to a full vote of the  
24 Commission. If the Commission, for example, wanted to

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1 have a hearing as opposed to simply updating it with  
2 literature, then we would nevertheless go ahead with  
3 the hearing.

4 CHAIRMAN CASTRO: Yes, we always would  
5 have the option to, as a Commission, decide that we  
6 still want to conduct a hearing on something. This  
7 would not ever prevent us from doing that.

8 We're just looking for a way to address  
9 some of the concerns about bandwidth and about resource  
10 allocation.

11 COMMISSIONER KIRSANOW: Thank you.

12 CHAIRMAN CASTRO: You're welcome.

13 Okay. I'm going to call the question. I  
14 think everyone's had a chance to say their piece. So,  
15 let me go through the roll call.

16 COMMISSIONER HERIOT: The question is  
17 --

18 CHAIRMAN CASTRO: Oh, yes.

19 COMMISSIONER HERIOT: -- whether to  
20 update all of these?

21 CHAIRMAN CASTRO: Yes. Well, the  
22 motion's been made as a package. So, let's go through  
23 that motion. If it fails for some reason, we'll  
24 revisit this by individual vote.

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1                   COMMISSIONER KIRSANOW:   Mr. Chair, just a  
2                   brief clarification.

3                   CHAIRMAN    CASTRO:            Yes,     Peter.  
4                   Commissioner Kirsanow.

5                   COMMISSIONER KIRSANOW:   Are we voting to  
6                   send these -- if approve them, to send them for OCRE  
7                   for further evaluation as to whether or not they're  
8                   going to be updated by literature or by briefing or are  
9                   we voting that we are going to update?   How about more  
10                  specificity.

11                  CHAIRMAN    CASTRO:     Yes.     We are voting  
12                  that we are going to update and then we're going to ask  
13                  OCRE to make an initial determination as to whether it  
14                  can be done by review of the literature and if they feel,  
15                  however, that that plus a hearing is necessary, to come  
16                  back and let us know that a hearing would be necessary.  
17                  Okay.

18                  COMMISSIONER NARASAKI:   Mr. Chair.

19                  CHAIRMAN    CASTRO:            Yes,     Commissioner  
20                  Narasaki.

21                  COMMISSIONER NARASAKI:   I'm wondering if  
22                  there's middle ground on the capacity question of  
23                  perhaps asking OCRE to come back to us with what they  
24                  would see as a plan of attack to make sure that --

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1 because I do believe that Commissioner Heriot does have  
2 a valid concern about the number of reports that we're  
3 asking them. Because even though it's just -- it's  
4 them as opposed to hearings, that's still a lot of work  
5 to -- I mean the Native American report was very  
6 extensive. That alone is a significant amount of work.

7 So, I wondering if perhaps we take an  
8 intermediate step to --

9 CHAIRMAN CASTRO: I'm not sure I  
10 understand how that's different from what we're asking.

11 COMMISSIONER NARASAKI: Well --

12 CHAIRMAN CASTRO: Go ahead.

13 COMMISSIONER KIRSANOW: I'm sorry. Go  
14 ahead, Commissioner.

15 COMMISSIONER NARASAKI: Well, I think it  
16 would be -- they would be able to tell us how much  
17 capacity they would have in order to -- like could they  
18 do two reports this year and three next year? You know,  
19 what would be a plan that would enable them to --

20 CHAIRMAN CASTRO: Oh, I see.

21 COMMISSIONER NARASAKI: -- successfully  
22 meet our goal?

23 CHAIRMAN CASTRO: So, you're not saying  
24 they're going to come back and say don't update this

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1 and don't update that.

2 COMMISSIONER NARASAKI: No.

3 CHAIRMAN CASTRO: We're telling them they  
4 need to be updated. They'll just tell us what the best  
5 strategy --

6 COMMISSIONER NARASAKI: Right.

7 CHAIRMAN CASTRO: -- and timing is for  
8 that.

9 COMMISSIONER NARASAKI: Right.

10 CHAIRMAN CASTRO: I don't have a problem  
11 with that.

12 Commissioner Yaki, it's your motion. Do  
13 you have a problem with that?

14 COMMISSIONER YAKI: None at all.

15 CHAIRMAN CASTRO: Okay. All right. All  
16 right. Subject to that, then I'm going to take a roll  
17 call vote.

18 Commissioner Kirsanow, how do you vote?

19 COMMISSIONER KIRSANOW: Abstain.

20 CHAIRMAN CASTRO: Commissioner Heriot,  
21 how do you vote?

22 Let the record reflect there's heated --  
23 positive, friendly heated discussion about it.

24 We'll skip the two Commissioners that are

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1 currently kibitzing and we'll go to Commissioner  
2 Kladney. How do you vote on this?

3 COMMISSIONER KLADNEY: Yes.

4 CHAIRMAN CASTRO: Commissioner  
5 Achtenberg, how do you vote on this?

6 COMMISSIONER ACHTENBERG: Yes.

7 CHAIRMAN CASTRO: Commissioner Yaki, how  
8 do you vote on this?

9 COMMISSIONER YAKI: Aye.

10 CHAIRMAN CASTRO: Madam Vice Chair, how do  
11 you vote on this?

12 VICE CHAIR TIMMONS-GOODSON: Yes.

13 CHAIRMAN CASTRO: I vote yes.  
14 Commissioner Heriot, how do you vote?

15 COMMISSIONER HERIOT: Let me just make  
16 sure I understand this. We'd be asking OCRE to take  
17 a look at this list and come up with a schedule for how  
18 long they think it would take them to be able to get  
19 through this. So, they could potentially come back and  
20 say, you know, we could do this over the course of three  
21 years.

22 CHAIRMAN CASTRO: Potentially they could  
23 and my hope is that that's not going to be the case,  
24 but certainly then we'd have to look at prioritization

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1 of these reports. Which ones we needed done sooner  
2 rather than later.

3 COMMISSIONER HERIOT: I'm happy to vote to  
4 take -- you know, to have OCRE tell us how long they  
5 think this will take us. If that's what I'm doing, I  
6 can vote yes.

7 CHAIRMAN CASTRO: I think that's fine.

8 COMMISSIONER HERIOT: Okay.

9 CHAIRMAN CASTRO: I think we're all in  
10 agreement on that.

11 COMMISSIONER HERIOT: Okay.

12 CHAIRMAN CASTRO: But, any concerns or  
13 questions? I mean --

14 COMMISSIONER HERIOT: But, when it come to  
15 actually deciding which ones to do, we vote again.

16 CHAIRMAN CASTRO: We're deciding that  
17 right now. Which ones they're doing? These four are  
18 going to be done. The only question that we're asking  
19 OCRE is how long is it going to take you and what do  
20 you need to do to update them and give us a plan.

21 COMMISSIONER HERIOT: Then I guess I'm  
22 going to vote no.

23 CHAIRMAN CASTRO: Okay. Commissioner  
24 Narasaki, how do you vote?

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1 COMMISSIONER NARASAKI: Yes.

2 CHAIRMAN CASTRO: Okay. So, we have one,  
3 two, three, four, five, six yes, a no and an abstention.  
4 The motion passes.

5 The next item on the agenda is a vote on  
6 a date for the -- I think we already decided this. The  
7 location right for the Police Practices briefing.

8 **DISCUSSION AND VOTE ON DATE FOR THE POLICE**

9 **PRACTICES BRIEFING**

10 CHAIRMAN CASTRO: Madam Staff Director,  
11 is that right?

12 MS. SALLO: Well --

13 CHAIRMAN CASTRO: Or we need to do both?

14 MS. SALLO: -- if you all vote for approval  
15 in the April briefing, then the option offered was to  
16 do a field hearing in New York and so, we have to start  
17 the conversations to insure that we can get everything  
18 shored up. But, as it applies to the research and staff  
19 is already preparing and as identified speakers and  
20 such.

21 CHAIRMAN CASTRO: Okay. So --

22 MS. SALLO: So, we can't reach out to a  
23 site until you all approve the date.

24 CHAIRMAN CASTRO: Okay. So,

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1 Commissioner Kladney.

2 COMMISSIONER KLADNEY: I think -- in  
3 discussions with the Staff Director, I think the April  
4 20th meeting is a Monday and I have proposed in the paper  
5 which passed was that we do it in New York at the John  
6 Jay College.

7 CHAIRMAN CASTRO: Okay.

8 COMMISSIONER KLADNEY: However, if that's  
9 not available, I am sure that staff will be able to make  
10 a requisite decision.

11 CHAIRMAN CASTRO: Okay. Okay. So, you  
12 have a motion that on the date of April 20th.

13 COMMISSIONER KLADNEY: That is my motion.

14 CHAIRMAN CASTRO: Is there a second?

15 COMMISSIONER HERIOT: Second.

16 CHAIRMAN CASTRO: Any discussion?

17 Hearing none. We'll call the question. So,

18 Commissioner Kirsanow, how do you vote?

19 COMMISSIONER KIRSANOW: Abstain.

20 CHAIRMAN CASTRO: Commissioner Heriot,

21 how do you vote?

22 COMMISSIONER HERIOT: Yes.

23 CHAIRMAN CASTRO: Commissioner Narasaki,

24 how do you vote?

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1 COMMISSIONER NARASAKI: Yes.

2 CHAIRMAN CASTRO: Commissioner Kladney,  
3 how do you vote?

4 COMMISSIONER KLADNEY: Yes.

5 CHAIRMAN CASTRO: Commissioner  
6 Achtenberg, how do you vote?

7 COMMISSIONER ACHTENBERG: Yes.

8 CHAIRMAN CASTRO: Commissioner Yaki, how  
9 do you vote?

10 COMMISSIONER YAKI: Aye.

11 CHAIRMAN CASTRO: Madam Vice Chair, how do  
12 you vote?

13 VICE CHAIR TIMMONS-GOODSON: Yes.

14 CHAIRMAN CASTRO: And I vote yes. So, it  
15 passes with seven yes and one abstention.

16 Next, we have a discussion and vote on the  
17 Education Equity paper.

18 **DISCUSSION AND VOTE ON REVISED EDUCATIONAL**  
19 **EQUITY PAPER**

20 CHAIRMAN CASTRO: The briefing's  
21 currently scheduled for May 29th, 2015. Is that  
22 correct, Commissioner Achtenberg?

23 COMMISSIONER ACHTENBERG: That's  
24 correct, Mr. Chairman.

1 CHAIRMAN CASTRO: Yes.

2 COMMISSIONER ACHTENBERG: But, I'd like  
3 to ask that if the paper is adopted today as proposed,  
4 that that date be added. So, this would be a two-day  
5 hearing.

6 CHAIRMAN CASTRO: Okay.

7 COMMISSIONER ACHTENBERG: Both May 28th  
8 and 29th.

9 CHAIRMAN CASTRO: Okay. So, would that  
10 be your motion?

11 COMMISSIONER ACHTENBERG: That would be  
12 my motion, Mr. Chairman.

13 CHAIRMAN CASTRO: Along with -- you're  
14 also moving for approval of your paper.

15 COMMISSIONER ACHTENBERG: Indeed.

16 CHAIRMAN CASTRO: Okay. Is there a  
17 second?

18 VICE CHAIR TIMMONS-GOODSON: Second.

19 CHAIRMAN CASTRO: Any discussion?  
20 Commissioner Narasaki.

21 COMMISSIONER NARASAKI: Yes, I just --

22 CHAIRMAN CASTRO: Just turn your mike up.  
23 That -- there's too many mikes on?

24 COMMISSIONER NARASAKI: Okay. Thank

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1 you.

2 Yes, I just have a question. My only  
3 concern is budgetary not on the substance of the hearing  
4 or the length of witnesses and I understand from  
5 Commissioner Achtenberg that she is not planning to  
6 bring in any more people from the outside than she would  
7 have for a one-day hearing and that the hearing will  
8 be in D.C.

9 So, I just want to ask the Staff Director  
10 whether there are any other budgetary considerations  
11 that should be put on the table.

12 MS. SALLO: As long as we can keep the  
13 out-of-state panelists to a minimum and we've had those  
14 discussions, we would be fine because the Commissioners  
15 normally travel in anyway for the meetings and it would  
16 take place in-house. So, at least in that respect,  
17 that's the way to keep costs down.

18 CHAIRMAN CASTRO: Any other questions or  
19 comments? Hearing none. We'll take a vote.

20 Commissioner Kirsanow, how do you vote?

21 COMMISSIONER KIRSANOW: Abstain.

22 CHAIRMAN CASTRO: Commissioner Heriot,  
23 how do you vote?

24 COMMISSIONER HERIOT: Yes.

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1 CHAIRMAN CASTRO: Commissioner Narasaki,  
2 how do you vote?

3 COMMISSIONER NARASAKI: Yes.

4 CHAIRMAN CASTRO: Commissioner Kladney,  
5 how do you vote?

6 COMMISSIONER KLADNEY: Yes.

7 CHAIRMAN CASTRO: Commissioner  
8 Achtenberg, how do you vote?

9 COMMISSIONER ACHTENBERG: Yes.

10 CHAIRMAN CASTRO: Commissioner Yaki, how  
11 do you vote?

12 COMMISSIONER YAKI: Aye.

13 CHAIRMAN CASTRO: Madam Vice Chair, how do  
14 you vote?

15 VICE CHAIR TIMMONS-GOODSON: Yes.

16 CHAIRMAN CASTRO: And I vote yes. We have  
17 seven yes and one abstention. So, the motion passes.  
18 Thank you. You're welcome.

19 Next on the agenda is a discussion and vote  
20 on the press release acknowledging the Anniversary of  
21 the 13th Amendment's passage.

22 **DISCUSSION AND VOTE ON ANNIVERSARY OF 13TH**

23 **AMENDMENT PRESS RELEASE**

24 CHAIRMAN CASTRO: You all should have

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1 received a copy of that press release I believe prior  
2 to the meeting and I don't know if anyone has any --  
3 has a motion on that for us.

4 VICE CHAIR TIMMONS-GOODSON: I so move.  
5 I so move.

6 CHAIRMAN CASTRO: Is there a second?

7 COMMISSIONER KLADNEY: Second.

8 CHAIRMAN CASTRO: Okay. Any discussion?

9 COMMISSIONER NARASAKI: I had asked -- I  
10 had suggested that we add a sentence to the letter. I'm  
11 not sure if it's added.

12 CHAIRMAN CASTRO: Yes. I think the  
13 problem, Commissioner Narasaki, is that the press  
14 release was already at 400 words and apparently it costs  
15 us significantly more to put one of these out if it's  
16 over 400 words. So --

17 COMMISSIONER NARASAKI: Okay. So, just  
18 for the record, I had asked for a sentence to note that  
19 the 13th Amendment was sadly still relevant because of  
20 the human trafficking issues that we continue to  
21 struggle with. So.

22 CHAIRMAN CASTRO: Yes. We appreciate  
23 that.

24 COMMISSIONER NARASAKI: I understand the

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1 budget issue.

2 COMMISSIONER HERIOT: And for the record,  
3 I would have voted for that.

4 CHAIRMAN CASTRO: As would I, but we were  
5 told just very recently. Prior to that, at least the  
6 Commissioners were not aware that our verbosity was  
7 costing us lots of money. So, we're now being very  
8 mindful about the length of our press releases. So,  
9 sorry about that.

10 COMMISSIONER YAKI: Mr. Chair.

11 CHAIRMAN CASTRO: Yes.

12 COMMISSIONER YAKI: If we did it in  
13 textspeak, would it work? Because we'd shorten the  
14 amount -- the number of --

15 CHAIRMAN CASTRO: You mean like LOL and  
16 all that?

17 COMMISSIONER YAKI: Yes, that kind of  
18 stuff.

19 CHAIRMAN CASTRO: I don't know. I don't  
20 know if that would work in this instance.

21 COMMISSIONER YAKI: Okay.

22 CHAIRMAN CASTRO: But, perhaps for the  
23 future. So, any other questions or comments on that?  
24 If not, I'm going to call the question.

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1 Commissioner Kirsanow, how do you vote?

2 COMMISSIONER KIRSANOW: Aye.

3 CHAIRMAN CASTRO: Okay. I was afraid you  
4 were going to abstain on that one. Commissioner  
5 Heriot, how do you vote?

6 COMMISSIONER HERIOT: Yes.

7 CHAIRMAN CASTRO: Commissioner Narasaki,  
8 how do you vote?

9 COMMISSIONER NARASAKI: Yes.

10 CHAIRMAN CASTRO: Commissioner Kladney,  
11 how do you vote?

12 COMMISSIONER KLADNEY: Yes.

13 CHAIRMAN CASTRO: Commissioner  
14 Achtenberg, how do you vote?

15 COMMISSIONER ACHTENBERG: Yes.

16 CHAIRMAN CASTRO: Commissioner Yaki, how  
17 do you vote?

18 COMMISSIONER YAKI: Most certainly yes.

19 CHAIRMAN CASTRO: Madam Vice Chair, how do  
20 you vote?

21 VICE CHAIR TIMMONS-GOODSON: Yes.

22 CHAIRMAN CASTRO: And I vote yes. So, we  
23 have unanimous passage. Thank you very much.

24 Next on the agenda as we added today is

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1 discussion and vote on a letter on Fred Korematsu Day.  
2 Following up on a letter that we sent last year.

3 **DISCUSSION AND VOTE ON A LETTER ON FRED**

4 **KOREMATSU DAY**

5 CHAIRMAN CASTRO: I'll hand this over to  
6 Commissioner Narasaki to discuss and move on.

7 COMMISSIONER NARASAKI: Thank you, Mr.  
8 Chair.

9 As you know, tomorrow is Fred Korematsu Day  
10 in a growing number of states across the country. It  
11 started in California and I have circulated for the  
12 Commissioners' consideration a letter addressed to  
13 President Obama which is a follow up to the letter that  
14 was delivered last year requesting that he recognize  
15 Fred Korematsu Day.

16 As all of you know, Fred challenged the  
17 removal internment of Japanese American families like  
18 mine and Commissioner Yaki's during World War II and  
19 ironically, it's a well-known case because it was the  
20 Supreme Court case that laid out the standard of review  
21 for Government actions based on race.

22 His story is unfortunately still relevant  
23 today. He was an ordinary American. In fact, the  
24 reason he wanted to resist internment was because he

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1 was in love with someone who wasn't Japanese American  
2 and he didn't want to be separated from her.

3 So, like hundreds of thousands of  
4 Americans who challenged the Government authorities in  
5 Selma for the right to vote, he stood up for prejudice  
6 and fought for an America that lived up to its  
7 Constitution.

8 That day reminds people that we have to  
9 remain vigilant to safeguard civil rights and civil  
10 liberties and that the struggle to insure these rights  
11 is one that includes sacrifice of thousands across the  
12 generations.

13 In a few weeks, we're going to acknowledge  
14 the fiftieth anniversary of the courage and the  
15 sacrifices of the marchers who crossed the bridge at  
16 Selma and their important contribution to America and  
17 we believe Fred's story like those who marched in Selma  
18 is very an American one.

19 The issues that led to the internment of  
20 Japanese Americans are still with us today. We see  
21 this in the constant challenges faced by the Arab, South  
22 Asian and Muslim communities and we think it's  
23 important to have one day where Americans reflect on  
24 these very challenging issues of national security and

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1 the rights of individuals.

2 And I hope that the Commissioners will join  
3 me in supporting this letter.

4 CHAIRMAN CASTRO: We have a motion. Do we  
5 have a second? Okay. Any discussion? Commissioner  
6 Yaki.

7 COMMISSIONER YAKI: Yes, thank you very  
8 much and thank you, Commissioner Narasaki for taking  
9 the lead on this. I am privileged to know that probably  
10 this is the first time the Commission has had two  
11 members of Japanese American descent on at the same time  
12 and I find that a very positive development.

13 I just wanted to add one thing which is I  
14 got to know Fred Korematsu in his later years when I  
15 was on a Board of Supervisors in San Francisco and can  
16 echo everything that Commissioner Narasaki said and  
17 this was a man of quiet courage and resoluteness and  
18 someone who believed that a grievous wrong had been  
19 committed against an entire community and continued  
20 throughout his life to stand up for others who were  
21 similarly oppressed. Whether they were farm workers  
22 in California, African American students seeking  
23 higher education. He is someone who throughout his  
24 life exemplified the best of the American role of

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1 dissent in attempting to bring attention to an issue  
2 greater than himself.

3 The one thing that I do want to say that  
4 Commissioner Narasaki talked about in terms of  
5 relevance is the very sad fact that the Supreme Court  
6 Case Korematsu v. the United States still today even  
7 though the underlying conviction was found to be void  
8 because of massive governmental, for lack of a better  
9 word, lying about the threat of the Japanese Americans  
10 in World War II for which there was really none, despite  
11 that, Korematsu still remains on the books of the United  
12 States and, in fact, it was cited in an Administration  
13 brief in the mid-2000s for part of their justification  
14 for what they did with people in Guantanamo Bay and the  
15 fact that someone would actually cite Korematsu for me  
16 sent a chill down my spine.

17 It would be if someone were to try and cite  
18 Dred Scott or Plessy v. Ferguson today. Those two have  
19 been effectively overruled by the Constitution and by  
20 the courts. Korematsu has not.

21 And it hangs out there as a potential  
22 weapon and a threat against every minority community  
23 in this country who is seen by others as a potential  
24 threat. A potential internal fifth column. Anything

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1 that you want to say in terms of today's very  
2 complicated multi-layered society, this still hangs  
3 out there and everyone should continue to be vigilant  
4 about that fact.

5 Thank you.

6 CHAIRMAN CASTRO: Thank you, Commissioner  
7 Yaki.

8 Anyone else? Commissioner Heriot.

9 COMMISSIONER HERIOT: I probably should  
10 put something on the record here.

11 I knew previous to this, of course, that  
12 Fred Korematsu was a great man. I didn't know that he  
13 was a romantic, too. So, I like that story.

14 Nevertheless, I don't support increasing  
15 the number of Federal holidays for any purpose unless  
16 we can subtract one. This has nothing to do with  
17 Korematsu's greatness. I acknowledge that that's an  
18 extremely important figure in American history and I  
19 think we need to honor him.

20 But, I just can't support additional  
21 Federal holidays. That's a very, very big step.  
22 That's a big deal and I, therefore, can't sign the  
23 letter.

24 CHAIRMAN CASTRO: Any other questions or

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1 comments?

2 COMMISSIONER KIRSANOW: Mr. Chair.

3 CHAIRMAN CASTRO: Yes, Commissioner  
4 Kirsanow.

5 COMMISSIONER KIRSANOW: For the reasons  
6 mentioned by Commissioner Heriot, I will decline to  
7 support a national holiday not because Fred Korematsu  
8 does not deserve recognition. But, I can't support  
9 another national holiday or day off. I just think  
10 there's a proliferation of such things.

11 COMMISSIONER HERIOT: Mr. Chairman.

12 CHAIRMAN CASTRO: Yes.

13 COMMISSIONER HERIOT: I suggest a day on.  
14 Where on a Saturday we all go to work instead of a day  
15 off to honor Fred Korematsu.

16 CHAIRMAN CASTRO: Okay.

17 COMMISSIONER HERIOT: Bet that won't  
18 pass.

19 CHAIRMAN CASTRO: Any other comments or  
20 questions? If not, I'll call the vote.

21 Commissioner Kirsanow, how do you vote?

22 COMMISSIONER KIRSANOW: Abstain.

23 CHAIRMAN CASTRO: Commissioner Heriot,  
24 how do you vote?

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1 COMMISSIONER HERIOT: Abstain. I think  
2 it's okay.

3 CHAIRMAN CASTRO: Commissioner Narasaki,  
4 how do you vote?

5 COMMISSIONER NARASAKI: Yes.

6 CHAIRMAN CASTRO: Commissioner Kladney,  
7 how do you vote?

8 COMMISSIONER KLADNEY: Yes.

9 CHAIRMAN CASTRO: Commissioner  
10 Achtenberg, how do you vote?

11 COMMISSIONER ACHTENBERG: Yes.

12 CHAIRMAN CASTRO: Commissioner Yaki, how  
13 do you vote?

14 COMMISSIONER YAKI: Aye.

15 CHAIRMAN CASTRO: Madam Vice Chair, how do  
16 you vote?

17 VICE CHAIR TIMMONS-GOODSON: Yes.

18 CHAIRMAN CASTRO: And I vote yes. It  
19 passes with six yes and two abstention. Thank you,  
20 everyone.

21 Now, we're moving on to our SAC slates.

22 **IV. STATE ADVISORY COMMITTEE (SAC)**

23 **APPOINTMENTS**

24 CHAIRMAN CASTRO: As you know, we've

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1 removed a couple from consideration today. So, I am  
2 going to start with Florida.

3 **FLORIDA**

4 CHAIRMAN CASTRO: So, I am making a motion  
5 that the Commission appoint the following individuals  
6 to the Florida State Advisory Committee based upon the  
7 recommendation of our Staff Director: Brad Brown,  
8 Laura J. Blundy, Nadine Smith, Jennifer Glass, Joy  
9 Moore, Wilhemina Lewis, Don Mizell, Elena Flom,  
10 Marliene Bastien, Lourdes Villanueva, Susan Perers,  
11 Fernando Teson and Toufic Zakharia.

12 Pursuant to this motion, the Commission  
13 appoints Elena Flom as Chair of the Florida State  
14 Advisory Committee.

15 These members will serve as uncompensated  
16 Government employees.

17 Under this motion, the Commission  
18 authorizes the Staff Director to execute the  
19 appropriate paperwork for the appointments.

20 Is there a second?

21 VICE CHAIR TIMMONS-GOODSON: Second.

22 CHAIRMAN CASTRO: Okay. Any discussion?

23 COMMISSIONER NARASAKI: Yes, Mr. Chair.

24 CHAIRMAN CASTRO: Yes.

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1                   COMMISSIONER NARASAKI:   So, I am going to  
2 support this, but I want to raise a couple of issues.

3                   One is -- and I had mentioned this with  
4 slates last time around.   I thought it was great.  
5 Staff did a great job of really trying to bring more  
6 of the younger generation in the slates for Texas and  
7 Michigan, but I note for Florida there's only one person  
8 under the age of 35.   Whereas, there are four people  
9 over the age of 60.   Which actually does not reflect  
10 -- even though everybody thinks a lot of retirees are  
11 in Florida.   Actually, that actually overstates the  
12 demographic there.

13                  So, I would urge staff.   I know it's very  
14 difficult because you have so many factors that you're  
15 trying to balance, but I really think it's important  
16 for us to continue to push on trying to get more younger  
17 generation voices.   Because as I stated last time, I  
18 feel that generation sees race and many of these issues  
19 in a very different way and it's an important viewpoint  
20 to have on these state advisory commissions.

21                  The second issue is I note that in these  
22 SAC nominations while there are people who have been  
23 identified as experts on disability, it seems that no  
24 one is identified as actually being a person with a

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1 disability. So, again, I will support it because  
2 there's expertise on that issue, but I hope that we can  
3 do -- work with the staff to do better outreach to get  
4 people with disabilities an opportunity to participate  
5 directly on these advisory councils.

6 CHAIRMAN CASTRO: Thank you. Any other  
7 questions? If not, we'll call the vote.

8 Commissioner Kirsanow, how do you vote?

9 COMMISSIONER KIRSANOW: No.

10 CHAIRMAN CASTRO: Commissioner Heriot,  
11 how do you vote?

12 COMMISSIONER HERIOT: I'm voting no on  
13 this one. I don't think it's ideologically balanced.

14 CHAIRMAN CASTRO: Okay. Commissioner  
15 Narasaki, how do you vote?

16 COMMISSIONER NARASAKI: Yes.

17 CHAIRMAN CASTRO: Commissioner Kladney,  
18 how do you vote?

19 COMMISSIONER KLADNEY: Yes.

20 CHAIRMAN CASTRO: Commissioner  
21 Achtenberg, how do you vote?

22 COMMISSIONER ACHTENBERG: Yes.

23 CHAIRMAN CASTRO: Commissioner Yaki, how  
24 do you vote?

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1 COMMISSIONER YAKI: Aye.

2 CHAIRMAN CASTRO: Madam Vice Chair, how do  
3 you vote?

4 VICE CHAIR TIMMONS-GOODSON: Yes.

5 CHAIRMAN CASTRO: And I vote yes. This  
6 slate passes with six yes and two no.

7 **MICHIGAN**

8 CHAIRMAN CASTRO: I am now going to make  
9 a motion that the Commission appoint the following  
10 individuals to the Michigan State Advisory Committee  
11 based upon the recommendation of our Staff Director.  
12 The following individuals are Donna Budnick, Lawrence  
13 Almeda, Wendell Anthony, Emily Divendorf, James Fett,  
14 Samuel Gregg, Joyce Herron-Taylor, Jon Hoadley,  
15 Jayashree Kommareddi, James Prescott, Sarah Prescott,  
16 Victor Torres, Matthew Wesaw and Nathaniel Wolf.

17 Pursuant to this motion, the Commission  
18 appoints Donna Budnick as Chair of the Michigan State  
19 Advisory Committee.

20 These members will serve as uncompensated  
21 Government employees.

22 Under this motion, the Commission  
23 authorizes the Staff Director to execute the  
24 appropriate paperwork for the appointments.

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1 Is there a second?

2 COMMISSIONER KLADNEY: Second.

3 CHAIRMAN CASTRO: Okay. Any discussion?  
4 Questions called.

5 Commissioner Kirsanow, how do you vote?

6 COMMISSIONER KIRSANOW: Yes.

7 CHAIRMAN CASTRO: Commissioner Heriot,  
8 how do you vote?

9 COMMISSIONER HERIOT: I'm voting no on  
10 this one as well for the same reason.

11 CHAIRMAN CASTRO: Commissioner Narasaki,  
12 how do you vote?

13 COMMISSIONER NARASAKI: Yes.

14 CHAIRMAN CASTRO: Commissioner Kladney,  
15 how do you vote?

16 COMMISSIONER KLADNEY: Yes.

17 CHAIRMAN CASTRO: Commissioner  
18 Achtenberg, how do you vote?

19 COMMISSIONER ACHTENBERG: Yes.

20 CHAIRMAN CASTRO: Commissioner Yaki, how  
21 do you vote?

22 COMMISSIONER YAKI: Aye.

23 CHAIRMAN CASTRO: Madam Vice Chair, how do  
24 you vote?

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1 VICE CHAIR TIMMONS-GOODSON: Yes.

2 CHAIRMAN CASTRO: And I vote yes. The  
3 slate passes with seven yes and one no.

4 **TEXAS**

5 CHAIRMAN CASTRO: I am now going to make  
6 a motion that the Commission appoint the following  
7 individuals to the Texas State Advisory Committee based  
8 upon the recommendation of our Staff Director: Joni  
9 E. Baker, Josh M. Blackman, Charles Z. Burchett,  
10 Frances A. Carnot, Jason P. Casellas, Cecilia R.  
11 Castillo, Glenn O. Lewis, Bobby L. Lydia, Merrill  
12 Matthews, Cathy M. McConn, Martha Orozco, Vikrant P.  
13 Reddy, Christina D. Sanders, Ronald J. Smeberg and  
14 Barbara J. Walters.

15 Pursuant to this motion, the Commission  
16 appoints Martha Orozco as Chair of the Texas State  
17 Advisory Committee.

18 These members will serve as uncompensated  
19 Government employees.

20 Under this motion, the Commission  
21 authorizes the Staff Director to execute the  
22 appropriate paperwork for the appointments.

23 Is there a second?

24 COMMISSIONER KLADNEY: Second.

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1 CHAIRMAN CASTRO: Any discussion?

2 COMMISSIONER NARASAKI: I just have one.

3 CHAIRMAN CASTRO: Commissioner Narasaki.

4 COMMISSIONER NARASAKI: So, I note for  
5 Texas it's great that there is an Asian American who's  
6 been nominated.

7 Texas has the third largest population of  
8 Asian Americans outside of California and New York and  
9 so, one of the things I want to watch for Texas in the  
10 next round is whether we can help you reach out and find  
11 more talented Asian Americans for that state.

12 CHAIRMAN CASTRO: Thank you, Commissioner  
13 Narasaki.

14 Any other comments? If not, I think -- oh,  
15 yes, Commissioner Yaki.

16 COMMISSIONER YAKI: Yes. Just for  
17 Commissioner Narasaki. Usually, at this point, we ask  
18 the question whether or not the Committee as it's been  
19 formed has fully met it's capacity and if there's still  
20 unmet capacity, there's still opportunities to recruit  
21 additional members that you would want.

22 COMMISSIONER NARASAKI: Thank you.

23 CHAIRMAN CASTRO: Okay. Any other  
24 questions or comments? If not, that question's been

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1 called.

2 Commissioner Kirsanow, how do you vote?

3 COMMISSIONER KIRSANOW: No.

4 CHAIRMAN CASTRO: Commissioner Heriot,  
5 how do you vote?

6 COMMISSIONER HERIOT: Yes.

7 CHAIRMAN CASTRO: Commissioner Narasaki,  
8 how do you vote?

9 COMMISSIONER NARASAKI: Yes.

10 CHAIRMAN CASTRO: Commissioner Kladney,  
11 how do you vote?

12 COMMISSIONER KLADNEY: Yes.

13 CHAIRMAN CASTRO: Commissioner  
14 Achtenberg, how do you vote?

15 COMMISSIONER ACHTENBERG: Yes.

16 CHAIRMAN CASTRO: Commissioner Yaki, how  
17 do you vote?

18 COMMISSIONER YAKI: Aye.

19 CHAIRMAN CASTRO: Madam Vice Chair, how do  
20 you vote?

21 VICE CHAIR TIMMONS-GOODSON: Yes.

22 CHAIRMAN CASTRO: And I vote yes. So, the  
23 motion passes with seven yes and one no.

24 And I believe that covers all of the SACs

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1 that were up that had not been removed.

2 So, that concludes our agenda.

3 COMMISSIONER HERIOT: Did we remove  
4 Wisconsin?

5 CHAIRMAN CASTRO: Yes, we did at the  
6 beginning.

7 COMMISSIONER HERIOT: I guess we did.  
8 Okay. Okay.

9 CHAIRMAN CASTRO: Yes. So, we'll put it  
10 off. Someone raised some concerns and so, we'll do  
11 that at the next meeting hopefully.

12 **V. ADJOURN MEETING**

13 So, we are done with our business and we  
14 are now adjourned. The hour is -- does anyone know the  
15 exact hour? One fifty-six.

16 Okay. Thank you, everyone.

17 (Whereupon, the above-entitled matter  
18 went off the record at 1:56 p.m.)