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## U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

**UNEDITED**

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FRIDAY, JULY 15, 2016

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The Commission convened in Suite 1150 at  
1331 Pennsylvania Avenue, Northwest, Washington, D.C.  
at 10:00 a.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\*

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

\* *Present via telephone***NEAL R. GROSS**

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STAFF PRESENT:

BRIAN WALCH  
LATRICE FOSHEE  
PAMELA DUNSTON, Chief, ASCD  
ANGELA FRENCH-BELL  
DARREN FERNANDEZ  
SEAN GOLIDAY  
ALFREDA GREENE  
JENNIFER HEPLER  
LENORE OSTROWSKY  
JUANDA SMITH  
MICHELE YORKMAN

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART  
ALEX DUELL  
JASON LAGRIA  
CARRISA MULDER  
ALISON SOMIN  
IRENA VIDULOVIC

INTERNS PRESENT:

SARAH CHILD  
JESSICA DAVIS  
HSIN-YUN HAN  
WEISIYU JIANG  
KOMAL SHAH

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ADJOURN MEETING

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

(10:01 a.m.)

CHAIRMAN CASTRO: Okay, this meeting shall come to order. This is a meeting of the U.S. Commission on Civil Rights. It is currently 10:01 a.m. Eastern Time on July 17th, 2016. We are meeting at the Commission's Headquarters here in D.C. at 1331 Pennsylvania Avenue, Northwest. I'm Chairman Marty Castro.

Commissioners who are present at the meeting with me are the Vice Chair, Commissioners Achtenberg, Heriot, and Narasaki. I believe currently on the phone is Commissioner Yaki. Is that right?

COMMISSIONER YAKI: Uh-huh.

CHAIRMAN CASTRO: And we are expecting, at some point, Commissioners Kladney and Kirsanow to join on the phone but even without them, we have a quorum of the commissioners present.

Is the court reporter present? She said yes.

And is the Staff Director present?

MR. MORALES: Yes.

CHAIRMAN CASTRO: Okay, the meeting shall now come to order.

## I. BUSINESS MEETING

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A. APPROVAL OF AGENDA

CHAIRMAN CASTRO: The first item is the approval of the agenda. Is there a second?

And I am going to move to make some amendments.

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, I move to amend the agenda to add four additional items. The first is a statement regarding condolences to the families of the victims of the recent tragic shootings.

The second is to add consideration of a press release regarding Justice Thurgood Marshall's 108th birthday; a statement regarding the recent Supreme Court decision in *Dollar General v. Mississippi Band of Choctaw Indians*; and a letter to DOJ's Inspector General regarding Chinese American prosecutions.

I also amend the agenda to remove from discussion and vote to a later time a vote on the Concept Paper for 2017 Statutory Enforcement Report and a letter regarding Zambrano-Montes' case.

Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, any further amendments? Any discussion?

Okay, we do have an additional agenda

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1 amendment that I want to add to that. We are going to  
2 remove the District of Columbia and Ohio from  
3 consideration from the SAC vote today. Those will be  
4 put off to a later meeting.

5 So now, does someone second that  
6 amendment?

7 COMMISSIONER NARASAKI: I second.

8 CHAIRMAN CASTRO: Okay. Any discussion?  
9 Hearing none, all those in favor say aye.

10 Any opposed?

11 Any abstentions?

12 Okay, the motion passes unanimously.

13 B. STAFFING CHANGES

14 The first item on the agenda -- actually,  
15 before we get into the first item on the agenda, I want  
16 to give our Staff Director a moment to mention a couple  
17 of staffing changes that have occurred. Go ahead.

18 MR. MORALES: Thank you, Mr. Chairman and  
19 Commissioners. Good morning, everybody.

20 I would like to call attention to two  
21 things. One, we are going to be saying goodbye to  
22 Darren Fernandez. We really appreciate the work he has  
23 provided to all of us here at the Commission, the  
24 enthusiasm, the hard work he has provided. And we  
25 really appreciate that, Darren. We are very proud of

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1 you. He has accepted a position in the General  
2 Counsel's Office at the Federal Communications  
3 Commission. And so that is another bright star heading  
4 off into other things. And while we are sad for  
5 ourselves, we are very happy for you, Darren. I  
6 understand that July 24th is your last day at the  
7 Commission. So, again, we thank you for the work you  
8 have done and we thank you for the work you have done  
9 on the Statutory Enforcement Report, most recently, and  
10 the others. We just really appreciate you and we will  
11 miss you.

12 MR. FERNANDEZ: Thank you, sir.

13 MR. MORALES: Thank you.

14 INTRODUCTION OF BRIAN WALCH

15 And I also want to call attention to  
16 commissioners that we have hired, our Communications  
17 and Public Engagement individual Director, his name is  
18 Brian Walch. For those of you that haven't met him,  
19 please, I encourage you to reach out to him and I will  
20 have him reach out to you to schedule a time to talk  
21 to you a little about his background. He comes from  
22 the State Department and the private sector most  
23 recently, with extensive federal experience in  
24 communications. And we are really looking forward to  
25 his hard work.

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1                   So, welcome, Brian and we look forward to  
2 working with you.

3                   Mr. Chairman, that is all I have.

4                   CHAIRMAN CASTRO: Let me just say, Darren,  
5 thank you for all your work on behalf of the Commission  
6 and of course, any commissioner here can join in here,  
7 if they would like.

8                   I enjoyed working with you and now you have  
9 become one of the stellar alumni of the U.S. Commission  
10 on Civil Rights that are peppered all across the federal  
11 government. So, we look forward to, hopefully,  
12 engaging you in the future, at some point. And thank  
13 you again for all your work.

14                   And Brian, welcome. I have already  
15 enjoyed the opportunity we have had to sit down and  
16 brainstorm and I think you are going to help move the  
17 commission to the next level in terms of our engagement  
18 with the public and our stakeholders. So, we are  
19 really glad to have you aboard.

20                   Anyone else?

21                   VICE CHAIR TIMMONS-GOODSON: Well, I will  
22 simply concur with the remarks that our chair has made  
23 thus far. And to you, Darren, I would just say go  
24 Heels.

25                   CHAIRMAN CASTRO: Okay, Karen.

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1                   COMMISSIONER NARASAKI: I just wanted to  
2 note that I have been in D.C. for a quarter of a century  
3 now and it is really great to see the young emerging  
4 Asian-American leaders going into the government and  
5 contributing. So, congratulations on your new  
6 opportunity and we look forward to having our paths  
7 cross.

8                   CHAIRMAN CASTRO: Thank you. Okay, so  
9 now we move on to our business agenda.

10                   B. PROGRAM PLANNING

11                   DISCUSSION AND VOTE ON 2016 STATUTORY ENFORCEMENT  
12                   REPORT ON JUSTICE: TOXIC MATERIALS, POOR ECONOMICS  
13                   AND IMPACT OF THE ENVIRONMENT ON  
14                   LOW-INCOME MINORITY COMMUNITIES

15                   CHAIRMAN CASTRO: The first item is a  
16 review and discussion of Part A of our Statutory  
17 Enforcement Report for 2016, on the environmental  
18 justice issue.

19                   I know that over the last few -- last week  
20 and few days there has been a lot of amendments that  
21 have been suggested to the last draft that we received.  
22 I believe everyone should have copies of or your special  
23 assistant should have gotten copies of the most current  
24 version of the draft report, including a redlined  
25 version. Is that right? Okay.

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1                   So, what I would like to do, for purposes  
2 of discussing this, if we can get a motion and a second,  
3 then we could kind of go through some of the proposed  
4 changes and discuss some of the open issues that may  
5 still remain on this.

6                   So, is there a motion?

7                   COMMISSIONER NARASAKI: To approve?

8                   CHAIRMAN CASTRO: Yes.

9                   COMMISSIONER NARASAKI: I move to approve  
10 the report on environmental justice.

11                   CHAIRMAN CASTRO: And a second?

12                   VICE CHAIR TIMMONS-GOODSON: I will  
13 second that.

14                   CHAIRMAN CASTRO: Okay, now we can talk  
15 about any open items here. Anybody have any? I know  
16 there are some, so I will defer to those commissioners  
17 who have any.

18                   Commissioner Narasaki.

19                   COMMISSIONER NARASAKI: Thank you, Mr.  
20 Chair.

21                   First, I want to really thank the OCRE  
22 staff and our staff for their really hard work in  
23 turning around a very complicated document. I think  
24 it is very powerful and I am very excited about the last  
25 draft. I do have some suggested changes that I would

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1 like to offer.

2 So, on page 40, where there is a section  
3 titled Bureaucratic Terminology Inhibit Proper  
4 Investigation of Complaints and Enforcement of Title  
5 VI. I think it is page 40.

6 We have attempted to rewrite it and I think  
7 it is still a little awkward and so this is what I am  
8 suggesting to open up that paragraph. I would change  
9 it to: "There appears to be an issue about the  
10 effectiveness of the EPA's tracking system and the  
11 ability of EPA to effectively communicate with  
12 communities filing complaints. During the  
13 Commission's investigation, confusion arose as to  
14 whether the Office of Civil Rights had any Title VI  
15 complaints relating to coal ash on its docket.

16 Director Golightly-Howell testified that  
17 the Office of Civil Rights did not have any coal  
18 ash-related matters on their docket. It is unclear  
19 whether it is a terminology issue or a tracking system  
20 problem."

21 So, I was just trying to reduce some of the  
22 back and forth there to make it a little bit shorter  
23 and clearer.

24 CHAIRMAN CASTRO: Let's take these one at  
25 a time.

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1 COMMISSIONER NARASAKI: Okay.

2 CHAIRMAN CASTRO: Does anyone have an  
3 issue with that? If not, then we will accept that as  
4 a motion. And a second, do we have a second?

5 VICE CHAIR TIMMONS-GOODSON: I'll second.

6 COMMISSIONER YAKI: Second.

7 CHAIRMAN CASTRO: Okay. And then we will  
8 vote on it all at the end.

9 Next?

10 COMMISSIONER NARASAKI: So, on page 51 on  
11 the carryover paragraph, at the top of the page there  
12 is a sentence that says, there are many viewpoints as  
13 to the usefulness or health impact of coal ash. And  
14 I feel that many doesn't quite accurately describe the  
15 situation.

16 My recommendation is to change it to there  
17 is a debate as to the usefulness and health impact of  
18 coal ash.

19 CHAIRMAN CASTRO: Okay, any issues with  
20 that?

21 And, by the way, I understand Commissioner  
22 Kladney is on the line now.

23 Okay, then we will take that as a motion.  
24 Is there a second?

25 VICE CHAIR TIMMONS-GOODSON: Second.

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1 COMMISSIONER YAKI: Second.

2 COMMISSIONER NARASAKI: In that same  
3 paragraph, the last sentence, the carryover paragraph,  
4 the opening says while coal ash has its benefits, what  
5 I heard was not that there is a conclusive establishment  
6 of benefits. And I think what the industry has been  
7 good at trying to do is find a place where they can use  
8 the coal -- reuse the coal ash and make it safe for use  
9 but there is still a debate about whether even that use  
10 is safe. And it requires treating the coal ash and I  
11 doubt that people would actually create coal ash, if  
12 it were no a byproduct of industrial use.

13 So, my suggestion is either just to delete  
14 that opening, because I don't think it is necessary,  
15 or change it to: "While some argue that properly  
16 treated coal ash may have industrial use."

17 And so I am open to either.

18 COMMISSIONER YAKI: I move to delete.

19 CHAIRMAN CASTRO: Commissioner Yaki moves  
20 to delete.

21 And those of you on the phone, if you could  
22 state your name so that the court reporter can  
23 accurately transcribe who is speaking, that would be  
24 appreciated.

25 I understand that Commissioner Kirsanow

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1 has now also joined the call.

2 So, Commissioner Yaki has moved to delete.  
3 Is there a second or are there any issues? If not, is  
4 there a second?

5 COMMISSIONER ACHTENBERG: I'll second it.

6 CHAIRMAN CASTRO: Commissioner  
7 Achtenberg seconds. Okay.

8 Anything else Commissioner Narasaki?

9 COMMISSIONER NARASAKI: No, there are  
10 some typos in there that we will just give to staff  
11 because I am assuming that, upon approval, that they  
12 will still be combing through the report to try to clean  
13 it up.

14 CHAIRMAN CASTRO: But if you do have them,  
15 if you could hand them to staff afterwards --

16 COMMISSIONER NARASAKI: Yes.

17 CHAIRMAN CASTRO: -- they could zero in on  
18 those.

19 COMMISSIONER NARASAKI: Yes, I have  
20 already emailed them to Maureen.

21 CHAIRMAN CASTRO: Okay.

22 COMMISSIONER NARASAKI: So, the last  
23 comment I have is, Mr. Chair, you and the Vice Chair  
24 and I were at the North Carolina hearing and my  
25 understanding is that the North Carolina Report is

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1 finished, somewhat, but in legal sufficiency. And I  
2 would very much like to be able to incorporate at least  
3 some of it either in the findings and recs or, if we  
4 can't do it in the body, of course anything consistent  
5 with what is already there. I found the hearing very  
6 compelling. It offered a lot of very helpful  
7 information. We are trying to incorporate Illinois.

8 And I think it is important to recognize  
9 the work of the SAC. It is something that we suggested  
10 that they take up.

11 I'm not sure the best way to handle that,  
12 whether we can pass the body of the report within  
13 agreement that if we can get a majority of commissioners  
14 to agree, we could add a few paragraphs or add something  
15 in the findings and recommendations, or what the best  
16 course is, given where the report is now.

17 CHAIRMAN CASTRO: Well, for the moment,  
18 let's just stick to Part A, which is the body of the  
19 report and we can talk about the findings and the recs  
20 later.

21 Of course, I agree with you and you and I  
22 have had a conversation about this. And I think there  
23 is a couple of ways to handle it. One is, as you have  
24 suggested, although that is a little unusual, what we  
25 don't want to do is delay the report but I think if folks

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1 would be amenable over the next few days to come up with  
2 some language that could be inserted, I don't see that  
3 that would generally be a problem, unless I hear  
4 otherwise from a majority of the commissioners.

5 Another thing I had suggested and want it  
6 confirmed, I would like to, by reference or as an  
7 appendix or somehow, including copies of both the North  
8 Carolina Report as well as the Illinois SAC's Advisory  
9 Memo on this topic as exhibits to our report so that  
10 when published, they will be part of the same volume.

11 So, Maureen, is that something that is  
12 doable, our General Counsel?

13 MS. RUDOPHL: Yes, I had --

14 CHAIRMAN CASTRO: You have to come to a  
15 mike, sorry.

16 MS. RUDOPHL: Yes, I had understood that  
17 we would be attaching the SAC Reports, assuming that  
18 they are ready, as appendix.

19 CHAIRMAN CASTRO: Okay, I wasn't sure.

20 COMMISSIONER YAKI: This is Commissioner  
21 Yaki.

22 I think attaching that as an appendix is  
23 probably the most prudent way of ensuring that we don't  
24 delay the report but also ensuring that we incorporate  
25 both of them in their entirety in the report as well.

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1 So, I would support that.

2 CHAIRMAN CASTRO: Madam Vice Chair?

3 VICE CHAIR TIMMONS-GOODSON: Yes, I think  
4 the appendix would be the way to go. I'm a little  
5 unsure and really reluctant to try to make specific  
6 statements in the report based, for example, on North  
7 Carolina's meeting, when we were merely observing it  
8 and we don't know what it is that they are going to say.  
9 And the task of trying to establish what is fact or was  
10 fact or undisputable fact and put it in there, I think  
11 that is a task beyond us.

12 CHAIRMAN CASTRO: Okay. Commissioner  
13 Achtenberg, were you just nodding your head?

14 COMMISSIONER ACHTENBERG: No, I was  
15 concurring with my astute colleague.

16 CHAIRMAN CASTRO: Does that work for  
17 folks, then, as a way to handle this by consensus, since  
18 we are already going to be including it as attachments  
19 or as appendices?

20 Okay. Okay, anything else on the report,  
21 Part A?

22 COMMISSIONER ACHTENBERG: Commissioner  
23 Kladney, did you have something you wanted to raise?

24 COMMISSIONER KLADNEY: Not regarding  
25 those two SAC reports.

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1 CHAIRMAN CASTRO: How about the report as  
2 a whole?

3 COMMISSIONER ACHTENBERG: With regard to  
4 the report.

5 COMMISSIONER KLADNEY: I got an email  
6 yesterday about some changes the chairman wanted to  
7 make and I couldn't find them on my copy.

8 CHAIRMAN CASTRO: Okay. So, if you look  
9 at the redlined version -- let's see if it is here. If  
10 you look at the redline version, Commissioner Kladney,  
11 the cover page, I shortened the title on the cover page  
12 by proposing the deletion of "as it relates to the EPA's  
13 final coal ash rule."

14 COMMISSIONER KLADNEY: And why was that?

15 CHAIRMAN CASTRO: Pardon me?

16 COMMISSIONER KLADNEY: Why was that? Why  
17 did we do that?

18 CHAIRMAN CASTRO: Because the title is too  
19 long and, two, frankly, there is more in here than just  
20 coal ash. Although we used coal ash as an example, I  
21 think the ultimate focus of this report is really is  
22 the EPA doing its environmental justice work or not.  
23 And that is why I deleted that.

24 And secondly, on what was then page -- it  
25 is still page 10, while there are reasons to support

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1 the market forces argument, I deleted that because it  
2 is kind of a conclusory statement. I think it is better  
3 for us to state what the market forces argument is and  
4 what the counter argument is and not necessarily give  
5 one the upper hand over the other. Because, frankly,  
6 I personally disagree that the market forces argument  
7 is valid but it was a theory that was presented to us.  
8 And I don't think we should be making a conclusion on  
9 that.

10 Those were the only two changes I had.

11 COMMISSIONER KLADNEY: Okay. Then,  
12 there was a deletion on after -- I mean it is hard for  
13 me to say because I do not have the redlined version.  
14 My copy isn't showing up. There was a deletion about  
15 the proponents say Title VI is the preferred method of  
16 enforcement and that could have been enforcement. And  
17 I think that was -- there was a sentence deleted there  
18 and I was wondering why it was. It was dealing with  
19 the enforcement through Title VI on page 11.

20 CHAIRMAN CASTRO: I don't know,  
21 Commissioner Kladney. That was not my change. Hold  
22 on a second.

23 Could you speak up a little bit, too? It  
24 is very hard to hear you. But let me see. We are  
25 looking to see who made that.

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1 COMMISSIONER KLADNEY: It was on page 11,  
2 I believe.

3 CHAIRMAN CASTRO: Yes, Maureen will speak  
4 to that.

5 MS. RUDOPHL: Sir, on page 11, I believe  
6 that what you are referring to is the sentence that  
7 begins with the use of or Title VI has become one of  
8 the most important legal issues. Is that correct?

9 COMMISSIONER KLADNEY: Yes.

10 MS. RUDOPHL: I believe that that sentence  
11 was removed in-between the initial draft that you saw  
12 and the final draft that you saw on July 7th. That was  
13 not a new deletion in the past couple of days.

14 CHAIRMAN CASTRO: Why was it deleted, do  
15 you know?

16 COMMISSIONER KLADNEY: Why was it  
17 deleted?

18 MS. RUDOPHL: It was deleted because the  
19 citation that we had didn't appear to support what we  
20 were saying and so we took it out.

21 COMMISSIONER KLADNEY: Okay, thank you.

22 CHAIRMAN CASTRO: That's a good reason.

23 Okay, anything else? Any additional  
24 discussion from folks? If not, I am going to call the  
25 question.

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1                   We have the report. We have the changes  
2 we made and seconded. We are understanding that the  
3 Report Part A will also include exhibits as appendices  
4 the Illinois State Advisory and the North Carolina  
5 State Advisory Reports on this topic.

6                   Commissioner Kirsanow, how do you vote?

7                   COMMISSIONER KIRSANOW: I'm recused.

8                   CHAIRMAN CASTRO: Oh, okay. Sorry about  
9 that. I forgot.

10                  Commissioner Heriot, how do you vote?

11                  COMMISSIONER HERIOT: I think we've  
12 bitten off more than we can chew again. I vote no.

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

15                  COMMISSIONER NARASAKI: I vote yes.

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

18                  COMMISSIONER KLADNEY: Yes.

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

21                  COMMISSIONER ACHTENBERG: Yes.

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

24                  COMMISSIONER YAKI: I'm also chewing on  
25 this. Aye.

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

3 VICE CHAIR TIMMONS-GOODSON: Yes.

4 CHAIRMAN CASTRO: And I vote yes. So, the  
5 report passes with one, two, three, four, five, six  
6 yeases, a no, and one recusal.

7 Okay, thank you. And again, I want to  
8 reiterate what Commissioner Narasaki said earlier  
9 about the great work that staff has done and continues  
10 to do on getting this report done. It is a complex and  
11 complicated topic and we are under time constraints,  
12 as we tend to be with this report. And I very much,  
13 as the Commission, do appreciate all your efforts on  
14 this.

15 COMMISSIONER HERIOT: Mr. Chairman?

16 CHAIRMAN CASTRO: Wait. Yes, we are  
17 going to talk about Part B now.

18 Yes?

19 COMMISSIONER HERIOT: Oh, I just wanted to  
20 say that since we have made some changes, could we get  
21 the text of the report, as it is with all the changes  
22 that we made today, turned around really, really  
23 quickly --

24 CHAIRMAN CASTRO: Yes.

25 COMMISSIONER HERIOT: -- so that we are

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1 all on the same page in writing?

2 CHAIRMAN CASTRO: Absolutely. We will  
3 ask staff to do that for us, Maureen.

4 So, Part B, which are findings and  
5 recommendations, I know there have been a lot of back  
6 and forth in terms of drafts that have been circulated  
7 among some folks over the last few days. I want to open  
8 it up for discussion.

9 Ideally, we like to do Part A and Part B  
10 together, if we can, especially when we are talking  
11 about the Statutory Report. However, there are some  
12 folks who feel that Part B may not be in final form yet,  
13 particularly, although not exclusively, because maybe  
14 we want to include some North Carolina findings and recs  
15 like we proposed to put in for Illinois, but I would  
16 like to open it up for discussion to see if maybe there  
17 is an opportunity to conduct -- if we are not ready to  
18 vote on that today, if we can conduct a telephonic vote  
19 on this as soon as possible hereafter, so that we are  
20 not delaying the rest of the time line.

21 Anybody want to -- Commissioner Narasaki.

22 COMMISSIONER NARASAKI: Yes. Again, I  
23 really want to thank the staff and our staff, our  
24 special assistants on the hard work.

25 I think that in substance it is good but

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1 I know we had some unexpected health emergencies on  
2 staff this week and so it is not quite cleaned up. And  
3 I think it could benefit from getting some headings and  
4 a little bit of reorganization. So, it is more about  
5 sort of the format than the substance.

6 I don't know if that requires -- if we could  
7 vote on it and say we will go back and work with staff  
8 on that piece or whether we should hold off and do that.  
9 Because my understanding is we will likely need to have  
10 a call anyway to approve the Statutory Report Concept  
11 Paper.

12 CHAIRMAN CASTRO: Maureen, could you  
13 comment on the idea of maybe putting this off for a  
14 little bit while we do a vote telephonically?

15 I mean my preference is not to approve  
16 something that is not up to our standards yet. If we  
17 could do it at another point where we know what we have,  
18 that might be ideal. Can we -- is there a problem if  
19 we were to vote or we would put off the findings and  
20 recs to a vote, other than today, in terms of the time  
21 line for the Statutory Enforcement Report.

22 MS. RUDOPHLH: Are you proposing to change  
23 -- so, the remainder of the time line has to do with  
24 the time for statements and rebuttals. And so those  
25 would start to run, presumably from the vote on the

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1 findings and recommendations. Under the deadline that  
2 was previously passed, those are due, I believe, August  
3 15th for statements and then rebuttals are due  
4 September 15th. There is very, very little wiggle room  
5 in that schedule.

6 CHAIRMAN CASTRO: Presumably, though,  
7 folks would begin to write their statements today, now  
8 that we have the body of the Commission's report.

9 COMMISSIONER HERIOT: Commissioner  
10 Narasaki said that she thinks these are mainly just  
11 cleanup things. So, I would be happy to waive that and  
12 start the clock now.

13 CHAIRMAN CASTRO: Okay, that would be  
14 great. Yes, there might be some additional statements  
15 on there or the findings and recs, based on what North  
16 Carolina might say.

17 COMMISSIONER HERIOT: As long as we are  
18 not talking about major changes, I think we will be okay  
19 on this one.

20 CHAIRMAN CASTRO: Good. I just wanted to  
21 be sure we were on the same page.

22 So, do we need a motion on that?

23 COMMISSIONER HERIOT: Note that that is  
24 not a waiver from now until the history but just for  
25 this.

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1 CHAIRMAN CASTRO: So, that is motion -- do  
2 we need to vote on this waiver, Madam General Counsel?

3 COMMISSIONER HERIOT: I would prefer that  
4 we do vote on it just to prove that that is the thing  
5 that has to be done.

6 CHAIRMAN CASTRO: Okay. So, basically --  
7 would you restate your motion and we will get it  
8 seconded?

9 COMMISSIONER HERIOT: I move that we  
10 suspend our usual rule to date the statements from the  
11 date that we finally approve findings and  
12 recommendations and rather that we start the clock  
13 today, the day that we have approved it.

14 COMMISSIONER ACHTENBERG: Second.

15 CHAIRMAN CASTRO: Okay, any additional  
16 discussion on that? Let me take a vote.

17 Commissioner Kirsanow, how do you vote?  
18 Oh, I'm sorry, you recused yourself.

19 Commissioner Heriot, how do you vote?

20 COMMISSIONER HERIOT: Aye.

21 CHAIRMAN CASTRO: Commissioner Narasaki,  
22 how do you vote?

23 COMMISSIONER NARASAKI: Yes.

24 CHAIRMAN CASTRO: Commissioner Kladney,  
25 how do you vote?

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1 COMMISSIONER KLADNEY: Yes.

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

4 COMMISSIONER ACHTENBERG: Yes.

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

7 COMMISSIONER YAKI: Aye.

8 CHAIRMAN CASTRO: Madam Vice Chair, how do  
9 you vote?

10 VICE CHAIR TIMMONS-GOODSON: Yes.

11 CHAIRMAN CASTRO: And I vote yes, so it  
12 unanimous, with the exception of the recusal. So,  
13 great, thank you. That is what we will do then.

14 And when we get to the discussion of the  
15 2017 report, then we will figure out when we are going  
16 to do this call. I think we are going to -- okay.

17 So, great, thank you.

18 DISCUSSION AND VOTE ON COMMISSION STATEMENT ON  
19 SUPREME COURT'S 4-4 DECISION ON *UNITED STATES V.*

20 *TEXAS* AFFIRMING 5TH CIRCUIT COURT OF APPEALS

21 DECISION TO BLOCK DAPA (DEFERRED ACTION FOR  
22 PARENTS OF AMERICANS AND LAWFUL PERMANENT RESIDENTS)

23 PROGRAM AND EXPAND DACA (DEFERRED ACTION FOR  
24 CHILDHOOD ARRIVALS) PROGRAM

25 CHAIRMAN CASTRO: Next on the agenda is

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1 discussion and a vote on a statement regarding the  
2 Supreme Court's four-to-four decision in Texas, *U.S.*  
3 *v. Texas* on the DAPA/DACA.

4 I think you all received a final version  
5 of that statement. I would like to move for its  
6 approval. Is there a second?

7 COMMISSIONER HERIOT: I'm sorry, which?

8 CHAIRMAN CASTRO: The U.S. Commission on  
9 Civil Rights expresses a disappointment on the U.S.  
10 Supreme Court's ruling --

11 COMMISSIONER KLADNEY: I'll second that.

12 CHAIRMAN CASTRO: -- on DAPA and DACA. Is  
13 that Commissioner Kladney?

14 COMMISSIONER KLADNEY: Yes.

15 CHAIRMAN CASTRO: Okay. So moved and  
16 seconded. Any discussion?

17 COMMISSIONER HERIOT: Mr. Chairman?

18 CHAIRMAN CASTRO: Yes, Commissioner  
19 Heriot?

20 COMMISSIONER HERIOT: I would say this is  
21 a case about executive power, not about civil rights  
22 issues. That's not an issue within our jurisdiction.

23 Moreover, one should, in advocating for a  
24 broader or narrower interpretation of executive power,  
25 that should in no way be driven by one's view of the

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1 underlying substantive law, including one's views of  
2 civil rights policy. Once one has a theory of what  
3 executive power is in this area, it applies to  
4 everything. And that might be to narrow civil rights  
5 policy. It might be to broaden it. So, I think this  
6 letter is a mistake.

7 CHAIRMAN CASTRO: It is a statement, not  
8 a letter but --

9 COMMISSIONER HERIOT: Statement, fine.

10 CHAIRMAN CASTRO: Okay, anything else?  
11 If not, I am going to call the vote.

12 Commissioner Kirsanow, how do you vote?

13 COMMISSIONER KIRSANOW: No.

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

16 COMMISSIONER HERIOT: No.

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

19 COMMISSIONER NARASAKI: I vote yes.

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

22 COMMISSIONER KLADNEY: Yes.

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

25 COMMISSIONER ACHTENBERG: Yes.

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

3 COMMISSIONER YAKI: Aye.

4 CHAIRMAN CASTRO: Madam Vice Chair, how do  
5 you vote?

6 VICE CHAIR TIMMONS-GOODSON: Yes.

7 CHAIRMAN CASTRO: And I vote yes. It  
8 passes, six to two.

9 DISCUSSION AND VOTE ON COMMISSION STATEMENT ON  
10 SUPREME COURT DECISION ON *FISHER V. UNIVERSITY OF*  
11 *TEXAS AT AUSTIN* ALLOWING UNIVERSITIES TO CONTINUE  
12 CONSIDERING RACE AND ETHNICITY AS A FACTOR IN  
13 SELECTING INCOMING STUDENTS

14 CHAIRMAN CASTRO: Next, we have  
15 discussion and vote on the Commission Statement on  
16 decision in *Fisher v. Texas* by the Supreme Court. It  
17 allows  
18 universities to continue considering race and  
19 ethnicity as a factor in selecting incoming students.

20 So, I will move the approval of that. Is  
21 there a second?

22 COMMISSIONER ACHTENBERG: Second.

23 CHAIRMAN CASTRO: Any discussion? Any  
24 discussion?

25 Okay, hearing none, then I will call for

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1 a roll call vote.

2 Commissioner Kirsanow, how do you vote?

3 COMMISSIONER KIRSANOW: No.

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

6 COMMISSIONER HERIOT: No.

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. It  
23 passes six to two.

24 STATEMENT REGARDING CONDOLENCES TO THE FAMILIES

25 OF THE VICTIMS OF RECENT TRAGIC SHOOTINGS

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1 CHAIRMAN CASTRO: Okay, next we have a  
2 vote on a Statement of Condolences to the families and  
3 victims of the recent tragic shootings in Minnesota,  
4 Louisiana, and Dallas. That has been circulated  
5 previously to everyone. I will move the approval of  
6 that. Is there a second?

7 VICE CHAIR TIMMONS-GOODSON: Second.

8 CHAIRMAN CASTRO: Okay, any discussion?  
9 Any discussion? Okay, hearing none, then I will call  
10 for a vote on this. Commissioner Kirsanow, how do you  
11 vote?

12 COMMISSIONER KIRSANOW: No.

13 CHAIRMAN CASTRO: No? Commissioner  
14 Heriot, how do you vote?

15 COMMISSIONER HERIOT: I'm sorry, I got  
16 mixed up on this and haven't - I'm not sure I've read  
17 through this, so I'm going to pass.

18 CHAIRMAN CASTRO: Okay.

19 COMMISSIONER HERIOT: I may have to  
20 abstain -

21 CHAIRMAN CASTRO: Okay.

22 COMMISSIONER HERIOT: - or vote no even.

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

25 COMMISSIONER NARASAKI: I vote yes.

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

3 COMMISSIONER KLADNEY: Yes.

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

6 COMMISSIONER ACHTENBERG: Yes.

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

9 COMMISSIONER: YAKI: Aye.

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

12 VICE CHAIR TIMMONS-GOODSON: Yes.

13 CHAIRMAN CASTRO: And I vote yes.  
14 Commissioner Heriot?

15 COMMISSIONER HERIOT: I'm not through it  
16 yet. I'm going to pass to pass, I mean have to abstain.

17 CHAIRMAN CASTRO: Abstain, okay, so the  
18 motion passes, six yeses, one abstention, and one no.

19 STATEMENT COMMEMORATING JUSTICE THURGOOD MARSHALL

20 CHAIRMAN CASTRO: Next is a vote on a  
21 statement commemorating Justice Thurgood Marshall. I  
22 think Commissioner Kladney, that was yours. Do you  
23 want to make a motion on that?

24 COMMISSIONER KLADNEY: Yes, I move that we  
25 adopt this statement and ask the Commission to pass it.

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1 It's hard for me to talk right now because I'm like in  
2 a place getting Wi-Fi, so.

3 CHAIRMAN CASTRO: Okay, got it. Is there  
4 a second?

5 PARTICIPANT: Second.

6 CHAIRMAN CASTRO: Okay, any discussion?  
7 Commissioner Heriot?

8 COMMISSIONER HERIOT: Yeah, I think  
9 there's an error here. I'm not certain of this, but  
10 I think it's an error.

11 CHAIRMAN CASTRO: All right.

12 COMMISSIONER HERIOT: In that last full  
13 paragraph, it says he represented and won more cases  
14 before the Supreme Court than any other American. I  
15 don't think that's correct. I was doing a quick Google  
16 before the meeting and saw that at the very least, Paul  
17 Clement had argued so many more cases, that he would  
18 have have to have had a terrible batting average not  
19 to have won more.

20 I think there have been a number of people  
21 like Justice Marshall who had been Solicitor General  
22 which, you know, when you've been Solicitor General,  
23 you get to argue a lot of cases, and I think maybe that  
24 figure saying that he's argued more and won more for  
25 Justice Marshall may be out of date, and I think the

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1 sentence can be dropped.

2 CHAIRMAN CASTRO: Commissioner Kladney,  
3 would you have a problem with the deletion of that  
4 sentence?

5 COMMISSIONER KLADNEY: No, I wouldn't.

6 CHAIRMAN CASTRO: All right, so we'll  
7 consider that a friendly amendment. Anything else?  
8 Hopefully that means you're going to vote for this,  
9 Gail. Any other discussion? Madam Vice Chair, no?  
10 Okay, so then what we'll do is we'll take a vote on this.  
11 Commissioner Kirsanow, how do you vote?

12 COMMISSIONER KIRSANOW: Yes.

13 CHAIRMAN CASTRO: Yes, great.  
14 Commissioner Heriot, how do you vote?

15 COMMISSIONER HERIOT: Yes.

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

18 COMMISSIONER NARASAKI: I was going to  
19 abstain, but if Pete and Gail are voting yes, I feel  
20 I need to make it unanimous.

21 CHAIRMAN CASTRO: Good.

22 COMMISSIONER NARASAKI: So I vote yes.

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

25 COMMISSIONER KLADNEY: Yes.

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

3 COMMISSIONER ACHTENBERG: Yes.

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

6 COMMISSIONER YAKI: Any chance I have to  
7 vote yes with Commissioners Kirsanow and Heriot is a  
8 rare alignment of the stars, so yes.

9 COMMISSIONER HERIOT: Per.

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

12 VICE CHAIR TIMMONS-GOODSON:  
13 Enthusiastic yes.

14 CHAIRMAN CASTRO: And I vote yes. You  
15 see, there still is bipartisanship in America. So the  
16 motion passes unanimously. All right, let's see what  
17 we have next here. Next -

18 COMMISSIONER KLADNEY: Mr. Chair?

19 CHAIRMAN CASTRO: Yes, sir?

20 COMMISSIONER KLADNEY: I just wanted to  
21 report a news report that I saw that hell has, in fact,  
22 frozen over.

23 CHAIRMAN CASTRO: Oh, wow, okay. With  
24 the weather like it is now, that's a special, special  
25 happening. Let's hope it stays that way for a while,

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1 but I get the sense it's going to warm up on the next  
2 one.

3 STATEMENT RE: SUPREME COURT DECISION

4 CHAIRMAN CASTRO: Next, we have a motion  
5 on the statement on the recent Supreme Court decision  
6 in Dollar General v. Mississippi Band of Choctaw  
7 Indians. Commissioner Kladney, this was your motion,  
8 so would you like to make that motion?

9 COMMISSIONER KLADNEY: Yes, I'd like to  
10 move that we adopt the statement by the Commission.

11 CHAIRMAN CASTRO: Is there a second?

12 COMMISSIONER ACHTENBERG: Second.

13 CHAIRMAN CASTRO: It was seconded by  
14 Commissioner Achtenberg. Any discussion?

15 COMMISSIONER HERIOT: Mr. Chairman?

16 CHAIRMAN CASTRO: Yes, Commissioner  
17 Heriot?

18 COMMISSIONER HERIOT: You know, this is a  
19 case that, again, is outside our jurisdiction. As you  
20 know, it's about the jurisdiction of domestic dependent  
21 sovereignties. This is pretty far off from what we're  
22 supposed to be doing.

23 CHAIRMAN CASTRO: The ice has melted, but  
24 very thoughtful. Thank you. Anybody else? I know  
25 one thing, that this statement, unlike the others,

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1 doesn't have a title, so we probably should get it one.  
2 I'll leave that to staff. Commissioner Narasaki?

3 COMMISSIONER NARASAKI: I respectfully  
4 disagree with Commissioner Heriot. I think that for  
5 Native American issues, the issue of sovereignty is  
6 actually critical to the protection of their civil  
7 rights, so I feel that this is an important statement  
8 to make.

9 COMMISSIONER HERIOT: I cite Morton v.  
10 Mancari for why this is not our issue.

11 CHAIRMAN CASTRO: Okay, any other  
12 comments? Hearing none, then we'll take a vote on  
13 this. Commissioner Kirsanow, how do you vote?

14 COMMISSIONER KIRSANOW: No.

15 CHAIRMAN CASTRO: Commissioner Heriot,  
16 how do you vote?

17 COMMISSIONER HERIOT: No.

18 CHAIRMAN CASTRO: Commissioner Narasaki,  
19 how do you vote?

20 COMMISSIONER NARASAKI: Yes.

21 CHAIRMAN CASTRO: Commissioner Kladney,  
22 how do you vote?

23 COMMISSIONER KLADNEY: Yes.

24 CHAIRMAN CASTRO: Commissioner  
25 Achtenberg, how do you vote?

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1 COMMISSIONER ACHTENBERG: Yes.

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

4 COMMISSIONER YAKI: Aye.

5 CHAIRMAN CASTRO: Madam Vice Chair, how do  
6 you vote?

7 VICE CHAIR TIMMONS-GOODSON: Aye.

8 CHAIRMAN CASTRO: And I vote yes. The  
9 motion passes six to two.

10 LETTER TO DEPT OF JUSTICE INSPECTOR GENERAL

11 CHAIRMAN CASTRO: Okay, next we have on  
12 the agenda a discussion and vote on a letter to the  
13 Department of Justice Inspector General regarding  
14 Chinese-American prosecutions. Commissioner  
15 Narasaki, that's your motion. Would you make that,  
16 please?

17 COMMISSIONER NARASAKI: Yes, I move that  
18 we send a letter to the Department of Justice as a follow  
19 up to the letter we sent concerning our concerns about  
20 the potential for racial profiling in the investigation  
21 of Asian-American scientists.

22 CHAIRMAN CASTRO: Is there a second?

23 COMMISSIONER ACHTENBERG: Second.

24 CHAIRMAN CASTRO: Okay, Commissioner  
25 Achtenberg seconds. Any discussion? Any discussion?

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1                   COMMISSIONER NARASAKI: So, Mr. Chair, I  
2 did provide sort of the background information and an  
3 update to the Commissioners about what has happened  
4 since we last sent our - sent our first letter. I do  
5 note that we did not ever receive, as far as I know,  
6 a formal response from the Department of Justice to that  
7 letter.

8                   And I do like to at least take partial  
9 credit for the fact that the Department of Justice has  
10 announced some additional safeguards to ensure that  
11 this doesn't happen, including doing some implicit bias  
12 training.

13                   But I think it's important for them to  
14 actually have an independent investigation to make sure  
15 that all of the moves that they're making are going to  
16 be sufficient to ensure that people are not arrested,  
17 and with such a serious charge as espionage, without  
18 there really being sufficient work in advance to make  
19 sure that they are not making a mistake. And in the  
20 cases that we cite, there were sort of glaring errors  
21 that really they could have caught before it went as  
22 far as it did.

23                   CHAIRMAN CASTRO: Okay, thank you,  
24 Commissioner Narasaki for the background on that. Any  
25 questions or comments before we vote? Hearing none,

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1 I will call the roll. Commissioner Kirsanow, how do  
2 you vote?

3 COMMISSIONER KIRSANOW: No.

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

6 COMMISSIONER HERIOT: I abstain.

7 CHAIRMAN CASTRO: Okay, Commissioner  
8 Narasaki, 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. The  
23 motion passes with six yeses, one abstention, and one  
24 no. Okay, thank you. That's a record number of

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1 statements. I'm pleased that we're making our voice  
2 heard. Our new public affairs staff will ensure that  
3 these get out appropriately to the media and our  
4 stakeholders. Thank you.

5 **C. STATE ADVISORY COMMITTEES**

6 TENNESSEE

7 CHAIRMAN CASTRO: Next on the agenda we  
8 have two advisory committees that are up for  
9 consideration. So let me first make a motion that the  
10 Commission appoints the following individuals to the  
11 Tennessee State Advisory Committee based upon the  
12 recommendation of our staff director: Diane Di Lanni,  
13 Gail Seavey, Eliud Trevino, Tiffany Fox, Joseph Gregory  
14 Grisham, Katrina Donaldson, Franklin Sicou, Daniel  
15 Horwitz, Brian Krumm, Frank Meeuwis, Shaka Mitchell,  
16 Justin Owen, John Pointer, Amy Sayward, Harold Black,  
17 Valerie Vojdik, and Yesha Yadav.

18 Pursuant to this motion, the Commission  
19 appoints Diane Di Lanni as Chair of the Tennessee State  
20 Advisory Committee. These members will serve as  
21 uncompensated government employees. Under this  
22 motion, the Commission authorized the staff director  
23 to execute the appropriate paperwork for appointments.  
24 Is there a second?

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1 COMMISSIONER NARASAKI: I second.

2 CHAIRMAN CASTRO: Okay, thank you. Is  
3 there any discussion? Hearing none, I'll call the  
4 roll. Commissioner Kirsanow, how do you vote?

5 COMMISSIONER KIRSANOW: Yes.

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

8 COMMISSIONER HERIOT: I'm voting yes on  
9 this one.

10 CHAIRMAN CASTRO: Good. Commissioner  
11 Narasaki, how do you vote?

12 COMMISSIONER NARASAKI: Yes.

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

15 COMMISSIONER KLADNEY: Yes.

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

18 COMMISSIONER ACHTENBERG: Yes.

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

21 COMMISSIONER YAKI: Aye.

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

24 VICE CHAIR TIMMONS-GOODSON: Yes.

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1                   CHAIRMAN CASTRO:   And I vote yes.   The  
2   slate passes unanimously.   Thank you.

3   IDAHO

4                   CHAIRMAN CASTRO:   I am now going to move  
5   that the Commission appoint the following individuals  
6   to the Idaho State Advisory Committee based upon the  
7   recommendation of our staff director: Marshall Mend,  
8   Richard Cummings, Dina Flores-Brewer, Margie Gonzalez,  
9   Stephen Smith, Scott Yenor, Rudolph Wilson, Paulette  
10   Jordan, Patricia Carter-Goodheart, Michael Riley,  
11   Peter Optekar, Dilshani Sarathchandra, and Shaakirrah  
12   Sanders.

13                                       Pursuant to this motion, the Commission  
14   appoints Marshall Mend as Chair of the Idaho State  
15   Advisory Committee.   These members will serve as  
16   uncompensated government employees.   Under this  
17   motion, the Commission authorizes the staff director  
18   to execute the appropriate paperwork for the  
19   appointments.   Is there a second?

20                                       COMMISSIONER ACHTENBERG:   I second, Mr.  
21   Chair.

22                                       CHAIRMAN   CASTRO:           Any discussion?  
23   Hearing none, let me take the roll.   Commissioner  
24   Heriot, how do you vote?

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1 COMMISSIONER HERIOT: I'm going to vote  
2 yes on this one, too.

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

5 COMMISSIONER KIRSANOW: Yes.

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

8 COMMISSIONER NARASAKI: Yes, and I want to  
9 thank the staff for the work that they're really doing  
10 in putting together such balanced and diverse slates.

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

13 COMMISSIONER KLADNEY: Yes.

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

16 COMMISSIONER ACHTENBERG: Yes.

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

19 COMMISSIONER YAKI: Aye.

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

22 VICE CHAIR TIMMONS-GOODSON: Yes.

23 CHAIRMAN CASTRO: And I vote yes, another  
24 unanimous performance. Thank you all. That motion

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1 passes, great, and I think it's also a tribute to this  
2 new process that we have in place with the new AI so  
3 that to the extent there are issues, that we have a  
4 process to deal with them, so thank you everybody for  
5 the efforts to realize what we see today.

6 CHAIR OF OKLAHOMA ADVISORY COMMITTEE REPORT

7 And speaking of state advisory committees,  
8 we're very fortunate, today, to have another one of our  
9 state advisory chairs present. As you know, we've  
10 started to make this a regular feature of our board  
11 meetings where we on a regular basis hear from chairs  
12 of state advisory committees and members of state  
13 advisory committees in charge of the particular project  
14 on those works.

15 And today, we're very happy to have  
16 telephonically with us Chairman Vicki Limas of the  
17 Oklahoma State Advisory Committee who is going to speak  
18 to us a bit about their new report, "Civil Rights and  
19 the School to Prison Pipeline in Oklahoma," which all  
20 Commissioners had previously received a copy. I hope  
21 you've had a chance to take a look at it. But Chair  
22 Limas, I want to welcome you to our meeting and give  
23 you the floor.

24 MS. LIMAS: Thank you, Chairman Castro and

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1 the rest of the Commissioners. I'm very, very happy  
2 and honored to be here, and I want to thank you for this  
3 experience. This is my first experience with the U.S.  
4 Commission on Civil Rights. I was not at all familiar  
5 with the subject matter of our project until we started  
6 getting into it, and I learned a great deal from my  
7 colleagues on the committee, and the panelists, as well  
8 as the public witnesses.

9 We had a very diverse and engaged  
10 committee. We developed a very collegial working  
11 relationship. We have, almost all of us, expressed the  
12 desire to continue to work, and we look forward to  
13 working together on our next project.

14 I'd also like to thank Melissa Wojnaroski,  
15 and the interns, and the staff of the regional office  
16 for their very expert help with us. They had excellent  
17 knowledge, professionalism, and communications  
18 ability.

19 They readily answered our questions and  
20 assisted us administratively. We feel they helped us  
21 draft an excellent report from an outline that the  
22 committee created, and all of the committee members  
23 praised the quality of the research and writing in the  
24 report.

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1           Before I summarize the project's finding  
2           and conclusions, I want to tell you a bit about how we  
3           chose this project, and determined its scope, and as  
4           well as some of the response that we have received to  
5           the project just thus far.

6           About five or six topics were proposed by  
7           individuals on the committee which mainly reflected  
8           their own interests and areas of expertise. Included  
9           among these were perceived civil rights issues arising  
10          from Oklahoma's education and prison systems, but it  
11          was difficult to narrow down those topics into  
12          manageable pieces for study.

13          The school to prison pipeline topic  
14          however, resonated with everyone. It touched on  
15          elements of both, yet it was sufficiently manageable.  
16          It also reflected a core civil rights concern. In that  
17          data, it undeniably indicates that students of color,  
18          male students, and students with disabilities are more  
19          frequently disciplined in a manner that moves them from  
20          school into the juvenile and adult justice systems.

21          The committee, however, perceived the  
22          different variables underlie discrimination based on  
23          race, discrimination based on gender, and  
24          discrimination based on disability. We felt that we

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1       lacked sufficient time to investigate all three, and  
2       chose to exclude live witnesses' testimony on  
3       disabilities.

4               Nevertheless, once the project was  
5       publicized, disability advocates were present during  
6       phone meetings and during the hearings, and continually  
7       urged us to include their voices in our report. We  
8       therefore accepted written testimony and heard public  
9       testimony from those advocates, and included some of  
10      that in our report.

11             I also wanted to make you aware of the  
12      extraordinary public interest our project generated.  
13      During the in-person hearing in Oklahoma City, I  
14      estimated that all throughout the day, there were at  
15      least 10 to 25 members of the public present, many of  
16      whom stayed throughout the entire day, and a number of  
17      whom testified. Many of our own panel witnesses stayed  
18      throughout the day.

19             We also received significant positive  
20      publicity on our report. A committee member was  
21      interviewed on the CBS affiliate in Oklahoma City. A  
22      panelist, one of our witnesses, blogged about the  
23      report, and the Commission received a letter from a  
24      concerned individual from Moore, Oklahoma who had read

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1 the report and characterized it as, "a truly accurate  
2 assessment of schools in this state, especially in  
3 Moore, Oklahoma." She concluded by saying, "Thank you  
4 for the fabulous report. I just hope schools listen  
5 and make changes."

6 And finally, as you know, and as indicated  
7 in the 2014 Dear Colleague letters by the Departments  
8 of Education and Justice referenced in our report, the  
9 school to prison pipeline civil rights issues are not  
10 unique to Oklahoma. There are national issues. And  
11 indeed, your Indiana Advisory Committee recently  
12 studied this topic as well.

13 And just a brief definition from our report  
14 as to what school to prison pipeline means, a social  
15 phenomenon where legal policies, education policies,  
16 and social constructs funnel struggling children from  
17 schools to jails and prisons. Oklahoma ranks first in  
18 the nation according to the research that we've done  
19 in rates of expulsion from schools, 104 students for  
20 every 10,000.

21 As to our finding and recommendations,  
22 which are on page 30 of the report, we found a number  
23 of common themes throughout the testimony. One was  
24 that students who are caught up in the system also, for

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1 the most part, are victims of poverty. There is  
2 disproportionately more students of color who are in  
3 poverty compared with white children in Oklahoma.

4 Children in poverty may experience delays  
5 in cognitive development due to high stress situations  
6 created by poverty, such as lack of food, shelter, or  
7 stability. This can result in delays in academic  
8 performance or in behavior issues such as acting out  
9 in class.

10 Schools where students in poverty are  
11 enrolled must provide for students' basic needs that  
12 are not being met at home in order to make classroom  
13 learning effective. However, due to current public  
14 school funding structures, schools with the highest  
15 need students often have the fewest resources to  
16 support those students.

17 Students not receiving support may act out  
18 in the classroom, and educators who face many  
19 conflicting demands on the job may use exclusionary  
20 disciplinary measures to make classroom environments  
21 more productive for other students.

22 Another theme we found was implicit bias  
23 defined as the unconscious attitudes or beliefs held  
24 by an individual. Research shows that behavior and

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1 actions resulting from this cognition are more likely  
2 to occur when individuals are fatigued and must make  
3 decisions quickly under great pressure. This could  
4 include a teacher needing to abruptly stop a lesson to  
5 manage a disciplinary issue in the classroom, or a  
6 school resource officer attempting to de-escalate a  
7 potentially dangerous situation.

8 Black children are often perceived as  
9 older and more dangerous than their white counterparts.  
10 Subsequently, those black students may not be afforded  
11 the same understanding from teachers, administrators,  
12 or juvenile justice workers that their white peers  
13 obtain. Panelists testified that this could lead to  
14 these students being over-represented in juvenile  
15 justice systems despite their presenting similar  
16 behaviors as white students.

17 The committee also heard testimony about  
18 how implicit bias affects response to behaviors of  
19 black students versus the behavior of white students.  
20 While white students are more frequently disciplined  
21 for engaging in objective behaviors such as smoking or  
22 graffiti, black students are often punished for more  
23 -- and I believe this word should be subjective rather  
24 than objective in Part C -- subjective behaviors such

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1 as class disruption or dress code violations.

2 And while implicit bias is by definition  
3 unconscious, the panel has suggested that school  
4 officials and teachers should receive training in  
5 implicit bias recognition to mitigate the disparate  
6 effects of these biases on various student populations.

7 Another theme was exclusionary  
8 disciplinary policies such as expulsions and  
9 suspensions, and those may lead, of course, to high  
10 rates of juvenile involvement in the criminal justice  
11 system, particularly for youth of color and youth with  
12 disabilities. Experts testified that students who are  
13 excluded from their learning environment disengage  
14 from school.

15 The practices that disproportionately  
16 exclude youth with color and youth with disabilities  
17 could result in students struggling to find opportunity  
18 for achievement or a career path. Students may instead  
19 engage in harmful or unproductive activities which  
20 pushes them into the justice system.

21 Students with disabilities, the  
22 suspension rates for students is double that rate of  
23 the suspension rate for all students. Whether these  
24 are learning disabilities or emotional disabilities,

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1 these students are disproportionately represented in  
2 the justice system.

3 Inmates in prisons have a much lower level  
4 of literacy than the general public, and ensuring that  
5 students with learning disabilities are reading at an  
6 appropriate grade level could be a protective factor  
7 for those youth, helping them stay out of the criminal  
8 justice system.

9 We also had panelists who spoke on issues  
10 concerning Native American students. And as you know,  
11 there is high populations of Native American students,  
12 even in our urban schools in Oklahoma. One expert  
13 testified that they are 1.7 times more likely to be  
14 referred to law enforcement than other students of  
15 color, and 2.6 times more likely than white students  
16 to be referred.

17 We heard from panelists who expressed  
18 concern that Native students are pushed out of school  
19 through harsh discipline policies and exclusionary  
20 practices that are not culturally relevant and do not  
21 make use of traditional supports. This continues the  
22 cycle of despair, poverty, and trauma that's already  
23 had a great impact on Native communities, and increases  
24 the mistrust of the public education system.

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1           Discipline policies and school services  
2 aren't coordinated between tribal leaders in schools.  
3 An increase in tribal involvement in Native students'  
4 education could help them feel more connected to their  
5 school and lead to better academic outcomes.

6           So in response to these concerns, we offer  
7 the following recommendations to the Commission.  
8 Basically, we ask that you issue formal recommendations  
9 to both the Department of Education and the Department  
10 of Justice.

11           With regard to the Department of  
12 Education, we recommend that the Department's Office  
13 of Civil Rights conduct a national study on the impact  
14 of poverty on disparities in educational outcomes on  
15 the basis of race or color.

16           If law enforcement officers are working in  
17 schools -- and our committee, did have some discussion.  
18 Some felt that this is a necessary adjunct to our  
19 schools. Some did not, but if enforcement officers are  
20 working in schools, the Department should establish  
21 uniform licensing requirements to ensure that those law  
22 enforcement officers are properly trained and equipped  
23 to respond in an age appropriate manner with children.  
24 Applicable training should include strategies for

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1 recognizing and overcoming implicit bias.

2 The Department should require that states  
3 impose mandatory reforms to disciplinary policies for  
4 schools that demonstrate significant disparities in  
5 disciplinary actions on the basis of race, color, or  
6 disability. According to the Office of Civil Rights  
7 data collection, such reforms may be based on the  
8 Department's 2014 guiding principles resource guide  
9 for improving school climate and discipline.

10 The Department should require that  
11 districts engage in continuous shared educational  
12 planning between alternative schools or juvenile  
13 detention facilities and a child's home school to  
14 ensure that there is continuity in a child's education.

15 The Department should examine and  
16 recommend an expansion of evidence-based restorative  
17 justice and other alternative disciplinary models to  
18 reduce exclusionary discipline without creating a  
19 school disciplinary climate where no discipline occurs  
20 to avoid public censure. So we had heard testimony  
21 that suspensions were curtailed or other discipline was  
22 curtailed for fear of getting bad marks when some  
23 discipline was certainly warranted.

24 The Department's Office of Indian

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1 Education should provide guidance on how school  
2 districts can effectively consult with tribal  
3 governments to serve Native American students, and the  
4 Department should require ongoing anti-bias and  
5 cultural competency training as a condition of  
6 licensure for teachers and school administrative  
7 personnel.

8 With regard to the Department of Justice,  
9 the Department's Office of Juvenile Justice and  
10 Delinquency Prevention should examine educational  
11 outcomes and disparities on the basis of race, color,  
12 sex, and disability among youth who reside in juvenile  
13 detention and correctional facilities, and the  
14 Department should require mandatory all staff training  
15 on recognizing and overcoming implicit bias in its  
16 juvenile detention and correctional facilities.

17 And as you see, we believe these  
18 recommendations would endure to the benefit of every  
19 state, and not just Oklahoma, so that's the end of my  
20 report.

21 CHAIRMAN CASTRO: Thank you, Madam  
22 Chairman. I'll ask you a few questions and then open  
23 it up to my colleagues if they have any, and then at  
24 the end of that, I'm going to make a motion that we

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1 follow up with your recommendations.

2 In your findings on -- and by the way, this  
3 is an excellent report. This does fit into really a  
4 pattern of reports that we've received during the  
5 course of my chairmanship on this issue from a number  
6 of states across the country, including the South and  
7 the Southeast, so it's unfortunate that this is not  
8 isolated and is clearly prevalent throughout the  
9 country.

10 You talk about, in your discussion of  
11 poverty, that the school's funding system in Oklahoma  
12 perpetuates some of these inequities, and it's  
13 interesting because, actually, a lot of what you're  
14 talking about in your report connects to many of the  
15 other reports that we're working on. We're doing one  
16 on that very topic. We're also working on issues  
17 related to Native American civil rights.

18 And even in the issue of use of force that  
19 we're working on, we see the implicit bias in some of  
20 the reporting of the perceptions of black children as  
21 being older, all relate to various topics. It was  
22 interesting how this is -- you know, you can't look at  
23 this in isolation. But as it relates to your school  
24 funding system, what is that like in Oklahoma?

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1 MS. LIMAS: Well, right now, it's not very  
2 good. It's the, I believe the -- and I apologize if  
3 I may not be quite accurate, but I believe the funding  
4 was kept at the same level, but there are certain  
5 problems that individual schools are having in having  
6 to make cuts in certain areas.

7 As you know, our state was very highly  
8 dependent on the oil and gas industry, which is not  
9 doing well right now, to say the least, and that has  
10 affected funding across the state, and particularly  
11 school funding.

12 CHAIRMAN CASTRO: Is some of it based on  
13 property taxes or is it based on various other factors?  
14 Do you know? If you know.

15 MS. LIMAS: I believe it is based on  
16 property taxes. There was testimony that we had heard  
17 that a lot of these inner-city schools in particular  
18 just do not have, you know, a strong enough tax base  
19 to support their needs.

20 CHAIRMAN CASTRO: And you also, or the  
21 Committee finds that the suspension rate for students  
22 with disabilities is double the rate of that for all  
23 other students, so that's students with disabilities  
24 regardless of their race or ethnicity, right?

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1 MS. LIMAS: That's correct, and that's one  
2 of the problems that we found trying to parse this out  
3 because there is, you know, factors. I mean, the  
4 disability issue certainly crosses color and ethnicity  
5 lines.

6 CHAIRMAN CASTRO: Right, and on the issue  
7 of the Native American students, when you're looking  
8 at the school discipline policies, are you looking at  
9 those of just the traditional public schools or also  
10 at schools that are on the reservations?

11 MS. LIMAS: We looked at traditional  
12 public schools. Oklahoma, there are some Indian  
13 schools in Oklahoma. They tend to be at the college  
14 level. Oklahoma does not have, except for the Osage  
15 tribe, a reservation, but we -- our testimony focused  
16 on public schools, and particularly one of the experts,  
17 Dr. Yellowfish, was a counselor for the Oklahoma City  
18 Public Schools, and she worked specifically with Indian  
19 children.

20 CHAIRMAN CASTRO: Well, I would ask our  
21 staff to take note of this and see how we might be able,  
22 even if it's by way of footnote, I think, include this  
23 in our crisis report. I think it's relevant. Are  
24 there any other questions for --

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1 COMMISSIONER KLADNEY: Mr. Chairman?

2 CHAIRMAN CASTRO: Commissioner  
3 Achtenberg, then Commissioner Kladney.

4 COMMISSIONER ACHTENBERG: Madam  
5 Chairman, I was wondering whether or not the status of  
6 LGBT children was examined at all in terms of  
7 disproportionate disciplinary factors?

8 MS. LIMAS: No, ma'am, unfortunately we  
9 did not include that in our study as well. We had all  
10 we could do to take a day-and-a-half of testimony on  
11 the issues that we --

12 COMMISSIONER ACHTENBERG: Sure.

13 MS. LIMAS: -- that we covered, but that is  
14 certainly -- as a matter of fact, one young man who was  
15 in the audience in Oklahoma City was a law student. We  
16 had our hearing at the Oklahoma City University Law  
17 School, and he raised a number of those issues in his  
18 testimony, which was noted, and we understand that that  
19 is another area for further study.

20 COMMISSIONER ACHTENBERG: Sure, thank you  
21 very much.

22 CHAIRMAN CASTRO: Commissioner Kladney?

23 COMMISSIONER KLADNEY: Madam Chairwoman,  
24 I'd like to thank you for your excellent report and your

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1 committee's work on this, and I'd like to thank you for  
2 lending some serious focus to Native Americans and that  
3 situation in school.

4 I would like to ask you, you did mention  
5 something about, I believe, the school police. Has  
6 this -- were you able to find whether adding policemen  
7 to schools changed the disciplinary outcome versus  
8 having administrators bring discipline to students?  
9 If I made that question clear, I don't know.

10 MS. LIMAS: I believe so, because if I  
11 understand you correctly, I mean, we did hear some  
12 testimony that properly trained police officers or  
13 security, non-administrative security personnel in  
14 schools did help discipline, but the stress was on  
15 properly trained.

16 And much of the testimony said that, you  
17 know, having just a police presence or a police state  
18 kind of atmosphere, I don't know if those terms were  
19 used, but just a heavy policing presence didn't do a  
20 lot in and of itself to help the problem, but the --

21 I believe former Superintendent Ballard of  
22 the Tulsa Public Schools said that there -- they train  
23 their own security officers through the Tulsa Public  
24 Schools, and he testified that that was effective, but

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1 he stressed the training.

2 COMMISSIONER KLADNEY: Several state  
3 advisory commissions have taken up this subject. Do  
4 you believe that we need more attention put onto this  
5 subject, say if the United States Commission of Civil  
6 Rights held a hearing on this matter, whether there is  
7 more information to be gotten, or gained rather?

8 MS. LIMAS: Well, I would think so, and I  
9 think just the fact, as you say, that so many states  
10 have taken up this issue, and it certainly would help  
11 to be addressed on a national basis. And the fact that  
12 there are so many problems in the various states, and  
13 that the phenomenon exists, I think, would warrant a  
14 national look at this.

15 COMMISSIONER KLADNEY: Thank you very  
16 much, Madam Chairwoman.

17 MS. LIMAS: Thank you.

18 CHAIRMAN CASTRO: Any other questions?  
19 Madam Vice Chair and then Commissioner Narasaki.

20 VICE CHAIR TIMMONS-GOODSON: Yes, I too  
21 thank you, Madam Chairwoman, for your excellent work  
22 on this. Many have asserted that in connection with  
23 school discipline that school administrators have  
24 abdicated their responsibility to school resource

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1 officers to, essentially, to police, and some  
2 jurisdictions in an effort to address that have clearly  
3 set out written policies of when school resource  
4 officers are to be brought into a particular  
5 disciplinary problem.

6 I was wondering whether you looked at, or  
7 investigated, or heard any testimony at all with regard  
8 to whether there's a written policy clearly setting out  
9 when it is that the school resource officers or the law  
10 enforcement would be brought in?

11 MS. LIMAS: Yes, ma'am. I don't recall  
12 specific testimony, and unfortunately, I'm sorry I  
13 didn't have time to review all of the testimony before  
14 my appearance before you today, but if I remember  
15 correctly, the Oklahoma City School District was  
16 working on that, or perhaps, had such rules.

17 But we did indeed hear testimony to the  
18 effect that you mentioned about administrators  
19 abdicating to police or security, if you will, and that  
20 this was not a desirable situation, that the schools  
21 themselves should take this on themselves and only  
22 refer very dangerous situations to the police.

23 VICE CHAIR TIMMONS-GOODSON: Thank you.

24 CHAIRMAN CASTRO: Commissioner Narasaki?

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1                   COMMISSIONER NARASAKI:    Yes, I add my  
2                   appreciation to the chorus here.  I think it is a  
3                   fabulous report.  I just have a couple of questions  
4                   somewhat along the lines of Commissioner Kladney.  I  
5                   note that the disability issue came up even though it  
6                   was not something that you were able to focus on given  
7                   the nature of the problem.

8                   I'm wondering if you feel like, based on  
9                   what you heard, that the issue of disability and the  
10                  prison pipeline issue is something that is needing  
11                  exploring by the U.S. Commission on Civil Rights?

12                  MS. LIMAS:  I would say so, yes.  I'm not  
13                  necessarily speaking for the committee, but just from  
14                  what I heard, there is -- I believe there would have  
15                  been enough investigatory material that we could have  
16                  sifted through that might have taken us at least a  
17                  half-day or a full day of testimony just on that issue  
18                  of disability.

19                  And I do believe that, you know,  
20                  particularly given the statistics that we received from  
21                  the disability advocates, that this is a very grave  
22                  problem and that students are falling through and  
23                  ending up in the justice system simply because they  
24                  can't engage intellectually.  They can't even learn to

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1 read properly, and therefore, can't proceed through the  
2 education system.

3 COMMISSIONER NARASAKI: Thank you, and  
4 the second question I had, because I do think it is  
5 really an important report, is what kind of  
6 distribution you've already been able to do and -- to  
7 try to determine what kind of distribution we could help  
8 do at the national level?

9 MS. LIMAS: Well, I think it would be  
10 helpful to publicize the report to all of the school  
11 districts within Oklahoma. I know one of our committee  
12 members was very concerned throughout, and there is a  
13 paragraph toward the beginning on are we seeing this  
14 in the rural schools because Oklahoma basically has  
15 three large urban settings or urban populations.

16 And I think it would be very helpful, and  
17 particularly given the response that we've seen just  
18 from people who have seen the report already, that I  
19 think would be very helpful to get this distributed to  
20 all of the school districts within Oklahoma, and then  
21 to just add our report to the chorus of work that's being  
22 done on this issue in other states.

23 COMMISSIONER NARASAKI: And have you  
24 already delivered it to your Congressional delegation?

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1 MS. LIMAS: We are in the process of doing  
2 that.

3 COMMISSIONER NARASAKI: Fabulous.

4 MS. LIMAS: Yes, again --

5 COMMISSIONER NARASAKI: Perhaps I could  
6 --

7 MS. LIMAS: I'm sorry, excuse me, I didn't  
8 mean to interrupt you. Melissa and her wonderful staff  
9 are getting things together for us and we are in the  
10 process of doing that.

11 COMMISSIONER NARASAKI: Great, and I  
12 would like to also suggest to staff if we haven't  
13 already, that we share it with some of the education  
14 stakeholders like the National Education Association  
15 and the American Federation of Teachers.

16 MS. LIMAS: Yes, and we did have panelists  
17 from those organizations as well.

18 COMMISSIONER KLADNEY: Mr. Chairman?

19 CHAIRMAN CASTRO: Commissioner Kladney?

20 COMMISSIONER KLADNEY: Kladney here. I  
21 was wondering maybe if perhaps if our staff decides just  
22 distributing it to the school districts in Oklahoma,  
23 if we might be able to just email the principals of all  
24 of the schools. I'm sure that email list is available

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1 --

2 CHAIRMAN CASTRO: I'm sorry, could you  
3 speak up? You're getting garbled. I couldn't hear  
4 everything you were saying.

5 COMMISSIONER KLADNEY: I think it would be  
6 a good idea not just sending it to the school districts  
7 in Oklahoma, but taking the report and getting a list  
8 of all of the principals at the schools in Oklahoma and  
9 emailing them a copy of the report as well, so that the  
10 front line principals can get a copy of it directly.

11 CHAIRMAN CASTRO: Okay, so why don't we do  
12 this? I'm going to -- let's make two motions, one that  
13 we'll do what the committee is asking the Commission  
14 to do and that is to send these specific recommendations  
15 to the Department of Ed and to DOJ so that we will --  
16 we would create a letter from the Commission that we  
17 would bring forward at the August meeting for approval  
18 and review by the Commission, as we've done in the past  
19 with other of our state advisory committee requests,  
20 and then a second motion that relates to what you're  
21 talking about, Commissioner Kladney, which is slightly  
22 different, that we would send copies of this report or  
23 links to the report both to the school districts as well  
24 as the principals in Oklahoma, so dealing with them as

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1 two separate motions. Does that work for folks, and  
2 if so, do I have seconds?

3 COMMISSIONER KLADNEY: Seconded by me.

4 CHAIRMAN CASTRO: Okay, so let's take up  
5 the first one. That is the request specifically from  
6 the SAC that we send this report, and these  
7 recommendations I should say as well, to the  
8 Departments of Ed and Justice. So you may recall we  
9 did this with Nebraska recently and the e-verify issue.  
10 Commissioner Narasaki, then Commissioner Heriot, I  
11 think you have a look of a question on your face.

12 COMMISSIONER HERIOT: I can defer to you  
13 first.

14 COMMISSIONER NARASAKI: I support this.  
15 I think that we should think about the various agencies  
16 within the Department of Education that would be  
17 appropriate because it does call out, for example, the  
18 Bureau of Indian Education.

19 CHAIRMAN CASTRO: Right, okay.

20 COMMISSIONER NARASAKI: So if we can make  
21 it broader than just the Secretary.

22 CHAIRMAN CASTRO: Right, okay, that makes  
23 sense. Commissioner Heriot?

24 COMMISSIONER HERIOT: I just have a

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1 procedural question. Are we talking about having a  
2 letter that, a cover letter that we never see, or is  
3 there going to be a two-step process here?

4 CHAIRMAN CASTRO: Two-step process.

5 COMMISSIONER HERIOT: So we'll see --

6 CHAIRMAN CASTRO: In August, yes.

7 COMMISSIONER HERIOT: Okay.

8 VICE CHAIR TIMMONS-GOODSON: I have a  
9 question --

10 CHAIRMAN CASTRO: Yes, ma'am, Vice Chair?

11 VICE CHAIR TIMMONS-GOODSON: -- Mr.  
12 Chair. With regard to getting a copy of this report  
13 in email form to every principal, school principal --

14 CHAIRMAN CASTRO: Let's take that one  
15 second. Let's vote on this one first and get it out  
16 of the way --

17 VICE CHAIR TIMMONS-GOODSON: Thank you.

18 CHAIRMAN CASTRO: -- and then we'll come  
19 back to that one. Any more questions on the first  
20 motion as it relates to the request from the SAC? None?  
21 Okay, let me take a vote on this very quickly and then  
22 we'll get to the second request. Commissioner  
23 Kirsanow, how do you vote?

24 COMMISSIONER KIRSANOW: No.

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

3                   COMMISSIONER HERIOT:   I'm generally in  
4                   favor of greater distribution of SAC reports, so I'll  
5                   vote yes on this.

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

8                   COMMISSIONER NARASAKI:   I vote yes.

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

11                  COMMISSIONER KLADNEY:   Yes.

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

14                  COMMISSIONER ACHTENBERG:   Yes.

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

17                  COMMISSIONER YAKI:   Aye.

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

20                  VICE CHAIR TIMMONS-GOODSON:   Yes.

21                  CHAIRMAN CASTRO:   I vote yes, so it's  
22                  seven yeses and one no.   That motion passes.   And if  
23                  you all on the phone could just mute your phones, I think  
24                  we're getting some feedback.   I think we are getting

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1 some feedback. Next we have the motion on publicizing  
2 this report to the school districts and the principals.  
3 Madam Vice Chair?

4 VICE CHAIR TIMMONS-GOODSON: Yes, I was  
5 simply asking in response to the suggestion that we send  
6 out a copy of this report to every principal within the  
7 Oklahoma schools, and I was wondering how it is that  
8 we -- how we were going to accomplish that, where we're  
9 going to get the emails? Who's going to be tasked with  
10 that? Just --

11 CHAIRMAN CASTRO: I will give the floor to  
12 -- yes, that's why I wanted to keep these separate  
13 because there's different issues here. Mr. Staff  
14 Director?

15 MR. MORALES: Thank you, Mr. Chairman and  
16 Commissioners. I'd like the opportunity to -- I  
17 understand the value and the importance of circulating  
18 this to the widest audience we can. I think Madam Vice  
19 Chair raised a good point. We don't want to unduly  
20 burden staff in doing this to the detriment of other  
21 highly critical things we're involved in, so I'd like  
22 the opportunity perhaps to work with their special  
23 assistants in figuring out how do we maximize the  
24 distribution of them without unduly burdening the staff

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1 in trying to do this.

2 Because trying to get -- I mean, I have no  
3 idea how many schools there are in Oklahoma, and I don't  
4 have any idea how many school districts. There could  
5 be hundreds, if not, you know, maybe a thousand schools,  
6 which could be pretty burdensome, so if we could work  
7 together and find a way to do that so that we would get  
8 them out to the right folks in Oklahoma where it would  
9 receive its maximum potential exposure.

10 CHAIRMAN CASTRO: Can I suggest then that  
11 we table this motion to the next meeting so that our  
12 staff can look into what the staff director just  
13 suggested and report back to us as to, you know, the  
14 feasibility of this?

15 COMMISSIONER KLADNEY: Well, I'd like to  
16 suggest something, Mr. Chairman.

17 CHAIRMAN CASTRO: Okay, yes, go ahead,  
18 Commissioner Kladney, then Commissioner Narasaki.

19 COMMISSIONER KLADNEY: Perhaps the staff  
20 could contact the Department of Education in the State  
21 of Oklahoma and/or each school district and try to  
22 arrange for them to make the distribution rather than  
23 just sending it to the departments and the school  
24 districts to where it may just sit on one desk, but

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1 actually engage with them and see if they would  
2 distribute them for us, because I'm sure they have a  
3 master list. They'll provide us with the master list.

4 CHAIRMAN CASTRO: Commissioner Narasaki?

5 COMMISSIONER NARASAKI: I'm not sure how  
6 realistic that is, given that in some ways, the report  
7 is somewhat critical of what's going on in the schools,  
8 that they would want to volunteer to do that. I would  
9 suggest that we give staff -- I agree with the Chair.  
10 I think we should give staff the opportunity to also  
11 talk to the Oklahoma SAC to figure out if they have  
12 suggestions.

13 This is one of the reasons why I raised the  
14 NEA and AFT is it may well be that they have a membership  
15 list or a way of trying to publicize this that would  
16 not require our staff to do what I think is an enormous  
17 task. And while it is an appropriate suggestion, given  
18 how limited our staff resources are, particularly on  
19 the regional level, I do think, unfortunately, we have  
20 to set some capacity priorities here.

21 MS. LIMAS: And may I add, if I may speak?

22 CHAIRMAN CASTRO: Yes, Madam Chair?

23 MS. LIMAS: Yes, we're happy to help in any  
24 way that we can. I don't have such a list in my

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1 possession, but I'm happy to work with our committee  
2 to try to figure out the best way to get that information  
3 here in Oklahoma.

4 CHAIRMAN CASTRO: Okay, great, so it seems  
5 there's a consensus. We'll put this off until the next  
6 meeting and allow staff to look into the various issues  
7 and the feasibility of this and report back. Does that  
8 work for everybody?

9 Okay, thank you again, Madam Chair. Thank  
10 you, and please convey our thanks and our appreciation  
11 to the other members of the State Advisory Committee  
12 for your service in general, and your work on this  
13 report in particular. Thank you.

14 MS. LIMAS: You're welcome. Thank you very  
15 much.

16 **D. MANAGEMENT AND OPERATIONS**

17 CHAIRMAN CASTRO: We are now off to the last  
18 portion of our agenda, the management and operations.  
19 I will now turn it over to our staff director to report.

20  
21 STAFF DIRECTOR'S REPORT

22 MR. MORALES: Thank you, Mr. Chairman. I  
23 wanted to do a couple of things here. One, you have  
24 the staff director's report. I won't go into the

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1 details. If there is any particular matter that you  
2 have a concern about or would like to speak with me,  
3 certainly I'm available to do that with you.

4 I would like to do two things. One, I want  
5 to mention that today at some point, I'm going to be  
6 sending an email to all of the Commissioners and  
7 Commissioner's assistants about arranging a time  
8 sometime next week, hopefully on Thursday or Friday  
9 depending on the availability of Commissioners, to  
10 discuss the OCRE staffing. We have, Maureen and I have  
11 had discussions and have a preliminary plan on how we  
12 want to proceed with some of those challenges, and so  
13 we'd like to discuss that with you.

14 Second, I want to thank Pam for a lot of  
15 work she did yesterday with me on a matter. And also,  
16 her and her team, you know, these meetings, there's a  
17 lot of moving parts to putting together the business  
18 meetings and the briefings here for the Commission.

19 There is, you know, a lot of technology in  
20 regards to getting the phones to work, and the  
21 microphones, and court reporter, and witnesses, and  
22 documents, and there's a lot of stuff behind the scenes,  
23 so I really just want to thank her and her team, Marcell  
24 and Juanda, and of course Michele, for all of the

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1 technical work they do behind the scenes that we don't  
2 often see.

3 Lastly, of course, I had already  
4 introduced Brian, and so I won't do that again, but I  
5 just want to thank him for coming.

6 STATUS OF USCCR WEBSITE TRANSITION

7 And the last thing I want to say is in  
8 regards to the website, I sent an email out to the  
9 Commissioners yesterday, or maybe it was the day  
10 before, but I want to read it real quickly into the  
11 record so the public also has an understanding of the  
12 challenges we have.

13 The Government Printing Office has sent  
14 the DNS server file to the Department of Homeland  
15 Security and the Government Accounting Office. The  
16 DNS servers for usccr.gov have been assigned. DHS is  
17 validating, testing, and securing the servers. Once  
18 the servers are secure and validated, DHS will issue  
19 a few more dates for the migration of our website.

20 A meeting will be scheduled at that time  
21 between the contractor and me to discuss the possible  
22 issues during our migration, and the time period for  
23 the website outages, potential outages, once the date  
24 has been proposed. The dates for the migration will

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1 begin on a Monday and through a Thursday at 9:00 p.m.,  
2 so there could be some interruptions.

3 The Government Printing Office will  
4 continue to host and maintain our site during the  
5 migration, and the Government Printing Office servers  
6 will remain as a backup solution in the event there are  
7 problems during the migration.

8 Once this information is provided to me,  
9 I will notify Commissioners of the dates that DHS has  
10 proposed to migrate our website and the U.S. -- and our  
11 email post office.

12 Lastly, we are creating a folder that will  
13 be accessible to the public so that we're never in a  
14 position where we cannot provide information to the  
15 public. During the migration process, we anticipate  
16 that we, the Commission, will still be able to release  
17 reports, statements, and press releases. And we've  
18 also been informed that during the migration process,  
19 the USCCR website will remain accessible to the public,  
20 and that's, of course, if everything goes well.

21 There could be some glitches. There could  
22 be some hiccups with that, but I just want to make sure  
23 folks understand, you know, the challenges with  
24 migrating a system from one server and host to another,

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1 so I thank you for that.

2 CHAIRMAN CASTRO: Any questions for the  
3 staff director? Commissioner Narasaki?

4 COMMISSIONER NARASAKI: Yes, I note that  
5 we are obviously working to try to fill and reappoint  
6 members to the various open SACs, so I'm wondering, Mr.  
7 Staff Director, what your plan is to try to get the  
8 balance done before the end of the fiscal year? So what  
9 could we expect, you know, at the meeting in August,  
10 for example?

11 MR. MORALES: I believe we should have --  
12 I've been provided, if we can get through the two that  
13 we had to pull today because of some issues that were  
14 brought up pursuant to AI 59. I was presented with  
15 another one today which isn't ready for -- wasn't ready  
16 for today's consideration. We could possibly have  
17 another five for the next meeting.

18 And if we continue on this process where  
19 we are able to do multiple, five to seven between now  
20 and the end of the year, the regional coordinator has  
21 put forward a plan that he presented to all of you a  
22 few weeks ago where he believes that we could have  
23 probably all of the SACs populated and nominees up. We  
24 are in the --

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1                   CHAIRMAN CASTRO:    By the end of the  
2 calendar year?

3                   MR. MORALES:    By the end of the calendar  
4 year, yes, I'm sorry.  I forget there's fiscal year and  
5 calendar year.  The other thing that you should know  
6 and we've talked about is that there is a Pathways hire  
7 that is being made that will be able to oversee and to  
8 engage the Central -- the Midwest Regional Office which  
9 currently doesn't have a person to oversee those seven  
10 SACs, and so it's our belief that those seven SACs will  
11 also be up and available for consideration by all of  
12 you.

13                   COMMISSIONER NARASAKI:  Great, thank you,  
14 and I also wanted to acknowledge the help of the interns  
15 who have been here this summer.  I think we may have  
16 had some join since our last meeting, and we very much  
17 appreciate everyone's help.

18                   CHAIRMAN CASTRO:  Yes, ditto.  Any other  
19 questions or comments for the staff director?

20                   MOTION TO CONDUCT TELEPHONIC MEETING

21                   CHAIRMAN CASTRO:  If not, I've got one  
22 more item that we need to do before we adjourn and that  
23 is we need to make a motion that we conduct a telephonic  
24 business meeting for the purposes of voting on the 2017

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1 Statutory Enforcement Report concept paper as well as  
2 the Part B findings and recs for the 2016 Statutory  
3 Enforcement Report. Do I have a second on that?

4 COMMISSIONER ACHTENBERG: Second.

5 CHAIRMAN CASTRO: Okay, what would I  
6 figure, maybe a week to 10 days? Does that sound right  
7 for folks? Commissioner Narasaki?

8 COMMISSIONER NARASAKI: Yeah, I'm hoping  
9 that we could do it this coming week because next week  
10 I think some of us will be caught up in --

11 CHAIRMAN CASTRO: Okay, so sometime next  
12 week then would be the --

13 COMMISSIONER NARASAKI: Ideally, yes.

14 CHAIRMAN CASTRO: Okay.

15 MR. MORALES: We'll work with -- I'm  
16 sorry, Mr. Chairman. We'll work with your special  
17 assistants to find a time that makes sense for  
18 everybody.

19 COMMISSIONER NARASAKI: Well, I would  
20 suggest since we have all of the Commissioners, that  
21 we try to do it now.

22 MR. MORALES: Okay.

23 COMMISSIONER NARASAKI: Because  
24 otherwise, you know what happens.

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1 CHAIRMAN CASTRO: Yeah, okay.

2 COMMISSIONER NARASAKI: Does staff feel  
3 like they could finish both, have proposals as well as  
4 the people who are working on the concept paper by like  
5 Thursday or Friday next week? Is that doable or not?

6 COMMISSIONER ACHTENBERG: Yeah --

7 CHAIRMAN CASTRO: Commissioner  
8 Achtenberg?

9 COMMISSIONER ACHTENBERG: -- it actually  
10 isn't. It would need to be sometime in the middle of  
11 the following week, if at all possible just because I'm  
12 going to be incommunicado and we have a -- you know,  
13 we have things that --

14 CHAIRMAN CASTRO: You have to speak into  
15 your mic, Commissioner, sorry.

16 COMMISSIONER ACHTENBERG: We have things  
17 that I think we need to do correctly that I think will  
18 take a little bit of time. I understand the problem  
19 with going beyond next week, but next week is a problem  
20 actually.

21 CHAIRMAN CASTRO: I said a week to 10 days,  
22 so the middle of the following week then. Do people  
23 have their calendars out or should we just have staff  
24 follow up?

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1                   COMMISSIONER ACHTENBERG: Could we do it  
2 two weeks from today?

3                   CHAIRMAN CASTRO: Okay, for the meeting?  
4 Okay, I have just been informed that we also need to,  
5 as part of our motion, make a motion to waive the  
6 eight-day notice period for a phone call, so let's --  
7 is that --

8                   COMMISSIONER ACHTENBERG: Mr. Chairman,  
9 if we did it two weeks from today, that would be longer  
10 than eight days, in which case we wouldn't have to waive  
11 anything.

12                  CHAIRMAN CASTRO: What date are we talking  
13 about?

14                  COMMISSIONER NARASAKI: You're talking  
15 about the 29th, I believe.

16                  COMMISSIONER ACHTENBERG: Yeah, Friday  
17 the 29th.

18                  COMMISSIONER NARASAKI: Friday the 29th,  
19 so it would need to be after 11:30 Eastern for me because  
20 I'll be on a train.

21                  COMMISSIONER YAKI: It would have to be  
22 after noon Eastern for me.

23                  CHAIRMAN CASTRO: Okay, any other issues?  
24 So what would -- what time would that be that works well

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1 because we're dealing with -- you said Eastern Time?

2 COMMISSIONER NARASAKI: Yeah, right now  
3 any time after noon Eastern Time is what we're working  
4 with.

5 CHAIRMAN CASTRO: So 1:00 p.m. Eastern  
6 Time, does that work for folks?

7 COMMISSIONER ACHTENBERG: On the 29th?

8 CHAIRMAN CASTRO: On the 29th of July.  
9 Okay, so that is the motion. Is there a second?

10 COMMISSIONER NARASAKI: Second.

11 CHAIRMAN CASTRO: Okay, any additional  
12 discussion? I'm just going to call for a voice vote  
13 on this. All those in favor, say, aye.

14 (Chorus of aye.)

15 CHAIRMAN CASTRO: Any opposed? Any  
16 abstentions?

## 17 II. ADJOURN MEETING

18 CHAIRMAN CASTRO: Okay, seeing as we have  
19 covered our agenda and have no other topics, I motion  
20 that I adjourn this meeting at 11:30 a.m. Eastern Time.  
21 Thank you.

22 (Whereupon, the above-entitled matter  
23 went off the record at 11:30 a.m.)

24

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