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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 it 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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