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U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

UNEDITED

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FRIDAY, OCTOBER 21, 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

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

* *Present via telephone*

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STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD

TERESA BROOKS

LATRICE FOSHEE

ALFREDA GREENE

LENORE OSTROWSKY, Acting Chief, PAU

JUANDA SMITH

BRIAN WALCH

MATTHEW WIAL

MICHELLE TORKMAN-RAMEY

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

ALEC DEULL

JASON LAGRIA

CARISSA MULDER

AMY ROYCE

ALISON SOMIN

KIMBERLY TOLHURST

IRENA VIDULOVIC

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P R O C E E D I N G S

(10:02 a.m.)

1
2
3 CHAIRMAN CASTRO: Good morning, everyone.
4 I'm calling the meeting to order. This is a meeting
5 of the U.S. Commission on Civil Rights. Today is
6 October 21, 2017 - I'm sorry, 2016. We are in the
7 fiscal year 2017, that's why I am thinking of that. It
8 is currently 10:02 a.m. and we are commencing the
9 Commission's business meeting here at our headquarters
10 at 1331 Pennsylvania Avenue NW. I'm Chairman Marty
11 Castro.

12 With me here present at the meeting are
13 Commissioners Heriot and Narasaki. Participating by
14 phone are Commissioners Yaki, Kirsanow, Kladney, and
15 Achtenberg as well as our Vice-Chair Timmons-Goodson.
16 A quorum of the Commission is present. Is the Court
17 Reporter present? She says yes. Is the Staff
18 Director present?

19 MR. MORALES: Ah, yes.

20 CHAIRMAN CASTRO: Okay, great.

21 STAFF MEMBER: Commissioner Yaki is
22 actually not on the phone.

23 CHAIRMAN CASTRO: Oh he's not? Okay, so
24 for the record, he is not on the phone yet. But he'll
25 let us know when he does join. He does intend to join

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1 on the phone. Well, I want to thank everyone for
2 participating today. We're going to have a standard
3 business meeting. And then thereafter, we're going to
4 have a very special presentation by Sylvia Mendez, a
5 Civil Rights icon, to talk about a case that we'll go
6 into greater detail about later. But a case that
7 really was the blueprint for Brown v. Board of
8 Education. So we're very pleased that the tail end of
9 Hispanic Heritage Month to bring such an important
10 historic story before not only the Commission but those
11 who are going to be present and joining us for that
12 aspect of our program, as well as those folks who are
13 watching television.

14 Before I go into the voting on the formal
15 agenda, I'd like to actually let everybody know that
16 you may already be hearing some construction noise.
17 There's a building that right adjacent to ours is being
18 worked on, and you will from time to time hear
19 jackhammers, et cetera. So please bear with us as we
20 do that.

21 Secondly, I want to share some sad news
22 with Commissioners. It is with a heavy heart that we
23 advise you that fellow Commissioners and staff of the
24 passing of John Binkley, who worked here at the
25 Commission for some thirty years. Including having

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1 the position of Acting Deputy Staff Director. He was
2 also Regional Programs Director and was instrumental
3 in creating the Commission's network of state advisory
4 committees. Mr. Binkley's impressive career included
5 serving as Director of Education for the President's
6 Commission on Economic Opportunity during President
7 John F. Kennedy's administration.

8 With the Colorado State
9 Anti-Discrimination Commission, he lobbied for some of
10 the earliest and strongest state civil rights
11 legislation in the nation at that time. Those at the
12 Commission who knew and worked with Mr. Binkley praised
13 him for his warmth and outspoken personality and his
14 true passion for civil rights advocacy. A memorial
15 celebration was recently held in Santa Fe, New Mexico
16 where he lived in retirement. Please join me in
17 extending condolences to his family, in particular his
18 wife and three children.

19 In addition, we witnessed recently the
20 passing of a civil rights giant, Jack Greenberg. I
21 think it's fitting to highlight the important role that
22 he played in the civil rights community. Straight out
23 of law school, Mr. Greenberg joined Mr. Thurgood
24 Marshall at the NAACP Legal Defense and Education Fund.
25 There, he played a key role in helping formulate

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1 arguments for Brown v. Board of Education. On leaving
2 the LDF for a federal appellate judgeship in 1961,
3 future Supreme Court Justice Marshall asked his protégé
4 Mr. Greenberg to stay on as director and counsel of the
5 Fund, a role Mr. Greenberg held for twenty-three years.

6 Among many important accomplishments
7 during his term is that he helped litigate Meredith v.
8 Fair and Alexander v. Holmes County. He was also
9 involved in Brown v. Board of Education. He also
10 filed, in 1965, a proposed plan for a second voting
11 rights march from Selma to Montgomery, Alabama which
12 ultimately resulted in a federal court decision
13 establishing a protestor's right to hold a
14 demonstration without disruption. After retiring
15 from the LDF, Mr. Greenberg became Vice-Dean of
16 Columbia Law School and later served as Dean of Columbia
17 College.

18 In 2001, President Clinton awarded Mr.
19 Greenberg the Presidential Citizen's Medal, calling
20 him a crusader for freedom and equality for more than
21 half a century. As Chairman and along with my
22 Commissioners and colleagues here on staff, we echo the
23 sentiment that the President did recently in
24 recognizing the passing of Mr. Greenberg and
25 recognizing the tireless advocacy and civil rights work

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1 that he did. And we express condolences to his family
2 as well. So thank you for the opportunity to share that
3 information with you.

4 **I. APPROVAL OF AGENDA**

5 CHAIRMAN CASTRO: Now I will ask for a
6 motion to approve the agenda. Is there a motion?

7 COMMISSIONER HERIOT: So moved.

8 CHAIRMAN CASTRO: Do I have a second?

9 COMMISSIONER KIRSANOW: Sure.

10 CHAIRMAN CASTRO: Yeah. Commissioner
11 Kirsanow?

12 COMMISSIONER KIRSANOW: Can we move to
13 amend the agenda?

14 CHAIRMAN CASTRO: Ah, yes. Well, first of
15 all - make the motion to approve it, and then I'm going
16 to ask for amendments. So I need a second on the motion
17 to approve the agenda. Will you second it?

18 VICE CHAIR TIMMONS-GOODSON: Seconded.

19 CHAIRMAN CASTRO: Is that Vice Chair?

20 VICE CHAIR TIMMONS-GOODSON: Vice Chair, I
21 second it.

22 CHAIRMAN CASTRO: Okay. So now I'm going
23 to ask for amendments. Commissioner Kirsanow?

24 COMMISSIONER KIRSANOW: Thank you, Mr.
25 Chairman. I move to amend the agenda to include a

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1 discussion of a letter to the African American Museum
2 regarding Justice Thomas after the update on the status
3 of the 2017 Statutory Enforcement Report.

4 CHAIRMAN CASTRO: Okay. Is there a second?

5 COMMISSIONER HERIOT: I'll second.

6 CHAIRMAN CASTRO: Commissioner Heriot
7 seconds. Any other motions? I have a motion to amend
8 the agenda to add a discussion and vote on the approval
9 of the U.S. CCR Letter celebrating the 100th birthday
10 of Former Commissioner Frankie Muse Freeman. Do I have
11 a second?

12 COMMISSIONER NARASAKI: I second, Mr.
13 Chair.

14 CHAIRMAN CASTRO: Thank you. Are there any
15 further amendments? We actually need to remove some
16 of the SACs, right? We are - I'll make another
17 amendment to remove from today's agenda to the next
18 meeting, the consideration of the Pennsylvania State
19 Advisory Committee and the Arkansas State Advisory
20 Committee. Is there a second?

21 COMMISSIONER NARASAKI: I second.

22 CHAIRMAN CASTRO: Okay. Are there any
23 other amendments? Hearing none, I would like to vote
24 to approve the agenda as amended. All those in favor
25 say aye.

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1 (Chorus of ayes.)

2 CHAIRMAN CASTRO: Any opposed? Any
3 abstentions? Okay, so the motion passes.

4 **II. BUSINESS MEETING**

5 **A. PROGRAM PLANNING**

6 **DISCUSSION OF CONCEPT PAPERS**

7 CHAIRMAN CASTRO: The first item on the
8 agenda is a discussion of concept papers, as you recall.
9 We wanted to select at least one other topic that we
10 would set for the 2017 fiscal year for conducting a
11 hearing as a regular briefing. And we decided that we
12 would circulate concept papers and discuss those today
13 with the idea that we would vote in November on choosing
14 a topic. I think we have got a lot of different topics
15 that were shared with us today, which we will discuss.
16 And then we can discuss whether we want to vote on them
17 in November or wait until December when maybe we'll have
18 a little bit better idea as to where our 2017 fiscal
19 year budget may be. If that's amenable for folks, I
20 think that's probably the wisest way to go.

21 So having said that, let's begin with the
22 concept papers that have been circulated. I will ask
23 each Commissioner who circulated a paper, the primary
24 author of those papers, to say a few words about their
25 concept paper. Since it's the first one on my list

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1 here, Commissioner Narasaki - you have a proposal on
2 the School-to-Prison pipeline?

3 COMMISSIONER NARASAKI: Yes, thank you Mr.
4 Chair. I also want to note that we might be working
5 on one in response to Congressman Scott's letter
6 requesting us to look at employment discrimination in
7 the high-tech industry. But the one I'm presenting
8 today is the School-to-Prison pipeline focusing on the
9 intersection of students of color and children with
10 disabilities. As you will all recall, the Commission
11 had a presentation this summer from the Oklahoma State
12 Advisory Committee regarding their School-to-Prison
13 pipeline report.

14 While the report concentrated on
15 discrimination based on race and gender, the State
16 Advisory Committee chair noted to us that they had
17 received a lot of interest in trying to look at also
18 the issue of school discipline on students with
19 disabilities. Many thought that that was a very
20 important topic, but due to capacity limitations, they
21 were not able to explore it. And the Chair recommended
22 that it might be something that the full Commission take
23 up.

24 So the intersectionality that I'm
25 concerned about is looking at students who both have

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1 a disability and are students of color. As you know,
2 the School-to-Prison pipeline has had a profoundly
3 negative impact on students of color. For example,
4 African American K-12 students are almost four times
5 as likely to receive one or more out of school
6 suspensions as white students. And this is true even
7 when they are similarly situated in terms of what the
8 offense is.

9 Students with disabilities are also
10 disproportionately suspended from school. They are
11 more than twice as likely to receive one or more out
12 of school suspensions versus students without
13 disabilities. And finally, students of color with
14 disabilities face even higher disproportionate impact.
15 Nearly a quarter of American Indian or Alaskan Native
16 - nearly a quarter of Native Hawaiian and Pacific
17 Islander and black and multiracial boys with
18 disabilities served by IDEA received at least one out
19 of school suspension versus only ten percent of white
20 boys with disabilities served by IDEA.

21 Moreover, African American students with
22 disabilities make up 18.7 percent of students with
23 disabilities population. But almost fifty percent of
24 students with disabilities populations ending up in
25 correctional facilities. There have been several very

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1 helpful reports on School-to-Prison pipeline for
2 students with disabilities, and a good body of work on
3 the racial aspect. But there has not been sufficient
4 attention on students of color with disabilities and
5 we've talked to several civil rights and disability
6 advocates who believe such an examination would be very
7 useful.

8 CHAIRMAN CASTRO: Thank you, Commissioner.
9 Does anyone have any questions for Commissioner
10 Narasaki regarding her concept paper? Okay hearing
11 none, Commissioner Kirsanow, I'll ask you to speak
12 about yours on discrimination against Asian Americans
13 and university admissions.

14 COMMISSIONER KIRSANOW: Thank you, Mr.
15 Chair. And the members of the Commission have heard
16 my presentation on this in the past. I proposed this
17 on another occasion. I re-proposed it because there
18 has been some developments since my last proposal. And
19 that is that, you know, in 2015 there was a coalition
20 of Asian American organizations that filed a complaint
21 with OCR Department of Education regarding Harvard's
22 use of preferences in admissions. Which they maintain
23 violated Title VI.

24 OCR dismissed that complaint but that same
25 coalition recently filed a similar complaint against

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1 three other Ivy League institutions. And also since
2 that time, we have had the Fisher II case decided, which
3 further defined the contours of the use of racial
4 preferences in college admissions. And there's
5 considerable scholarly data with respect to a fairly
6 sizable disparity in the academic index between Asian
7 Americans, broadly defined, and other groups. Which
8 shows that there appear to be significant preferences
9 awarded to everyone except Asian Americans.

10 There's, for example, in terms of the
11 academic index of whites taking the SATs, 140 points
12 higher than that for blacks. And at the same time, the
13 academic index for Asians is thirty points higher for
14 that of whites. And when you do the correlation, it
15 appears as if Asian Americans in many institutions are
16 being affirmatively discriminated against in a very
17 profound manner.

18 So the proposal is - again - similar to what
19 I've proposed before but with these added data points.
20 And the fact that - I think it makes sense given OCR's
21 recent actions to examine what extent OCR's enforcement
22 actions related to discrimination in college
23 admissions is, in fact, consistent with Title VI and
24 generally reasonable. Thank you, Mr. Chair.

25 CHAIRMAN CASTRO: Thank you, Commissioner

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1 Kirsanow. Do any Commissioners have any questions for
2 Commissioner Kirsanow regarding his proposed concept
3 paper? Hearing none, I will then ask Commissioner
4 Kladney if he could please present on his paper on
5 collateral consequences affecting ex-offenders.

6 COMMISSIONER KLADNEY: Thank you very much,
7 Mr. Chairman.

8 CHAIRMAN CASTRO: You're welcome.

9 COMMISSIONER KLADNEY: Good morning to
10 everybody. I also presented this paper before. And
11 there have been new developments in regards to
12 reinstating ex-offenders' right to vote. And in many
13 states, there have been - not many states, but in some
14 states there have been some changes in how ex-offenders
15 are viewed. However, historically there are and
16 continues to be much payment that ex-offenders must pay
17 towards society and their offense after they are
18 released from incarceration and/or parole and
19 probation. These vary from - and it is explained in
20 the papers, you know. The inability to get involved
21 with social problems, school loans, Section VIII
22 housing and the like.

23 I think that when you go through, the ADA
24 has done a study of prohibitions by state regarding
25 licensure from barber shops to hairdressers. And I

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1 think that this is an important subject in terms of
2 focusing the Commission's attention and the nation's
3 attention on how difficult it is for ex-offenders to
4 re-integrate into society and be able to be full members
5 of society acting as regular citizens. Thank you.

6 CHAIRMAN CASTRO: Thank you, Commissioner
7 Kladney. Any questions for him? Yes, Commissioner
8 Narasaki?

9 COMMISSIONER NARASAKI: I just want to add
10 that I'm one of the co-sponsors of this concept paper
11 and I think it's incredibly timely and important for
12 us to look at this issue. Particularly given the
13 increasing number of people who will be released,
14 having served their time. They have so many barriers
15 to trying to totally reintegrate into society.
16 Largely, a lot of challenges in terms of even getting
17 housing, much less jobs. And so I think it's very
18 important for the Commission to consider taking it up
19 in this next year.

20 CHAIRMAN CASTRO: Thank you, Commissioner.
21 Commissioner Achtenberg? Or is that Vice Chair?

22 VICE CHAIR TIMMONS-GOODSON: This is Vice
23 Chair Timmons-Goodson. I have signed onto this
24 particular proposal and I uphold the comments that have
25 been made by Commissioner Narasaki regarding the

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1 significance and timeliness of this particular issue.

2 CHAIRMAN CASTRO: Thank you. I also am a
3 signatory to it. Are there any other comments or
4 questions? Hearing none, Commissioner Heriot I know
5 you circulated some blurbs, I think four of them, to
6 special assistants about potential concepts. Do you
7 want to share a blurb about your blurbs?

8 COMMISSIONER HERIOT: A blurb about my
9 blurbs? Okay, okay. Thank you, Mr. Chairman.

10 CHAIRMAN CASTRO: You're welcome.

11 COMMISSIONER HERIOT: I did indeed propose
12 four different possibilities here. Unlike the
13 proposals of my colleagues, mine are just short
14 paragraphs. One of them, I think you're already
15 familiar with - sex discrimination in university
16 admissions. This is a topic that the Commission a few
17 years back undertook, but it was cancelled. And I am
18 proposing that we bring it back. I think it's a very
19 serious subject and something that does not get enough
20 attention in the media. That it is now fairly routine
21 for colleges and universities to discriminate against
22 women in their admissions processes. There are simply
23 more women applying for college. And with, in general,
24 somewhat better credentials than the men who are
25 applying.

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1 When a state school does this, it is very
2 much illegal under Title IX. When a private school
3 does it, Title IX does not cover that situation, even
4 if it's a federally funded school. If it is an
5 undergraduate program, it does cover it for
6 professional schools and graduate schools. But I
7 think this is an area that needs to be examined.

8 Another one of my proposals is for a study
9 of racially deemed college dormitories.
10 Increasingly, colleges and universities are setting
11 aside dormitories that are essentially assigned to
12 African Americans or to Hispanics. In a couple of
13 cases, I believe there are Asian-themed dormitories.
14 I think this is a bad policy. We talk so much about
15 diversity in colleges and universities, and then we
16 turn around and isolate people. And I think that's a
17 policy that we need to be getting away from. And I
18 would very much like to see the Commission taking a look
19 at that issue.

20 The other two proposals I have - one would
21 be on the use of guidances in civil rights enforcement.
22 Increasingly we are seeing the civil rights offices in
23 the various offices of the federal government not using
24 rulemaking authority when they have rulemaking
25 authority, which requires a process of notice and

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1 comment where interested persons have the opportunity
2 to comment on a proposal and to present their views,
3 generally. Instead, civil rights organizations, or
4 rather agencies, are simply issuing guidances. And
5 they're doing it in a way that I think is very
6 inappropriate.

7 A guidance is supposed to simply interpret
8 what the law already is. It should not be
9 prophylactic. Whereas a rule can, under certain
10 circumstances be prophylactic. And I think we need to
11 inventory these guidances and get a sense of where our
12 administrative law is taking us.

13 The last of the proposals I have is titled
14 Personnel as Policy: Hiring Practices of the EEOC and
15 the Department of Education's Office for Civil Rights.
16 A few years ago, there was a controversy about whether
17 the Bush administration was seeking out conservatives
18 to hire into the Civil Rights Division in the Department
19 of Justice. Then, during the Obama administration
20 there was a study of who the Obama administration was
21 hiring. And that turned out to always be somebody -
22 lawyers who had left of center credentials.

23 What I would suggest that we do is get a
24 sense of who's being hired into the professional
25 positions at the various civil rights agencies within

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1 the federal government. And find out if - are we
2 getting the diversity of experiences, or are we getting
3 hiring by political ideology?

4 CHAIRMAN CASTRO: Thank you, Commissioner
5 Heriot. Other Commissioners have questions for
6 Commissioner Heriot? Hearing none, as Commissioner
7 Narasaki mentioned in her remarks, we have received a
8 letter from Congressman Bobby Scott from the Committee
9 on Education in the Workforce outlining a recent report
10 by the EEOC on the startling lack of racial and gender
11 diversity in the technology sector. And asking us as
12 a Commission to take a closer look at that issue.

13 In particular, asking that we examine the
14 extent to which the Office of Federal Contract and
15 Compliance Programs has used or could more effectively
16 use its authority to conduct compliance evaluations and
17 audits of contractors per Executive Order 11-246 in
18 light of the lack of diversity in that sector. The EEOC
19 report goes into greater detail about those statistics.
20 And given the nature of the technology sector, how
21 technology has really permeated all aspects of our life
22 and economy and the importance of access to technology
23 to all communities, but in particular to those
24 communities that historically have been under
25 represented and excluded.

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1 We will be presenting the idea of this as
2 a potential topic to vote on along with the other topics
3 in December. If needed, we can put together a formal
4 concept paper but I think Congressman Scott's letter
5 very well outlines the challenges and issues in the
6 area. Any questions on that? No? Okay. So as we
7 agreed at the beginning, in our December meeting we will
8 have on the agenda to vote on these various topics to
9 determine which one of them will be added to our 2017
10 fiscal year roster of briefings.

11 **UPDATE ON STATUS OF 2017 STATUTORY**

12 **ENFORCEMENT REPORT**

13 Next, we move onto the update on our update
14 on our 2017 Statutory Enforcement Report. As all
15 Commissioners should have now received based on
16 information that we previously shared, there is an
17 outline that proposes that we focus on the issue of
18 municipal filing fees and the debtors prisons that
19 result from that that were initially pulled out of the
20 Ferguson case. And which were the subject of some
21 initial briefings by the Commission based on a concept
22 paper by the Vice Chair.

23 In the time since we held that hearing, and
24 now there's actually in the last month a number of
25 articles that are coming out about the issue - municipal

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1 fees and the impact beyond Ferguson. So what we're
2 being asked to do today is not necessarily vote on the
3 outline that was circulated, but to vote on the exchange
4 on the topics. That is, the women incarcerated report.
5 We'll continue - the proposal will continue to be a
6 briefing topic to be briefed in 2017. But that given
7 the issues that are developing here with municipal
8 fees, that we make that our 2017 Statutory Enforcement
9 Report to allow the staff to actually begin to work on
10 that. Because unless we make that decision, the staff
11 will continue to work on what we've already dictated
12 that they work on.

13 But I'm emphasizing, we're not voting on
14 the outline today. The outline will continue to be
15 fleshed out between the General Counsel's Office,
16 Commissioners, and our staff. So with that
17 understanding, I'd like to have a discussion and
18 hopefully a motion on the substitution. Commissioner
19 Narasaki?

20 COMMISSIONER NARASAKI: I move the
21 substitution of the Fees and Fines Report to become the
22 Statutory Report and of course to continue the Women
23 in Prison hearing as one of our briefings for next year.

24 CHAIRMAN CASTRO: Is there a second?

25 COMMISSIONER HERIOT: I'll second.

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1 CHAIRMAN CASTRO: Okay. Any discussion?
2 Actually, let me vote on that, right? So Commissioner
3 Kirsanow, how do you vote?

4 COMMISSIONER KIRSANOW: Yes. Wait, aren't
5 we having a discussion on this issue?

6 CHAIRMAN CASTRO: Oh yeah, let's discuss it
7 then.

8 (Laughter.)

9 COMMISSIONER KIRSANOW: Thank you, Mr.
10 Chairman.

11 (Laughter.)

12 COMMISSIONER KLADNEY: Okay. I've been
13 very quiet this morning. I have a couple of concerns.
14 I, one, got the outline very late yesterday afternoon
15 and didn't have a chance to review it. I know we're
16 not voting on that. But number two, I have concern that
17 we have an outline and a plan to discovery when we make
18 this change. And the reason is, is because in the past
19 when we've done broad strokes and made broad kinds of
20 decisions. And then subsequently having the staff
21 fill it in, sometimes it hasn't worked so well. I think
22 for instance, Uniontown is an example.

23 But my other concern is that we've lost a
24 staff at OCRE, and if there are any other personnel
25 changes within the next few months or before this

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1 subject is guided through the system, I'm afraid that
2 we will not be able to one, make our deadline or two,
3 the report will not be sufficient enough - will not have
4 sufficient enough guidance from the beginning to be
5 completed. I mean, any more personnel changes in
6 regards to those who are developing this report and we
7 could be in real trouble without having a full discovery
8 plan and a full outline for somebody new to follow.

9 CHAIRMAN CASTRO: Okay, any other comments?

10 VICE CHAIR TIMMONS-GOODSON: This is the
11 Vice Chair. I hear what you're saying, Commissioner
12 Kladney. But it was my understanding that the work has
13 been done on the Women in Prison Statutory Report is
14 even further behind or is less than we have on this
15 report.

16 CHAIRMAN CASTRO: Commissioner Narasaki
17 and then Commissioner Heriot?

18 COMMISSIONER NARASAKI: Yes, I agree with
19 the Vice Chair that actually one of my considerations
20 is that we do have an election coming up in a few weeks.
21 And there will be a transition in the administration.
22 I make no comment. And because of that transition, I
23 think we've done most of the work already on the fees
24 and fines hearing. There's some more work that clearly
25 needs to be done to bolster our Statutory Report.

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1 And I think that actually we're in a better
2 position to try to do that with the current staff in
3 place, with the Department of Justice and other places,
4 than we would have been able to do if we go with the
5 Women in Prison report, which is at a far more earlier
6 stage. So in terms of that particular concern,
7 Commissioner Kladney, I actually think one of the
8 reasons why I support the shift is, in fact I think it
9 would be better. We would get a better report done
10 because the transition is going to happen.

11 COMMISSIONER KLADNEY: I don't think I
12 object to the shift so much as I object to the fact that
13 it's not as well laid out yet and defined.

14 CHAIRMAN CASTRO: Go ahead, Commissioner
15 Narasaki.

16 COMMISSIONER NARASAKI: I agree that it
17 does need to be further laid out and refined, but I am
18 concerned about the fact that the clock is ticking and
19 it just doesn't make sense to have the staff continue
20 to work on the Women in Prison Report as a Statutory
21 Report now if in fact that's not going to happen,
22 when we could in fact be getting a jump on trying to
23 move forward on the fees and fines to make sure that
24 that is a strong report. I agree with you, it's not
25 ideal that we don't have the outline completely fleshed

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1 out. But I think in balance, we are in a better
2 position with the fees and fines.

3 CHAIRMAN CASTRO: Commissioner Heriot?
4 Well, Commissioner Heriot and then Commissioner
5 Achtenberg.

6 COMMISSIONER HERIOT: I just want to say
7 that I agree with Commissioner Narasaki on what she said
8 here. So I'm definitely in favor of this motion. What
9 I'm concerned about is that we should never have an
10 Enforcement Report that doesn't conduct some
11 independent research that doesn't somehow add to the
12 body of knowledge that we have so far. And I don't want
13 to see a report where what we do is simply ask the
14 Department of Justice - you know, whatcha doin'? You
15 know, we somehow have to have some side of this project
16 where we're at into the total sum of knowledge here.
17 And I haven't seen what that is going to be yet.

18 And so I'm waiting to hear what that is.
19 Because I can't vote for something that doesn't
20 eventually have part of that as a proposal. Maybe it
21 would be something like sending out form-like requests
22 to a certain number of municipal courts asking them how
23 they structured their system. Maybe that research has
24 already been done by somebody else, so we have to do
25 something else. But we need something.

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1 CHAIRMAN CASTRO: Thank you, Commissioner
2 Heriot. Commissioner Achtenberg?

3 COMMISSIONER ACHTENBERG: Well, consistent
4 with all that's been said, I do understand and accept
5 the General Counsel's arguments, if not argumentation,
6 that switching the topics out will be a better approach
7 for the year upcoming given our current staffing
8 constraints, et cetera. So I accept that as proposed.

9 But I do agree with Commissioner Heriot
10 that it does need to be an original contribution to the
11 field, if you will. And while from my mind it doesn't
12 have to be unique or original research as she described
13 it necessarily. But certainly that would be
14 adequate. But I do think that as the concept paper is
15 being re-drafted and as presumably we'll be given a
16 discovery plan at the last meeting, et cetera. These
17 things are crafted. I would like to see more fully
18 fleshed out the original contribution to the field that
19 the Commission has the opportunity to make here. I'd
20 like to see that kept in mind and articulated in some
21 way in a revised concept paper. I understand the staff
22 needs to go forward and I completely support that.

23 But I do think there are a few things that
24 I think are lacking and I'd like to see fleshed out for
25 our consideration at the next meeting. And I'm the

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1 primary proponent in the Women in Prison Report, along
2 with Commissioner Kladney. And while I think that it's
3 a very timely topic and an important one, which is why
4 it was proposed. I do agree that we need to make the
5 kind of modification that Commissioner Narasaki
6 implies in her motion.

7 CHAIRMAN CASTRO: Thank you. Commissioner
8 Narasaki, you have something you wanted to add?

9 COMMISSIONER NARASAKI: Yes, I wanted to
10 say that I agree with Commissioners Achtenberg and
11 Heriot on additional research. And I believe that one
12 of the things that's under discussion in looking at the
13 impact at what the Department of Justice has done so
14 far. They have sent out a Dear Colleague letter to
15 courts. And I believe that one of the additional
16 research that is being contemplated is perhaps sending
17 letters to a sample of courts to see in fact whether
18 they actually know there's a guidance - a letter, and
19 what they are or are not doing in relation to that. But
20 I look forward to working with everyone and the staff
21 to figure out what would have the best impact.

22 VICE CHAIR TIMMONS-GOODSON: This is the
23 Vice Chair. I concur with all that has been said up
24 to this point. I simply want to point out that with
25 the concerns that you have and the goals that we have

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1 set, keep in mind we don't have any staff working on
2 this other than our General Counsel and some of her
3 staff. But she may be able to pull into this. And
4 that's going to be the case for about the next two
5 months. And what I don't want us to do is to set up
6 a bar that is so high that we're not going to be able
7 to make it.

8 The bottom line is that we're trying to
9 make the best out of a very difficult situation. This
10 idea about using expense fees as the Statutory Report
11 came about because many folks thought that - or a number
12 of folks thought that we have any chance of getting a
13 good product out of the best part that we could out of
14 this. Given the fasting resources that we have
15 available.

16 We know how hard our General Counsel and
17 her staff is working on this. And that's all we have
18 working on it. And so my modest point is I'm sure
19 they're going to do their best to lay this out in a way
20 that we will have the best Statutory Report possible.
21 I just want you to keep in mind what it is that we're
22 dealing with. And, you know, we're going to do the best
23 that we can. But even our best that we can. But even
24 our best might not reach the standards and the level
25 that we'd like to do - that we would have done - had

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1 our staffing resources been better or more improved.

2 CHAIRMAN CASTRO: Thank you Madam Vice
3 Chair. I'm going to call the question for a vote now.

4 COMMISSIONER HERIOT: Can I just say one
5 sentence?

6 CHAIRMAN CASTRO: Besides that one? Go
7 ahead.

8 (Laughter.)

9 COMMISSIONER HERIOT: I think this is an
10 area where the special assistance can be helpful here
11 and that we should form a subcommittee of special
12 assistance as I think we did for the Women in Prisons
13 Report.

14 CHAIRMAN CASTRO: Yeah, I think so, yes.
15 I'm sorry, Commissioner Achtenberg. I cut you off?
16 Or Madam Vice Chair? Okay. So now I'm going to call
17 the question. Commissioner Kirsanow, how do you vote?

18 COMMISSIONER KIRSANOW: Yes.

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

21 COMMISSIONER HERIOT: Yes.

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

24 COMMISSIONER NARASAKI: Yes.

25 CHAIRMAN CASTRO: Commissioner Kladney,

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1 how do you vote?

2 COMMISSIONER KLADNEY: Per my concerns, I
3 abstain.

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

6 COMMISSIONER ACHTENBERG: I vote yes.

7 CHAIRMAN CASTRO: I have been informed
8 Commissioner Yaki will not be on the phone today, so
9 let the record reflect that. Madame Vice Chair, how
10 do you vote?

11 VICE CHAIR TIMMONS-GOODSON: Yes.

12 CHAIRMAN CASTRO: I vote yes. That's six
13 yeases and one abstention. The motion passes. Thank
14 you.

15 **DISCUSSION OF LETTER REGARDING**

16 **FRANKIE MUSE FREEMAN**

17 CHAIRMAN CASTRO: Next on the agenda is a
18 discussion and vote on a letter celebrating the 100th
19 birthday of former Commissioner Frankie Muse Freeman.
20 That was circulated over the last few days.
21 Commissioner Freeman was actually the first woman to
22 serve on the Commission. And she is actually
23 celebrating her birthday tomorrow and the NAACP is
24 hosting a party for her. So we would like to have this
25 letter approved today by all the Commissioners and

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1 shared with the NAACP so that they may read it to her
2 tomorrow. Those of you who are here can see her photo
3 up there on the photo vine of all our former
4 Commissioners. So I would like to make a motion that
5 we approve that letter. Is there a second?

6 COMMISSIONER HERIOT: Second.

7 CHAIRMAN CASTRO: Is there any discussion?

8 VICE CHAIR TIMMONS-GOODSON: This is the
9 Vice Chair. I would just like to say that the summer
10 before last, I met Commissioner Muse Freeman. And had
11 the pleasure of hearing her speak about how her
12 appointment to the Commission came about. And how it
13 is that she was able to juggle her other
14 responsibilities and the work of the Commission. And
15 I am just so delighted that we are doing this.

16 CHAIRMAN CASTRO: That's wonderful. She's
17 really a historic figure for us here. Any questions
18 or additional comments to the letter? Hearing none,
19 then let me do this by acclamation if that's possible.
20 All those in favor, say aye.

21 (Chorus of aye.)

22 CHAIRMAN CASTRO: Any abstentions? Any
23 dissents? So it passes unanimously. This letter will
24 then be signed by all the Commissioner and sent to the
25 NAACP today by our press office to ensure that she gets

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1 it tomorrow. Thank you.

2 **DISCUSSION OF PROPOSED LETTER INVOLVING**
3 **CLARENCE THOMAS AND THE NATIONAL MUSEUM OF**
4 **AFRICAN AMERICAN HISTORY AND CULTURE**

5 CHAIRMAN CASTRO: We next move on to
6 Commissioner Kirsanow's proposed letter involving the
7 National Museum of African American History and
8 Culture.

9 Commissioner, go ahead.

10 COMMISSIONER KIRSANOW: Yes thank you. Mr.
11 Chair. It came to my attention that the National
12 Museum of African American History and Culture, which
13 recently opened - it has a number of outstanding
14 displays for which I think the Commission should
15 congratulate it. And nonetheless a glaring omission,
16 despite there being nearly a hundred thousand people
17 represented and thirty six thousand artifacts
18 including, as mentioned in the letter, Chuck Berry's
19 Cadillac, Michael Jackson's fedora, and MC Hammer's
20 pants - which I promise to steal if I ever get into that
21 place.

22 (Laughter.)

23 COMMISSIONER KIRSANOW: But omitted is only
24 the second black Supreme Court justice in history,
25 Clarence Thomas, which is quite puzzling and

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1 astonishing. And the letter is designed to ask them
2 to correct this glaring omission.

3 CHAIRMAN CASTRO: Okay. Any questions?

4 VICE CHAIR TIMMONS-GOODSON: This is the
5 Vice Chair. I have a question. Is there absolutely
6 nothing? No reference? I wasn't clear on whether we
7 were not satisfied with the amount or the quality of
8 the reference to the Justice, or if there was just
9 nothing there.

10 COMMISSIONER KIRSANOW: Yes, thank you
11 Madam Vice Chair. I also have not had the pleasure of
12 being there. But what I've been able to glean from
13 reports is there is a reference to Justice Thomas, but
14 it's a glancing kind of tangential reference to him in
15 the context of comments made by Anita Hill. But
16 nothing specific with respect to Justice Thomas and his
17 career alone.

18 CHAIRMAN CASTRO: Actually, why don't we
19 make a motion and second it so that we can continue the
20 conversation? Is there a motion? Commissioner,
21 would you formally make the motion?

22 COMMISSIONER KIRSANOW: Yes, I would move
23 that we adopt the letter that you have before you and
24 send it to the Director of the National Museum of
25 African American History and Culture regarding the

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1 omission of Justice Thomas from - at least an omission
2 with respect to a description that is warranted given
3 his stature as a member of the Supreme Court, and
4 correct that omission.

5 CHAIRMAN CASTRO: And is there a second?

6 COMMISSIONER HERIOT: I'll second.

7 CHAIRMAN CASTRO: Okay. Commissioner
8 Narasaki, you had a comment?

9 COMMISSIONER NARASAKI: Yes, I just wanted
10 to note that I have had the opportunity because I have
11 friends who jumped on the Internet to get public tickets
12 when they first became available to see the museum.
13 And it's an incredibly powerful, moving collection of
14 artifacts. And what I particularly appreciated about
15 it, because it's a museum of history and culture, is
16 that it really tells the story through individuals,
17 most of whom no one has ever heard about. And I think
18 the civil rights story - it's important for Americans
19 to understand that it wasn't just about Doctor King or
20 a handful of leaders. But there were hundreds of
21 thousands of foot soldiers. And it wasn't just in the
22 1950's and 1960's. It started in the 1800's and 1900's
23 and I feel like it tells a story very well.

24 In the research that I've done, I think
25 it's noted that also Thurgood Marshall, who was the

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1 other African American Supreme Court Justice, and the
2 first one on the Court, is also not really mentioned
3 in his capacity as a Justice. But it talked about the
4 cases that he litigated before he got in the Court. So
5 I think it's important to note that perhaps we would
6 like to see both lifted up more eventually at the
7 museum.

8 I had two questions, though. One is that
9 I did have the experience on an Asian American exhibit
10 at the museum where there was a section about current
11 leaders. And one of the elected officials is well
12 known declined to participate because he did not
13 believe in being called out ethnically, race-based -
14 he's very conservative in his views. So my
15 understanding is that the Justice and the family have
16 not said anything about whether in fact they want to
17 be included in the museum.

18 And the second thing is, I am sympathetic
19 to wanting to see more about the different viewpoints
20 within the African American community. But as I noted
21 to the Commissioner, I am not very comfortable with some
22 of the phrasing in the letter. So unfortunately, I
23 will not be able to support it.

24 VICE CHAIR TIMMONS-GOODSON: This is Vice
25 Chair Timmons-Goodson. And let me say that there are

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1 a large number of people that if they had been the one
2 in charge in setting up the exhibits, would have done
3 it differently. I know my husband is a historian with
4 regard to African American dentists. And he and others
5 were a bit disappointed that there was no reference to
6 African American dentists and the role that they played
7 in sustaining the health in the black community.

8 So Doctor Bunch and his group I think have
9 done a phenomenal job based on what I've read. As I
10 said, I have not had an opportunity to visit yet. I
11 also understand that with regard to the museums and
12 exhibits in general and this one in particular, they
13 will be changing out and making modifications as time
14 goes by. I am not unsympathetic to what Commissioner
15 Kirsanow is saying. You know, perhaps modifying the
16 language of the letter to say that we hope that at an
17 appropriate time when updating and - you know,
18 furthering the work of the museum, that they would
19 increase the focus on Justice Thomas. But as the
20 letter is currently written, I have reservations and
21 would not be inclined to sign on.

22 CHAIRMAN CASTRO: Thank you, Madam Vice
23 Chair.

24 COMMISSIONER KIRSANOW: Sir, may I respond?

25 CHAIRMAN CASTRO: Yes. Go ahead,

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1 Commissioner Kirsanow.

2 COMMISSIONER KIRSANOW: Thank you, Chair.
3 And I appreciate the comments of Commissioners Narasaki
4 and the Vice Chair. Commissioner Narasaki asked
5 whether or not Justice Thomas - or opined that perhaps
6 there hasn't been any input from Justice Thomas as to
7 whether or not he'd like to be included. And I've not
8 been in contact with him, and I'm not sure if there's
9 been any statements by him or his family in that regard.
10 But I think that's immaterial, frankly. He is a public
11 figure. And I doubt very seriously that all one
12 hundred thousand people referenced in the African
13 American Museum have been contacted to see whether or
14 not they wanted to be included.

15 Second, I appreciate the comments of
16 Commissioner Narasaki that people of different
17 viewpoints be included in a museum. Especially one
18 that receives a quarter billion dollars in public
19 taxpayer funding. And what's interesting, and one of
20 the reasons why this letter is crafted the way it is,
21 because maybe this is mere coincidence that Justice
22 Thomas is only the second black Supreme Court Justice.
23 Maybe it's a mere oversight. But the oversights seem
24 to be going in one direction. Again, I haven't been
25 there. But from my research, my understanding is - and

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1 I'm happy to be corrected about this - but Senator
2 Edward Brook - the first African American elected U.S.
3 Senator is not appropriately identified or referenced
4 at all. The first African American Senator from the
5 south since Reconstruction, Tim Scott, no mention.
6 Cora Brown, the first black woman in the United States
7 ever elected to State Senate, not mentioned.

8 And there's a long list consistent with
9 this form of omission and it goes only in one direction.
10 I'm simply saying, it makes some sense to ask an
11 institution that has a quarter billion dollars in
12 public funding to perhaps consider an appropriate
13 inclusion of a sitting Supreme Court Justice who has
14 authored a number of important cases and is only the
15 second black Supreme Court Justice.

16 CHAIRMAN CASTRO: Thank you, Commissioner.
17 I'm going to call the question now. I'm going to do
18 a roll call vote. Commissioner Kirsanow, how do you
19 vote?

20 COMMISSIONER KIRSANOW: Yes.

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

23 COMMISSIONER HERIOT: Yes.

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

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1 COMMISSIONER NARASAKI: Reluctantly, no.
2 But I would offer up to Commissioner Kirsanow that if
3 he would work with me on revising the letter, I might
4 be able to change that.

5 CHAIRMAN CASTRO: Commissioner Kladney,
6 how do you vote? Un-mute your phone, Commissioner
7 Kladney. Or maybe he's abstaining? I'll come back to
8 you.

9 COMMISSIONER KLADNOW: No, no. I'm muted.
10 I apologize.

11 CHAIRMAN CASTRO: How do you vote?

12 COMMISSIONER KLADNOW: I echo Commissioner
13 Narasaki's words and vote no.

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

16 COMMISSIONER ACHTENBERG: I vote no as
17 well. Although I would encourage Commissioners
18 Narasaki and Kirsanow if they were to collaborate on
19 a revision that the critique be more expansive if indeed
20 there are more conspicuous omissions. And if you could
21 be very specific about what is mentioned about Justice
22 Thomas and what therefore is lacking - that you think
23 is lacking, that would be more persuasive to me. So
24 I vote no, Mr. Chairman.

25 CHAIRMAN CASTRO: Madam Vice Chair, how do

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1 you vote?

2 VICE CHAIR TIMMONS-GOODSON: As I
3 indicated, if there were some change in the language
4 to recognize the fact that these exhibits are set up
5 for a while and that they change. I would support or
6 could support the notion. But at this time, no.

7 CHAIRMAN CASTRO: I also vote no and I would
8 suggest that perhaps when we're in town for our November
9 meeting that we actually as a Commission go visit the
10 museum and see for ourselves not only the omission, but
11 really the exhibit itself. It's such an integral part
12 of the work that we do. I think perhaps a visit,
13 similar to the visit some of us paid to the Native
14 American Museum in advance to starting the Quiet
15 Crisis, that might be something that would be well
16 received. Commissioner Heriot?

17 COMMISSIONER HERIOT: I think that's a
18 wonderful idea, but I urge you not to do it in November
19 because I would have a hard time attending in November.

20 CHAIRMAN CASTRO: Okay, maybe December
21 then. Well, sometime in the not too distant future
22 then. How's that. So the vote is five nos and yeses,
23 so the motion fails. Commissioner Narasaki?

24 COMMISSIONER NARASAKI: Yes, I just want to
25 add because I don't know whether Commissioner Kirsanow

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1 is willing to consider revising or not. But offer up
2 that if we could work something up perhaps we can do
3 that by notational vote before November if there is a
4 time sensitivity on this letter.

5 CHAIRMAN CASTRO: All right, well we'll see
6 how that plays out.

7 COMMISSIONER KLADNEY: Mr. Chairman. I
8 was also wondering, since I have not been to the museum.
9 Is there, and does Commission personnel know what the
10 themes are of the exhibits that are currently there as
11 opposed to, you know, Justice Thomas of the Supreme
12 Court or the Supreme Court itself, is there an exhibit
13 there, regarding that? I'm just wondering whether
14 they have a different overview and theme of the initial
15 opening and whether they have planned in the future.
16 Do you know that, Commissioner Kirsanow?

17 COMMISSIONER KIRSANOW: Commissioner
18 Kladney, I do not. I did a little bit of research on
19 line. There's some great depictions of the type of
20 exhibits and a little bit of narrative associated with.
21 But it's difficult to discern whether or not they are
22 given themes other than - with respect to culture, you
23 see music exhibits. As I mentioned, MC Hammer, Michael
24 Jackson, Chuck Berry, and others. And there does seem
25 to be areas that are identified and addressed. But I

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1 can't speak directly without actually having been
2 there.

3 CHAIRMAN CASTRO: All right. I'd like to
4 just move on to the next subject, I think we've pretty
5 well covered -

6 VICE CHAIR TIMMONS-GOODSON: Before you do
7 that, Mr. Chair. Let me volunteer that if Commissioner
8 Kirsanow is inclined to take another look at the letter
9 and if he had the assistance of Commissioner Narasaki,
10 I actually would be willing to work on that.

11 COMMISSIONER KIRASOW: Mr. Chair, if I may?
12 I appreciate what the Vice Chair and Commissioner
13 Narasaki have suggested. I am more than happy to work
14 with them on that. Although I'm not sure what part of
15 the letter is objectionable. It would be helpful to
16 know what that is.

17 CHAIRMAN CASTRO: Well, we can discuss that
18 offline as we do with other letters and exchange any
19 revisions. I'd like to move on, now. We have a full
20 agenda. We still have to get to the SAC vote. I think
21 we're clear on the direction we want to go with this
22 letter and details can be fleshed out later. Thank
23 you, everybody. We're next moving on to a
24 consideration of two state advisory committees. The
25 first one is our DC SAC.

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B. STATE ADVISORY COMMITTEE (SACs) APPOINTMENTS**DISTRICT OF COLUMBIA**

I'm going to make a motion that the Commission appoints the following individuals to the District of Columbia State Advisory Committee based upon the recommendation of our Staff Director. Farah S. Abbas. Paul Borchers. Daniel Epstein. Nadia Jahan Firozvi. Gerson Gomez. Kendrick Holley. Deanna R. Hoskins. Jemihlia Johnson, who's actually here in the audience. Charles R. Lowery. John G. Malcolm. Marie Meszaros. Sherry A. Newton. Alan K. Palmer. Laurence D. Pearl. And Robert E. Soave. Pursuant to this motion, the Commission appoints Gerson Gomez as Chair of the District of Columbia State Advisory Committee. These members will serve as uncompensated government employees. Under this motion, the Commission authorizes the Staff Director to execute the appropriate paperwork for the appointments. Do I have a second?

COMMISSIONER HERIOT: I second.

CHAIRMAN CASTRO: Thank you. Any questions? Hearing none, I will call the vote. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how

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1 do you vote?

2 COMMISSIONER HERIOT: No.

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

5 COMMISSIONER NARASAKI: Yes.

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

8 COMMISSIONER KLADNEY: Yes.

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

11 COMMISSIONER ACHTENBERG: Yes.

12 CHAIRMAN CASTRO: Commissioner - I'm sorry.
13 Madam Vice Chair, how do you vote?

14 VICE CHAIR TIMMONS-GOODSON: Yes.

15 CHAIRMAN CASTRO: And I vote yes. So that
16 is five yeses and two nos, the slate passes.

17 **COLORADO**

18 CHAIRMAN CASTRO: I am now going to make a
19 motion that the commission appoints the following
20 individuals to the Colorado State Advisory Committee
21 based upon the recommendation of our staff director.
22 Alvina Earnhart. Christine Alonzo. Ming Chen.
23 Shawn Coleman. Kyle Conrad. Robert Detrick.
24 Vernard Gant. David Copel. Nancy Morehead. William
25 Pendley. Qiang Helen Raleigh. Cleveland Thompson.

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1 William Trachman. Eva Valdez. Pursuant to this
2 motion, the Commission appoints Alvina Earnhart as
3 Chair of the Colorado State Advisory Committee. These
4 members will serve as uncompensated government
5 employees. Under this motion, the Commission
6 authorizes the staff director to execute the
7 appropriate paperwork for the appointments. Do I have
8 second?

9 COMMISSIONER HERIOT: I second.

10 CHAIRMAN CASTRO: Thank you. Any
11 questions? Hearing none, I will call the question for
12 a vote. Commissioner Kirsanow, how do you vote?

13 COMMISSIONER KIRSANOW: Yes.

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

16 COMMISSIONER HERIOT: This is one of the few
17 that I can actually vote yes on, so yes!

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 Achtenberg,
25 how do you vote?

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1 COMMISSIONER ACHTENBERG: Yes.

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

4 VICE CHAIR TIMMONS-GOODSON: Yes.

5 CHAIRMAN CASTRO: And I vote yes. The
6 Colorado SAC passes unanimously. Thank you. Mr.
7 Staff Director, I give you the floor.

8 **C. MANAGEMENT AND OPERATIONS**

9 **STAFF DIRECTOR'S REPORT**

10 MR. MORALES: Thank you, Mr. Chairman. The
11 Staff Director's Report was not available in time to
12 submit to the Commissioners for this meeting. We will
13 submit it approximately sometime during the week, the
14 following week - next week. So I just wanted to make
15 mention of that. And lastly, sir. I would just like
16 to take a few moments here, just to acknowledge that
17 Doctor Sean Goliday, this is his last meeting with our
18 agency. He has taken a position with the Department of Homeland Security and we wish him
19 well. He has done an outstanding job with us while he's been here. We thank him, but we know
20 he's going to be leaving in a few weeks. We will miss him, but we wish him well. Thank you, sir.

21 CHAIRMAN CASTRO: Thank you. I thought I saw him here earlier, but he
22 may have gone back to finish some work. So we all thank him for his work here at the Commission.
23 And we do wish him well. What I'm going to do now is we're going to take a five minute break to
24 allow our speaker to come to the podium. And then we invite our guests who are here, many of
25 them sitting in the back, to come a little closer while we setup the presentation for Ms. Mendez to

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1 speak. So a five minute break while we do the logistics, thank you.

2 (Whereupon, the above-entitled matter went off the record at 11:02 a.m. and
3 resumed at 11:04 a.m.)

4 **III. PRESENTATION BY SYLVIA MENDEZ**

5 CHAIRMAN CASTRO: All right. We're going to settle in here and start.
6 Well, thank you all for being here today. Not only for those of you who sat in on our actual business
7 meeting but more importantly here for what is really an important function that the Commission has
8 and we don't often take advantage of it. We're mandated to educate the community about civil
9 rights issues. And that doesn't always mean just issuing a report or sending out a letter. I think
10 there are historic instances in our nation which maybe a lot of folks don't know about. And I think
11 using the historic bully pulpit of this Commission, we can help educate individuals in our country
12 about some of the history, particularly civil rights history of our country which is not widely known.

13 About four years ago, President Obama was visiting in Chicago and some of us
14 had the opportunity to visit with him and talk about a number of issues. And I recall asking him what
15 he would view as his civil rights legacy once he looked back on his term of office. And he said to me
16 that education would be his civil rights legacy. Because education is the great equalizer.
17 Education levels the playing field for all of us. So he viewed education as a civil right. And he can
18 view education, as many of us do, as a civil right because of the person sitting before us, who is
19 pictured in this picture when she was younger. And her parents, because they had the courage to
20 bring forward an extremely forward case.

21 It's because of Mendez v. Westminster, which was in essence the blueprint for
22 Brown v. Board of Education, that Ms. Sylvia Mendez and her parents opened up the doors of
23 opportunity for so many children in America, especially children of color and especially in California
24 and the de-segregation of those schools in Latino children. In fact, without Sylvia Mendez and her
25 parents bringing that case, sitting before you there would not likely be a Chairman Castro or a Staff

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1 Director Morales and countless other folks. Mr. Castro here with the Senate Republicans.

2 Education is a nonpartisan issue, it's a bipartisan issue, it's an American issue.

3 And an American civil rights icon sits before us today, Sylvia Mendez. Ms. Mendez was born in
4 Orange County, California. She attended Orange Coast Community College, where she earned her
5 Associate of Arts degree in nursing. She went on to California State University at Los Angeles,
6 earning a Bachelor's degree in science, in nursing, and a certificate in public health.

7 In 2012, Ms. Mendez received an honorary degree of Doctor of Humane
8 Letters from the Brooklyn College of the City of New York. Ms. Mendez worked for thirty-three years
9 as a nurse at the Los Angeles University of Southern California Medical Center. And in her final five
10 years of public service, she held the position of Assistant Nursing Director at the Pediatric Pavilion.
11 She has adopted two daughters and has four grandchildren.

12 She spends her retirement traveling and speaking about this very important
13 case. She has visited seven continents, in fact, and enjoys spending time with her family and
14 educating the community on Mendez v. Westminster. In 2001, the first Mendez School was
15 dedicated in Santa Ana, California. In 2004, President Bush told Ms. Mendez a story during the
16 Hispanic Heritage Celebration in the East Room of the White House. And in 2005, Ms. Mendez was
17 inducted into the Hall of Fame at Santa Ana College. In 2011, she was awarded by President Obama
18 with the Presidential Medal of Freedom.

19 But in 1947, when she was just a girl, Ms. Mendez and her parents brought that
20 lawsuit that was groundbreaking. As I indicated, it truly was the blueprint for Brown v. Board of
21 Education and resulted in challenging the racial segregation of California public schools at that time.
22 Ms. Mendez today is going to discuss with us her experiences at the center of that federal case and how
23 that lawsuit ended up leveling the playing field because of the arguments that were being made by the
24 school that there were language barriers that legitimately prevented Hispanic students from attending
25 school with white students.

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1 The Ninth Circuit Court of Appeals, ruling in favor of Ms. Mendez and her
2 family, ended the de jure discrimination of California. Mendez v. Westminster School District helped
3 develop the legal arguments that we all benefit from today in opportunity for education. I think it's
4 important for us to hear Ms. Mendez's story as we see many of our schools are now, in essence,
5 resegregating. And her words and her experience, I think, are very important to us now. And as I
6 indicated for us to have a civil rights icon such as you here today is a privilege. Ms. Mendez, thank
7 you for joining us.

8 MS. MENDEZ: Thank you. I'm so honored to be here at the United States
9 Commission on Civil Rights. I never thought I'd be here. Thank you so much. Muchisimas
10 gracias for this wonderful opportunity. Thank you, Brian, for all the work you did to bring me here,
11 and thank you for inviting me here.

12 Well, my dream has finally come true. Mendez v. Westminster is being
13 recognized for its historical impact it had on all of us. Our goal is to have it taught in all the schools
14 in the United States. I must tell you, I am not a teacher. I am not a professional. I'm just
15 someone who goes around talking about education. I call myself an advocate for education.

16 As a daughter of Felicitas and Gonzalo Mendez, I am so proud of what they
17 accomplished. I remember my mother saying, no one knows about this case. Mendez v.
18 Westminster, how five families fought to end segregation in California. And when we decided to
19 fight for you, she said, we didn't do it just for you. We did it for all the children. It was that day I
20 promised my mother that I would make sure that everybody knew about Mendez v. Westminster and it
21 became my legacy.

22 I have been going around the country for over twenty years talking about this
23 case. The important part that Latinos have played in history. It was not easy and at first, no one
24 believed me. This court case is all about the struggle for equal education and for basic human rights.
25 And it led to the de-segregation of public schools in California. And it set the stage for Brown v.

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1 Board of Education, where the Supreme Court Justice Earl Warren would lead the Court with the same
2 legal team that fought in Mendez v. Westminster - Thurgood Marshall and Carter.

3 The Mendez case was a case that was fought not by one family, not by one
4 group, but by hundreds of people of different ethnic backgrounds and nationalities that all came
5 together to end de jure segregation. And I was one of those students for which the suit was filed,
6 along with five thousand other Latinos. Imagine my surprise when I started going around speaking
7 and found out that we are more segregated now than we were in 1947. And now they call it de facto
8 segregation.

9 At one time it was by law, de jure, that we were segregation. Now we have
10 de facto segregation. Webster's dictionary describes it as being an actual fact to not legal
11 establishment, official establishment, official recognition, distinguished from de jure segregation.
12 And we can't blame one establishment or one person, it is a fact of life. And it does exist in all the big
13 cities, and where the majority of the population resides.

14 In the school schools that he mentioned that were named after my mother and
15 father are one hundred percent Latino. What does that tell you? That we are more segregated.
16 As long as we have poverty, poor economics, overcrowding, no jobs, and factors, it will continue. I
17 know for a fact that people are working hard to get rid of it. But until then, the important thing is to
18 make sure that students in those de facto segregated schools get equal and quality education.

19 My story started in 1943, when my father who owned a café, decided to move
20 to Westminster to take care of the farm by the Munemitsu family, another injustice at that time.
21 When the Munemitsu family, a Japanese family that lived in Westminster was told that they had to go
22 to an internment camp and all they had to take was their clothes. Whatever they could carry.
23 Everything else they had to leave there at the farm.

24 My father, who had grown up in Westminster and had gone to school, loved
25 school. But he always remembered what my grandmother told him. Gonzalo, you have to go out

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1 there and start working in the fields. We have no money. You cannot stay in school. And he
2 remembered how he loved school. And when he went out there to start working in the fields he
3 said, one day I want to own a farm. And I'm going to be the majordomo instead of the peon.

4 So when Mr. Monroe came and said to my father, Gonzalo, you can take care of
5 the Munemitsu family, and at the same time become the majordomo of a farm, just like you always
6 wanted to. My father was a businessman in Santa Ana and had a café making a lot of money in a
7 cantina. But he sold the café and we moved to Westminster to take care of the farm for the
8 Munemitsu family, who had already been sent to Poston, Arizona. I remember going with him when
9 we would to Poston, Arizona to take him the money because we were leasing the land from them.

10 When we got to the farm, it was during school season and my father said to my
11 Aunt Sally, Salida take them to school. And she did. She gathered us all up. She gathered my
12 brothers Gonzado and Jerome, myself, and my two cousins, Alice and Virginia. My aunt took us to
13 that school and when we got there, they told us, Ms. Vidaurri, you can leave your children here. But
14 your brother's kids will have to go to the Mexican school.

15 My aunt had the last name Vidaurri because her husband was Mexican, from
16 Mexico. But he had a French name. Because at one time, Mexico was occupied by the French.
17 So when he saw my cousins were very light-skinned and had light eyes, light brown eyes and light hair.
18 They said, Ms. Vidaurri, just say you're Belgian and we'll keep your children here. And I always say
19 my aunt did the first did the same thing that Rosa Parks said. She took a stand and said, I'm not
20 leaving my children here. If you won't take my brother's children, I will not leave my children here.
21 She gathered us all up.

22 What was I doing? I was playing. I didn't even realize what was
23 happening. I was playing in that meeting room with my brothers and cousins. It wasn't until we
24 got home that my aunt says, you can't believe what happened! They won't allow your children.
25 My dad says, calmado - be calm. Tomorrow, go talk to the principal. There's been a mistake.

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1 We live right next to the school. Why would they say we don't belong there?

2 So when he went the next day, they told him, Mr. Mendez, I'm sorry. But we
3 have two schools now in Westminster. One for the Mexicans, and one for the whites. And your
4 children will have to go to the Mexican school. My dad got so upset, he went to the superintendent
5 of school there at Westminster, and he said, I'm sorry Mr. Mendez. But they'll have to go to the
6 Mexican school.

7 So he went to the superintendent of schools in Orange County, and that's when
8 he was informed. In Orange County, we have five cities. Santa Ana, Garden Grove, Orange, and
9 Westminster - four - that have decided that they are going to segregate the children and have two
10 schools. And I'm sorry, but I can't do anything about it.

11 My father was so upset that he went and was talking to everybody. And
12 somebody said, Gonzado, I just heard about this lawyer. His name is Marcus and he just fought a
13 case in Riverside where they wouldn't allow the Latinos to go into the public parks or the swimming
14 pools. And he fought that case and the Times newspaper just wrote about it. Why don't you go hire
15 him?

16 My dad comes home and he tells my father, I just heard about this lawyer.
17 And my mother says, well we have the money right now. Let's go hire him. So they went and
18 hired Mr. Marcus. Mr. Marcus was very intelligent. He said, Mr. Mendez, let's not make this about
19 your children. Let's make it a class action suit for all five thousand Latinos here in California. And
20 he did. They decided to.

21 And in order to get the other people involved, my father had to go from house
22 to house, trying to convince the other families that it was an injustice what was going on there at
23 Westminster where we were segregated. The people were so happy that the schools were placed
24 right next to their homes. Where they could just go into those schools, those segregated schools.
25 My father made a committee and they all went around talking and they went and met other people in

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1 other cities. And they met Ms. William Guzman. And she was fighting to get her child into a white
2 school in Santa Ana. That was Mr. And Mrs. Guzman.

3 And then they went to El Modena, which is Orange. And they talked to Mr.
4 Frank Palomino. And he was trying to get his children into a white school. And the two schools in
5 Orange were side by side, the Mexican school and the white school. And then they talked to Mr.
6 Estrada and Mr. Lorenzo Ramirez. And they all joined in the suit. And in 1945, they all went to
7 court. And for the first time in history, somebody had said, and that was Judge McCormick, the
8 Superior Court of Los Angeles said, separate is not equal. And that is not right. And we won the
9 first case.

10 But the school board appealed it. And they said, just because Judge
11 McCormick is saying separate is not equal, we're not going to go with that. Separate but not equal is
12 the law of the land. So they went to the Ninth Circuit Court of Appeal. And in 1947, the Court of
13 Appeal unanimously upheld the Ninth Circuit Court decision. And I, along with thousands of other
14 minorities throughout Orange County started going into integrated schools.

15 I remember - I have to tell you. I remember going to court every day while
16 they were fighting the case, never realizing what they were fighting. All this time, I just thought they
17 wanted me to go into a beautiful school with a playground. Because the Mexican School was a
18 horrible school with no playground, and it was right next to a cow pasture. I remember that there
19 was a fence around the cows. They had a little bit of electricity in it. And that was the fence
20 between the school children and the farm.

21 And one day, a girl threw a ball. She was playing the ball and she went to get
22 the ball. And when she went to grab the ball, she got a hold of the wire fence. And the wire was
23 enough to kill the cows, it was just to shock them so they wouldn't get close. But when that student,
24 my friend, got a hold of that wire, it would not let go of her. She just kept shaking. And I
25 remember the teacher going all the way around to where the dairy was and telling that man, you have

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1 to turn off that electricity. One of our students is caught there and she can't let go.

2 And that was the school. The flies used to come over when we'd be eating
3 from there. The school books we had were all handed down from the white school. The furniture
4 was all handed down. What were they teaching us? They were teaching us how to crochet, how
5 to embroider. And the boys were taught vocational - we were not taught academics. We were not
6 taught how to read and write so we could become secretaries or work in an office. They wanted us
7 to become maids when we finished the school. So that was a terrible injustice in that school. I
8 remember going there just for a little while. Just while the court was going on.

9 But I just have to tell you that - I must tell you that my dream has finally come
10 true. That it is being recognized, but you don't know what it has taken. We have been waiting to
11 get this into the standards to be taught in California for over twenty years. We went to the
12 curriculum committee and we said, this is an important case. This is a part of history of California.
13 It should be taught in schools. And the curriculum committee said, one of the ladies said, I don't
14 think it's that important. So she vetoed it and it wasn't taught.

15 Then we went to - somebody said, Sylvia. Find a politician. So we found
16 Maria Salas and she introduced it to the Senate and the Assembly in California. And it passed, I was
17 there and it went - the lights all went green. And then we had a governor at that time, and it went to
18 his desk. And when it went to the desk, he vetoed it. And the teachers asked, why did you veto
19 that? He said, well I don't to get involved in education. That was Schwarzenegger, who was the
20 governor at that time. So he vetoed it. So after all that work, it was taken away.

21 So then we went back to the curriculum committee and they said, okay Ms.
22 Mendez. We'll put it in the framework this time. But we don't have any money, so it can't be
23 published. But if a teacher knows about it, they can teach it. So all these years the teachers didn't
24 know about it, so then how could they teach it? So finally, two months ago, the Education
25 Committee sent out a memo that they're going to teach Mendez v. Westminster in California. Aside

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1 from just the Latino history, they're also going to teach the Muslim involvement, in the United States,
2 the Filipino and the other minorities. They're going to start teaching that in our history books in
3 California.

4 So it's been a long, hard struggle. But it's finally going to be taught. So it
5 wasn't just Latinos what were fighting. I tell the students when I go and speak to them and I go and
6 speak about this case. Because it's so important to Latinos. There's such a high dropout from
7 schools, with no incentive to go onto college. I think it's important that they know that they have
8 unsung heroes that they never heard of. And I let them know that so many people came in and
9 helped. The Civil Liberty came in and helped, the National Lawyers Guild came in and helped, the
10 Japanese Americans that had just been interned - they came out and sent in briefs. And the ACP,
11 Jewish Congress, everybody will join you, I tell the students.

12 If you are fighting for something that is just, people will join you. They will
13 come and join you. And this is what happened at that time. And I go and I tell them, it is so
14 important that you get an education. Because that is going to give you the American dream. That
15 has given me the American dream. It has been hard. I tell them, you have to persevere and you
16 have to work very hard. There will be obstacles that will be coming. And yes, there will be people
17 that will still be prejudiced. And yes, you will be discriminated. But I always tell remind them what
18 Roosevelt said, that the only person you have to fear is yourself, I tell the students.

19 So if you want to get out of these areas where you're segregated. If you want
20 your children not to go into segregated schools, you have to get that education. Because here in the
21 United States, you can move to wherever you want and you can be in a wonderful area where your
22 children will have a quality education. But our struggle right now is to make sure that the students
23 are de-segregated. Those de facto segregated schools are getting the same quality of education.

24 They might not have the same buildings. They might not have the same
25 furniture or books. But we want the teachers to be there, teaching them and giving to them, inspiring

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1 them. And make sure that they have AP classes. We want to make sure that they have those
2 classes. We want to make sure they have counselors. We want to make sure that they're inspired
3 to go onto. And then they talked about these students that sometimes - we used to call it the railroad
4 to the prisons. Now they call it the pipeline to the prisons.

5 We are trying to make sure that students are not taken out of schools for minor
6 infractions in California. That they are given a time in school to study instead of letting them go out
7 and be out for four or five days because they've done something bad. Keep them there and make
8 them study. Because the students, some of the Latino students thought that was fun. Oh, I'm
9 expelled, oh boy! I don't have to go to school for five days. So they didn't see that as a punishment.
10 So we are working very hard with that.

11 So I'll get back to yes, it's a very important case. And it was our governor at
12 the time who de-segregated California in 1974, seven years before Brown v. Board of Education.
13 And later de-segregated all the United States when Brown v. Board of Education when Thurgood
14 Marshall went before the Supreme Court to fight Brown v. Board of Education. They used so many
15 arguments in the Brown case that were used in the Mendez case. And Carter, who is still alive, we
16 have him in the video saying, yes. Finally, he said. Yes, we used everything from Mendez.

17 I had been in a class at USC talking about Mendez and he said, Ms. Mendez,
18 that's not true. Mendez was not a preceptor to Brown. But now we have Carter speaking on this
19 video, that I wasn't able to show today. But he is there, saying yes. We used everything from
20 Mendez to fight Brown v. Board of Education. So for Latinos for a high dropout rate of school, low
21 percentage in college, it's so important that they know that they have Latino legacies in education.
22 The Guzman, the Ramirez, the Estrada, the Palominos, the Mendezes. They all fought for equal
23 education.

24 According to Edward Patron, over forty-six million Latinos have earned less
25 than twenty thousand dollars a year. And thirty percent have children under eighteen live in

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1 poverty. And only twenty-seven percent have a high school diploma. Just like twelve percent
2 have a college degree. And I know for a fact that only one percent of the millions of Latinos in the
3 United States - only one percent have a PhD. How sad is that? That is very sad. So Latino
4 students need role models that are not portrayed in the movies - as prostitutes and criminals. And
5 they have to know that we have role models that they need to learn about.

6 Raul de Seguros states, some see Latinos as supplements and love to call them
7 not as decision-makers, not as consumers, not as producers, as lawbreakers. They see us as not as
8 law enforcers. As tax expenditures, not as tax contributors. I say we have to change that
9 stereotype. If I can inspire students in the United States to stay in school by describing the Mendez
10 case, I will go to any school and talk about it. I know I have fulfilled my legacy to my parents. So I
11 emphasize to them, we live in this great, wonderful nation of ours. Where everything is possible.
12 The greatest country in the world. And there's no reason why we have to not be the number one in
13 education right now.

14 My parents Gonzalo and Felicitas Mendez were intelligent, hardworking, and
15 had courage. They didn't even finish high school. But they demanded equality and they fought
16 bravely. And they fought for basic human rights. And they recognized the importance of
17 education. The same as all of us involved in the court - the same as everyone involved in the court
18 case Mendez v. Westminster. Our students must relate to them and know they have the same
19 capacity and the same opportunities here in this country.

20 This month, as we celebrate Latino Heritage Month, I am so proud to be a
21 Latina born in the United States, where I continue to live my American dream. Without giving up my
22 language, or any part of my culture. I will continue with my legacy to tell the story, a part of
23 American history, where ordinary people were able to change the course of history. And my sole
24 intent was to show that any time we make up our minds, anything we want to do, we can achieve.
25 And to convey the importance of getting an education by encouraging students to stay in school and go

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1 on to college. Thank you so much.

2 (Round of applause.)

3 CHAIRMAN CASTRO: Thank you, Ms. Mendez. That was an amazing
4 recitation. Sit for a second. See if our Commissioners might want to ask you some questions.
5 But that was amazing history that you shared with us, and it's important that we continue to share that
6 history with others, so thank you for doing that with us today. Commissioners, if anyone has any
7 questions? I remind you, this is not a briefing. So the type of questions that we ask will be
8 different. But I want to give our Commissioners an opportunity to say something or ask Ms. Mendez
9 anything while we have her with us. Yes, Commissioner Narasaki.

10 COMMISSIONER NARASAKI: I so much appreciate your passion about
11 education. Our Commission actually this year, had a hearing on the re-segregation on K-12 schools
12 and the disparities in public school financing. So we share your concern about the state of
13 education. And it's fabulous to know that we have an advocate out there who are helping people to
14 understand why this is such an important issue.

15 I also think it's an important story, because I think a lot of Americans think that
16 racial discrimination was just in the south and was just targeting African Americans. And they don't
17 understand that places like California, in fact, were deeply discriminatory. California, I think, had the
18 largest mass lynching. And it was of Chinese. And my own parents - I was born in Seattle. We
19 faced segregation because they were covenants on a lot of properties where we couldn't buy homes in
20 most parts of Seattle. So that's why you saw Japanese Americans and other Asian Americans in only
21 certain parts of the cities. So, I think your story is important on so many levels and want to thank you
22 for telling it.

23 I did want to ask you. As a little girl, were you scared at all about the focus of
24 attention? Did you have a sense of - was there much hostility about the fact that your families were
25 challenging the school districts?

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1 MS. MENDEZ: No. My parents were very protective of me. My mother
2 and father were very protective. I didn't even realize what was happening. I thought they were
3 fighting for them to get me into this beautiful school so I could have a playground. I never realized
4 exactly what they were fighting for. It wasn't until I got into an integrated school in Santa Ana - and
5 my father had said to them, you know, that I'm bringing my children here. And the teacher knew
6 about it. And everybody said, hi Sylvia. And I thought, oh my gosh. Another integrated school,
7 just like the one in Westminster. And when I went - and the school bell rings, and we go out to play.
8 And this little white boy says, what are you doing here? Don't you know Mexicans aren't supposed
9 to be here? What are you doing here? Mexicans aren't allowed. I started to cry. I started
10 crying.

11 I go home, I said mother, they don't want me in that school. I'm not going
12 back to that school. She says, don't you know what we were fighting? Que no sabes lo que
13 estábamos peleando? Yes, so that we could go to that beautiful school with the playground. And she
14 says no, Sylvia. We were fighting because under God, we are all equal and we all deserve the same
15 equality, same education. And yes, you're going to school. And yes, I went to school. And yes, I
16 found out that everybody is not born with bigotry and hatred in their heart. And before you know it,
17 I continued and went on into diverse schools all my life.

18 COMMISSIONER NARASAKI: Thank you.

19 CHAIRMAN CASTRO: Any other Commissioners? Commissioner Heriot?

20 COMMISSIONER HERIOT: I don't so much have a question as just I want to
21 thank Ms. Mendez for coming out here and talking to us about your case. It's a fascinating piece of
22 history. And I am inspired to want to learn more about it. So I'll be looking into it more. So
23 thank you so much for coming.

24 MS. MENDEZ: Thank you.

25 CHAIRMAN CASTRO: Any more Commissioners? Commissioner

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1 Achtenberg? Or is it the Vice Chair?

2 COMMISSIONER ACHTENBERG: No, it's Commissioner Achtenberg. And I
3 just wanted to say that it is an honor to be in your presence. Thank you very much, Mr. Chairman.

4 CHAIRMAN CASTRO: Thank you. Any other Commissioners?

5 VICE CHAIR TIMMONS-GOODSON: Mr. Chair?

6 CHAIRMAN CASTRO: Yes, Madam Vice Chair.

7 VICE CHAIR TIMMONS-GOODSON: Yes, Ms. Mendez. I, too want to add my
8 thanks for you coming in and providing such a fascinating and passionate story about your experience.
9 It took me back to 1965 when my siblings and I integrated the public schools of South Carolina. I'd
10 like for you to describe for us - you know, children are children. You mentioned one of the young
11 folks that said some ugly things to you. But I was wondering about any one experience from your
12 history with segregation that stands out in your mind and that you'd like to share.

13 MS. MENDEZ: Integration in California went very smoothly. Nothing like
14 what happened in the south. The only thing was that they were calling my father a communist, and
15 he was very upset. He came crying some day. He said to my mother, Bella, can you believe they're
16 calling me a communist because I'm trying to fight this case? And that was the only thing.
17 Nothing else. Just name calling.

18 CHAIRMAN CASTRO: Interesting. All right, any other Commissioners. Mr.
19 Staff Director?

20 MR. MORALES: Thank you, Mr. Chairman. Ms. Mendez, of course, thank
21 you for coming. I've known you for many years.

22 MS. MENDEZ: Yes.

23 MR. MORALES: I really appreciate the historical significance of this case, of
24 course as a lawyer. But I wanted to ask you a quick question about how did your family finance the
25 case? It sounds like - obviously, lawyers don't work for free. And so how did your family come

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1 about this?

2 MS. MENDEZ: At the time, Marcus was very inexpensive. At first it was the
3 five hundred dollars. You know at that time in 1945. And they had the money at the time. They
4 had just sold the cantina and had gone to work at the ranch at the time. Later, during the appeal,
5 other people came in and joined in. Other organizations came in and joined in to help with the
6 appeal - the money for it. And then another fact about the Mendez case is that my dad had spent
7 everything they were making. Sometimes they would make like, a thousand dollars a day in the
8 ranch.

9 The Munemitsu ranch, it had forty acres of asparagus and they had tomatoes
10 and everything. And he was going around trying to recruit and paying people. You know? So
11 when the Japanese family came back, my dad didn't have any money left. And they were so nice, the
12 Japanese family let us live there for three months after they came back. And they helped us with a
13 crop that was growing and they gave my father that money to go back and buy another café in Santa
14 Ana. So we go back to Santa Ana during the appeal, and that's when other people came in and
15 joined in with money. And they had all kinds of fundraisers for the appeal.

16 CHAIRMAN CASTRO: Well, thank you, Ms. Mendez, again, for sharing your
17 story. For sharing our history with us. (Spanish language spoken.) Because without you, we
18 wouldn't have these opportunities. So thank you.

19 MS. MENDEZ: My parents.

20 IV. ADJOURN MEETING

21 CHAIRMAN CASTRO: Your parents, of course. And the other families as
22 well. It was a group effort, as you reminded us. So thank you for that. And we will now be
23 adjourning the meeting. But I wanted to invite all those who are present here with us to join us for
24 light refreshments and meet Ms. Mendez. And those refreshments, by the way, are not paid for by
25 taxpayers, but by generous contribution of our Staff Director and the Chair. So, I want to now

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1 officially adjourn the meeting at 11:39 Eastern Time.

2 (Round of applause.)

3 (Whereupon, the above-entitled matter went off the record at 11:39 a.m.)

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